



**MFIP EMPLOYMENT SERVICES MANUAL
DESCRIPTION OF CHANGES ATTACHMENT
REVISED SECTIONS – ISSUED 02/2019**

The EFFECTIVE DATE of the changes is the same as the issuance date unless stated otherwise.

7.12 (Plan for Victims of Family Violence) under the sub-heading REVISING/REVIEWING A FVW EMPLOYMENT PLAN adds a new 2nd paragraph that a participant may stay on the family violence waiver as long as it is needed.

7.36 (Family Violence Waiver Option) updates section throughout.

9.3 (Uncompensated Employment Activities) under sub-heading FAIR LABOR STANDARDS ACT (FLSA) updates the state minimum wage and maximum number of uncompensated employment activity hours. It also updates information about hours deemed to meet the core hour requirement.

PLAN FOR VICTIMS OF FAMILY VIOLENCE

7.12

Victims of family violence may be exempt from the 60-month time limit when they comply with an EP under the Family Violence Waiver Option.

Plans for participants with Family Violence Waivers should include activities designed to lead to economic stability **when these activities do not endanger the safety of the participant or the children.**

DEVELOPING A PLAN FOR VICTIMS OF FAMILY VIOLENCE

The EP for a participant with an approved Family Violence Waiver (FVW) must be developed, or revised, with:

- The job counselor.
- AND
- The participant.
- AND
- A person trained in domestic violence.

See PERSON TRAINED IN DOMESTIC VIOLENCE in §3.33 (Glossary: O-Q...).

Every EP for victims of family violence should be:

- Focused on safety first.
- Realistic and achievable.
- Individually created, based on the participant's circumstances.

Development of a plan must include the understanding that participants should contact their job counselor immediately if they are having difficulty complying with the activities in the plan. If issues related to family violence impact the participant's ability to comply, the plan should be revised.

POSSIBLE WORK ACTIVITIES TO BE INCLUDED IN AN EP FOR VICTIMS OF FAMILY VIOLENCE

Use the work activities in §7.9 (Allowable Activities), and levels of work activities in §7.9.3 (Order of Preference for Allowable Activities). The list below is provided as guidance only.

Safety-related items:

- Checking in with a domestic violence advocate.
- Carrying a cell phone (if available).

- Changing phone numbers.
- Changing locks and improving security of building/apartment. (Funding is sometimes available for these purposes through victim/witness projects.)
- Investigating the possibility of court action (Order for Protection or criminal prosecution).
- Assuring that school or day care is aware of the current situation, and that the abuser is not authorized to pick up the children.
- Setting up code words or arrangements at work to call police if necessary.
- Making a police report.

Other supports:

- Having children work with a children's advocate from the community or battered women's program.
- Providing additional time for counseling appointments or support groups

Employment activities:

- Having independent job search activities, such as searching the Internet, or volunteer work activities in community or school.
- Continuing work, if proper safety precautions are followed by management.
- Changing job sites or duties.
- Changing jobs to a place unknown to the abuser.

NOTE: A participant cannot be required to have or obtain an Order for Protection or to attend counseling when developing a plan. A participant also cannot be required to move away from the abuser.

EXEMPTION FROM 60-MONTH TIME LIMIT

As long as a participant has an approved EP and is complying with it, he/she is exempt from the 60-month time limit. There is no limit on the number of months a participant may be exempt from the time limit. It is **extremely important** that all parties involved inform each other about the status of the plan so that information in the computer systems is current.

APPROVAL OF AN EMPLOYMENT PLAN (EP)

Approval of the plan should only be made after careful consideration and consultation with the participant and the person trained in domestic violence to ensure that decisions made are in the best interest of the participant and children.

REVISING/REVIEWING A FVW EMPLOYMENT PLAN

The purpose of the review is to determine if the activities are still appropriate and the participant is able to safely comply with the plan.

A participant may stay on the family violence waiver as long as it is needed. Review with the advocate and participant every 6 months to extend or end the family violence waiver.

Take into consideration any changes in the participant's safety level, when reviewing the Employment Plan. Discuss possible revision or modifications with the participant and the person trained in domestic violence. Not all participants will be able to engage in employment work activities. You and county staff will need to rely on the expertise of the person trained in domestic violence and the participant to determine what is appropriate and safe. You must grant "good cause" when incidents beyond the participant's control interfere with their ability to comply with activities mutually agreed to in the plan.

Whenever a plan is developed or revised, you or the county must include the person trained in domestic violence and the participant in determining what activities to be include in the plan.

FAILURE TO COMPLY WITH A FVW EMPLOYMENT PLAN

When a participant fails to comply with the plan, meet with the participant and their advocate to review the plan and determine whether the plan is still appropriate. If the participant is unable to safely comply with activities, the plan should be revised. If the participant is able to comply with activities, but fails to do so, the exemption from the 60-month limit ends and the participant is subject to the FSS sanction-process.

For information on non-compliance and sanctions, see Chapter 14 (Non-Compliance & Sanctions).

FAMILY VIOLENCE WAIVER OPTION

7.36

The Family Violence Waiver Option stops the MFIP 60-month time clock. Participants who have been determined eligible for the Family Violence Waiver are also considered to meet the eligibility criteria for Family Stabilization Services. To qualify, the participant must take the following steps:

1. Request a Family Violence Waiver.**- Financial Worker Responsibility**

If a participant reveals to the financial worker that he/she is a victim of family violence and requests a Family Violence Waiver, the financial worker must identify the participant (with the participant's written permission) as someone needing help or assistance to develop an Employment Plan for Victims of Family Violence.

- Job Counselor Responsibility

If a participant reveals to the job counselor that he/she is a victim of family violence and requests a Family Violence Waiver, the job counselor must refer the participant to a person trained in domestic violence if the participant is not already working with a domestic violence advocate. The job counselor, in collaboration with the person trained in domestic violence, must assist the participant in developing an Employment Plan. See §7.12 (Plan for Victims of Family Violence).

Once the plan has been approved, inform the financial worker. Financial workers must enter an approved Family Violence Waiver in MAXIS.

2. Provide Documentation of Family Violence.

The financial worker or job counselor must advise the participant about documentation required to substantiate a claim of family violence. Refer to the list below for acceptable documentation. The county must assist the participant if he/she has difficulty in securing any of these items. The participant may also be referred to a domestic violence advocate or legal services for assistance. **DO NOT** require the participant to comply with regular Employment Services activities or impose an ES sanction during the period of time that a participant is obtaining documentation.

Consider any of the following items as an acceptable verification of family

violence:

- Police, government agency, or court records.
- Statement from a battered women's shelter staff person or a sexual assault or domestic violence advocate with knowledge of the circumstances.
- Statement from a professional from whom the participant has sought assistance about the abuse.
- Sworn statement from the participant.
AND
Sworn statement from any other person with knowledge of the circumstance.
- Sworn statement from the participant.
AND
Any credible evidence that supports the participant's statement.

For the definition of a SWORN STATEMENT, see 3.39 (Glossary: S...).

You must help the participant if he/she has difficulty in securing any of these items. You may also refer the participant to a family violence advocate or legal services for help.

A participant who claims good cause for IV-D and whose claim is approved may use the same documentation to verify family violence. Do NOT require the participant to duplicate information already provided to the IV-D worker. See [Combined Manual 0028.18 \(Good Cause for Non-Compliance--MFIP/DWP\)](#).

UNCOMPENSATED EMPLOYMENT ACTIVITIES

9.3

Uncompensated employment activities include: uncompensated work experience, CWEP, and community service. Track AmeriCorp and AmeriCorp/Vista Programs under paid work experience because these programs provide a form of compensation. See Chapter 8 (Paid Employment Activities).

All of the following activities are **core** activities. These activities should be coded accordingly and the hours should be tracked on Workforce One (WF1).

Uncompensated work experience is an option if the participant agrees and the uncompensated work experience meets following criteria:

- The participant has been unable to obtain or maintain paid employment in the competitive labor market and there are NO paid work experience programs-available.
AND
- The uncompensated work experience provides specific skills or experience that cannot be obtained through other work activity options where the participant lives or is willing to live.
AND
- The skills or experience result in higher wages than the participant would earn without the uncompensated work experience.

Paid work is the ultimate goal for everyone in the program. However, uncompensated work may be a necessary intermediate step that provides a work experience and core activity hours that count toward the participation requirement. See §16.3 (TANF Participation Rate). MFIP is designed to put participants on "the most direct path to unsubsidized employment".

UNCOMPENSATED WORK EXPERIENCE (Core Activities)

This activity is used when a participant is in a placement in a public, non-profit, or private sector work site. This can include uncompensated supported work and uncompensated internships.

COMMUNITY SERVICE PROGRAM (Core Activities)

Community service placements must fulfill a useful public purpose. MFIP Employment Services Providers (ESPs) must identify and document this purpose in the case file. Some examples include work performed for a school, Head Start Program, providing clerical support for a government or not-for-profit agency and working for a church preparing meals for the elderly, as well as participation in volunteer organizations, such as Volunteers in Service to America or private volunteer organizations.

Document how the community service program work assignment enhances the participant's

employability.

This activity includes sentence-to-serve community service.

COMMUNITY WORK EXPERIENCE PROGRAM (CWEP) (Core Activities)

This activity is used to improve the employability of MFIP individuals not otherwise able to obtain employment by providing work experience and training to assist them to move into regular employment. The participant must have completed job search prior to entering CWEP. Placements must serve a useful public purpose.

CWEP may be used for a particular participant after exhausting other employment opportunities, including opportunities to participate in other work activities. This means that as a condition of making a CWEP placement the participant must first be provided with:

- An opportunity for placement in suitable subsidized or unsubsidized employment through participation in job search.
- OR
- Placement in suitable employment through participation in On-The-Job Training, if such employment is available.

CWEP work sites developed are limited to projects that serve a useful public service such as: health, social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, community service, services to aged or disabled citizens, and child care. To the extent possible, the prior training, skills, and experience of the participant should be considered in making appropriate work experience assignments. Structured, supervised volunteer work with an agency or organization, which is monitored by the county service provider, may, with the approval of the county agency, be used as a CWEP placement.

For information on non-displacement in work activities, see §8.18 (Non-Displacement).

The maximum number of hours any participant may work in a CWEP placement is limited to the amount of the MFIP Transitional Standard divided by the federal or state minimum wage, whichever is higher. The placement may not continue beyond 9 months unless the maximum number of hours the participant works is no greater than the amount of the MFIP Transitional Standard divided by the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site. This limit does not apply if it would prevent a participant from working enough hours to count toward the work participation rate.

For the Transitional Standard amounts, see Appendix A (MFIP Assistance Standards).

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County agencies and ES providers may place participants in Uncompensated Work Experiences that are not part of CWEP.

Uncompensated placements that do not meet all of the CWEP criteria listed in this section should be coded as Uncompensated Work Experience.

Uncompensated Work Experience Placements are subject to non-displacement restrictions. See §8.18 (Non-Displacement).

The participant's Employment Plan must include the length of time needed in the CWEP or Uncompensated Work Experience placement, the need to continue job search activities during the placement, and the participant's employment goals.

After each 6-month participation period in a CWEP or uncompensated work experience placement, and at the conclusion of the assignment, review the Employment Plan and revise as necessary.

PROVIDING CHILD CARE FOR PARENT WORKING IN A COMMUNITY SERVICE PROGRAM (Core Activities)

This activity is used only for participants who are providing child care for other participants in a community service program. This is an uncompensated activity, if the participant is being paid for the childcare, code as you would any self-employed person, in unsubsidized employment.

FAIR LABOR STANDARDS ACT (FLSA)

Participants who are engaged in work experience or community service program activities are subject to the provisions of the Fair Labor Standards Act (FLSA). When developing a work schedule for a participant in an uncompensated work experience, volunteer or Community Work Experience Programs position, hours are determined by dividing the participant's actual MFIP grant (cash, food portion, and housing assistance grant) by the state minimum wage \$9.86/hour.

NOTE: Use the actual amount of the participant's MFIP grant after applying a sanction, when applicable.

For example, a participant's MFIP grant (cash, food portion, and housing assistance grant) is \$500. Divide by wage \$9.86/hour. The maximum number of hours the participant is permitted to work in an uncompensated employment activity during the month is 50. Always round down to the nearest whole number of hours.

In the above example, the individual would fall short of the 87 hours per month core requirements. However, because of the FLSA restrictions, the TANF regulations allow states to

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deem the participant to have met the TANF core hour requirement of 87 hours per month if he/she worked the maximum number of hours allowed under the FLSA.

Deeming means that the participant's hours will count towards the federal TANF Work Participation Rate core hour requirement without having participated in the additional hours needed to add up to 87 hours.

Using the example above, if the participant is engaged in an uncompensated work activity (for example, uncompensated work experience, community service programs or a combination of the two) for 50 hours (the maximum number of hours allowed under the FLSA), the participant will have met the 87 core hour requirement. The state is allowed to "deem" the additional 37 hours needed to meet the 87 core hour requirement (50 actual hours plus 37 deemed hours = 87 core hour requirement).

If a participant fails to participate the maximum number of hours allowed under the FLSA, no additional hours are deemed. Again, using the above example, if the participant was engaged in an uncompensated work activity for 49 (or fewer) hours, no additional hours would be deemed. The participant will not meet the 87 core hour requirement (unless the participant was engaged in additional core activities which, when added to the actual number of hours the participant was engaged in uncompensated work activities, total 87 hours or more).

If the FLSA calculation total is more than 87 core hours per month for a single parent with a child under 6 or more than 130 hours per month for a single parent without a child under 6, do not require them to participate for more than the required MFIP participant hours.

Do not allow deeming of additional hours to meet the 130 hours per month requirement for families without a child under the age of 6. These participants must be engaged in additional countable activities, not subject to the FLSA, in order to meet the 130 hour per month participation requirement.

Occasionally though, a participant expresses interest in voluntarily exceeding the maximum hours that are allowed under the FLSA. When this situation arises it is important that the participant is informed of the following:

- The activities included in the participant's employment plan are required. The participant cannot substitute time spent in the additional voluntary job for the required activities in the employment plan.
- The maximum number of hours the participant could be required to work in an uncompensated job is determined by dividing the participant's MFIP grant (cash, food portions, and housing assistance grant) by the state minimum wage.

UNCOMPENSATED EMPLOYMENT ACTIVITIES

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- The maximum number of hours allowed under the FLSA will not change until the participant's MFIP or DWP grant amount changes;
 - Employment counselor should make changes to the participant's employment plan with the correct number of hours when the participant's MFIP grant amount changes.
 - Any additional time the individual chooses to voluntarily work in any uncompensated job is not associated in any way with the MFIP or DWP programs.
 - The additional volunteer time the participant wishes to work is a free choice the participant is free to make on his or her own. It is not required or otherwise approved by the participant's employment counselor. Therefore, the county/provider cannot sanction a participant for failing to follow through with the additional volunteer assignment.
 - The additional volunteer time will not be included in the participant's employment plan;
 - The participant will not be compensated for the additional volunteer time, including any additional support services;
 - No additional child care will be available for the additional volunteer time;
 - The participant's activity log/time sheet should only include required work activity hours. The additional volunteer time should not be entered on an activity log/time sheet.
 - In the event the participant records hours from the additional volunteer job on his/her time sheet, the employment counselor should identify the additional voluntary time, and record a case note to explain the additional hours;
 - Do not time track these additional volunteer hours.

NOTE: This guidance does not apply to participants who are sentenced to court ordered community service. For participants engaged in court ordered community service record the required hours in the employment plan and enter a case note that the hours in the plan are for court ordered community service.

TWO-PARENT CASES

The maximum number of hours allowed under the FLSA is case based (not person based). Use

UNCOMPENSATED EMPLOYMENT ACTIVITIES**9.3**

the family's MFIP grant (cash, food portion, and housing assistance grant) to determine the maximum number of hours the family can participate in uncompensated work activities. A two-parent family with both parents engaged in an uncompensated work activity, the total of their uncompensated work hours cannot exceed the maximum allowed under the FLSA.

ADDITIONAL HOURS OF OTHER CORE AND NON-CORE ACTIVITIES IS ALLOWED

A participant may be engaged in other core and non-core activities without violating the FLSA. The FLSA governs the number of hours we can require or permit a participant to work in an uncompensated work activity.

Additional hours of job search/job readiness assistance, education and training, and paid employment may be added to the participant's employment plan without violating the FLSA.

NOTE: Activities or hours a participant participates in for political purposes, which are defined as "an act that is intended or done to influence, directly or indirectly, voting at a primary or other election" are not countable work activities.