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**FOOD AND NUTRITION SERVICES CERTIFICATION  
ELIGIBILITY REQUIREMENTS  
Workfare**

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**FNS 242 Workfare  
Change #4-2009  
July 1, 2009**

**242.00            WORKFARE PROGRAM**

The Workfare Program is an optional component of the Employment and Training (E&T) work program in which a county may choose to operate. Under this program, Food and Nutrition Services (FNS) members ages 18 through 59 may volunteer to perform work in a public service capacity. The primary goal of Workfare is to improve employability and enable individuals to move into regular employment.

Counties considering participating in the Workfare Program should contact the Economic and Family Services Section at (919) 334-1224.

**NOTE:** All FNS members ages 16 through 59 are required to be registered for work unless exempt from work requirements. See Section FNS 240, Work Requirements, for work registration procedures, work requirements, and work disqualifications.

**242.01            PROCEDURES FOR REFERRING FNS MEMBER VOLUNTEERS TO THE WORKFARE PROGRAM**

- A. At application or recertification, explain that any FNS unit member ages 18 through 59 can volunteer for the Workfare Program. Inform the FNS unit that volunteers are placed in public service-like jobs which are expected to improve their employability for regular paying jobs. Also discuss reimbursement of participant expenses and the monthly reimbursement rate. Refer to Section 242.05.
- B. Complete all information requested in Section A of the DSS-8616, FNS Workfare Referral (Figure 242-1), for each volunteer referred.
  - 1. Indicate the number of hours he/she is willing to work each month. A volunteer Workfare participant may chose to participate more than 120 hours per month.
  - 2. Enter the referral date in "Date of DSS Action" on the DSS-8616 and send to the Workfare unit within 10 calendar days of the volunteer's request or within 10 calendar days of the date the FNS unit is certified. **Do not send the DSS-8616 until the FNS unit is certified.**
  - 3. File the duplicate copy in the case record along with the copy of the DSS-8640, Work Registration Responsibilities (see Section 240, Work Requirements).
  - 4. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, for each volunteer referred.
- C. If information provided on the "new" or "renewal" referral form changes (such as address, telephone number, volunteer no longer a FNS member), use the DSS-8616 to notify the Workfare unit of the change within 10 calendar days.

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**242.02      RESPONSIBILITIES OF COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) AS WORKFARE OPERATING AGENCY**

The county DSS, as the Workfare operating agency, is responsible for establishing and monitoring job sites, as well as monitoring the volunteer participants. These duties are carried out by a worker(s) other than a FNS eligibility worker. For policy purposes, this worker is referred to as the Workfare worker.

- A.      The Workfare worker arranges for jobs located only in public or private non-profit agencies.
1.      Contractual agreements must be established between the county DSS and organizations providing jobs. These agreements include, but are not limited to, designation of the job slots available and responsibility for provision of benefits, if any are required, for Workfare participants.
  2.      A Workfare participant must receive the same benefits as a similar non-Workfare employee if the benefits are related to the specific job and not just to being employed by the firm. Such job-related benefits include, but are not limited to, uniforms, tools, and training specific to the job. Firm-related benefits (i. e. health and life insurance, annual and sick leave, and educational benefits) do not have to be provided for Workfare participants.
  3.      Workers compensation insurance must be provided for Workfare participants. Currently, all FNS applicants and recipients who participate in FNS work program activities are automatically covered by a Statewide workers compensation insurance policy. See Section 241.06, Workers Compensation Insurance, if a participant contacts you to report a Workfare job-related injury.
- B.      The Workfare worker is responsible for interviewing, assessing, and assigning participants to appropriate job sites.
1.      Each Workfare participant is notified where and when to report, whom to report, the number of hours to work, and provided with a brief description of job duties for the particular placement.
  2.      A volunteer Workfare participant can not be required to work more than 8 hours per day without his/her consent and can work more than 120 hours per month if he/she desires.
  3.      A Workfare participant may be placed in job search prior to being placed in a Workfare assignment. The job search period can only follow initial household certification, not recertification, and can last up to 30 days. No other job search requirements can be imposed.
- C.      The Workfare worker sends the DSS-8628, FNS Workfare Information Transmittal (Figure242-2), within 10 calendar days to notify the local DSS when:
1.      A participant is placed in a Workfare job or obtains employment (section A);
  2.      Changes occur, such as address, telephone number, the Workfare participant moves out of the FNS unit, etc. (section B);

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3. Termination of Workfare status is requested by the volunteer or Workfare worker (section C):
4. A disqualified individual complies or does not comply with a cure request (section E).

**242.03 CURING A WORKFARE DISQUALIFICATION**

For currently disqualified individuals who were subject to FNS Workfare requirements prior to July 1, 2009, the minimum disqualification period must be served even if the individual complies with the required Workfare activity. If the individual becomes exempt from work requirements at any time since the non-compliance occurred, the disqualification ends and the minimum disqualification period does not have to be served. See Section 240.02, Exemptions from Work Requirements.

The minimum disqualification periods are:

- First violation – One month and until the individual complies.
- Second violation – Three months and until the individual complies.
- Third and subsequent violations – Six months and until the individual complies.

**NOTE:** Disqualifications for voluntarily quitting a job of at least 30 hours per week and voluntarily reducing work hours below 30 hours per week are covered in FNS Section 243, Voluntary Quit and Voluntary Reduction. Non-compliance with the work requirements for Unemployment Insurance Benefits (UIB) and Work First Family Assistance (WFFA) Employment Services are covered in FNS Section 240.01, Disqualification Due to Failure to Comply with Work Requirements.

- A. If a disqualified individual of an ongoing Workfare household wishes to comply with Workfare requirements at any time during the certification period:
  1. Indicate that a cure is required on the DSS-8650, Notice of Information Needed to Complete Your Food and Nutrition Services (FNS). Check the "Other" block and document the Workfare requirement. Send the DSS-8650 and DSS-8640, Work Registration Responsibilities, to the disqualified individual.
  2. Request a cure using the DSS-8628 (revised 7/2009), FNS Workfare Transmittal, checking the appropriate block for the type of cure. Forward the DSS-8628 to the Workfare worker within 10 calendar days of the individual's request to cure.
- B. If the Workfare worker returns the DSS-8628 indicating the disqualified individual complied during the certification period, treat this as a change in situation. Refer to the appropriate FNS manual sections for changes during the certification period.
  1. If the disqualified individual serves the minimum disqualification period and then complies, and all other eligibility requirements are met, add the individual back to the FNS case the month after the non-compliance is cured.

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2. If the disqualified individual complies during the disqualification period and all other eligibility requirements are met, add the individual back to the FNS case the month after the minimum disqualification period is served.

**NOTE:** If the Workfare worker indicates on the DSS-8628, FNS Workfare Information Transmittal, that the individual wishes to continue participation as a volunteer, complete Section A of the DSS-8616 (revised 7/2009), FNS Workfare Referral, and send to the Workfare worker within 10 calendar days of adding the individual to the FNS benefits. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, and send a DSS-8640, Work Registration Responsibilities, to the volunteer.

**C.** If a disqualified individual becomes exempt from work requirements during the certification period, the disqualification ends and the minimum disqualification period does not have to be served. See Section 240.02, Exemptions from Work Requirements.

1. Treat as a change in situation. Refer to the appropriate FNS manual sections for changes during the certification period.
2. Reinstate the individual the next calendar month after the exemption occurs, as long as all other eligibility requirements are met.

**D.** At reapplication or recertification, if a disqualified individual wishes to comply with Workfare requirements:

1. Indicate that a cure is required on the DSS-8650, Notice of Information Needed to Complete Your Food and Nutrition Services (FNS). Check the "Other" block and document the Workfare requirement. Send the DSS-8640, Work Registration Responsibilities, to the disqualified individual.
2. Request a cure using the DSS-8628 (revised 7/2009), FNS Workfare Transmittal, checking the appropriate block for the type of cure. Forward the DSS-8628 to the Workfare worker within 10 calendar days of the individual's request to cure.

**E.** If the Workfare worker returns the DSS-8628 indicating the disqualified individual complied, and:

1. The disqualified individual served the minimum disqualification period prior to the end of the 30-day application processing timeframe, and all other eligibility requirements are met, authorize benefits from the original application date.
2. The disqualified individual did not serve the minimum disqualification period prior to the end of the 30-day application processing timeframe, and:
  - a. The application/recertification is for the disqualified individual only, deny the case.

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- b. The application/recertification is for at least one non-disqualified FNS member and all other eligibility requirements are met, approve the case but do not include the disqualified individual.
- 3. If the disqualified individual later serves the minimum disqualification period during the certification, treat this as a change in situation. Refer to the appropriate FNS manual sections for changes during the certification period. Add the individual back to the FNS case the month after the minimum disqualification period is served, as long as all other eligibility requirements are met.

**NOTE:** If the Workfare worker indicates on the DSS-8628, FNS Workfare Information Transmittal, that the individual wishes to continue participation as a volunteer, complete Section A of the DSS-8616 (revised 7/2009), FNS Workfare Referral, and send to the Workfare worker within 10 calendar days of adding the individual to the FNS benefits. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, and send a DSS-8640, Work Registration Responsibilities, to the volunteer.

- F. If the Workfare worker does not return the DSS-8628 prior to the end of the application processing timeframe, and
  - 1. The application/recertification is for the disqualified individual only, deny the case.
  - 2. The application/recertification is for at least one non-disqualified FNS member and all other eligibility requirements are met, approve the case but do not include the disqualified individual.
  - 3. If the Workfare worker later returns the DSS-8628 indicating the disqualified individual complied with Workfare requirements during the certification period, and
    - a. The minimum disqualification period is served, or is later served during the certification, treat this as a change in situation. Refer to the appropriate FNS manual sections for changes during the certification period.
    - b. Add the individual back to the FNS case the month after the minimum disqualification period is served, as long as all other eligibility requirements are met.

**NOTE:** If the Workfare worker indicates on the DSS-8628, FNS Workfare Transmittal, that the individual wishes to continue participation as a volunteer, complete Section A of the DSS-8616 (revised 7/2009), FNS Workfare Referral, and send to the Workfare worker within 10 calendar days of adding the individual to the FNS benefits. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, and send a DSS-8640, Work Registration Responsibilities, to the volunteer.

- G. If the disqualified individual became exempt from work requirements prior to the date of application or becomes exempt from work requirements prior to the end of the application processing timeframe, the disqualification ends. See Section 240.02, Exemptions from Work Requirements.

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1. The non-compliance does not have to be cured and the minimum disqualification period does not have to be served.
2. Authorize benefits from the original application date, if all other eligibility requirements are met.

**242.04**

**COUNTY ACTION WHEN A DISQUALIFIED INDIVIDUAL MOVES FROM AN EMPLOYMENT & TRAINING (E&T) COUNTY TO A WORKFARE COUNTY OR MOVES FROM A WORKFARE COUNTY TO AN E&T COUNTY, A COUNTY WITH NO ESC CONTRACT, OR ANOTHER WORKFARE COUNTY**

- A. If an individual who is disqualified for failure to comply with E&T requirements moves to a Workfare county and applies for benefits, the individual remains disqualified until the minimum disqualification period (1, 3, or 6 months) is served. If he/she became exempt from work requirements at any time since the non-compliance occurred, the disqualification ends. If not,
1. Request a copy of the DSS-8642, Explanation of Disqualification, from the E&T county to determine the minimum dates of disqualification. See Section 242.03, Curing a Workfare Disqualification, concerning serving the minimum disqualification period.
  2. If otherwise eligible, the individual can participate once the minimum disqualification period ends. The Workfare county must then contact the E&T county to request that the E&T disqualification be manually purged from FSIS.
- B. If an individual who is disqualified for failure to comply with Workfare requirements moves to an E&T county or a county with no ESC contract and applies for benefits, the individual remains disqualified until the minimum disqualification period (1, 3, or 6 months) is served. If he/she became exempt from work requirements at any time since the non-compliance occurred, the disqualification ends. If not,
1. The new county must contact the Workfare county to request a copy of the DSS-8629, Explanation of FNS Workfare Non-Compliance, or DSS-8630, Non-Compliance with FNS Workfare, in order to determine the minimum dates of disqualification. See Section 242.03, Curing a Workfare Disqualification, concerning serving the minimum disqualification period.
  2. If otherwise eligible, the person can participate after the minimum disqualification period ends. The new county must then contact the Workfare county to request that the Workfare disqualification be manually purged from FSIS.
- C. If an individual who is disqualified for failure to comply with Workfare requirements moves from one Workfare county to another Workfare county and applies for benefits, the individual remains disqualified until compliance with Workfare requirements is met and the minimum disqualification period (1, 3, or 6 months) is served. If he/she became exempt from work requirements at any time since the non-compliance occurred, the disqualification ends. If not,

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1. The second county must contact the first county to request a copy of the DSS-8629, Explanation of FNS Workfare Non-Compliance, or DSS-8630, Non-Compliance with FNS Workfare, in order to determine the reason for non-compliance with Workfare requirements and the minimum dates of disqualification.
2. If otherwise eligible, the person can participate after the non-compliance is cured and the minimum disqualification period ends. Follow the procedures in Section 242.03, Curing a Workfare Disqualification.

**NOTE:** If the Workfare worker indicates on the DSS-8628, FNS Workfare Transmittal, that the individual wishes to continue participation as a volunteer, complete Section A of the DSS-8616 (revised 7/2009), FNS Workfare Referral, and send to the Workfare worker within 10 calendar days of adding the individual to the FNS benefits. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, and send a DSS-8640, Work Registration Responsibilities, to the volunteer.

**D.** If an individual who is disqualified for failure to comply with Workfare requirements moves back to the original Workfare county and applies for benefits, the individual remains disqualified until compliance with Workfare requirements is met and the minimum disqualification period (1, 3, or 6 months) is served. If he/she became exempt from work requirements at any time since the non-compliance occurred, the disqualification ends. Follow the procedures in Section 242.03, Curing a Workfare Disqualification.

**NOTE:** If the Workfare worker indicates on the DSS-8628, FNS Workfare Transmittal, that the individual wishes to continue participation as a volunteer, complete Section A of the DSS-8616 (revised 7/2009), FNS Workfare Referral, and send to the Workfare worker within 10 calendar days of adding the individual to the FNS benefits. Enter a 'T' in the second field of 80E on the DSS-8590, Client Record, and send a DSS-8640, Work Registration Responsibilities, to the volunteer.

**242.05**

**PARTICIPANT REIMBURSEMENT REQUIREMENTS**

**A.** Provide volunteer applicants and recipients who participate in the Workfare Program with reimbursement for incurred expenses, subject to the limits outlined in this section. Expenses must be reimbursed whether or not there is an agreement in place between the local department of social services and the operating agency and/or other agencies. Reimbursement is allowed for any time period the volunteer participated. Inform participants of the rate of reimbursement.

**B.** Reimbursement for Transportation and Other Expenses

Reimburse volunteer participants for transportation and other expenses incurred (i.e., books, uniforms, and personal safety items not provided by the job site) that are reasonably necessary and directly related to participation in the Workfare Program. Payments to FNS members can be made in advance for anticipated expenses in the coming month.

Reimburse up to the amount the county has agreed upon per month, based on:

1. Actual expenses incurred; or

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2. A flat monthly fee for expenses incurred; or
3. Arrange or purchase transportation (i.e., provide bus passes) or pay vendors directly for items necessary for participation.

**NOTE:** Participant reimbursements are matched with 50% federal funds. Allow reimbursements for any time period the participant complied (i.e., attended assessment interview, but did not go to job site).

**242.06                    TERMINATION OF VOLUNTEER WORKFARE STATUS PROCEDURES**

A. When any of the following changes occur, terminate the volunteer status of the FNS member(s). Document the reason for termination in Section B of the DSS-8628, FNS Workfare Transmittal, and send to the Workfare worker within 10 calendar days of the effective date of the change. Use the DSS-8640, Work Registration Responsibilities, to notify the FNS unit that the individual is not a Workfare participant at this time. Delete the 'T' from the second field of 80E on the DSS-8590, Client Record.

Reasons for termination of volunteer status are:

1. The volunteer moves from the Workfare service area.
2. The volunteer no longer wishes to participate in the Workfare program.
3. The volunteer does not attend Workfare activities and there is no contact with the Workfare worker.
4. The volunteer is terminated from FNS for reasons other than disqualification for failure to comply with work requirements or failure to reapply.

B. A volunteer is automatically terminated from volunteer Workfare status when the FNS unit fails to apply for recertification within 30 days after the end of its certification period.

1. FSIS generates Report SLENU-033ET, Volunteer Work Registration Termination for Closed Cases, which lists alphabetically all volunteer work registrants with name, social security number, county FNS number, and work status code.
2. The FNS office prints the Volunteer Work Registration Termination report from NCXPTR and sends a copy to the Workfare worker so that volunteers can be terminated from the Workfare Program. An individual DSS-8628 is not required.

**242.07                    COUNTY DSS WORKFARE REPORTING REQUIREMENTS TO STATE  
DIVISION OF SOCIAL SERVICES**

The county DSS must submit a quarterly report to the Division of Social Services by the 15th of the month following the end of the calendar quarter. The report must include:

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- A. The number of volunteers:
1. Referred to Workfare each month of the report period. Include all referrals made during the quarter at the time of application, recertification, or change in situation, that resulted in referral for Workfare participation.
  2. Newly assigned to Workfare jobs each month of the report period.
  3. Participating in Workfare each month of the report period. This number must be equal to or greater than the number of individuals assigned to jobs each month of the report period.

B. The total number of hours worked by volunteer participants each month of the report period.

C. During each month of the report period, the number of:

1. Volunteer applicant and recipient Able Bodied Adults Without Dependents (ABAWDs) subject to the 3-month Food and Nutrition Services (FNS) time limit who participated in qualifying ABAWD Employment and Training (E&T) activities.

**NOTE:** A qualifying ABAWD E&T activity maintains FNS eligibility for individuals subject to ABAWD time limits. Qualifying activities include participation in:

- a. Workfare
- b. Job search, during the first 30 days after initial certification, before assignment to a Workfare position.
- c. 20 hours or more each week in qualifying activities in a program under:
  - (1) Title I of the Workforce Investment Act of 1998
  - (2) Section 236 of the Trade Act of 1974

2. All other volunteer applicants and recipients who participated in Workfare, including ABAWDs who participated in non-qualifying activities.

D. On the 4th quarter report:

1. List the components offered during the fiscal year and the number of ABAWD and non-ABAWD volunteers who participated in each component.
2. List the number of ABAWD and non-ABAWD volunteers who participated in Workfare during the fiscal year. Count each volunteer only once.