

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 660 Department or Agency Human Resources

Rule No. 660-2-2-.18

Rule Title: JOBS Program

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety: yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed rule have an economic impact? yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of § 41-22-23, ALA.CODE 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, ALA.CODE 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service:

Signature of certifying officer: *Randy A. Buckner*

Date: 5-13-14

DATE FILED
(STAMP)

Alabama Department of Human Resource
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-2-2-.18 JOBS Program

INTENDED ACTION: Permanent rule to replace emergency rule

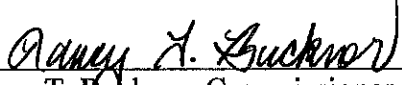
SUBSTANCE OF PROPOSED ACTION: Permanent rule to impose permanent program disqualification for those clients who voluntary quit or refuse a job as required by State Law.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed amendment by mail or in person through the close of business on July 7, 2014. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 7, 2014.

CONTACT PERSON AT AGENCY:

Ms. Gail M. Grobe, APA Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner,
Department of Human Resources

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-2-2-.18

Rule Title: JOBS Program

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Compliance with State Law so as to assure that those applying and receiving benefits are eligible and the Department is in compliance with all program rules-State and Federal.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

For those clients determined to be in violation of this rule, the penalty is a permanent disqualification from the program. Use of such a penalty will minimize the number of clients not willing to comply with work requirements that could lead to self sufficiency which is the goal of this program. Program benefits will be spent on those willing to comply.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Temporary Assistance for Needy Families Block Grant

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short term impact is that a few cases will be terminated resulting in program savings. The long term benefit is that clients will cooperate and thus may secure employment leading them to possibly be self sufficient and thereby improve life prospects for themselves and their children.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

****Additional pages may be used if needed.**

RULES
of the
DEPARTMENT OF HUMAN RESOURCES
FAMILY ASSISTANCE DIVISION
Chapter 660-2-2
FAMILY ASSISTANCE PROGRAM

660-2-2-.18 JOBS Program.

- (1) Each individual who is:
- (a) a parent or stepparent of a child in the assistance unit and whose needs are included in a family assistance grant as an adult or
- (b) excluded from the assistance unit for reasons required by Federal or State law or Family Assistance program rules, must participate in the JOBS Program unless the JOBS unit defers the individual from participation.
- (2) Failure or refusal to participate by the individuals defined in (1) (a) above who would be included in the application except for the reason for exclusion results in denial of the application and loss of benefits for that application period, i.e., month of application through the month of disposition of the application.
- (3) Failure of the individuals (recipients) defined in (1) (a) above who have received assistance for less than 24 months and in (1) (b) above to participate in JOBS without good cause will result in the following penalties to the assistance unit from which individuals in 1(b) have been excluded:
- (a) For the first three months of noncompliance (consecutive or not), the grant amount will be reduced by 50% of the payment standard for the assistance unit size followed by activities in (b) below.
- (b) For months of noncompliance in excess of three months (consecutive or not), the assistance unit will be disqualified for a one-month period for the first disqualification.
- (c) For a month of noncompliance after the first disqualification, the assistance unit will be disqualified for a six-month period.

(d) For each subsequent month of noncompliance after the second or later disqualification, the assistance unit will be disqualified for a twelve-month period.

(4) Removal of sanction amount or regaining eligibility following penalties in (3) above and (6) below:

(a) If the penalty period ends during a month for which a 50% payment reduction must be served, the sanction amount will be removed from the payment calculation beginning with the month following the month the penalty ended provided the required sanction has been served.

(b) If the penalty period ends during a month for which a disqualification must be served, the assistance unit may be eligible upon reapplication beginning with the month following the last month in the disqualification period.

(5) Penalties for noncooperation/noncompliance with Child Support and JOBS defined in (3) above may run concurrently and during a 50% reduction month will be cumulative.

(6) Failure of the individuals defined in (1) (a) and (b) above who have received assistance for 24 or more months to participate in JOBS without good cause ~~or failure of individuals defined in (1) (a) and (b) above to participate in JOBS by voluntarily terminating employment or refusing employment without good cause regardless of the number of months of receipt of assistance~~ will result in the following penalties to the assistance unit of the individual in (1) (a) and to the assistance unit from which individuals in (1) (b) have been excluded:

(a) For the first instance of noncompliance, the assistance unit will be disqualified for a one-month period.

(b) For the second instance of noncompliance, the assistance unit will be disqualified for a six-month period.

(c) For the third and subsequent instance of noncompliance the assistance unit will be disqualified for a twelve-month period.

(7) Disqualifications for non-cooperation/non-compliance with Child Support and JOBS defined in (3) and (6) above may run concurrently.

(8) Failure of individuals (recipients) defined in (1) (a) and (b) above to participate in JOBS by voluntarily terminating employment or refusing employment without good cause regardless of the number of months of receipt of assistance will result in a penalty of permanent disqualification to the assistance unit of the individual in (1) (a) and the assistance unit from which the individuals in (1) (b) have been excluded.

Author: Melody Armstrong

Statutory Authority: Social Security Act, Title IV-A; P.L. 100-485, 104-193; Title II; 42 U.S.C. §§602, 681-687; 54 Federal Regulations 42145-42267; 45 C.F.R. 224; DHHS/DOL Regional Coordinator Committee Operating Memorandum No. 13-84; State Plan for Title IV-A; State JOBS Plan; Code of Ala. 1975, Title 38;

History: Effective June 28, 1983. Emergency amendment effective January 1, 1985. Permanent amendment effective March 12, 1985. Succeedent emergency amendment effective September 30, 1988. Succeedent permanent amendment effective December 9, 1988. Succeedent emergency amendment, effective April 1, 1990. Succeedent permanent amendment effective July 11, 1990. **Amended:** Filed July 15, 1996; Operative August 8, 1996; effective October 1, 1996. **Amended:** Filed December 27, 1996; effective January 31, 1997. **Amended:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed September 4, 1997; effective October 9, 1997. **Amended:** Filed March 6, 1998; effective April 10, 1998. **Amended:** Filed June 9, 1999; effective July 14, 1999. **Amended:** Filed December 16, 1999; effective January 20, 2000. **Amended:** Filed May 5, 2006; effective June 9, 2006. **Amended:** Filed November 3, 2006; effective December 8, 2006. **Amended:** Filed February 2, 2007; effective March 9, 2007. **Amended:** Filed August 6, 2007; effective September 10, 2007. Succeedent emergency amendment effective April 30, 2014. **Amended:** Filed May 20, 2014; effective August 12, 2014.