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May 19, 2010

Addendum II
RFP MB0210R
2010 TANF Summer Youth Employment Program

To All Potential Bidders:

HCJFS is extending the due date for submitting proposals to Monday May 24, 2010 at 11:00 a.m., to be delivered to Hamilton County Job & Family Services, 222 E. Central Pkwy., 3rd Floor, Cincinnati, OH 45202

On May 19, 2010 the Ohio Department of Job and Family Services issued a number of clarifications regarding the funding available for TANF Summer Youth Activities. The substance of that information is provided below.

We do not necessarily intend that these clarifications will result in edited proposals; however we do want to preserve our collective opportunity to negotiate terms and conditions of resulting contract(s).

HCJFS does intend to provide to any selected Provider as much latitude as is permitted under these or otherwise permitted state and federal funding constraints.



The funds are now referred to as “TANF Subsidized Summer Employment Program for Youth”. Services should start near 6/1/10.

ODJFS has increased the amount of the wage that may be subsidized with the TANF Subsidized Summer Employment Program for Youth allocation from state minimum wage to up to \$10.00 per hour.

ODJFS will require monthly status and outcome reporting no later than the 15th of the month following the reporting month.

The TANF Subsidized Summer Employment Program for Youth allocation may not be used to pay for supervisors, even if they are youth participants.

1. Do the wages of participants count as income for public assistance programs?

On March 26, 2010, the U.S. Department of Agriculture, Food and Nutrition Service

(FNS) issued guidance that stated that income received from TANF-funded subsidized employment programs should be treated as earned income in determining food assistance eligibility and benefits. Because of this clarification, the Office of Families and Children has asked for further clarification regarding whether income received from the TANF Subsidized Summer Employment Program for Youth can be treated differently, because the program is more similar to the Workforce Investment Act summer youth employment program than to traditional subsidized employment. We have not yet received an answer from FNS on this question. As a result, at this time, pursuant to rule 5101:4-4-19 of the Ohio Administrative Code, income received from the TANF Subsidized Summer Employment Program for Youth is considered countable earned income for the food assistance program, except for those food assistance participants 17 years old or younger who are enrolled in secondary school.



Likewise, pursuant to rule 5101:1-23-20 (D)(1)(c) of the Ohio Administrative Code, earnings received from participation in the TANF Subsidized Summer Employment Program for Youth are countable in determining Ohio Works First eligibility and level of benefits when the participant is a minor parent or does not meet the definition of a minor child. Income received from the program by non-parent minors who meet the definition of a minor child (because the minor is either under 18 years of age, or is age 18 and attending high school full time) is excluded from the determination of Ohio Works First eligibility for the family.

2. Must employers report the wages for purposes of unemployment compensation?

The ODJFS Office of Unemployment Compensation has stated that under Section 4141.5.05 of the Ohio Administrative Code, employers are not required to report the wages paid to youth as part of the TANF Subsidized Summer Employment Program for Youth. Employers should not include the youth or the youth's wages on their quarterly unemployment compensation reports. So long as the youth is not included on the wage reports, the weeks and wages should not count towards any other employment that the youth might have for the purpose of a claim. According to the ODJFS Office of Unemployment Compensation, if employers report the wages paid to youth under this program, the employer will run the risk that those wages may be included in a benefit claim. The result would be a negative impact on that employer's contribution payment and rate. A reimbursing nonprofit employer would be required to reimburse the state for any benefits paid to the youth.



Question #1:

Does the youth's employment under the program count towards their minimum number of weeks to collect unemployment?

Response #1:

No, according to the Office of Unemployment Compensation the number of weeks worked by a youth in this program does not count toward the minimum number of weeks to collect unemployment. In order to collect unemployment, the youth must have worked in covered employment. This program is in excluded employment rather than covered employment. Employers must not report any weeks or wages for any youth participating in this program on their quarterly unemployment wage reports. Also, any employer receiving the form, Request to Employer for Separation Information, must complete and return it immediately. In the space provided, indicate that the employment was not covered by an unemployment compensation law. Should a determination of benefits be received that included potential charges based on this employment, contact the Office of Unemployment Compensation immediately upon receipt of the determination and within the appeal period provided.

Question #2:

If the unions agree to summer help, even though employees are laid off, can we place TANF Summer help?

Response #2:

We recommend that you consult your legal counsel for additional guidance on this issue. 42 USC 607(f) prohibits employing or assigning a person in a work activity funded by federal funds when any other individual is on layoff from the same or a substantially equivalent job; or if the employer has terminated the employment of a regular employee or otherwise caused an involuntary reduction of its workforce to fill the vacancy with an adult in a TANF work activity. In addition, Section 5107.65 of the Revised Code addresses the displacement policy for the Ohio Works First program.



Question #3:

Are there a minimum/maximum number of hours the youth can work?

Response #3:

Not under this program; however, all child labor laws and state wage and hour laws apply. An overview of child labor requirements can be found at <http://www.dol.gov/dol/topic/youthlabor/>.

USE OF FUNDS

Question #1:

Can we pay for internal CDJFS staff and temporary staff with this allocation?

Response #1:

A county agency must follow internal management rule 5101:9-6-0.8 of the Administrative Code. The rule defines TANF administrative activities. Those activities may not be charged against this allocation.

Question #2:

Is transportation allowable? Can gas cards be issued as ancillary services to help with transportation costs and/or some sort of other incentive?

Response #2:

Transportation is not allowable. Gas cards are not an allowable cost under this allocation. A county may pay for transportation from another funding source.



Question #3:

There is some discrepancy between Family Assistance Letter #93 and prior communications. What are the allowable expenses under the program, such as uniforms, supplies, admin costs, etc?

Response #3:

Family Assistance Letter #93 supersedes prior communications.

Question #4:

In Family Assistance Letter #93 it states an allowable cost is "payments to employers for wages." Can the local Workforce Investment Board make payment directly to the youth participant, not the employer?

Response #4:

Work subsidies are those paid by the county agency to the employer or third parties to cover the cost of wages and benefits. The Workforce Investment Board can only make payments to the youth if they are the employer of record. If they are not set up to do that then they can hire a third party to pay the youth.

Question #5:

Can physicals for work permits be covered with these funds or is that excluded with health insurance and benefits?

Response #5:

Physicals or other medical services cannot be covered with these funds.



Question #6:

Can we consider purchasing professional dress attire for offices as uniforms?

Response #6:

With the TANF Subsidized Summer Employment Program for Youth allocation, a county may reimburse the employer for purchasing clothing only if it is necessary for the employment.

Question #7:

Is it okay to pay for overtime at time and a half or higher?

Response #7:

This allocation may only be used to provide subsidies for wages up to \$10.00 per hour.

Question #8:

Can the full amount of the subsidy be paid, or 50 per cent?

Response #8:

Yes, a county agency may choose to pay 100% of the wages up to \$10.00 per hour under the TANF Summer Subsidized Employment for Youth program, or may choose to pay a lesser percentage.

Question #9:

School does not end until after June 1, 2010. Therefore, the youth will not be able to start by 6/1/2010. Is this ok?

Response #9:

Our office understands that some school districts will not be finished by June 1; however, county agencies should have contracts in place and be prepared to start as soon as possible.



Question #10:

Can public schools be work sites?

Response #10:

Yes, as long as the direct supervision and training is handled by persons not funded with federal funds or other funds used to match federal funds.

Question #11:

Is it correct that an employer who receives federal funds is not eligible to participate?

Response #11:

No. Direct supervision and training of the youth participating in the program must not be funded with federal funds or other funds used to match with federal funds. As long as this condition is met, the employer may receive federal funds.

Question #12:

Can recruitment and outreach expenses be charged that occurred prior to June 1, 2010?

Response #12:

Costs that are associated with outreach and recruitment activities may be charged against this grant if they occur in May 2010.

PROGRAM ELIGIBILITY

Question #1:

We received an inquiry from a local school district regarding eligibility for youth with a disability. ODE has informed them a youth with a disability is considered a family of 1 when exploring eligibility for the TANF Summer Youth Program. Can you provide clarification and advise on this matter?

Response #1:

A youth with a disability is not considered a family of 1 for this program. The eligibility requirements set forth in Family Assistance Letter #93 apply.



Question #2:

Do in school students need to be finished by the time school starts like WIA Summer Youth?

Response #2:

The county agency has discretion to determine when students may be eligible to participate; however, all child labor laws and regulations apply. The decision should be included in the county agency's PRC plan.

Question #3:

Can we only serve Ohio Works First cash assistance eligible families?

Response #3:

County agencies have the discretion to set forth income eligibility requirements less than the 200% federal poverty level standard. The income eligibility standard must be set forth in the county agency PRC plan.

Question #4:

Can proof of income be determined by a self-declaration?

Response #4:

We do not recommend self-declaration of income. There is a discussion in the preamble to the final TANF regulations (64 FR 17827, April 12, 1999) which states: ...we would note that 45 CFR 92.42 requires states to keep records to document claims and that states should, therefore, have and keep adequate records on eligibility.... States have an inherent interest in ensuring the integrity of their expenditures. Should a state learn of any material deficiency in its method for determining eligibility, we anticipate that the state would rectify it immediately, so that funds for services are properly benefiting members of eligible families. If a county agency chooses to accept self-declaration of income from an applicant applying for PRC assistance, it is the responsibility of the county agency to ensure that the client statement is documented in the case record.



Therefore, a county agency that chooses to accept self-declarations must state this policy within its PRC plan and document such case activity.

Question #5:

Must the youth be current on their child support payments as a condition of eligibility?

Response #5:

Being current on child support obligation is not a federal or state eligibility criterion for this program.

Question #6:

How often should an agency check for eligibility?

Response #6:

Because of the short term nature of this program, the county agency may establish eligibility at application. For all TANF programs, eligibility must be established at least on an annual basis.

Question #7:

Can proof of Ohio Works First be accepted for an actual application? Can we use proof of Medicaid and Food Assistance for eligibility?

Response #7:

Eligibility for the TANF Subsidized Summer Employment Program for Youth may be established by receipt of benefits or services from other programs, as long as the eligibility criteria establish TANF eligibility. Youth who are the minor child, or who have a minor child and are part of an Ohio Works First assistance group would meet TANF eligibility. Youth in a food assistance or Medicaid assistance group may establish income eligibility, but not necessarily family relationship as set forth in Family Assistance Letter #93. All TANF eligibility criteria must be established for the TANF Subsidized Summer Employment Program for Youth.



Question #8:

Do applicants have appeal rights?

Response #8:

Yes.

REPORTING

Question #1:

Do we need to follow the Workforce Investment Act outcomes and program elements for the TANF Subsidized Summer Employment Program for Youth?

Response #1:

No. Each county may define their own outcomes.

Question #2:

Is this program considered a PRC hard or soft service?

Response #2:

This program is a soft service. No information needs to be entered into CRIS-E; however, soft services will need to be tracked in the PRC web reporting tool (WRT).

Can these funds be used to pay administrative costs incurred by contracted vendors such as their payroll staffing, accounting, travel, administrative staff and related costs that are not directly tied to services to youth?

Your agency can pay for costs of the vendor. However, activities that fall under TANF administration will have to be coded to that allocation. Activities that are not part of TANF administration may be coded to this allocation.

A video conference is scheduled for Friday, May 21 from 9:00 am to 11:00 am where we expect to get further clarifications.

