

CHAPTER 60BB-10 EMERGENCY CONTINGENCY FUND FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

60BB-10 Subsidized Employment Program

60BB-10.001 Purpose, Intent, and General Principles

Temporary Assistance for Needy Families (TANF) work activities are designed to assist the participant in obtaining employment to achieve economic self-sufficiency. TANF participants who apply for or currently receive cash assistance, as well as other persons who meet TANF eligibility requirements and all other requirements of this rule may be eligible for subsidized employment. Participation will be contingent upon funding, the availability of jobs, and on the employers' ultimate selection.

60BB-10.002 Definitions

The following words, phrases, or terms, as used in this rule, shall have the following meanings:

- (1) "Parent/Relative Caregiver" means the mother, legal father, natural or biological father, maternal relatives, relatives of the legal father, and relatives of the natural or biological father. The dependent child must be related within the fifth degree (no greater than the first cousin once removed) to the caretaker relative.
- (2) "Participating Employer" means a public agency, nonprofit private agency, or private employer that agrees to participate in a subsidized employment project.
- (3) "Eligible Individual" means a person who has been determined eligible to participate in a TANF-funded subsidized employment project.
- (4) "Qualified Participant" means a TANF eligible individual who meets the requirements for participation in a TANF funded subsidized employment project and has the job skills required by the employer participating in the project. Referral of a Qualified Participant to an employer does not guarantee selection for subsidized employment.
- (5) "Subsidized Employment" means employment for which the employer receives a TANF subsidy to offset some or all the wages and costs of employing a TANF eligible participant. Public agencies, nonprofit private agencies, and private employers are eligible to participate.
- (6) "Diversion" means immediate assistance to secure or retain employment as an alternative to welfare (cash assistance), and includes linking a person to a job opportunity as a first option.

60BB-10.003 Participant Eligibility Requirements

To be eligible for consideration for participation in the TANF subsidized employment project, the individual must:

(1) Be a TANF participant currently receiving temporary cash assistance who is available for immediate employment, or

(2) Be an applicant for temporary cash assistance who has been determined eligible for TANF funded cash assistance, or

(3) Be an individual who meets the following requirements:

(a) Have a gross family income at or below 200% of the Federal Poverty Guidelines, as established annually by the United States Department of Health and Human Services, for the 30 days preceding application to participate in the program;

(b) Be a United States citizen or qualified non-citizen defined in Section 414.095(3), F.S.;

(c) Be a legal resident of the State of Florida;

(d) Be a pregnant woman in the ninth month of pregnancy, or in the third trimester of pregnancy if her physician restricts her from work, or a parent or caretaker relative of an unmarried dependent child under age 18, or a full time student who is under the age of 19 and who resides in the home; and

(e) Provide a social security number or proof of application for a social security number.

60BB-10.004 How to Participate

(1) Current TANF Participants. A regional workforce board may review its current TANF caseload to identify individuals who are currently receiving cash assistance who meet the job skill requirements of a job created by a subsidized employment project. Temporary cash assistance recipients participating in the Welfare Transition Program may also request to be considered for the subsidized employment program. The regional workforce board shall refer eligible, qualified participants who volunteer to participate to the participating employer for consideration for the subsidized employment position. A TANF participant or other eligible person who is currently receiving cash assistance who enters subsidized employment must sign Form AWI SEP 0011, *TANF Subsidized Employment Program Agreement* (effective 12/09), incorporated herein by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>.

(2) An applicant for TANF temporary cash assistance. Individuals who have made application for temporary cash assistance and have been determined eligible for such assistance will be considered for participation in a subsidized employment project as a TANF diversion activity if that individual meets the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer eligible, qualified individuals who

wish to participate to the participating employer for consideration for the subsidized employment position. A TANF applicant who enters subsidized employment must sign Form AWI-SEP 0011, *TANF Subsidized Employment Program Agreement*.

(3) A person who meets the eligibility standards listed under Rule 60BB-10.003(3), who is neither a temporary cash assistance applicant nor current recipient of temporary cash assistance may contact or be contacted by a regional workforce board, Florida career center or other designated entity. Program staff will collect the information necessary to determine if the individual is TANF eligible by completing Form AWI-SEP 0005(c), *Request for TANF Funds/Eligibility Determination – 2009/2010* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>. If the individual is determined TANF eligible, the program staff will determine if the individual meets the job skill requirements of a job created by a subsidized employment project. The program staff shall refer qualified individuals who are found eligible for the subsidized employment project to participating employers for consideration for the subsidized employment position. The TANF eligible individual who enters subsidized employment must sign Form AWI SEP 0011, *TANF Subsidized Employment Program Agreement*.

60BB-10.005 Support Services

(1) Participation in a Subsidized Employment program does not exclude the participant from eligibility for support services such as transportation assistance and child care. The participant may obtain information about, and apply for support services through, the regional workforce board. Support services are provided based on program eligibility and funding availability. If resources do not permit the provision of needed support services, the regional workforce board may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services.

60BB-10.006 Employer Participation

(1) Participation in the Subsidized Employment Program is contingent upon funding by the Florida Legislature and the receipt of grant funds from the United States Department of Health and Human Services. Public and Private Sector employers interested in the subsidized employment program must complete Form AWI SEP 0012, *Subsidized Employment Program Employer Information Sheet* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>, that provides contact information for the participating employer, the number of subsidized employment positions needed and a description of the job skills required for

each subsidized employment position, an attached budget narrative that details the costs of the project, and a written commitment by the employer to contribute any required funding to support the project and agreement to provide all necessary supervision and training for the subsidized positions.

(2) The Regional Workforce Board will evaluate a proposed subsidized employment project using the following criteria:

(a) Verification that the employer is registered with the Florida Department of State, Division of Corporations, and is authorized to conduct business in Florida;

(b) The commitment from the employer to contribute the amount of cash and/or in-kind services needed to cover any costs not reimbursed from the TANF Contingency Fund;

(c) The commitment from the employer to provide all necessary supervision and training for the employees placed into subsidized positions;

(d) The capability of the participating employer to implement the project on its scheduled timetable;

(e) The financial capability of the participating employer to advance the payroll costs for the project; and

(f) With respect to private, for profit employers, the commitment of the employer to retain participants in jobs after the period of subsidization ends.

(3) The Regional Workforce Board or its agent shall enter into a Subsidized Employment contract with each participating employer. The contract shall, at a minimum, include the following terms:

(a) The beginning date of employment;

(b) The hourly wage to be paid to the qualified participant;

(c) The number of hours scheduled per week;

(d) The months for which the subsidy is available;

(e) The amount of the subsidy; and

(f) The time period for reimbursement.

60BB-10.007 Position Requirements

(1) To qualify for the employment subsidy, the position must:

(a) Pay an hourly wage not less than the minimum wage in Florida;

(b) Meet the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the subsidized employment program; and

(c) Comply with 45 C.F.R. Section 261.70. A subsidized employment position cannot be created if another individual is on layoff from the same or any substantially equivalent job, or if the employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with a subsidized worker.

(2) The Agency will subsidize a wage not to exceed \$40,579.00, which is the Florida annual average wage for 2008, as published by the Florida Agency for Workforce Innovation, Labor Market Statistics Center, Quarterly Census of Employment and Wages Program, produced in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics.

60BB-10.008 Cost Sharing or Matching

Allowable costs incurred by the employer may be applied to the cost of employee wages, benefits, supervision, and training for TANF eligible individuals participating in an approved subsidized employment project, provided that:

(1) Any cash or in-kind contributions meet the requirements of 2 C.F.R. Part 215.23;

(2) Any use of in-kind contributions is approved in advance by the Regional Workforce Board; and

(3) The cash and or in-kind costs have not already been used as a matching contribution for another federally-funded program.

60BB-10.009 Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency

If an individual placed with an employer as a part of the subsidized employment program who agreed not to apply for temporary cash assistance within six months of beginning the program, unless an unanticipated emergency situation arises, applies for temporary cash assistance within that six month period, the participant must be referred to the regional workforce board at application for temporary cash assistance to complete the work registration process. The regional workforce board's subsidized employment program staff must determine if a demonstrated emergency exists by completing Form AWI 0001(b), *Subsidized Employment Diversion Services Emergency Determination* (effective 12/09), incorporated by reference and available at: <http://www.floridajobs.org/workforce/backtowork/forms.html>. If the regional workforce board determines that an emergency exists the participant must follow the process established in Chapter 65A, F.A.C. If the regional

workforce board determines that the family does not meet emergency criteria and the work registration process is completed, the Department of Children and Families will complete the eligibility determination process using information provided by the regional workforce board to calculate the repayment value of any services provided to the family. The repayment amount shall be deducted from any temporary cash assistance benefit for which the family is otherwise eligible and may be prorated over eight months.

Specific Authority 445.004(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS.