

**CHAPTER 165. ROAD TO ECONOMIC SELF-SUFFICIENCY
THROUGH EMPLOYMENT AND TRAINING (RESET) PROGRAM**

GENERAL RESET PROVISIONS

Sec.

- 165.1. General.
- 165.2. Definitions.
- 165.11. [Reserved].

EXEMPTIONS FROM RESET PARTICIPATION REQUIREMENTS

- 165.21. Exemptions from RESET participation requirements.
- 165.22. Verification of exemption.
- 165.23. [Reserved].
- 165.24. [Reserved].
- 165.25. RESET participation requirements following an exemption.

RESET PARTICIPATION REQUIREMENTS

- 165.31. RESET Participation requirements.

SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES

- 165.41. Eligibility for special allowances for supportive services.
- 165.42. Advance provision of special allowances for supportive services.
- 165.43. Requests for special allowances for supportive services and time frames for eligibility determinations.
- 165.44. Verification for special allowances for supportive services.
- 165.45. Time frames for authorization of special allowances for supportive services.
- 165.46. Types of special allowances for supportive services.

COMPLIANCE REVIEW AND GOOD CAUSE

- 165.51. Compliance review.
- 165.52. Good cause.

SANCTIONS

165.61. Sanctions.

NOTIFICATION

165.71. Notification.

FAIR HEARING

165.81. Fair hearing.

RESTITUTION

165.91. Restitution.

Cross References

This chapter cited in 55 Pa. Code § 108.2 (relating to definitions); 55 Pa. Code § 141.41 (relating to policy); 55 Pa. Code § 141.53 (relating to eligibility based on domestic violence); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 153.44 (relating to procedures); 55 Pa. Code § 171.21 (relating to policy); 55 Pa. Code § 183.91 (relating to LRR, parent or legal guardian of a TANF minor parent and stepparent deductions); and 55 Pa. Code § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA).

GENERAL RESET PROVISIONS**§ 165.1. General.**

(a) A recipient who is not exempt shall participate in and comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP, unless the recipient establishes good cause. An exempt individual may volunteer to participate in an approved work or work-related activity. The Department will inform an applicant and recipient of the rights, responsibilities and services and benefits available to RESET participants. The Department or its agent will assess the recipient's ability to meet RESET participation requirements after consultation with the recipient.

(b) The Department will provide RESET participants with case management and special allowances for supportive services as required to help them become self-sufficient. The Department will authorize special allowances for supportive services for the least costly item or service which is available and practical considering the location and hours of scheduled employment or training, and the location of the participant's residence in relation to the provider of the item or

service. In addition, the Department will provide participants with or refer them to work or work-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that may assist participants to prepare for and obtain employment they may realistically be expected to obtain.

(c) Nothing in this chapter shall be interpreted as requiring the Department to develop or to offer or to continue to offer employment, education, training, work-related activities or work experience programs.

(d) This chapter applies to applicants and recipients of TANF and GA cash assistance. Sections 165.1, 165.2, 165.31(d), 165.41—165.46, 165.52, 165.71, 165.81, 165.91 and Appendix A also apply to SNAP only participants defined in § 165.2 (relating to definitions) as permitted by Federal law. For SNAP only participants, a special allowance for supportive services may be authorized as determined by the Department only up to the employment start date, with the following exception. SNAP only participants may receive special allowances for supportive services not to exceed the types and time frames permitted by Federal law.

(e) The Department may provide for additional supportive services to the extent required by an approved work, work-related or educational program under a written agreement with the Department.

Authority

The provisions of this § 165.1 amended under sections 201(2), 402, 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10; and the Federal Food stamp regulation in 7 CFR 2737(d)(4).

Source

The provisions of this § 165.1 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354148) and (354149).

Cross References

This section cited in 55 Pa. Code § 165.41 (relating to eligibility for special allowances for supportive services).

§ 165.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AMR—Agreement of Mutual Responsibility—

(i) A written individualized document that, based on an assessment of the individual's skills and abilities, sets forth the responsibilities and obligations to be undertaken by the individual to achieve self-sufficiency, including participation in approved work and work-related activities.

(ii) The AMR includes the time frames within which each obligation is to be completed, the penalties for failure to comply, and the services to be provided by the Department to support the individual's efforts.

Appropriate child care—

(i) Services operating in accordance with applicable State regulations for child day care centers, group day care homes and registered family day care.

(ii) The term also includes informal care provided in the child's home or the home of the caregiver.

Bona fide offer of employment—To be considered a bona fide offer of employment, there must be reasonable assurances that:

(i) Appropriate standards for the health, safety, minimum wage and other conditions applicable to the performance of work and training in the employment are established and will be maintained.

(ii) The employment will not result in any displacement of employed workers and with respect to that employment, the conditions of work, training, education and employment are reasonable in light of factors such as the type of work, geographical region and proficiency of the participant.

(iii) The employment is not available due to a labor dispute, strike or lock-out.

Collateral contact—A method to establish communication or obtain additional information which supports or reinforces information presented to the Department.

EDP—Employment Development Plan—

(i) An individualized agreement with the Department that is completed by the SNAP only participant and is based on the individual's skills and abilities.

(ii) An EDP sets forth an employment goal with responsibilities and obligations to be undertaken by the individual to achieve that goal and the time frames within which each obligation is to be completed.

(iii) The EDP describes services to be provided by the Department.

Employment and training provider—An entity funded or approved by the Department, that provides work or work-related skills instruction to enable participants to become self-sufficient.

Exempt—Individuals who are not required to comply with RESET participation requirements, as specified in § 165.21 (relating to exemptions from RESET participation requirements).

Full-time child care—Child care of at least 5 hours per day.

Grant diversion—The use of all or a portion of a recipient’s cash assistance grant and SNAP benefits as a wage supplement to an employer.

Noncompliance—The failure or refusal to comply with this chapter.

Participant—An individual who agrees to participate or is participating in a mutually agreed upon approved work or work related activity.

Part-time child care—Child care of less than 5 hours per day.

Preexpenditure approval—Approval by a person specified by the Department prior to the recipient’s incurring an expense for an item or service.

Reasonable distance—Up to 2 hours travel time round trip from home to the work site, including travel time to the child or adult care provider, by reasonably available public or private transportation.

RESET—Road to Economic Self-Sufficiency Through Employment and Training—A program operated by the Department, within the constraints of available funds, to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable.

SNAP—Supplemental Nutrition Assistance Program.

SNAP only participant—An individual who applies for and receives SNAP benefits but does not receive cash assistance under the TANF or GA programs.

Special allowances for supportive services—Payments for items and services the Department determines to be required for a participant to participate in an approved work or work-related activity.

Authority

The provisions of this § 165.2 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; the Federal TANF regulations in 45 CFR 260.10—265.10; and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.2 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665. Immediately preceding text appears at serial pages (290971) to (290972) and (291763).

Cross References

This section cited in 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 133.23 (relating to requirements); 55 Pa. Code § 141.52 (relating to definitions); 55 Pa. Code § 165.1 (relating to general); 55 Pa. Code § 165.52 (relating to good cause); and 55 Pa. Code § 281.2 (relating to definitions).

§ 165.11. [Reserved].**Source**

The provisions of this § 165.11 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1992, 22 Pa.B. 4875; reserved September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252543) to (252544).

EXEMPTIONS FROM RESET PARTICIPATION REQUIREMENTS**§ 165.21. Exemptions from RESET participation requirements.**

(a) An individual's exemption status is reviewed when a change is reported that would affect the individual's exemption status, when a condition is expected to change and at each reapplication interview. The individual is notified in writing of changes in exemption status.

(b) An individual who is exempt may volunteer to participate in RESET.

(c) An individual shall participate in RESET unless the individual establishes good cause under § 165.52 (relating to good cause) or the individual is exempt. An individual may be exempt if the individual is one of the following:

(1) Mentally or physically disabled, as verified by a physician or licensed psychologist, and the disability temporarily or permanently precludes any form of employment or work-related activity.

(i) An exemption period for recuperation after childbirth is determined by a physician or licensed psychologist.

(ii) Because mentally ill or mentally retarded persons cannot always acknowledge or explain their impairment and are frequently incapable of obtaining verification, persons who, in the judgment of the worker are mentally impaired, shall be referred to the Disability Advocacy Program for further evaluation. These persons will be exempt pending the results of an evaluation.

(iii) The Department may require an applicant or recipient with a verified temporary mental or physical disability, including drug or alcohol dependency, to pursue appropriate treatment as a condition of receiving assistance.

(iv) The Department may require an applicant or recipient to submit to an independent examination as a condition of receiving assistance.

(2) The parent or other caretaker who is personally providing care for a child under 6 years of age for whom an alternate child care arrangement is unavailable.

(3) A child who is under 18 years of age and pursuing a high school diploma or a certificate of high school equivalency.

(4) The custodial parent in a one-parent household who is caring for a child who is under 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

Authority

The provisions of this § 165.21 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.21 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsection (c)(10) and (11) applies retroactively to October 1, 1990, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252544) to (252545).

Cross References

This section cited in 55 Pa. Code § 141.56 (relating to deferred referral); 55 Pa. Code § 165.2 (relating to definitions); 55 Pa. Code § 165.31 (relating to RESET participation requirements); 55 Pa. Code § 165.52 (relating to good cause); and 55 Pa. code § 281.3 (relating to eligibility requirements).

§ 165.22. Verification of exemption.

(a) *Need for verification.* The applicant or recipient shall cooperate in providing necessary information and verification regarding the basis for exemption.

(1) The CAO may assist an individual in obtaining verification when help is needed.

(2) The Department may require an applicant or recipient claiming an exemption based on a physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity to submit to an independent examination as a condition of receiving assistance, if the individual is exempt from RESET.

(3) An applicant or recipient with a verified physical or mental disability which temporarily precludes any form of work or work-related activity shall pursue appropriate treatment to restore or improve the individual's ability to work, as a condition of receiving assistance, if the individual is exempt from RESET.

(4) An individual is not required to verify information that was previously verified and is not subject to change.

(b) *Types of verification.* Verification of an exemption consists of reasonably available documentation specified by the Department and includes birth certificates or baptismal records, written statements from physicians, licensed psychologists or school officials that support the Individual's claim for an exemption.

(1) The verification of a physical or mental disability shall be established on a form specified by the Department and shall be based on acceptable clinical and laboratory diagnostic techniques rather than on the applicant's or recipient's statement of symptoms.

(2) If the individual fails to verify the claim for an exemption, the individual shall participate in RESET unless the individual has cooperated in seeking verification and verification is unavailable.

(c) *Expiration of exemption.* The CAO will notify the exempt individual in writing when the period of exemption is due to end.

(1) The individual will be given an opportunity to provide new or additional verification to continue the exemption.

(2) The individual will be given the opportunity to prepare to comply with RESET participation requirements under § 165.31 (relating to RESET participation requirements).

Authority

The provisions of this § 165.22 issued under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.22 adopted September 13, 2002, September 14, 2002, 32 Pa.B. 4435.

§ 165.23. [Reserved].

Source

The provisions of this § 165.23 amended through July 2, 1982, effective July 3, 1982, 12 Pa.B. 2061; reserved October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875. Immediately preceding text appears at serial pages (168631) to (168632) and (165941) to (165951).

Cross References

This section cited in 55 Pa. Code § 166.23 (relating to requirements).

§ 165.24. [Reserved].

Source

The provisions of this § 165.24 amended through July 2, 1982, effective July 3, 1982, 12 Pa.B. 2061; reserved October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875. Immediately preceding text appears at serial pages (165951) to (165953).

Cross References

This section cited in 55 Pa. Code § 166.23 (relating to requirements).

§ 165.25. RESET participation requirements following an exemption.

An individual who was formerly exempt shall participate in RESET, as specified in § 165.31 (relating to RESET participation requirements), in accordance with the following:

(1) An individual who was exempt due to a physical or mental disability is required to participate in RESET:

(i) Immediately if the condition ceases during the first 22 months that the individual receives cash assistance.

(ii) Within 8 weeks if the condition ceases after the individual has received cash assistance for 22 months or more.

(2) An individual who was exempt from RESET because the individual is providing child care for a child under 6 years of age shall participate in RESET as soon as alternate child care arrangements are available or when the child becomes 6 years of age, whichever occurs first.

(3) An exempt individual under 18 years of age shall participate in RESET when the individual:

(i) Reaches 18 years of age, although the individual may be able to continue to pursue a high school or equivalency program after age 18 as a work-related activity during the first 24 months of receipt of cash assistance.

(ii) Attains a high school diploma or a certificate of high school equivalency.

(iii) Ceases to pursue a high school diploma or a certificate of high school equivalency.

(4) A custodial parent in a one-parent household who was exempt to provide care to a child under 12 months of age shall participate in RESET if one of the following conditions applies:

(i) The child reaches 12 months of age.

(ii) The custodial parent has claimed this exemption for a total of 12 months during the parent's lifetime.

(iii) The custodial parent chooses to end the exemption.

Authority

The provisions of this § 165.25 issued under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.25 adopted September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435.

RESET PARTICIPATION REQUIREMENTS

§ 165.31. RESET participation requirements.

(a) The following RESET participation requirements always apply:

(1) An individual who is not exempt under § 165.21 (relating to exemptions from RESET participation requirements) shall seek and accept any bona fide offer of employment and maintain employment.

(2) A nonexempt individual shall accept referral to, work in and retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(3) A nonexempt individual may not, without good cause, voluntarily terminate employment, reduce earnings or fail to apply for work.

(4) Information indicating noncompliance with this section will result in a compliance review in accordance with § 165.51 (relating to compliance review).

(5) A nonexempt recipient's willful failure, without good cause, to comply with this subsection will result in the imposition of sanctions as specified in § 165.61 (relating to sanctions).

(b) *Requirements that apply during the first 24 months.* The following RESET participation requirements apply during the first 24 months:

(1) A nonexempt individual who is not employed for an average of at least 20 hours per week shall participate in a work-related activity.

(2) A nonexempt individual who is not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available work-related activity, including work-related activities specified on the AMR.

(3) For the initial work-related activity, the individual shall participate in an initial job search for up to 8 weeks, except as provided in paragraph (6) and subsection (f).

(i) For an applicant, the initial job search is required upon authorization of cash assistance.

(ii) The applicant or recipient shall document these efforts and present the documentation to the appropriate CAO upon request.

(4) After the initial job search, the individual may fulfill the work-related activity requirement, subject to the limitations in paragraphs (5)—(8), by participating in one or more of the following activities, as approved by the Department:

(i) Subsidized employment.

(ii) Work experience.

(iii) On-the-job training.

(iv) Community service.

(v) Workfare.

(vi) Job search, whether independent or assisted, and job readiness and job preparation activities.

(vii) Vocational education training or job skills training.

(viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.

(ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.

(x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.

(5) During the first 24 months that an individual receives cash assistance, whether consecutive or interrupted, participation in an approved vocational education, general education, English-as-a-second language and job skills training counts toward fulfilling the work-related activity requirement of this subsection for a maximum of 12 months. After 12 months of education or training, the individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, unless the individual establishes good cause under § 165.52 (relating to good cause).

(6) A recipient 18 years of age or older but under 22 years of age who does not have a high school diploma or its equivalent may fulfill RESET participation requirements by pursuing a high school diploma or its equivalent, provided that the individual maintains satisfactory progress, as defined by the institution.

(7) Work experience is limited to 6 cumulative months in an individual's lifetime.

(8) Notwithstanding paragraph (7), work experience may be extended beyond the 6-month lifetime limit if necessary to comply with Title II of the Americans With Disabilities Act (42 U.S.C.A. §§ 12131—12165).

(c) *Requirements that apply after the first 24 months.* The following RESET participation requirements apply after the first 24 months:

(1) After receiving cash assistance for 24 months, whether the months are consecutive or interrupted, a nonexempt individual shall, as a condition of eligibility or continuing eligibility for cash assistance, participate for an average of at least 20 hours per week in any one or a combination of the following activities, as approved by the Department:

- (i) Unsubsidized employment.
- (ii) Subsidized employment.
- (iii) Work experience.
- (iv) Community service.
- (v) On-the-job training.
- (vi) Workfare.

(2) After 24 months of receipt of cash assistance, an individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, including the minimum 20-hour-per-week work activity requirement in paragraph (1), unless the individual establishes good cause, as specified in § 165.52.

(3) Work experience is subject to the provisions of subsection (b)(7) and (8).

(d) *AMR and EDP.* Final approval of the work and work-related activities listed in the AMR or EDP rests with the Department. The AMR and EDP are not considered contracts. Factors to be considered in developing the AMR and EDP include:

- (1) Available program services.
- (2) The client's previous education and training.
- (3) The client's supportive services needs.
- (4) The client's skills level and aptitudes.
- (5) Local employment opportunities.
- (6) The client's goals and interests, to the extent possible.

(e) *Self-initiated education or training.* Subject to subsections (b) and (c), self-initiated education or training may be approved as part of an individual's AMR, if the person is making satisfactory progress as defined by the institution.

(f) *Exempt voluntary participation.* An exempt individual may volunteer to participate in RESET. An exempt volunteer is not required to conduct an initial job search before participating in RESET.

Authority

The provisions of this § 165.31 amended under sections 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.31 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with the exception of subsections (b), (c) and (e) which are effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252546) to (252547).

Cross References

This section cited in 55 Pa. Code § 108.3 (relating to universal notification); 55 Pa. Code § 165.1 (relating to general); 55 Pa. Code § 165.22 (relating to verification of exemption); 55 Pa. Code § 165.25 (relating to RESET participation requirements following an exemption); 55 Pa. Code § 165.51 (relating to compliance review); and 55 Pa. Code § 281.3 (relating to eligibility requirements).

SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES

§ 165.41. Eligibility for special allowances for supportive services.

(a) A participant may receive special allowances for supportive services, as specified in this chapter, to enable the individual to participate in an approved

work or work-related activity for the number of hours as specified on the AMR or EDP. Supportive services will be provided if required by the individual to participate in an approved work or work-related activity.

(b) A special allowance for supportive services is made only to the extent that the item or service is not available from another public or non-profit source at no cost to the individual, and cannot be met by educational assistance. The activity may not be secondary education or an equivalent level of vocational or technical training, unless the individual is pregnant or a custodial parent.

(c) The Department will inform the individual, orally and in writing, of the availability of special allowances for supportive services at application, redetermination, recertification and whenever the AMR or EDP is developed or revised.

(d) The Department will assist the participant to obtain supportive services required to participate in approved work or work-related activities as specified on an AMR or EDP, with one exception. Supportive services are not available for a SNAP only participant to maintain current employment, except as provided in § 165.1(d) (relating to general).

(e) Except as otherwise restricted in this chapter, special allowances for supportive services may be granted up to the maximum amount and frequency established by the Department in Appendix A (relating to work and work-related special allowances).

(f) The Department will not pay for education or training-related expenses for a SNAP only participant when these expenses are being met prior to participation in a SNAP employment and training program.

Authority

The provisions of this § 165.41 amended under sections 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; the Federal TANF regulations in 45 CFR 260.10—265.10; and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.41 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsections (c) and (d) are effective October 3, 1992, 22 Pa.B. 4875; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354158) to (354159).

Cross References

This section cited in 55 Pa. Code § 108.3 (relating to universal notification); 55 Pa. Code § 141.57 (relating to special allowances); and 55 Pa. Code § 165.1 (relating to general).

§ 165.42. Advance provision of special allowances for supportive services.

(a) Special allowances for supportive services will be provided in advance of the date required by the provider, consistent with the requirements and time frames in § 165.45 (relating to time frames for authorization of payment of special allowances for supportive services).

(b) The advance payment requirement applies to initial and recurring payments of special allowances for supportive services in accordance with § 165.45.

Authority

The provisions of this § 165.42 amended under sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 408(c)); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.42 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665. Immediately preceding text appears at serial page (349805).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general); and 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.43. Requests for special allowances for supportive services and time frames for eligibility determinations.

(a) The Department will document an oral or written request for a special allowance for supportive services. A written decision approving or denying the request will be issued by the Department no later than 15-calendar days following the request.

(b) A Notice to Applicant as provided in Chapter 125 (relating to application process), shall be used to inform the individual of the Department's decision on the request for supportive services.

(c) When the request for a special allowance for supportive services is approved, the written notice shall be issued within the time frame for authorization of payment in § 165.45 (relating to time frames for authorization of payment of special allowances for supportive services).

Authority

The provisions of this § 165.43 amended under sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 408(c)); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.43 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665. Immediately preceding text appears at serial pages (349805) to (349806).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general); and 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.44. Verification for special allowances for supportive services.

(a) *Verification needed to authorize special allowances for supportive services.*

(1) Before authorizing the special allowance for supportive services, the Department will determine the following:

(i) Whether the supportive service requested is required to enable the participant to engage in an approved work or work-related activity.

(ii) The expected charge for the service or item requested.

(iii) The date the service or item is needed by the participant.

(iv) The date that payment for the service or item is required under the provider's usual payment policy or practice.

(v) The Department will not pay for or provide a special allowance for items and services already paid for or obtained unless required under Federal law.

(2) Verification, including collateral contact, that the special allowances for supportive services is required will be provided prior to authorization.

(3) Acceptable verification consists of collateral contacts, written statements or completed Departmental forms, obtained from sources such as employers, prospective employers, school officials, employment and training providers or providers of supportive services. If collateral contacts are used, the information will be documented in the participant's file.

(4) The Department will use collateral contacts whenever necessary to ensure that payment is made in advance of the date that payment is required.

(b) *Verification needed for reoccurring and nonrecurring special allowances for supportive services.*

(1) The individual's eligibility for a special allowance for a supportive service is reviewed monthly, or more often if expenses are likely to change, at each redetermination or recertification, whenever a change in employment or training is reported by the individual or the employment and training provider, and whenever the AMR or EDP is revised.

(i) A participant shall verify the actual costs incurred by the participant for the supportive service and the participant's attendance at the approved work or work-related activity. The Department may require that the participant or provider of the supportive service, or both, verify that the participant received the approved special allowance for supportive services and that the provider received payment for the amount the participant was eligible to receive.

(ii) When verification provided indicates a change in eligibility, payment of the special allowance to the participant shall be reduced, terminated

or increased, as appropriate, upon issuance of a confirming notice to the participant, in accordance with § 133.4(c) (relating to procedures).

(iii) The individual shall provide verification of expenditure of the special allowance within the time frame specified on the AMR or EDP.

(2) The Department will process an overpayment referral to recover a special allowance for supportive services to the extent of the misuse in accordance with § 165.91 (relating to restitution) and Chapter 255 (relating to restitution). Circumstances for which a referral may be appropriate include the following:

(i) The participant was ineligible for cash assistance or SNAP only benefits in the month the Department issued a special allowance for supportive services.

(ii) The participant did not use the special allowance for supportive services for its intended purpose.

(iii) The actual cost of the supportive service was less than the estimated cost of the service.

(iv) The participant provided falsified or erroneous documentation to obtain a special allowance for supportive services.

(v) The participant received a reoccurring special allowance for supportive services when the need no longer existed.

(vi) The participant or provider of supportive services, or both, did not provide verification, such as a receipt, that the supportive services requested were obtained using the special allowance payment.

(vii) The participant did not participate in or comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP.

Authority

The provisions of this § 165.44 amended under sections 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.44 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354161) to (354162).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general).

§ 165.45. Time frames for authorization of special allowances for supportive services.

(a) When verification is obtained or received by the Department within 5-calendar days following a request for a special allowance for supportive ser-

vices, if approved, the Department will authorize the request no later than 10-calendar days following the date of request.

(b) When verification is obtained or received by the Department more than 5 days following a request for special allowance for supportive services, the Department will authorize the request no later than 5-calendar days after receipt of the verification.

(c) When the last day for authorization of payment falls on a weekend or holiday, the Department will authorize the request on or before the working day immediately preceding the weekend or holiday.

(d) Authorization shall include actually processing the data needed to issue a check, including completing required forms and performing data entry.

(e) The Department will issue the written decision approving or disapproving the request for a special allowance for a supportive service within the time frame for authorization in this section.

(f) For payments of special allowances for supportive services the Department will use the method of payment, such as a county or central issuance, that is best calculated to provide payment to the participant in advance of the date that payment for the supportive service is required by the provider.

Authority

The provisions of this § 165.45 amended under sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 408(c)); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.45 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665. Immediately preceding text appears at serial pages (252550) to (252551).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general); 55 Pa. Code § 165.42 (relating to advance provision of special allowances for supportive services); 55 Pa. Code § 165.43 (relating to requests for special allowances for supportive services and time frames for eligibility determinations); and 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.46. Types of special allowances for supportive services.

(a) *Transportation and related expenses.* The Department will pay for transportation and related expenses required for an individual to engage in approved work or work-related activities up to the maximum allowance established in Appendix A (relating to work or work-related special allowances). Transportation-related allowances are provided for the least costly type of transportation which is available and practical considering the location and hours of scheduled approved work or work-related activity, the participant's physical condition and the need to transport children to a child care provider. Transportation-

related allowances are not provided if the activity is secondary education or an equivalent level of vocational or technical training unless the individual is pregnant or a custodial parent.

(1) *Public transportation.* Public transportation-related allowances are provided for costs incurred for transportation provided by bus, subway, commuter rail, taxi, paratransit or other recognized modes of transportation.

(i) An allowance for public transportation is the actual cost to the participant up to the maximum amount established by the Department in Appendix A.

(ii) Verification of the need and the cost of transportation is required.

(2) *Private transportation.* Private transportation-related allowances are provided for costs incurred for transportation provided by privately owned vehicles, ride sharing and car or van pools.

(i) An allowance for private transportation provided by a vehicle owned by the participant is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum amount established by the Department in Appendix A.

(ii) An allowance for transportation provided by a volunteer driver or if the participant is permitted to use another person's vehicle is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum amount established by the Department in Appendix A.

(iii) An allowance provided for transportation by a car or van pool is the participant's proportionate share of the cost up to the maximum amount established by the Department in Appendix A. If the participant's share is a flat fee, the payment is the actual fee up to the maximum amount established by the Department in Appendix A.

(3) *Motor vehicle purchase or repair.* When there is no other type of practical transportation available or other available transportation is more expensive, a special allowance may be authorized toward the purchase, down payment or repair of a motor vehicle for an individual to participate in an approved work or work-related activity.

(i) The maximum total allowance toward a motor vehicle purchase, down payment and repair is limited to the rate and frequency established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(4) *Motor vehicle-related expenses.* The cost of a driver's license, State inspection fee, emission control inspection fee, license plates and vehicle registration fee may be authorized for a participant if they are required for participation in an approved work or work-related activity.

(i) Payment is made for actual cost up to the maximum allowance and frequency established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(b) *Other expenses related to approved work and work-related activities.* Special allowances may be authorized for other items related to participation in approved work or work-related activities. Preexpenditure approval is required. The maximum allowances for these items are subject to the rates and frequencies established by the Department in Appendix A.

(1) *Clothing.* The Department may refer a participant to other public or nonprofit sources that provide clothing and grooming items at no cost. If these sources are not available or do not have appropriate clothing or other required items, the Department may authorize a special allowance for supportive services for clothing and grooming items required to participate in an approved work or work-related activity.

(2) *Tools and other equipment.* A special allowance may be authorized for tools and other equipment which an employer, education, employment or training provider requires for participation in an approved work or work-related activity but which are not provided by the employer, education, employment or training provider and are not available under Federal, State or other educational grants.

(3) *Books and supplies.* A special allowance may be authorized for books and supplies that an employer or employment and training provider requires for a participant to participate in an approved work or work-related activity if these items are not provided by the employer or training provider and are not available under Federal, State or other educational grants.

(4) *Fees.* A special allowance for supportive services may be authorized for a fee to take a test such as a high school equivalency test, a test that is a prerequisite for employment or for registration or enrollment fees required for an individual to enter an approved work or work-related activity. Tuition is not construed to be a fee.

(5) *Union dues and professional fees.* If payment of union dues or professional fees is a condition of employment, a special allowance for supportive services may be authorized to participants who receive TANF or GA cash assistance for the initial fee only and for the period up to the date of the participant's first pay. A special allowance for supportive services may not be issued to pay for reoccurring fees, such as license fees, even if they are necessary for the individual to maintain employment.

Authority

The provisions of this § 165.46 amended under sections 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.46 adopted October 2, 1992, effective retroactive to October 1, 1990, except subsection (a) effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended November 19, 2010, effective November 20, 2010, 40 Pa.B.

6665; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354163) to (354166).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general).

COMPLIANCE REVIEW AND GOOD CAUSE

§ 165.51. Compliance review.

(a) *Need for compliance review.* A compliance review will be conducted when information indicates that a recipient may be out of compliance with RESET participation requirements, as specified in § 165.31 (relating to RESET participation requirements).

(b) *Scheduling the compliance review.* The caseworker will inform the recipient of the need for a compliance review and the consequences of failing, without good cause, to participate in the compliance review. In scheduling the compliance review, the caseworker will reasonably take into account the individual's work schedule, family and school obligations. The compliance review may be conducted in person or by telephone, according to the individual's preference.

(c) *Purpose of compliance review.* With the understanding that the goal of RESET is to assist the individual in becoming employable and self-sufficient, the compliance review will seek to identify the reasons for the individual's apparent noncompliance with RESET participation requirements. The caseworker will review the facts including those presented by the individual and those facts already known by the Department. If the individual's failure to comply with RESET participation requirements is not willful or the individual has good cause under § 165.52 (relating to good cause), the individual is not subject to sanction. In that instance, the caseworker will explore ways to address the obstacles that prevented the individual from complying with RESET participation requirements.

(d) *Results of compliance review.* The caseworker will document the results of the compliance review. If the caseworker determines that a recipient has willfully failed, without good cause, to comply with RESET participation requirements, the recipient is subject to sanction under § 165.61 (relating to sanctions). For a noncompliant recipient not subject to sanction, the caseworker will review program requirements, help identify obstacles to compliance, and with the recipient's involvement, develop a new AMR to help achieve and maintain compliance. A recipient may appeal the Department's decision that the recipient is subject to sanction as specified under § 275.1 (relating to policy).

(e) *Special provision for individuals with disabilities.* If the caseworker knows that an individual has a disability, the caseworker considers this fact, and those presented by the individual. If the facts reveal that the individual did not comply with RESET participation requirements due to disability, no sanction is

imposed. In that case, the caseworker and the individual will develop a new AMR to address the disability and, if applicable, other obstacles to self-sufficiency.

Authority

The provisions of this § 165.51 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.51 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252556) and (268317).

Cross References

This section cited in 55 Pa. Code § 108.5 (relating to individual notification); 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 141.56 (relating to deferred referrals); and 55 Pa. Code § 165.31 (relating to RESET requirements).

§ 165.52. Good cause.

(a) As permitted by Federal law, good cause includes the following circumstances beyond the individual's control:

(1) The job was beyond the capacity of the individual.

(2) The individual reasonably attempted and is unable to secure or to maintain transportation.

(3) The individual reasonably attempted and cannot secure or maintain appropriate child care, as defined in § 165.2 (relating to definitions), or appropriate adult care for an incapacitated adult living in the same home, within a reasonable distance from the individual's home, as defined in § 165.2.

(4) The working conditions are substandard; that is, the place of employment is not free of recognized hazards that are causing or are likely to cause death or serious physical harm, or the wages paid are below the minimum wage if applicable for that type of employment or are below the prevailing wage normally paid in the community for that specific kind of employment.

(5) The individual establishes a basis for a claim of discrimination by an employer or fellow employees based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs or other unlawful discrimination.

(6) The individual leaves a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor, construction work or temporary work through an agency. Even though employment at the new site has not actually started, leaving the

previous employment shall be considered good cause if it is part of the pattern of that type of employment.

- (7) Personal illness or illness of another household or family member.
- (8) A personal emergency.
- (9) The individual failed to receive notice at least 2 days prior to the date of a scheduled RESET activity.
- (10) The individual was placed in an education or training activity that was beyond the capacity of the individual to complete, and the individual is willing to participate in another activity better suited to the individual's needs and aptitudes.
- (11) A required employment and training activity conflicts with scheduled hours of employment or a job interview.
- (12) The location of a RESET site or job is more than 2 hours round-trip by reasonably available public or private transportation from the individual's residence.
- (13) The individual is claiming to be exempt from RESET participation requirements under § 165.21 (relating to exemptions from RESET participation requirements) and is cooperating in an attempt to provide verification of exemption.

(b) In determining good cause, the worker will consider all the facts and circumstances, especially if the transgression is relatively minor (such as reporting to a component a few minutes late) or isolated in nature (such as forgetting to keep an appointment, despite good overall attendance). The Department may request verification from the individual when determining good cause. Even after the CAO has made a preliminary determination of the lack of good cause, an individual may offer evidence of good cause to avoid sanction.

(c) The Department may grant good cause for up to 6 months to an individual, when strict application of any RESET participation requirement would not promote an individual's approved plan for self-sufficiency, as recorded on the AMR, and would make it more difficult for the individual to fulfill the plan. Examples of good cause for not strictly complying with a RESET participation requirement include:

- (1) Hours that an individual is participating in an approved education or training activity which began during the first 24 months of receipt of cash assistance, if the total hours of instruction, lab time and work or work-related activity, whichever applies, equals at least 20 hours per week.
- (2) Hours that an individual is participating in an internship, student teaching, or practicum assignment required as part of an approved education or training curriculum, if the individual is maintaining satisfactory progress as determined by the school or training agency, and the total hours of this activity and work or work-related activity, whichever applies, equals at least 20 hours per week.

(d) The Department may also grant good cause to a pregnant or parenting individual under 22 years of age who is enrolled in high school or attending a minimum 20-hour per week GED program, until the individual graduates from high school, receives a GED or reaches 22 years of age, whichever occurs first.

Authority

The provisions of this § 165.52 amended under sections 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.52 adopted October 2, 1992, subsection (a)(15)—(17) effective retroactively to October 1, 1990, subsections (a)(1)—(14) and (b) effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with the exception of subsections (a)(3), (c) and (d) are effective September 14, 2002, 32 Pa.B. 4435; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354167) to (354169).

Cross References

This section cited in 55 Pa. Code § 140.513 (relating to eligibility end date); 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 141.56 (relating to deferred referral); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 165.1 (relating to general); 55 Pa. Code § 165.21 (relating to exemptions from RESET participation requirements); 55 Pa. Code § 165.31 (relating to RESET participation requirements); and 55 Pa. Code § 165.51 (relating to compliance review).

SANCTIONS

§ 165.61. Sanctions.

(a) A sanction will be imposed on an individual who is required to participate in RESET if the individual willfully, and without good cause, does one or more of the following:

- (1) Fails to accept a bona fide offer of employment in which the individual is able to engage.
- (2) Voluntarily terminates employment.
- (3) Fails or refuses to accept referral to, participate in, or continue to participate in an available work-related activity, including work-related activities specified on the AMR.
- (4) Fails to accept referral to, work in, or retain employment in which the individual is able to engage and participate in work activities specified on the AMR.
- (5) Fails to seek employment.
- (6) Fails to maintain employment.

- (7) Reduces earnings.
- (8) During the first 24 months of cash assistance, fails to participate in one of the following work-related activities, if not employed at least 20 hours per week:
 - (i) Subsidized employment.
 - (ii) Work experience.
 - (iii) On-the-job training.
 - (iv) Community service.
 - (v) Workfare.
 - (vi) Job search, whether independent or assisted, and job readiness and job preparation activities.
 - (vii) Vocational education training or job skills training.
 - (viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.
 - (ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.
 - (x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.
- (9) After receiving 24 months of cash assistance, fails to participate for an average of at least 20 hours per week in one of the following work activities:
 - (i) Unsubsidized employment.
 - (ii) Subsidized employment.
 - (iii) Work experience.
 - (iv) Community service.
 - (v) On-the-job training.
 - (vi) Workfare.
- (10) Fails to agree to fulfill RESET participation requirements.
- (11) Fails to apply for work at the time and in the manner the Department may prescribe.
- (b) The sanction period shall be:
 - (1) For the first occurrence, ineligibility for cash assistance for 30 days, or until the recipient is willing to comply, whichever is longer.
 - (2) For the second occurrence, ineligibility for cash assistance for 60 days, or until the recipient is willing to comply, whichever is longer.
 - (3) For the third occurrence, permanent ineligibility for cash assistance.
- (c) Applicability of the sanction is as follows:

(1) During the first 24 months, the sanction is imposed only on the individual who failed to comply.

(2) After 24 months, the sanction is imposed on the entire budget group.

(d) In lieu of the sanctions in subsections (b)(1)—(3) and (c)(1), if an employed individual voluntarily, without good cause, reduces his earnings during the first 24 months that assistance is received by not working an average of at least 20 hours per week, the grant will be reduced by the dollar value of the income that would have been earned if the recipient had not voluntarily reduced the hours of employment to less than an average of 20 hours per week. Unless the individual verifies an exemption from RESET participation requirements or establishes good cause for noncompliance, the reduction will continue until the minimum 20-hour weekly work requirement is met.

(e) If the individual under sanction in the first 24 months is the only dependent child in the TANF budget group, the caretaker will continue to receive TANF during the sanction period, if otherwise eligible.

(f) If the individual under sanction in the first 24 months is a parent or other caretaker, protective payments for the remaining members of the budget group will be made to the caretaker under sanction.

Authority

The provisions of this § 165.61 amended under sections 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.61 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsection (a) regarding imposing a sanction for terminating employment or reducing earnings without good cause, applies retroactively to October 1, 1990, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252559).

Cross References

This section cited in 55 Pa. Code § 108.5 (relating to individual notification); 55 Pa. Code § 108.7 (relating to requirements subject to waiver); 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 165.31 (relating to RESET participation requirements); 55 Pa. Code § 165.51 (relating to compliance review); and 55 Pa. Code § 165.71 (relating to notification).

NOTIFICATION

§ 165.71. Notification.

(a) If the compliance review results in a finding that the recipient was willfully, and without good cause, failed to comply with RESET participation requirements, the CAO will notify the recipient in accordance with Chapter 133 (relating to redetermining eligibility). This notice will indicate the sanction to be imposed and the reason for the sanction.

(b) An individual whose failure to comply results in a sanction, as specified in § 165.61 (relating to sanctions), will be reminded in writing before the end of the minimum durational sanction period of the individual's option to end the sanction by correcting the failure to comply. The CAO will send the reminder to the individual 10 days prior to the end of the sanction period.

(c) The CAO shall inform applicants and recipients of the availability of transitional child care and extended medical care at application and reapplication.

Authority

The provisions of this § 165.71 amended under sections 201(2), 403(b), 405 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.71 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with exception of subsection (b) which is effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252559) to (252560).

Cross References

This section cited in § 165.1 (relating to general).

FAIR HEARING

§ 165.81. Fair hearing.

Every person has a right to appeal a Departmental action or failure to act regarding these employment requirements and to have a hearing in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings), if the individual is dissatisfied with a decision refusing or discontinuing assistance in whole or in part with the following exceptions:

(1) The requirement for notice does not apply to a change in the method of payment of a special allowance for supportive services unless the change results in a discontinuance, suspension, reduction or termination of the allowance or would force a change in child care or adult care arrangements.

(2) Section 275.4(a)(3)(v)(C)(I) (relating to procedures) regarding continued benefits pending a hearing decision does apply to a reduction or discontinuance of a special allowance for supportive services.

Source

The provisions of this § 165.81 adopted October 2, 1992, effective retroactively to October 1, 1990, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271. Immediately preceding text appears at serial pages (194845) to (194846).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general).

RESTITUTION

§ 165.91. Restitution.

The Cash Assistance provisions of Chapter 255 (relating to restitution) apply except that the provision for recoupment of an overpayment does not apply to special allowances for supportive services issued to SNAP only participants.

Authority

The provisions of this § 165.91 amended under sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 408(c)); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this § 165.91 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665. Immediately preceding text appears at serial pages (291773) to (291774).

Cross References

This section cited in 55 Pa. Code § 165.1 (relating to general); and 55 Pa. Code § 165.44 (relating to verification for special allowances for supportive services).

APPENDIX A
WORK AND WORK-RELATED SPECIAL ALLOWANCES

<i>Type of Allowance</i>	<i>Frequency TANF or GA</i>	<i>SNAP Only</i>	<i>Maximum Allowance</i>
<i>TRANSPORTATION RELATED ALLOWANCES</i>			—actual cost up to \$1,500 annually except for moving/relocation costs to accept employment
<i>Transportation Public</i>	—as required for job interviews, work or work-related activities	—as required for job interviews, work or work-related activities	
—bus			
—subway			
—commuter rail	—for employment, may be authorized for the period up to the date of the first pay	—for employment, may be authorized for the period up to the start date	
—taxi			
—paratransit			
<i>Transportation Private</i>	—as required for job interviews, work or work-related activities	—as required for job interviews, work or work-related activities	—mileage reimbursement rate will be set by the Department by notice not to exceed Commonwealth reimbursement rate for actual cost of gasoline, plus the actual cost of parking and highway and bridge tolls
—privately-owned vehicle	—for employment, may be authorized for the period up to the date of the first pay	—for employment, may be authorized for the period up to the start date	
—volunteer car and driver			
<i>Transportation Car or van pool</i>	—as required for work or work-related activities	—as required for work or work-related activities	
	—for employment, may be authorized for the period up to the date of the first pay	—for employment, may be authorized for the period up to the start date	
<i>Moving/relocation costs to accept employment</i>	—to accept a verified offer of gainful, permanent employment	Not permitted.	—actual cost up to \$200
	—no more than once in a 12-month period		

<i>Type of Allowance</i>	<i>Frequency TANF or GA</i>	<i>SNAP Only</i>	<i>Maximum Allowance</i>
Motor Vehicle Repair	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	
Motor Vehicle-Related Expenses —driver's license —State inspection fee —emission control inspection fee —license plates —vehicle registration fee	—as required for work or work-related activities	Not permitted.	
<i>MOTOR VEHICLE PURCHASE</i>	—as required for work or work-related activities	Not permitted.	—actual cost for one vehicle up to \$1,500 in a lifetime.
<i>CLOTHING</i>	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	—required clothing or actual cost of clothing up to \$150 annually
<i>WORK, EDUCATION AND TRAINING-RELATED ALLOWANCES</i>			—actual cost up to \$1,000 a lifetime
Tools and Equipment	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment Personal computers and related hardware or software are not permitted.	
Books and Supplies	—as required for work or work-related activities	—as required for work or work-related activities	
Fees	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	
Union Dues/ Professional Fees	—may be authorized for the period up to date of first pay	Not permitted, unless required under Federal law.	

Authority

The provisions of this Appendix A amended under sections 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 403.1, 405, 405.1, 405.1A, 405.3, 408(c) and 432); and the Federal Food stamp regulation in 7 CFR 273.7(d)(4).

Source

The provisions of this Appendix A adopted October 2, 1992, effective retroactively to October 1, 1990, 22 Pa.B. 4875; amended November 19, 2010, effective November 20, 2010, 40 Pa.B. 6665; amended April 13, 2012, effective April 14, 2012, 42 Pa.B. 1992. Immediately preceding text appears at serial pages (354174) to (354176).

Cross References

This appendix cited in 55 Pa. Code § 165.1 (relating to general); 55 Pa. Code § 165.41 (relating to eligibility for special allowances for supportive services); and 55 Pa. Code § 165.46 (relating to types of special allowances for supportive services).

[Next page is 166-1.]