



FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT,
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: LA SHERRA AYALA, FIA EXECUTIVE DIRECTOR 

**RE: HB1043 – FAMILY INVESTMENT PROGRAM -
ELIGIBILITY, WORK EXPERIENCE, COMMUNITY
SERVICE, AND REPORTS**

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY

During the 2022 legislative session, the General Assembly passed HB1043, a law restricting the hours of participation for two Federal Core work activities and creating two new state exemptions. The law also instituted additional process and reporting requirements. HB1043 becomes state law effective **October 1, 2022**.

The following changes are a result of HB1043.

1. The state law creates a state exemption for new TCA customers who have not received TCA benefits for more than six months.
 - The number of months the customer has received TCA in any State including Maryland counts towards the six months.
 - TCA customers who have a TCA counter of 1 through and including 6 are exempt from participating in the work program. This exemption does not apply to returning customers with a TCA counter greater than six months.
 - A customer can still choose to participate in the work program and will not be subject to sanction (reduction in benefits) during months one through and including six.

2. The law creates a State exemption lifting the 12-month lifetime limit for the child under one exemption.

Note: Both the federal exemption and the State exemption do not apply to two-parent households.

- HB1043 eliminates the 12-month lifetime limit for the child under one exemption. However, the federal exemption still applies.
 - **Federal Exemption:** The very first time a TCA customer uses the child under one exemption will be considered the federal exemption. The federal exemption excludes the TCA customer from our Work Participation Rate calculation.
 - Example:
 - Ms. Adams applies for TCA. She has a 3 month old baby and a 10 year old child. Ms. Adams has received TCA before, and her TCA counter is 34. She is not exempt under the “NEW” exemption but does qualify for the federal child under one exemption. Ms. Adams used 6 months of her federal child under one exemption in the past. Ms. Adams can receive the federal child under one exemption for an additional 6 months until the 3 month old baby turns 9 months old.
 - **State Exemption:** The state exemption begins only **after** the initial federal 12-month exemption period expires. There is no limit to the number of State child under one exemptions a TCA customer can receive. TCA customers are only eligible to receive additional 12-month exemptions if they have a child under the age of 1 year. Include TCA customers who are in a State exemption in the Work Participation Rate calculation.
 - Example:
 - Continued from the above example. After the federal exemption expires at 9 months, Ms. Adams can use the State child under one exemption until her 9 month old turns 1 year old.

After the federal exemption has been exhausted, we can now use the state exemption to cover Ms. Adams for the three months until her 9 month old turns one year.

3. The state law creates restrictions on how the federal core activities including Work Experience (WEX) and Community Service (WEM) can be used.
 - Both Work Experience (WEX) and Community Service (WEM) work activities are restricted to 90 days in a three year period. The three year period is a rolling three years and starts at the beginning of the WEX or WEM activity start date.
 - TCA customers may not be placed in WEX and WEM work activities at the same time.
 - Customers must be matched with a WEX or WEM site that provides skill gains in alignment with their personal, career and family goals.
 - If this requirement is not met, the customer may request a transfer to a different work activity.

4. The state law requires case managers to inform TCA customers of at least three options for participating and meeting their work program requirements. The options must include:
 - One option of Work Experience (WEX) or Community Service (WEM)
 - One work activity option
 - For example: Vocational Education (BEV), Subsidized Employment (WSP or WSU), Job Readiness/Job Search (JBS).
 - One option of a program federally funded by WIOA (Workforce Investment Opportunity Act).

IMPLEMENTATION:

Effective October 1, 2022

- FIA will provide training for all case managers.
- New codes have been created in WORKS to track the following, and will be available for use beginning October 1, 2022:
 - State exemption for new TCA customers from month 1 through and including month 6. The WORKS code is “NEW”. This is a state defined code.
 - State exemption for child under one. The WORKS code is “CUI”. This is a state defined code.
 - We have made Enhancements to WEX and WEM work activities in WORKS to accommodate the 90 day restriction within a three year period. Case managers will not be allowed to enter an estimated end date beyond 90 days from the start date of the work activity.
- Enhancements will be made in E&E effective October 1, 2022, as follows:
 - Case managers will receive a Work Item titled “New Customer Alert” for all TCA households in their 5th month. The Work Item is a reminder to generate an appointment letter for the customer to come in and be assessed for the work program.
 - The disposition reasons for the Work Item will be as follows:

- Customer sent appointment
- Customer appointment not sent - case closed
- Voluntarily engaged in an activity (This is used when the customer is enrolled in an activity in WORKS)
- Good Cause Barrier (This is used when the customer is in a good cause barrier code in WORKS)
- The child under one exemption will have a federal exemption component, and a State exemption component. The E&E system will determine which exemption the customer qualifies for based on rules aligned with policy, the case manager will have the option to override for customers who wish to voluntarily participate in the work program.
 - There will be a child under one counter for both federal and state exemptions in the E&E system.

REQUIRED ACTION:

- Local offices must do an analysis of all TCA work program contracts, and complete modifications if appropriate:
 - Determine the total number of TCA customers who are available to participate in the work program. The TCA Core Caseload report in Qlik and the Core Caseload report in WORKS can be used as resources.
 - Ensure the counts for referral to the vendor are accurate based on the number of TCA customers available to participate in the work program.
 - For example: TCA customers who are in months 1 through and including 6 are excluded from participation, and customers who have a child under the age of 1 are excluded from participation.
 - Revise the scope of work for all TCA work program contracts where direct services are being provided for TCA customers to ensure vendors are aware of the restrictions on the WEX and WEM activity codes.
 - Performance measures may need to be revised based on the number of customers referred to the vendor.
- Effective October 1, 2022, case managers will:
 - Begin to use the new WORKS codes “**CU1**” and “**NEW**” as appropriate.
 - Disposition the “New Customer Alert” Work Item in E&E for new TCA customers who reach month 5 of receiving TCA.
 - Send the customer an appointment to discuss the work program.
 - Discuss with all TCA customers their options for meeting the work requirements and participating in the work program.

- Monitor customers placed in WEX and WEM activities to ensure they do not exceed 90 days.
 - Use The “Estimated End Date” report in WORKS to monitor the WEX and WEM usage of 90 days.

ATTACHMENTS:

Revised TCA Manual sections will be available via Knowledge Base October 1, 2022.

Revised TCA Workbook will be available via Knowledge Base October 1, 2022.

INQUIRIES

Please direct policy questions to FIA Policy by completing the [FIA Policy Information Request Form](#) found on [Knowledge Base](#) or via email at fia.policy@maryland.gov for Montgomery County only.

For systems questions, please email fia.bsdm@maryland.gov.

c: DHS Executive Staff
 Constituent Services
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 Office of Administrative Hearings