



OFFICE OF FAMILIES & CHILDREN LETTER #85
(Family Stability)
May 1, 2009

TO: Directors, County Department of Job and Family Services

FROM: Trudie Bormann, Acting Deputy Director
Office of Families and Children

SUBJECT: **ARRA Workforce Investment Act Summer Youth Programs:
Impact on Food and Cash Assistance Programs and Child Care**

The American Recovery and Reinvestment Act (ARRA) provided a total of \$138 million through the Workforce Investment Act (WIA) to the Ohio Department of Job and Family Services. The Summer Youth Program is one component utilizing this funding to provide work experiences for youth and to focus on developing work readiness skills.

The ARRA has also expanded eligibility for the Summer Youth Program from age fourteen to twenty-one to now allow eligibility for those fourteen to twenty-four years old. The funding from the ARRA must be used by June 30, 2011 and at that time the age eligibility will return to those fourteen to twenty-one years old.

Food Assistance:

Section 181(a)(2) of the Workforce Investment Act [29 U.S.C. §2931 (a)(2)] states that allowances, earnings and payments to individuals participating in programs under Title I of the Workforce Investment Act are not to be considered as income for purposes of determining eligibility for federal or federally assisted program based on need. However, the Food and Nutrition Act of 2008 also includes language that explicitly states that only certain income from on-the-job training programs under the Workforce Investment Act may be excluded for purposes of determining eligibility for food assistance.

Earnings from on the job training: Federal SNAP law, at 7 U.S.C. §2014 (l), explicitly states that, notwithstanding section 181(a)(2) of the Workforce Investment Act, earnings from WIA on-the-job training programs must be counted except for those participating in the program who are 14-18 years old. Income received by those participating in the program age 19 or older must be counted. This policy has been implemented through Ohio Administrative Code Rule 5101:4-4-19(A)(5). The United States Department of Agriculture, Food Nutrition Service has confirmed that this is the correct interpretation of this policy and will be issuing guidance in the near future.

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Work/Training Allowances: Training allowances under the Workforce Investment Act are excluded from consideration as income because they are considered a reimbursement, pursuant to Ohio Administrative Code Rule 5101:4-4-19(A)(3).

Cash Assistance:

Federal law for the Temporary Assistance for Needy Families (TANF) program does not have any specific exclusions for income. As a result, state TANF programs must follow the exclusion set forth in section 181(a)(2) of the Workforce Investment Act, 29 U.S.C. §2931(a)(2). Therefore, all WIA payments to participating youth are excluded, including payments to youth ages 19 and older. Ohio Administrative Code Rule 5101:1-23-20(D)(1)(f) would apply to this policy: "[I]income which is excluded from gross earned income under OWF includes the following:...Any other income amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be excluded." Disability Financial Assistance and Refugee Cash Assistance income rules follow the Ohio Works First program and therefore the income would also be excluded for those programs.

Child Care:

Federal law for child care does not have specific exclusions for income. As a result, the exclusion set forth in section 181(a)(2) of the Workforce Investment Act, 29 U.S.C. §2931(a)(2), will apply to child care eligibility determinations for this income. Income earned through on-the-job training is excluded, including those youth participating who are ages 19 - 24. Ohio Administrative Code Rule 5101:2-16-34 (D)(8), pertaining to excluded income, applies to this policy: "Any other income amounts that federal statutes or regulations require be excluded."

Case entry instructions for cash and food assistance will be issued via a CRIS-E bulletin. If you have any questions regarding this letter, please contact the Office of Families and Children Program Policy Services Unit using the TANF_FSTA mailbox or at 1-866-886-3537 (option 6).

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