United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive

Alexandria, VA 22302-1500

SUBJECT: Clarifications of the American Recovery and Reinvestment Act of 2009 Employment and Training Questions and Answers #7

TO: Regional Directors
Supplemental Nutrition Assistance Program (SNAP)
All Regions

Attached are questions and answers in response to issues raised by States through various discussions of the SNAP Employment and Training Program and the effect of provisions of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), which was enacted on February 17, 2009.

Please direct any questions to Moira Johnston, Mike Atwell or Dale Walton.

Arthur T. Foley
Director
Program Development Division

Attachments

AN EQUAL OPPORTUN

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Supplemental Nutrition Assistance Program (SNAP) and the American Recovery and Reinvestment Act of 2009 (ARRA) Effect on Employment and Training (E&T)

Questions and Answers # 7

Question 1. Under ARRA if an ABAWD does not participate, should the months be counted as ineligible under 7 CFR 273.24?

Answer: No. Under ARRA, there are no ineligible months. The ABAWD may volunteer to participate in E&T, but he/she (or any volunteer) may not be subjected to disqualification or the time limit for not participating.

However, if a State offers a program that meets the standards of section 6(o)(b) and (c) (qualifying work/workfare programs) of the Food and Nutrition Act of 2008, the 3–month time limit applies and any month in which the ABAWD does not participate is counted as one of the 3 months. When the ABAWD exhausts the 3–month limit, he/she becomes ineligible for benefits.

Question 2. Does ARRA eliminate "pledge" designation for pledge States?

Answer: No. States that continue to impose the time limit of section 6(o) of the Act and commit to offering a qualifying work/workfare program to at-risk ABAWDs retain their pledge status and eligibility for a share of the $20 million ABAWD grant.

Question 3. The 2008 Farm Bill shortened the period in which E&T funds remain available to 15 months. Are FY 2008 funds still available until expended or did ARRA alter the answer to this question?

Answer: ARRA has no effect on the Farm Bill provision limiting the availability of 100 percent Federal E&T funds to 15 months. However, that limit did not take effect until FY 2009; FY 2008 carryover funding remains available until expended. There is funding on hand for State agencies that determine they need additional money to support their E&T programs. Interested State agencies must submit a written justification for their requests, along with revised tables 4 and 5 to the Director, Program Development Division, for review.

Supplemental Nutrition Assistance Program (SNAP)
Employment and Training Questions and Answers

Question 1. Will States have to revise fiscal year (FY) 2009 E&T plans as a result of the ARRA provision suspending the 3–month time limit for able-bodied adults without dependents (ABAWDS)?

Answer: States must revise their E&T plans if their activities undergo major changes. The revised plans must reflect changes starting from the time of the change. The revision should describe the change(s), identify the period for which the change is in effect, and provide revised tables 4 and 5 to identify the effect of the change(s) on the operating budget and costs by category.

Question 2. Will there be additional guidance for FY 2010 E&T Plans?

Answer: We will be providing guidance in the upcoming FY 2010 100 percent Federal E&T grant allocation memorandum.

Question 3. Will there be changes to the form FNS-583 (quarterly reporting form for E&T and ABAWDs)?

Answer: No changes to the FNS-583 are anticipated since ABAWD provisions will be reinstated October 2010. States will report no ABAWDs on the form if ABAWDs are exempted.

Question 4. If a State changes its E&T program to voluntary only, do current E&T penalties end immediately?

Answer: Current penalties must continue until completed. If a permanent penalty was imposed it will continue.

Question 5. If a current pledge State stops offering qualifying ABAWD work/workfare program opportunities effective April 1, does it have to place ABAWDs in normal E&T activities?

Answer: No. In accordance with section 6(d)(4)(D)(i) and (ii) of the Food and Nutrition Act, a State agency may exempt from E&T any individual or group of individuals it chooses. Thus, it does not have to provide E&T activities for these individuals.

Question 6. Will FNS make the unspent portion of the FY 2009 $20 million ABAWD grant and/or the FY 2010 grant available for States to request in the form of 100 percent E&T grant funds that can be spent on any E&T participant?

Answer: No. By statute (7 U.S.C. 2025(h)(1)(E)) the additional $20 million annual grant must be used to serve at–risk ABAWDs. ARRA provisions have no effect on that requirement and FNS intends to allocate the FY 2010 ABAWD grant among those States that commit to providing a qualifying work opportunity to at–risk ABAWDs not exempted by the State under ARRA.

Question 7. How long can components go on?

Answer: There is no limit to how long an E&T component may run. Each State agency determines the length of time a participant spends in any E&T component it offers, as well as the sequencing of successive component participation. The only limitation suggested by SNAP regulations is that job search cannot be a continuous, year-round participation requirement.

Question 8. Do participants in E&T who are doing workfare have to increase their work hours due to the increase in SNAP benefits from the stimulus package?

Answer: If the household's allotment increases, the State may assign the household more hours to work. However, there is no requirement that the household must work the maximum number of hours allowable (obtained by dividing the household SNAP benefit by the higher of the applicable Federal or State minimum wage).

Question 9. Our State reimburses ABAWDs in SNAP E&T components just $25 per month for transportation. Can the State increase the amount of the reimbursement?

Answer: Yes, States may increase reimbursement amounts for transportation to amounts greater than $25. Final regulations published June 9, 2006, *Food Stamp Program: Employment and Training Program Provisions of the Farm Security and Rural investment Act of 2002,* eliminated the $25 cap for transportation expenses effective August 8, 2006.

Question 10. If the reimbursement amount is increased, could State administrative money in the ARRA be used to cover the State's fifty percent share of the transportation reimbursement?

Answer: No. State agencies can use ARRA administrative funding to pay 100 percent of reimbursement costs. However, they cannot claim 50 percent reimbursement of funds made available to them by the Federal government. Additionally, they must report the expenditures on a separate SF–269 created especially for ARRA spending. They should also submit an E&T plan modification, explaining how they are using the money and revising their Tables 4 and 5 to show the extra funds.