



Food and
Nutrition
Service

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Center

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DEC 02 2016

SUBJECT: Supplemental Nutrition Assistance Program – Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents (ABAWD)

TO: All Regional Directors
Supplemental Nutrition Assistance Program

Section 6(o) of the Food and Nutrition Act of 2008, as amended (the Act), limits the time an ABAWD can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in any 36-month period, unless the individual meets the ABAWD work requirement or is otherwise exempt. The Act also provides that States may request to waive the time limit for individuals in all or part of the State if the requested area demonstrates high unemployment or a lack of sufficient jobs. This legislation was passed in 1996 and then codified at section 273.24(f) of Title 7 of the Code of Federal Regulations in 2001. Since then the Food and Nutrition Service (FNS) has provided policy memoranda on the subject in addition to the Federal Regulations because the methodologies, evidence, and data that can be used to support requests to waive the time limit are complex and the potential sources of data change over time.

The attached guide consolidates and underscores FNS policy concerning waivers of the ABAWD time limit and replaces its predecessor, FNS's August 2006 *Guidance on Requesting ABAWD Waivers*. FNS began developing this version of the guide in November 2014, as part of its efforts to support and reaffirm State agency's understanding of ABAWD policy. Specific policy areas covered include the following:

- Waivers Based on Labor Surplus Area Designation;
- Waivers Based on Extended Unemployment Benefit Criteria;
- Waivers Based on an Unemployment Rate Over 10 Percent;
- Waivers Based on a 24-Month Average Unemployment Rate 20 Percent Above the National Average;
- Combining Data for Geographic Areas and Economic Regions;
- Estimating Unemployment Rates for Tribal Lands;
- Other Potential Types of Waiver Requests;
- 2-Year (24-Month) Approval of Waivers; and
- Statutory and Regulatory Authority for Waivers.

FNS advises State agencies to use this guide to understand, obtain, and prepare evidence that successfully supports an ABAWD time limit waiver request based on relevant sections of the Act; Federal Regulations; and historical SNAP policy.

All Regional Directors

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Please distribute this guidance to your State agencies and advise them to contact their respective regional points of contact for technical assistance. FNS Regional Offices should contact Casey McConnell at casey.mcconnell@fns.usda.gov with any questions concerning this memorandum.

A handwritten signature in blue ink, reading "Lizbeth Silberman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Lizbeth Silberman

Director

Program Development Division

SUPPORTING REQUESTS TO WAIVE THE TIME LIMIT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS

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DECEMBER 2016

I. INTRODUCTION

This guide explains the criteria, methodologies, and data typically used in support of requests to waive the Supplemental Nutrition Assistance Program (SNAP) time limit for able-bodied adults without dependents (ABAWD). The Food and Nutrition Service (FNS) advises State agencies to use this guide to understand, obtain, and prepare evidence that successfully supports an ABAWD time limit waiver request based on relevant sections of the Food and Nutrition Act of 2008, as amended, (the Act); Title 7 of the Code of Federal Regulations (CFR); and historical SNAP policy. This guide updates and replaces FNS's August 2006 *Guidance on Requesting ABAWD Waivers*.

Please note, this guide does not provide an exhaustive list of criteria, methodologies, or data that States could submit in support of a waiver, nor does it address other areas of ABAWD policy. For in-depth policy guidance on the ABAWD time limit and work requirements, please consult the *Guide to Serving ABAWDs Subject to Time-Limited Participation* and ABAWD-related policy memos available on the FNS public website at <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds> and on the SNAP Community Partnerweb.

WHAT IS THE ABAWD TIME LIMIT AND WORK REQUIREMENT?

Section 6(o) of the Act limits the time an ABAWD can receive SNAP to 3 months in any 36-month period, unless the individual meets the ABAWD work requirement or is otherwise exempt. Individuals are exempt from, and therefore not subject to, the ABAWD time limit if they meet any one of the exceptions listed at 7 CFR 273.24(c).

Fulfilling the ABAWD work requirement means:

- Working 80 hours or more per month;
- Participating in and complying with the requirements of a work program 80 hours or more per month;
- Any combination of working and participating in a work program for a total of 80 hours per month; or
- Participating in and complying with a workfare program.

The Act also provides that States may request FNS approval to waive the time limit for individuals in all or part of the State. FNS will approve these waiver requests if it determines that the area has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals. This provision is codified at 7 CFR 273.24(f).

STATE AGENCY RESPONSIBILITIES AND KEY CONCEPTS

The State agency has discretion to define the area(s) in which it requests to waive the time limit. The State can request that a waiver apply statewide or at the sub-state level, as statewide averages may mask slack job markets in some counties, cities, or towns. However, in order to receive FNS approval to waive the ABAWD time limit the State must support its request with evidence that corresponds to the requested area (e.g., a county-wide waiver must be supported by county-wide data). The State must also clearly identify which areas are being requested and under which criteria.

Requests based on unemployment rates or labor force data must be supported with data that relies on standard Bureau of Labor Statistics (BLS) data or methods. When the State thoroughly explains the data, methods, and evidence provided in its request FNS can review and respond to the waiver request more quickly.

There is no limit to the number of waivers the State can request during a given time period. Waivers are typically approved for 12 months and align with the calendar year or the State of Federal fiscal year, but they can begin at any point during the year and the State could have waivers covering different time periods for different areas. The State may also request to amend an existing waiver based upon additional or new supporting evidence or data, or could choose to discontinue a waiver at any time.

However, only one criterion can be applied to an area at a time. This prevents the State from using data from a particularly economically distressed area to support multiple waiver approvals covering different groups of areas at the same time. For example, the State cannot waive an individual county based on its designation as a Labor Surplus Area, but also use that same county's unemployment data to waive a group of areas based on its combined unemployment rate. Similarly, the State cannot include the same area in different waivers with the same or overlapping approval periods.

II. WAIVERS BASED ON LABOR SURPLUS AREA DESIGNATION

Labor Surplus Areas (LSAs) are civil jurisdictions (usually counties, cities, or towns) that the Department of Labor determines have average unemployment rates at least 20 percent above the national average for the previous 2 calendar years. The State may use an area's designation as an LSA to support a claim of lack of sufficient jobs in the area. If the area is designated as an LSA for the current fiscal year, FNS will approve the waiver readily and the State may begin to operate the waiver at the time the request is submitted. In these cases, FNS will contact the State if the waiver must be modified. LSA waivers are generally approved for 12 months, but may be approved for up to 24 months in certain cases as described in Section IX. The LSA list is available at <http://www.doleta.gov/programs/lsa.cfm>. An example is shown on the right. Note that the LSA list includes the qualified LSAs in the left column and the jurisdiction where they are located on the right. For example, if there is a city listed as an LSA, then the column on the right will list the county or equivalent where it is located, but this does not mean that the county listed in the right is eligible.

Labor Surplus Areas October 1, 2015 Through September 30, 2016	
Eligible Labor Surplus Areas	Civil Jurisdictions Included
Montana	

Big Horn County	Big Horn County
Glacier County	Glacier County
Lincoln County	Lincoln County
Mineral County	Mineral County

III. WAIVERS BASED ON EXTENDED UNEMPLOYMENT BENEFIT CRITERIA

Extended Unemployment Benefits (also referred to as "Extended Benefits" or "EB") are for individuals who have exhausted regular unemployment insurance benefits during periods of high unemployment. If the State meets the criteria needed to offer EB (i.e., "trigger" for EB) it is eligible for an ABAWD waiver, regardless of whether the State takes the option to offer EB. The State can qualify for a 12-month statewide waiver for up

to 12 months after the trigger date. The State need only meet one of these EB criteria, including those that are optional, to qualify for a waiver. This information is listed each week on a trigger notice at:

http://www.ows.doleta.gov/unemploy/claims_arch.asp.

Extended Unemployment Insurance Benefits (EB) Trigger Criteria	
13-Week Insured Unemployment Rate (IUR)	<ul style="list-style-type: none"> 5% and 120% of each of last 2 years (mandatory all States) - OR - 6%, regardless of previous years (optional)
3-Month Total Unemployment Rate (TUR)	<ul style="list-style-type: none"> 6.5% and 110% of either of last 2 years (optional)

An excerpt of a trigger notice is shown below. At the bottom of the chart, States that trigger for EB based on the 3-month total unemployment rate (TUR) *and* opt to offer it are identified with "@" (e.g., Connecticut). States that offer EB are described by the trigger notice as "ON". States that trigger for EB based on the 3-month TUR *but opt not to offer* EB are identified with "&" (e.g., Arkansas). As mentioned, States that meet the criteria needed to trigger for EB are eligible to waive the ABAWD time limit, regardless of whether they take the option to offer EB. Even though Arkansas was not listed as "ON" for EB on this trigger notice, the State clearly met the criteria needed to offer EB because its 3-month TUR was 7.8 percent (greater than the threshold of 6.5 percent) and was 136 percent of the second prior year (greater than the threshold of 110 percent). Based on this example trigger notice, both Connecticut and Arkansas were eligible for a waiver (among other States).

TRIGGER NOTICE NO. 2010 - 51
STATE EXTENDED BENEFIT (EB) INDICATORS UNDER P.L. 111-312
Effective January 2, 2011

			INDICATORS					STATUS	
			13 Weeks Insured Unemployment Rate	Percent of Prior 2 Years	3 months S.A. TUR	Percent of prior Year	Second Year	Available Weeks	Begin Date(B) End Date(E)
@		Alabama	2.67	91	9.0	83	145	20	B 03-29-2009
@		Alaska	5.75	130	7.9	94	117	13	B 01-25-2009
@		Arizona	2.82	93	9.5	102	135	20	B 02-22-2009
	&	Arkansas	3.59	87	7.8	104	136		E 09-26-2009
@		California	4.08	96	12.4	101	151	20	B 02-22-2009
@		Colorado	2.61	114	8.4	112	155	20	B 04-12-2009
@		Connecticut	3.64	100	9.1	104	146	20	B 02-15-2009
@		Delaware	2.67	90	8.3	97	140	20	B 06-28-2009
Total Number 'ON': 36			0		36				

* - State does not have 6 % IUR option in law

& - State does not have TUR option in law

12/30/2010

@ - State "ON" by 3-month average TUR

- State "ON" by 13-week IUR

IUR reflects 13-week period ending December 18, 2010

TUR reflects avg. seasonally adjusted TUR for 3-month period ending November, 2010.

IV. WAIVERS BASED ON AN UNEMPLOYMENT RATE OVER 10 PERCENT

To support a waiver request based on an unemployment rate of over 10 percent, the State can submit:

- A recent 12-month average unemployment rate over 10 percent;
- A recent 3-month average unemployment rate over 10 percent; or
- A historical seasonal unemployment rate over 10 percent.

For waivers based on a recent 12-month average unemployment rate over 10 percent, the data must include at least 1 month within the 12 months immediately preceding the waiver's implementation date. For example, the furthest a State could look back in requesting a waiver for January 1, 2018, implementation would be the 12-month period of February 2016 through January 2017.

For waivers based on a recent 3-month average unemployment rate over 10 percent, the data must also include at least 1 month within the 12 months immediately preceding the waiver's implementation date. For example, the furthest a State could look back in requesting a waiver for January 1, 2018 implementation would be the 3-month period of November 2016 through January 2017.

In areas where data from BLS or a BLS cooperating agency show a most recent 12-month average unemployment rate over 10 percent, the State may begin to operate the waiver at the time the waiver request is submitted. FNS will notify the State if the waiver must be modified.

CALCULATING AN AVERAGE UNEMPLOYMENT RATE FOR AN AREA

1. Obtain monthly labor force data for the period (12 months, 3 months, or the historical seasonal rate)
2. Obtain monthly unemployment data for the same period
3. Total the monthly labor force data.
4. Total the monthly unemployment data.
5. Divide the unemployment total by the labor force total.
6. If the quotient has more than four decimal places, drop the fifth and all subsequent decimal places.
7. Multiply the quotient by 100. The result is the unemployment rate.

Points of Emphasis:

- Use *not seasonally adjusted* data.
- Monthly labor force and unemployment data must be obtained and provided.
- Do not include the annual total that is sometimes included in the BLS columns.
- Do not average the labor force data or the unemployment data.
- Monthly labor force data and unemployment data must be aggregated then used to calculate the unemployment rate. Calculating monthly unemployment rates, then averaging the monthly unemployment rates is unacceptable.

The following is an example of the documentation and calculations needed to support a waiver based on a recent 12-month average unemployment rate over 10 percent. All calculations should be documented in Excel spreadsheets and emailed to the FNS Regional Office.

County A, State X			
Year	Month	Labor Force	Unemployment
2016	Jan	14301	2192
2016	Feb	14354	2225
2016	Mar	14185	1836
2016	Apr	14481	1957
2016	May	14360	1735
2016	Jun	14399	1810
2016	Jul	14239	1790
2016	Aug	14175	1772
2016	Sep	14147	1843
2016	Oct	14261	1851
2016	Nov	14486	2170
2016	Dec	14217	1936
Total		171605	23117
Average Unemployment Rate		13.5%	

OBTAINING UNEMPLOYMENT DATA FROM THE BUREAU OF LABOR STATISTICS

BLS Local Area Unemployment Statistics are available at www.bls.gov/lau and can be accessed using the steps below.

1. Scroll down to **Featured LAU Searchable Databases**.
2. Click on **One-Screen Data Search**.
3. Select the area(s) for which data is needed.
4. Click on **Get Data**. Use the **not seasonally adjusted** data.

Featured LAU Searchable Databases

- Please note that the "Get Detailed LAUS Statistics" tools for data retrieval will be unavailable from 10:00 AM to approximately 10:30 AM on the day of a Local Area Unemployment Statistics release because the LAUS database is updated during that time. Schedules of upcoming release dates are available as follows:
 - [Regional and State Employment and Unemployment](#)
 - [Metropolitan Area Employment and Unemployment](#)
- [Instructions for Extracting Data](#)—Quick, easy instructions on how to extract Local Area Unemployment Statistics (LAUS) data.

Databases

Database Name

Special Notice

Top Picks

Data Finder

One Screen

Multi-Screen

Tables

Text Files

Local Area Unemployment Statistics (LAUS)

SPECIAL NOTICE

TOP PICKS

DATA FINDER

ONE-SCREEN DATA SEARCH

MULTI-SCREEN DATA SEARCH

TABLES

TEXT FILES

Local Area Unemployment Statistics HELP

Select how you want to view the data
☒ View area types within a State or Census Region and Division ☐ View State(s) by area type or view data for Census Regions or Divisions

1 Select a State or Census Reg. & Div.

2 Select one or more Area Types

3 Select one or more Areas

4 Select Seasonal Adjustment
☐ Seasonally Adjusted
☒ Not Seasonally Adjusted

5 Your Selection: (0 series selected) NOTE: Select a maximum of 200 series.
 OR for Multiple Queries

V. WAIVERS BASED ON A 24-MONTH AVERAGE UNEMPLOYMENT RATE 20 PERCENT ABOVE THE NATIONAL AVERAGE

The State agency can also support waiver requests based on high unemployment rates relative to the national average. Namely, the State must provide data from BLS or a BLS cooperating agency showing an area has a 24-month average unemployment rate 20 percent above the national average for a recent 24-month period. The 24-month period can begin no earlier than the period the Department of Labor uses to calculate LSAs for the Federal fiscal year in which the waiver is implemented. For example, the 24-month period for the Fiscal Year 2017 LSA list runs from January 1, 2014 through December 31, 2015. Thus, a waiver that would start in Fiscal Year 2017 could be supported with a 24-month period beginning any time after (but not before) January 1, 2014. The table below shows additional time frames.

Fiscal Year	LSA List is Effective	The 24-Month Period for Calculating an Area's Unemployment Rate Can Begin No Earlier than
2017	10-1-16 to 9-30-17	01-01-14
2018	10-1-17 to 9-30-18	01-01-15
2019	10-1-18 to 9-30-19	01-01-16
2020	10-1-19 to 9-30-20	01-01-17

To obtain accurate results that will be consistent with FNS's calculations, the State must use the method provided by example in the pages that follow. Monthly labor force data and unemployment data must be obtained and aggregated, then used to calculate the unemployment rate. All calculations should be documented on Excel spreadsheets and emailed to the FNS Regional Office.

The State can use any consecutive 24-month period within the acceptable time frame, and would use the same method for any consecutive 24-month period. Use the **not seasonally adjusted data**, as previously noted in Section IV. Please also note the specific directions on how to round data, as explained in the following example.

CALCULATING A 24-MONTH AVERAGE UNEMPLOYMENT RATE FOR AN AREA

STEP 1: Obtain the area's labor force data for the selected 24-month period and calculate the total. The 24-month period need not align with the calendar year, although this example does. Be careful to not include annual totals that may be in the BLS data. This data can also be downloaded in vertical Excel tables.

Labor Force	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	16449	16467	16298	16457	17037	16943	17220	16579	15994	15850	15817	15749
2015	15653	15825	15703	15840	16148	16311	16605	16483	16257	16047	15852	15630
Total	389,214											

STEP 2: Obtain the same 24 months of unemployment data and calculate the total.

Unemployment	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	1128	1221	1051	1071	1432	1348	1609	1107	749	846	917	917
2015	1000	1117	998	917	928	918	1093	955	804	796	801	736
Total	24,459											

STEP 3: Divide the total unemployment by the total labor force.

$$24,459 \text{ divided by } 389,214 = 0.062842$$

If the quotient has more than four decimal places, drop the fifth and all subsequent decimal places. 0.062842 is truncated to 0.0628.

STEP 4: Multiply the quotient in Step 3 by 100, to express it as a percentage.

$$.0628 \times 100 = 6.28 \text{ percent}$$

STEP 5: Round the percentage to one decimal place. This is the area's average unemployment rate for the 24-month period. The State would compare this number to the 20 percent above the national average unemployment rate threshold to determine if the area qualifies for an ABAWD waiver.

6.28 percent is rounded to 6.3 percent; the area's average unemployment rate for the 24-month period is **6.3 percent**.

CALCULATING THE 24-MONTH NATIONAL AVERAGE UNEMPLOYMENT RATE

STEP 1: Obtain the monthly national labor force for the 24-month period and calculate the total. To calculate a 24-month average for a period other than a calendar or fiscal year, the State would need to calculate the national average unemployment rate for the selected 24-month period.

NATIONAL LABOR FORCE (NUMBERS IN THOUSANDS)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	143228	144266	144334	144158	144527	145940	146189	145565	145167	145320	144854	144807
2015	145301	145693	145801	145925	146067	148117	147822	146967	146166	146787	146969	146501
Total	3,496,471											

STEP 2: Obtain the monthly national unemployed for the 24-month period and calculate the total.

NATIONAL UNEMPLOYED (NUMBERS IN THOUSANDS)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	9051	8823	8776	8255	7969	8758	8693	8271	7790	7769	8170	8209
2015	9395	9260	9018	8501	8500	9649	9319	8830	8436	8169	8269	7945
Total	205,825											

STEP 3: Divide the total unemployment by the total labor force:

205,825 divided by 3,496,471 = .058866.

If the quotient has more than four decimal places, drop the fifth and all subsequent decimal places. .058866 is truncated to .0588

STEP 4: Obtain the unemployment rate 20% above national average (multiply by 1.2). The national average must be multiplied by 1.2 prior to any rounding. Only after multiplying the national average by 1.2 can the figure be rounded.

.0588 x 1.2 = .07056

Truncate to four decimal places: .0705

STEP 5: Express as a percentage by multiplying by 100: 7.05

STEP 6: Round to one decimal place: 7.05 is rounded to **7.1 percent**.

In this example, the selected area does not qualify for a waiver as its 24-month average unemployment rate of **6.3 percent** does not reach 20 percent above the national unemployment rate. It would need an unemployment rate of at least **7.1 percent** (20 percent above the national average) to qualify.

VI. COMBINING DATA FOR GEOGRAPHIC AREAS AND ECONOMIC REGIONS

Unemployed and labor force data from individual areas can be combined to waive a larger group of areas, whether based upon a recent unemployment rate over 10 percent or a 24-month unemployment rate 20 percent above the national average. In order to be combined, the areas must be contiguous or considered parts of the same economic region. For example, two or more contiguous counties could be grouped together in order to consider their aggregate average unemployment rate.

The State has discretion to define the group of areas to be combined, provided that the areas are contiguous or can be considered to be part of an economic region. If the State defines its own group, the rationale for the boundaries of the group must be thoroughly documented. For example, State or local labor departments often have defined economic regions based upon shared industries or other factors. Other sources, methods, or rationale to support that areas share an economic region may also be considered.

When combining areas, consider the entire combination as one area and aggregate the unemployed and labor force figures. Never calculate individual unemployment rates for counties or jurisdictions and then average the averages.

EXAMPLE OF COMBINED AREA

North Central Montana Economic Area. The following counties are included in this economic area: Blaine, Cascade, Chouteau, Glacier, Hill, Liberty, Phillips, Pondera, Teton, and Toole. The State could request a waiver for all counties or a sub-area such as Glacier, Liberty and Toole, as long as the data for the combined area meets the waiver criteria. If the counties in the sub-area all belong to the same region, they do not need to be contiguous to be defined as an area.

To calculate an economic area's unemployment rate:

- Obtain monthly unemployment data for the same period for each individual area. (Follow the instructions in **Section IV or V** to obtain this data.)
- After obtaining this data for each individual area, follow these steps:
 1. Total the monthly labor force data for each individual county.
 2. Total the monthly unemployment data for each individual county.
 3. Aggregate the individual county totals to obtain the labor force and unemployed figures for the combined area.
 4. Divide the aggregate unemployment total by the labor force total. The quotient is the combined area's unemployment rate.

VII. ESTIMATING UNEMPLOYMENT RATES FOR TRIBAL LANDS

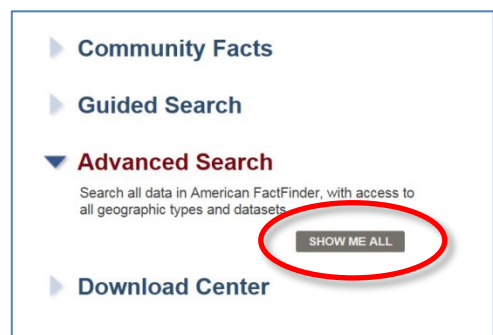
The State also has the opportunity to support waiving Native American reservation areas and tribal lands using unemployment rates, but BLS does not produce data specific to these areas and other unemployment data is often unavailable. However, the State can estimate unemployment rates for tribal lands by applying data from the United States Census Bureau's American Community Survey (ACS) to available BLS data. The instructions beginning on the next page only cover how to estimate unemployment rates for tribal areas by applying ACS data to BLS data. Some tribal governments generate their own labor force and/or unemployment data, which is also acceptable to support a waiver.

INSTRUCTIONS ON ESTIMATING UNEMPLOYMENT RATES FOR TRIBAL LANDS

STEP 1.1: Use the **American Fact Finder** at

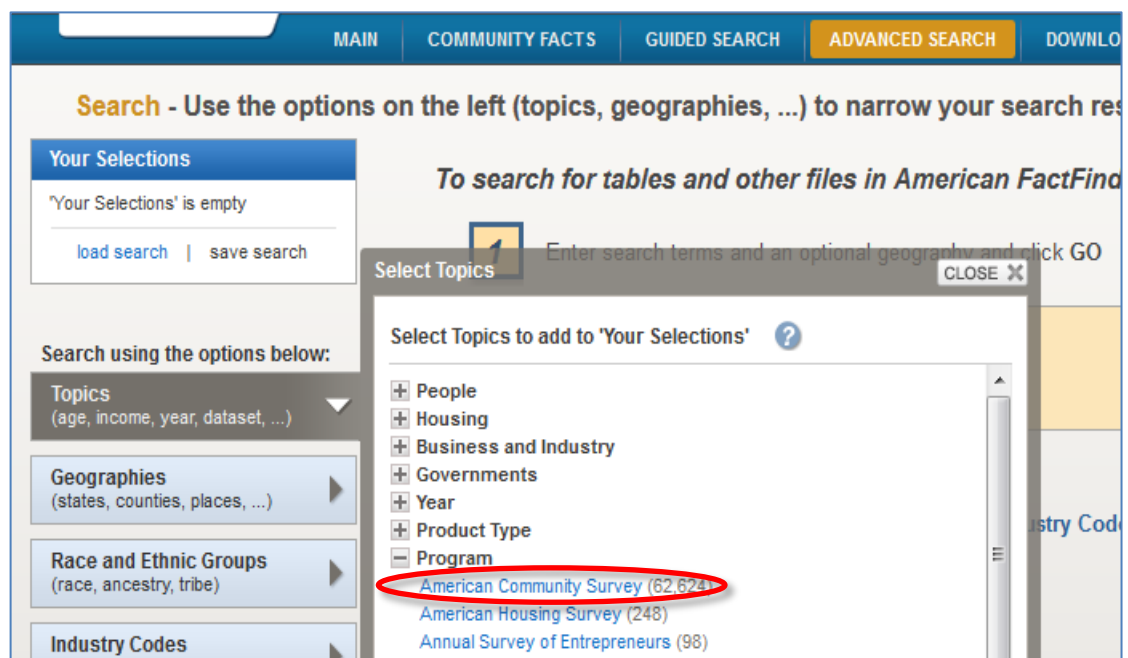
<http://factfinder.census.gov> to obtain 5-year ACS estimates for unemployed and labor force in the tribal area and the county or counties in which it is located. If the tribal area crosses county lines, unemployed and labor force data must be obtained for each county in which the tribal area is located.

STEP 1.2: Select the **Advanced Search** option and click on **show me all**.



STEP 1.3:

Open **Topics**, then open **Program** and select the **American Community Survey**. The ACS will now appear in the **Your Selections** block.



STEP 1.4: Close the **Topics** window and select **Geographies**. Select the **Name** tab and select **all geographic types**. Request ACS Data for the selected tribal area(s) and the county or counties in which it is located. This example uses the Duck Valley Reservation Area located in Owyhee County, Idaho.

The screenshot shows the 'Select Geographies' interface. On the left, there are search options for 'Search using...' (Program: American Community Survey) and 'Search using the options below:' (Topics, Geographies, Race and Ethnic Groups, Industry Codes, EEO Occupation Codes). The main area has tabs for 'List', 'Name', 'Address', and 'Map'. The 'Name' tab is active. Below the tabs, there is a search bar and a 'GO' button. To the right, there are 'Your Geography Filters' (empty) and 'Select geographies to add to Your Selections'. Under 'Select from:', the 'all geographic types' radio button is selected and circled in red. Below this, the 'Geography Results' section shows '1-25 of 1,137,578' results. A table lists various geographies with checkboxes for selection.

Geography Name	Geography Type	About
<input type="checkbox"/> United States	United States	?
<input type="checkbox"/> All States within United States and Puerto Rico	State	
<input type="checkbox"/> All States within United States, Puerto Rico, and the Island Areas	State	
<input type="checkbox"/> Alabama	State	?

STEP 1.5: Select **County** from the **Geography Filter Options**. Open **Within State** and select the State (in this example Idaho). Select **Type of American Indian Area** and click **Reservation** (note: areas are not restricted to reservations for some States).

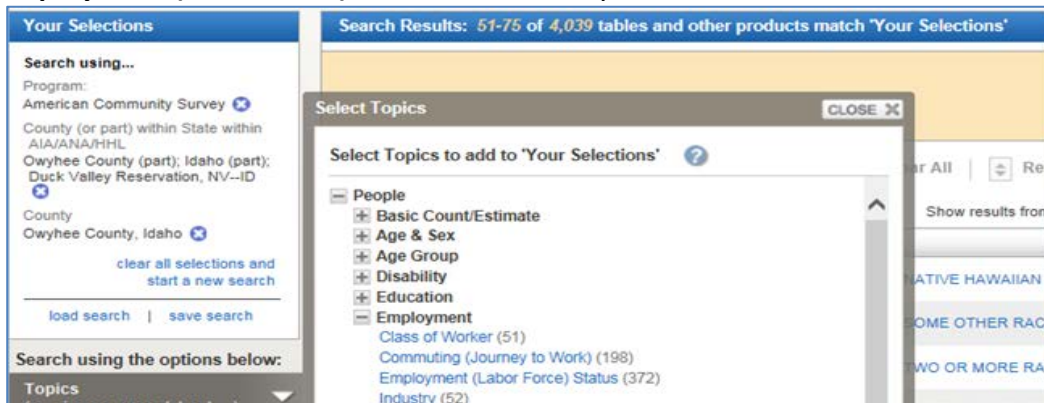
The screenshot shows the 'Select Geographies' interface with filters applied. Under 'Your Geography Filters', 'Geographic Type: County', 'Within State: Idaho', and 'Type of American Indian Area: Reservation' are selected. The 'Geography Filter Options' section shows 'Within County' and 'Within American Indian Area' selected. Under 'Include in results:', the 'All geographies' radio button is selected. The 'Select geographies to add to Your Selections' section shows the 'all geographic types' radio button selected. The 'Geography Results' section shows '1-12 of 12' results. A table lists specific geographic areas with checkboxes for selection.

Geography Name
<input type="checkbox"/> Benewah County (part); Idaho (part); Coeur d'Alene Reservation, ID
<input type="checkbox"/> Kootenai County (part); Idaho (part); Coeur d'Alene Reservation, ID
<input type="checkbox"/> Owyhee County (part); Idaho (part); Duck Valley Reservation, NV--ID
<input type="checkbox"/> Bannock County (part); Idaho (part); Fort Hall Reservation and Off-Reservation Trust Land, ID

STEP 1.6: Check off **Owyhee County (part); Idaho (part); Duck Valley Reservation** and select the **Add** icon at the bottom of the window. (These checkboxes are shown in the screenshot above.) It is possible to add multiple areas at once.

STEP 1.7: Close that geography window. With the tribal area(s) selected, move on to collecting county data. Open **Geographies** again and select **County**. Then, select **Within State** and select **Idaho**. For this example select **Owyhee County**, and then click **Add** again so that the **Your Selections** column includes the county. It is possible to add multiple counties at once as shown in the screenshot included in the following step.

STEP 1.8: Close **Geographies**, select **Topics**, then select **People**. Open, **Employment** and select **Employment (Labor Force) Status** to add it to your selections.



STEP 1.9: Close the **Topics** window and select **B23025 Employment Status for the Population 16 Years and Over**. It is also possible to enter the table number **B23025** at the top.

Your Selections

Search using...

Program:
American Community Survey

People:Employment:
Employment (Labor Force)
Status

County (or part) within State
within AIA/ANA/HHL
Owyhee County (part); Idaho
(part); Duck Valley Reservation,
NV-ID

County
Owyhee County, Idaho

load search | save search

Search using the options below:

Topics
(age, income, year, dataset, ...)

Search Results: 51-75 of 452 tables and other products match 'Your Selections'

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<input type="checkbox"/> B23025	EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER	2014 ACS 5-year estimates
<input type="checkbox"/> B23026	SEX BY WORK STATUS IN THE PAST 12 MONTHS BY USUAL HOURS WORKED PER WEEK IN THE PAST 12 MONTHS BY WEEKS WORKED IN THE PAST 12 MONTHS FOR THE POPULATION 65 YEARS AND OVER	2014 ACS 5-year estimates
<input type="checkbox"/> B23027	FULL-TIME, YEAR-ROUND WORK STATUS IN THE PAST 12 MONTHS BY AGE FOR THE POPULATION 16 YEARS AND OVER	2014 ACS 5-year estimates
<input type="checkbox"/> B24021	OCCUPATION BY MEDIAN EARNINGS IN THE PAST 12 MONTHS (IN 2014 INFLATION-ADJUSTED DOLLARS) FOR THE FULL-TIME, YEAR-ROUND CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER	2014 ACS 5-year estimates

B23025

EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER
Universe: Population 16 years and over ⓘ
2010-2014 American Community Survey 5-Year Estimates

Table View 

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Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Versions of this table are available for the following years:

2014 ▶

2013

2012

2011

	Owyhee County, Idaho		Owyhee County (part); Idaho (part); Duck Valley Reservation, NV-ID	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	8,602	+/-63	207	+/-72
In labor force:	4,828	+/-204	102	+/-52
Civilian labor force:	4,815	+/-203	102	+/-52
Employed	4,176	+/-229	43	+/-25
Unemployed	639	+/-134	59	+/-40
Armed Forces	13	+/-13	0	+/-11
Not in labor force	3,774	+/-209	105	+/-39

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

The data can also be downloaded as a WinZip file that contains Excel spreadsheets by selecting **Comma delimited (.csv) format (data rows only)**, and **Data and annotations in a single file**.

STEP 2.1: Calculate the **employed** and **unemployed census shares** for the reservation and the county by dividing the reservation estimate by the county estimate.

a) Reservation Estimate Employed / County Estimate Employed = Reservation Employed Share

Example: $43 / 4,176 = .01029693486$

Truncate to six decimal places (drop the seventh and all subsequent decimal places): .010296

The employed share for Duck Valley Reservation is .010296

b) Reservation Estimate Unemployed / County Estimate Unemployed = Reservation Unemployed Share

Example: $59 / 639 = .09233176838$

Truncate to six decimal places: .092331

The unemployed share for Duck Valley Reservation is .092331

An example of these calculations in an Excel spreadsheet:

	Employed	Employed Share	Unemployed	Unemployed Share
Owyhee County (part); Idaho (part); Duck Valley Reservation, NV-ID	43	0.010296	59	0.092331
Owyhee County	4,176		639	

STEP 2.2: Apply the census shares to the BLS county employment and unemployment totals for the selected time period to estimate the reservation unemployment rate. For directions on how to obtain the BLS county data for the selected time period, consult Sections IV and V. For this example, the 24-month period of January 2014 through December 2015 is used.

To estimate the reservation unemployment and employment totals, multiply the employed and unemployed census shares by the employment and unemployment totals from BLS for the relevant county. Then, combine the results to get the estimated reservation labor force.

a) Reservation employed share multiplied by BLS county employment total

Example: $.010296 \times 118,848 = 1,223.6590$

Reservation employment total = 1,224

b) Reservation unemployed share multiplied by BLS county unemployment total

Example: $0.092331 \times 5,164 = 476.7972$

Reservation unemployment total = 477

c) Reservation employment total plus reservation unemployment total equals the reservation labor force total

Example: $1,224 + 477 = 1,701$

Reservation labor force total = 1,701

STEP 2.3: Divide the reservation unemployment total by the reservation labor force to get the estimated reservation unemployment rate.

Example: $477/1,701 = .280423$

Estimated reservation unemployment rate = 28%

The table below summarizes the entire process.

	Owyhee County BLS Data: Jan. 2014 - Dec. 2015	Reservation Census Share	Reservation Estimate
Unemployment	5,164	0.092331	477
Employment	118,848	0.010296	1,224
Labor Force			1,224 + 477 = 1,701
Reservation Estimated Unemployment Rate			477/1,701 = 28%

The reservation's estimated unemployment rate is 28%. This figure could be used to determine whether the area qualifies for a waiver based upon the criteria explained in Sections IV and V. In some cases, two or more tribal areas cross the same county's boundaries. In these cases, calculate the census shares and estimate the unemployment rates for each tribal area independently, one at a time.

ESTIMATING UNEMPLOYMENT RATES FOR TRIBAL LANDS LOCATED IN MULTIPLE COUNTIES

An individual tribal area could be located in more than one county. In these cases, calculate the census shares, unemployment, employment, and labor force for each county part individually. Next, aggregate the figures to obtain the totals for the tribal area. Using the totals, estimate the unemployment rate for the tribal area (example below).

	County BLS Data: Jan. 2014 - Dec. 2015	Reservation Census Share	Reservation Estimate
Unemployment (county A part)	5,164	0.092331	477
Unemployment (county B part)	2,225	0.023000	51
Employment (county A part)	118,848	0.010296	1,224
Employment (county B part)	10,100	0.034000	343
Total Reservation Unemployment			477+51 = 528
Total Reservation Labor Force			(477+51) + (1,224+343) = 2,095
Reservation Estimated Unemployment Rate			(477+51)/2,095 = 25%

VIII. OTHER POTENTIAL TYPES OF WAIVER REQUESTS

In addition to the established types of requests and supporting evidence covered in this guide, there are additional types of requests that FNS may approve on a case-by-case basis. Potential support for such requests could include, but is not limited to:

- **A low and declining employment-to-population ratio.**

Historically, low and declining employment-to-population (ETP) ratio data have been used successfully to waive Native American reservation areas or tribal lands where unemployment statistics and other economic data are limited or unavailable.

ETP data can also be used to request non non-tribal areas, such as counties, but it is uncommon because BLS unemployment data is readily available for these areas. ETP can be a meaningful economic indicator for an area where the unemployment rate may not provide a complete picture of the labor market due to people leaving the workforce – but demographic changes, such as an aging population, can influence these data. Therefore, FNS has approved requests based on ETP data for non-tribal areas, such as rural counties, on a limited basis when the State has demonstrated that the area's ETP ratio is:

- Low: at least 1 percentage point below the national average for the most recent year of the reference period;
 - Declining: best demonstrated by a decline year after year;
 - Covering at least a 4-year reference period, ending no earlier than 2 years prior to the year in which the waiver is effective; and
 - Complemented by a recent 24-month unemployment rate at least 10% above the national average in the requested area.
- **A lack of jobs in declining occupations or industries.**
Employment markets dominated by declining industries could impact large numbers of people whose current job skills are no longer in demand. This can be especially true in smaller, rural areas in which the loss of a single job provider, such a major manufacturing plant or mining industry, can have a major effect on local job availability. The State might consider providing studies, reports, or other analysis from credible sources in demonstrating that an area has a lack of jobs in declining occupations or industries.
 - **Description in an academic study or other publication as an area where there is a lack of jobs.**
The State might consider providing an academic study or other credible publication that documents a lack of sufficient jobs in an area.

The State may submit whatever data or evidence it deems appropriate to support these types of requests. FNS will evaluate such requests on a case-by-case basis and will approve those that provide compelling support of a lack of sufficient jobs in the area. FNS strongly encourages the State to work closely with its regional offices for technical assistance if it is considering requesting a waiver based on the less common support mentioned above.

IX. 2-YEAR (24-MONTH) APPROVAL OF WAIVERS

The State may request a 2-year waiver approval for an area that demonstrate chronic, sustained high unemployment. In order to receive FNS approval for a 2-year waiver, the affected area must meet at least one of the below criteria indicating that the area has experienced and will probably continue to experience chronic high unemployment:

- An unemployment rate greater than 10 percent for the 2-year period immediately prior to the request;
- Designation as a labor surplus area by the Department of Labor's Employment and Training Administration for a minimum of 2 consecutive fiscal years (the year of the request and the fiscal year prior to the request); or
- An unemployment rate greater than 20 percent above the national average for a 36-month period, ending no earlier than 3 months prior to the request (please note that this time frame is different and more restrictive than the 24-month time frame used for waivers in which the State is requesting a waiver for a 12-month period).

Unemployment rate calculations for 2-year waiver requests are the same as those previously discussed in Sections IV and V; but, as noted above, the time frames for data are more extensive and restrictive.

X. STATUTORY AND REGULATORY AUTHORITY

Relevant statutory and regulatory authority include Section 6(o)(4) of the Food and Nutrition Act of 2008, as amended, and 7 CFR 273.24(f).

SECTION 6(O)(4) OF THE FOOD AND NUTRITION ACT OF 2008, AS AMENDED

(4) WAIVER.—

(A) IN GENERAL.—On the request of a State agency, the Secretary may waive the applicability of paragraph (2) to any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside—

- (i) has an unemployment rate of over 10 percent; or
- (ii) does not have a sufficient number of jobs to provide employment for the individuals.

(B) REPORT.—The Secretary shall report the basis for a waiver under subparagraph (A) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

7 CFR 273.24(f)

(f) Waivers —

(1) General. On the request of a State agency, FNS may waive the time limit for a group of individuals in the State if we determine that the area in which the individuals reside:

- (i) Has an unemployment rate of over 10 percent; or
- (ii) Does not have a sufficient number of jobs to provide employment for the individuals.

(2) Required data. The State agency may submit whatever data it deems appropriate to support its request. However, to support waiver requests based on unemployment rates or labor force data, States must submit data that relies on standard Bureau of Labor Statistics (BLS) data or methods. A non-exhaustive list of the kinds of data a State agency may submit follows:

- (i) To support a claim of unemployment over 10 percent, a State agency may submit evidence that an area has a recent 12 month average unemployment rate over 10 percent; a recent three month average unemployment rate over 10 percent; or an historical seasonal unemployment rate over 10 percent; or
- (ii) To support a claim of lack of sufficient jobs, a State may submit evidence that an area: is designated as a Labor Surplus Area (LSA) by the Department of Labor's Employment and Training Administration (ETA); is determined by the Department of Labor's Unemployment Insurance Service as qualifying for extended unemployment benefits; has a low and declining employment-to-population ratio; has a lack of jobs in declining occupations or industries; is

described in an academic study or other publications as an area where there are lack of jobs; has a 24-month average unemployment rate 20 percent above the national average for the same 24-month period. This 24-month period may not be any earlier than the same 24-month period the ETA uses to designate LSAs for the current fiscal year.

- (3) Waivers that are readily approvable. FNS will approve State agency waivers where FNS confirms:
- (i) Data from the BLS or the BLS cooperating agency that shows an area has a most recent 12 month average unemployment rate over 10 percent;
 - (ii) Evidence that the area has been designated a Labor Surplus Area by the ETA for the current fiscal year; or
 - (iii) Data from the BLS or the BLS cooperating agency that an area has a 24 month average unemployment rate that exceeds the national average by 20 percent for any 24-month period no earlier than the same period the ETA uses to designate LSAs for the current fiscal year.
- (4) Effective date of certain waivers. In areas for which the State certifies that data from the BLS or the BLS cooperating agency show a most recent 12 month average unemployment rate over 10 percent; or the area has been designated as a Labor Surplus Area by the Department of Labor's Employment and Training Administration for the current fiscal year, the State may begin to operate the waiver at the time the waiver request is submitted. FNS will contact the State if the waiver must be modified.
- (5) Duration of waiver. In general, waivers will be approved for one year. The duration of a waiver should bear some relationship to the documentation provided in support of the waiver request. FNS will consider approving waivers for up to one year based on documentation covering a shorter period, but the State agency must show that the basis for the waiver is not a seasonal or short term aberration. We reserve the right to approve waivers for a shorter period at the State agency's request or if the data is insufficient. We reserve the right to approve a waiver for a longer period if the reasons are compelling.
- (6) Areas covered by waivers. States may define areas to be covered by waivers. We encourage State agencies to submit data and analyses that correspond to the defined area. If corresponding data does not exist, State agencies should submit data that corresponds as closely to the area as possible.

Additional information on ABAWD waivers and other relevant policy guidance can be found at <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds> or by contacting the State's Regional Office representatives. FNS stands ready to work with State agencies to provide technical assistance regarding waivers of the ABAWD time limit.
