

**Service Chapter:** Temporary Assistance for Needy Families 400-19

**Effective Date:** June 1, 2023

### **Overview**

Tribal NEW added to definition of Employability Plan. Service Plan removed as a definition. TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023. Removed references to legacy system in the IPV disqualification in another state section. Reference to Tribal NEW Coordinators' Directory removed as Tribal NEW Coordinators' Directory section has been repealed.

### **Description of Changes**

**1. Definitions 400-19-05 - Change**

Tribal New added to definition of Employability Plan. Service Plan removed as a definition.

**2. TANF Lifetime Limit – Exemption Criteria 400-19-45-35-10 - Change**

Changed policy for Rolette County from unemployment rate of under 50% to unemployment rate of above 50% effective January 2023.

**3. Resuming Participation With a New Tribal NEW Program After a Move to Another Human Service Zone 400-19-75-40-25-10 - Change**

Service Plan changed to Employability Plan. Reference to Tribal NEW Coordinators' Directory removed as the Tribal NEW Coordinators' Directory section has been repealed.

**4. JOBS Employability Plan 400-19-75-40-40 – Change**

Policy added Electronic signatures are acceptable on JOBS Employability Plans. Service Plan changed to Employability Plan.

**5. Tribal NEW Memorandum of Understanding 400-19-80-10 – Change**

TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023.

**6. Referrals to Tribal NEW Programs 400-19-80-15 - Change**

TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023.

**7. Continuation of Services - Tribal NEW Program 400-19-80-20 – Change**

TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023. Service Plan changed to Employability Plan. Reference to Tribal NEW

Coordinators' Directory removed as the Tribal NEW Coordinators' Directory section has been repealed.

**8. Tribal NEW Service **Employability** Plans 400-19-80-35 - Change**

Title of Section Changed. TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023. Service Plan changed to Employability Plan. TANF Tribal Memorandum of Understanding (MOU) updated effective February 1, 2023.

**9. Tribal NEW Sanctions 400-19-80-40 - Change**

Service Plan changed to Employability Plan.

**10. Transportation Assistance for Tribal NEW Participants 400-19-80-55 - Change**

Service Plan changed to Employability Plan.

**11. Proof of Performance (POP) 400-19-90-10 - Change**

Service Plan changed to Employability Plan.

**12. Disqualification in Another State 400-19-137-50 - Change**

References to legacy system removed for IPV disqualification in another state.

**13. JOBS Supportive Services - Transition Assistance 400-19-150-35 – Correction**

JOBS misspelled in the first sentence and has been corrected.

**14. Tribal NEW Coordinators' Directory 400-19-165-170 – Repeal**

Section repealed.

## **Policy Section Updates**

### **1. Definitions 400-19-05**

**Employability Plan (EP)** – A written agreement that establishes the JOBS or Tribal NEW participant's employment goals and steps for obtaining and retaining unsubsidized employment with a wage great enough to enable the participant's household to become self-sufficient.

~~**Service Plan** – A written agreement that establishes the Tribal NEW participant's employment goals and steps for obtaining and retaining unsubsidized employment with a wage great enough to enable the participant's household to become self-sufficient.~~

### **2. TANF Lifetime Limit – Exemption Criteria 400-19-45-35-10**

Households that include an adult who has reached the 60-month lifetime limit may be allowed an exemption to the TANF Lifetime Limit. Households may be considered exempt from the TANF lifetime limit when any of the following criteria are met:

#### **Automatic exemptions**

1. The eligible adult caretaker in the household who has not met the lifetime limit and is age 65 or older. Such an individual will be automatically exempt from the lifetime limit requirement through the automated computer system and will not be required to request an exemption.
2. The eligible adult caretaker who has not met the lifetime limit and is considered disabled and in receipt of Supplemental Security Income (SSI, including presumptive SSI) will be automatically exempted from the lifetime limit requirement by the automated computer system, and will not be required to request an exemption.

Individuals considered disabled for SSI (including presumptive SSI) by Social Security Administration but not in receipt of a payment (1619b, SSI recoupment, setting up a protective payee, etc.), will not be considered exempt from the lifetime limit as a disabled individual.

If the Social Security Administration determines that the individual is no longer eligible to receive SSI, the exemption ends.

3. The lifetime limit months do not count when the eligible caretaker is residing on Indian land in Benson, Dunn, Eddy, Mercer, McKenzie, McLean, Mountrail, Nelson, Ramsey, Richland, Rolette, Sargent, Sioux, and Ward County, and the unemployment rate is greater than 50%.

**Note:** Effective January 2024<sup>3</sup>, Benson, Rolette and Sioux counties have unemployment rates greater than 50%.

An eligible adult caretaker in the household who has met the lifetime limit and who returns to reside on Indian Land where the unemployment rate is greater than 50% IS NOT eligible to receive TANF benefits. The individual must have returned to reside prior to receiving their 60 months of TANF benefits.

#### Exemptions that Require a Request by the Household

1. An eligible caretaker is determined to be incapacitated in accordance with N.D.A.C. § 75-02-01.2-18. The caretaker has a physical or mental condition of such a debilitating nature as to reduce substantially or eliminate the individual's capacity either to earn a livelihood or to discharge the individual's responsibilities as a homemaker and provider of child care for a period of thirty days or more.

A caretaker continues to be incapacitated if the incapacity is not reasonably subject to remediation, or if the individual makes reasonable progress towards remediation of the incapacity. Reasonable progress towards remediation means cooperation with the medical practitioners who prescribe the course of treatment intended to remediate or limit the effect of the incapacity. This includes, but is not limited to, physical therapy, counseling, drug therapy and weight loss, cooperation with vocational practitioners, and reasonable progress in a course of training or education intended to qualify the individual to perform an occupation which, with the training or education, the individual would have the capacity to perform.

2. An eligible caretaker whose spouse or dependent child is determined to be incapacitated and in need of full-time care.
3. An eligible caretaker who is a victim of family violence and unable to be regularly employed or to participate fully in approved work activities due to the physical, emotional, or psychological effects of family violence.

**Examples** of family violence may include, but are not limited to physical, emotional, or psychological harm; bodily injury; sexual activity compelled by physical force; and assault or the fear of imminent physical harm or bodily injury.

#### **4. Resuming Participation With a New Tribal NEW Program After a Move to Another Human Service Zone 400-19-75-40-25-10**

When an individual moves from one ~~h~~Human ~~s~~Service ~~z~~Zone (HSZ) to another, participation in Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. Individuals must resume involvement in Tribal NEW without any break in service. The individual who moves must resume their participation within seven (7) calendar days from the print date of the new JOBS or Tribal NEW referral. The day after the referral print date is considered day one of the seven (7) calendar day period. This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed due to severe weather or other emergencies.

**Note:** The seven (7) calendar day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

**Note:** Tribal NEW is also responsible to send a copy of the individual's new Service Employability Plan (SEP) to the ~~human service zone~~ HSZ within 30 days from the print date of the JOBS or Tribal NEW referral. If an individual's SEP is not received within 30 calendar days, the eligibility worker must contact Tribal NEW to request a copy. (Refer to the Tribal NEW Coordinators' Directory.)

If an individual fails to resume participation with the new Tribal NEW Program within seven (7) calendar days from the print on the JOBS or Tribal NEW referral, Tribal NEW shall immediately return the referral to the eligibility worker. The eligibility worker must initiate the good cause determination process.

## 5. JOBS Employability Plan 400-19-75-40-40

The JOBS Employment Contractor shall develop an Employability Plan (EP) in consultation with the participant and others, as appropriate. (An EP is not a contract and the participant's signature is not required in order for the plan to be enforced.) The EP shall establish the individual's employment goals based on the work assessment and the individual's plan for obtaining and retaining unsubsidized employment with a wage great enough to become self-sufficient. The EP must outline the steps necessary for the participant to move into allowable work activities that match the individual's capabilities based on any identified physical, mental, emotional, or intellectual impairment.

The cooperation, assistance, and consultation of the participant are important to the appropriateness of the EP but are not required. An individual refusing to sign an EP is still required to comply with its requirements. For participant's who refuse to sign, an attempt must be made to obtain a signature, as a signed plan should be on file in case of appeal situations.

**Note:** If an EP is completed by telephone, the JOBS Employment Contractor will send the unsigned EP to the TANF Eligibility Worker with a note that the signature is being pursued. The TANF Eligibility Worker should follow the requirements of the unsigned EP.

Electronic or handwritten signature is acceptable on the EP.

The initial EP must be completed within seven (7) calendar days from the date of the initial meeting between the JOBS Employment Contractor or Tribal NEW Coordinator and the participant. Copies of the initial EP should be provided to the participant and the TANF Eligibility Worker.

The Employability Plan (EP) must:

1. Contain an employment goal to move the participant immediately into approved work activities that match the participant's capabilities based on any identified physical, mental, emotional, or intellectual impairment;
2. Describe any reasonable accommodations needed to enable the participant to comply with program requirements;
3. Describe the supportive services to be provided to enable the participant to comply with program requirements;
4. Describe the steps to be taken by the participant to achieve self-sufficiency; and
5. Describe the progress the participant has made since the previous Employability Plan.

EP's should be a fluid document that reflects changes in the JOBS participant's life. The EP must be reviewed a minimum of two times per year, and relevant changes made based on the individual's progress and needs.

Whenever an individual needs to complete a Proof of Performance (POP), whether they are an applicant or recipient, the JOBS Employment Contractor must document on the EP the length of the POP period and the steps necessary to cure the JOBS Sanction.

For information regarding a Tribal NEW participant's EP, please see Section 400-19-80-35, Tribal NEW Service Employability Plans.

## **5. Tribal NEW Memorandum of Understanding 400-19-80-10**

A Tribal NEW Memorandum of Understanding (MOU) has been made and entered into by and between:

1. The Standing Rock Sioux Tribe, Spirit Lake Sioux Tribe, ~~Three Affiliated Tribes~~, Turtle Mountain Band of Chippewa - Tribal Native Employment Works (NEW) programs, hereafter referred to collectively as Tribal NEW; and
2. The North Dakota Department of Health and Human Services (NDDHHS), Economic Assistance Section, ~~County Director's Association representing the State's fifty three county social service boards (CSSB); and~~
3. ~~The State of North Dakota acting through its North Dakota Department of Human Services (NDDHS), Office of Economic Assistance.~~

The purpose of the MOU is to:

1. Define the responsibilities of the parties with respect to the administration and coordination of North Dakota's TANF Program and the Tribal NEW programs within North Dakota;
2. Outline the interaction between the Department, Human Service Zones ~~county social services~~, and the three (3) ~~four (4)~~ Tribal NEW programs within North Dakota; and
3. Define the specific referral criteria to be used when making referrals to the Tribal NEW programs within North Dakota.

To view this document, see Section 400-19-165-165, Tribal NEW Memorandum of Understanding. A signed copy of the document is maintained by the North Dakota Department of Health and Human Services.

## **6. Referrals to Tribal NEW Programs 400-19-80-15**

The Tribal Native Employment Works (NEW) Programs may provide services to Native Americans, as defined in the Memorandum of Understanding (MOU). Based on the TANF State Plan, effective October 1, 2007, participants in the Tribal NEW programs are excluded in the work participation rate calculation.

All individuals referred must contact Tribal NEW within seven (7) days from the date of the referral and attend their scheduled appointment to develop a Tribal NEW service plan.

If the individual fails to comply, Tribal NEW must immediately return the referral to the TANF Eligibility Worker. The TANF Eligibility Worker must:

1. In the case of a new application, deny the application; or
2. In an ongoing case, the good cause determination process must be initiated and a sanction imposed if good cause is not shown.

Based on each tribe's service area, Tribal NEW programs in North Dakota agree to serve Native American TANF clients from their own Tribe as well as any other federally-recognized Tribe. Individuals should be referred to the Tribal NEW program based on the following:

Standing Rock Sioux Tribe, Tribal NEW Program:

Standing Rock Tribal NEW shall provide services to Native American TANF clients from the Standing Rock Sioux Tribe as well as those who are from out-of-state (federally recognized) tribes residing in Sioux County, Morton County or Burleigh County who are:

- attending or planning to attend either post-secondary or vocational education; or
- who have completed high school or a General Educational Development (GED) and wish to pursue advanced education; or
- who are age twenty or older and have not completed high school or a GED and wish to pursue GED.

Spirit Lake Sioux Tribe, Tribal NEW Program:

Spirit Lake Tribal NEW program shall provide services to Native American TANF clients from the Spirit Lake Sioux tribe as well as those who are from out-of-state (federally recognized) tribes residing in North Dakota wishing to pursue advanced education and are attending or planning to attend post-secondary or vocational education in Devils Lake, Ellendale, Jamestown, Ft. Totten, Fargo, Valley City, or Wahpeton, should be referred to the Spirit Lake Tribal NEW program.

Spirit Lake Tribal NEW program shall provide services to Native American TANF clients from the Spirit Lake Sioux tribe residing in the service area who are age twenty or older and have not completed high school or a GED.

Turtle Mountain Band of Chippewa, Tribal NEW Program

Turtle Mountain Band of Chippewa (TMBC) Tribal NEW program shall provide services to enrolled TMBC Native American TANF clients residing on or off the Turtle Mountain Band of Chippewa reservation who are attending or planning to attend post-secondary or vocational education. TMBC shall provide services to Native American TANF clients from a federally recognized tribe residing on the Turtle Mountain and of Chippewa reservation.

TMBC shall serve Native American TANF clients residing within Rolette County:



- A child, over the age of 16, who has dropped out of school and is a dependent of a Tribal NEW participant.
- All Native American TANF caretakers residing within Rolette County, who are age 25 or older, who have not completed high school or a General Education Development (GED) and wish to pursue completion of a high school diploma or General Educational Development (GEG);

~~1. Standing Rock Sioux Tribal New will provide services to Native American TANF recipients from Standing Rock Sioux tribe as follows:~~

- ~~1. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education regardless of where they are attending school in the State; and~~
- ~~2. Native American TANF recipients age 20 or older, residing in Sioux County who do not have a high school diploma or GED;~~

~~2. Spirit Lake Sioux Tribal program will provide services to Native American TANF recipients from the Spirit Lake Sioux tribe as follows:~~

- ~~1. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State; and~~
- ~~2. Native American TANF recipients who reside in Benson County who have completed high school or GED and are actively enrolled in higher education;~~

~~3. Three Affiliated Tribal NEW program will provide services to Native American TANF recipients from Three Affiliated Tribes as follows:~~

- ~~1. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State;~~
- ~~2. Native American TANF recipients residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties who have completed high school or a GED and express an interest in further education;~~
- ~~c. Native American TANF recipients residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties whose TANF eligibility is expected to end within the next 12 months;~~
- ~~d. Native American TANF recipients who are residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties who are age 20 or older and do not have a high school diploma or GED;~~

4. ~~Turtle Mountain Band of Chippewa (TMBC) Tribal NEW program will provide services to Native American TANF recipients from the TMCB as follows:~~

- ~~1. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State;~~
- ~~2. Native American TANF recipients residing within Rolette County, who are age 25 or older, and who express an interest in pursuing a high school diploma or GED;~~
- ~~c. Native American TANF children over age 16 residing within Rolette County who are a dependent of a Tribal NEW participant and who have dropped out of school;~~
- ~~d. Native American TANF clients residing within Rolette County who are attending post-secondary or vocational education.~~

~~**Example #1:** A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Ft. Yates, ND, and attending or planning to attend post-secondary education should be referred to the Standing Rock Tribal NEW program.~~

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~~**Example #2:** A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Belcourt, ND, and attending or planning to attend post-secondary education should be referred to the Standing Rock Tribal NEW program.~~

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~~**Example #3:** A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Fargo, ND, and attending or planning to attend post-secondary education, should be referred to the Standing Rock Tribal NEW program.~~

5. ~~Native American TANF clients from out of state tribes who are residing in North Dakota and are attending or planning to attend either post-secondary or vocational education should be referred to the Tribal NEW program designated to serve out of state tribal members, as identified below:~~

- ~~1. Native American TANF clients from out of state tribes who are residing in North Dakota and are attending or planning to attend post-secondary or vocational education in Dickinson, Minot, New Town, or Williston should be referred to the Three Affiliated Tribes Tribal NEW program.~~
- ~~2. Native American TANF clients from out of state tribes who are residing in North Dakota and are attending or planning to attend post-secondary~~

~~or vocational education in Belcourt, Mayville, or Grand Forks should be referred to the Turtle Mountain Tribal NEW program.~~

- ~~c. Native American TANF clients from out of state tribes who are residing in North Dakota and are attending or planning to attend post-secondary or vocational education in Devils Lake, Ellendale, Jamestown, Ft. Totten, Fargo, Valley City, or Wahpeton should be referred to the Spirit Lake Tribal NEW program.~~
- ~~d. Native American TANF clients from out of state tribes who are residing in North Dakota and are attending or planning to attend either post-secondary or vocational education in Bismarck or Ft. Yates should be referred to the Standing Rock Tribal NEW program.~~

If, for any reason, a TANF client is not accepted for enrollment in the Tribal NEW program, Tribal NEW staff must immediately notify the referring county social service office of that fact. The TANF client must then be referred to the State JOBS program by the TANF Eligibility Worker.

Individuals who are referred to Tribal NEW must comply with TANF Up-front Eligibility requirements as outlined in Section 400-19-35-10. Those individuals, who fail to comply with the TANF Up-front Eligibility requirements, will have their TANF application denied.

Individuals who are sanctioned through Tribal NEW must cure the sanction through the Tribal NEW program if they are required to be referred to Tribal NEW, based on the criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs. If the individual is not required to be referred to Tribal NEW the individual can cure their sanction through State JOBS.

Individuals who were sanctioned through State JOBS and are required to be referred to Tribal NEW will be allowed to complete their Proof of Performance through Tribal NEW.

## **7. Continuation of Services - Tribal NEW Program 400-19-80-20**

Individuals who are referred to the Tribal NEW program are to remain with the Tribal NEW program until:

- ~~1. The TANF case has closed for a full calendar month; or~~
- 1. The goals and objectives identified in their Tribal NEW Service Employability Plan (EP) have been completed (e.g. the client has completed their education); or
- 2. The goals and objectives identified in their Tribal NEW Service Plan EP are no longer applicable (e.g. the individual has dropped out of post-

secondary education or no longer plans on completing the educational program).

When an individual has completed the goals and objectives or the goals and objectives are no longer applicable, the individual must be referred to the State JOBS program unless the individual:

1. Becomes exempt; or
2. Has been granted good cause for non-participation in the JOBS program; or
3. Meets the referral criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs.

~~See section 400-19-165-160 to view the Tribal NEW Coordinators Directory~~

#### 8. Tribal NEW Service **Employability** Plans 400-19-80-35

Tribal NEW shall provide the TANF ~~E~~eligibility ~~W~~worker with a copy of each TANF Tribal NEW participant's initial **Employability** Service Plan (SEP) no later than 30 calendar days after the date of referral. Since the SEP identifies a participant's need for child care and transportation assistance it is very important that the TANF ~~E~~eligibility ~~W~~worker receive a copy of a participant's SEP as soon as possible.

Tribal NEW may approve an SEP for a Tribal NEW participant residing in a Tribal NEW service area to complete education outside that service area. The SEP must be approved prior to relocation. The SEP must specify the approved **education** training, beginning and ending dates, and include a class schedule at the beginning of each school term.

Tribal NEW must advise the **Human Service Zone (HSZ)** ~~county~~ immediately if there is any change in school status. ~~If a Tribal NEW participant withdraws from school and continues to reside in a non-tribal NEW service area, the individual may continue to be a Tribal NEW participant if the SP is revised and received by the TANF Eligibility Worker during the full calendar month following the date of the individual's withdrawal from school.~~

~~If the SP is not revised within the allotted time or if Tribal NEW terminates the individual's participation in Tribal NEW, the individual must be referred to the State JOBS Program.~~

At a minimum, the Tribal NEW Coordinator must provide updated copies of the SEP's for all Tribal NEW participants ~~to the appropriate TANF Eligibility Worker, as follows:~~

1. ~~For a participant in educational activities, a copy of the participant's updated SEP must be provided~~ In the month prior to the first month of each school term or beginning of each school term;
2. ~~For a participant involved in non-educational activities, a copy of an updated SEP must be provided at least once every 6 months; and~~
2. 3. For a participant who is existing participants moving from one area of the state to another along with a revised an SEP that includes the activity and relocation which must be approved prior to relocation.

**Note:** The receiving HSZ ~~county social service~~ office is required to create a new referral to Tribal NEW program and the participant is expected to continue involvement in Tribal NEW.

3. All SEPs must identify the TANF Tribal NEW participant's approved activity or activities, scheduled hours, start date for each activity, the expected completion date for each activity, anticipated supportive services provided by Tribal NEW, and requests for state childcare and transportation assistance.

#### **9. Tribal NEW Sanctions 400-19-80-40**

A sanction recommended by Tribal NEW will have the same impact on an individual and will be processed in the same manner as a sanction recommended by the State JOBS program. The process for imposing a sanction against a Tribal NEW participant is the same as that described in Section 400-19-85-15, Imposing a JOBS or Tribal NEW Sanction an Open Case or Section 400-19-85-20, Imposing a JOBS or Tribal NEW Sanction on a Closed Case.

Once a referred TANF client keeps the initial appointment with Tribal NEW, the TANF client will be considered a Tribal NEW participant. If the participant then fails to comply with the requirements of the Tribal NEW Service Employability Plan (EP), Tribal NEW staff shall determine if the participant had good cause for failure to comply.

1. If Tribal NEW determines the participant had good cause for the failure to comply, a recommendation for sanction will not be made and the participant will be expected to continue involvement in Tribal NEW.
2. If Tribal NEW determines that the participant did not have good cause for the failure to comply, Tribal NEW shall recommend a sanction be imposed against the participant. Tribal NEW shall include a written detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (if a good cause reason was provided), and any actions taken.

When action is taken to reduce a Tribal NEW participant's TANF grant, the individual has a right to appeal the adverse action. An appeal regarding a TANF grant reduction will be heard by the Office of Administrative Hearings in accordance with N.D.A.C. § 75-01-03. For additional information regarding the appeal process, see Section 400-19-125-15, Requesting a Fair Hearing – JOBS or Tribal NEW Sanction.

A Tribal NEW participant may also have appeal rights with respect to decisions or actions made within the Tribal NEW program. Tribal NEW participants should be encouraged to speak with the Director of their respective Tribal NEW program to determine their right to and process for appeals within Tribal NEW.

#### **10. Transportation Assistance for Tribal NEW Participants 400-19-80-55**

Transportation Assistance of up to \$150.00 per month may be paid to a Tribal NEW participant when approved by the Tribal NEW Coordinator and authorized by the TANF ~~E~~eligibility ~~W~~worker.

Transportation assistance may be utilized for monthly transportation expenses for the Tribal NEW participant's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from obtaining or legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the Tribal NEW Coordinator provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the Tribal NEW Coordinator.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in Tribal NEW, the Tribal NEW Coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Tribal NEW Employability Plan (EP) ~~service plan~~. Any changes in the participant's anticipated transportation needs should be communicated to the TANF ~~E~~eligibility ~~W~~worker in writing.

**Note:** Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

If transportation assistance is based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the ~~EP Service Plan~~. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by \$0.45, the current reimbursement rate for travel under the TANF program.

When public transportation or informal transportation arrangements are used, the participant must review their transportation needs and plan with the Tribal NEW Coordinator. If appropriate, the Tribal NEW Coordinator will approve the individual's plan.

Payments for Transportation Assistance are issued to the recipients via the TANF electronic payment card or are paid to the vendor utilizing the Vendor Payment process.

#### Advance Transportation Assistance Payments

The ~~TANF~~ Eligibility Worker shall not provide a transportation assistance payment to an individual who is being referred to Tribal NEW until the individual's case has been approved, unless the ~~TANF~~ Eligibility Worker or Tribal NEW Coordinator determines that an individual would be unable to participate without receiving transportation assistance.

- When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a POP, the payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant (or is provided through Tribal NEW as appropriate).

**Note:** The ~~TANF~~ Eligibility Worker may decide not to allow another Transportation assistance payment to the individual until the outstanding sanction is cured.

- When an advance transportation assistance payment is provided to a non-sanctioned individual, the advance payment should be sufficient to cover the individual's transportation expenses to attend the Orientation and develop the Tribal New service EP.

When a TANF ~~Eligibility~~ Worker determines the need for an advance transportation payment, the ~~Eligibility~~ Worker is to inform the Tribal NEW Coordinator that an advance payment was made.

## 11. Proof of Performance (POP) 400-19-90-10

A Proof of Performance (POP) is a specific period of time, of not less than 10 and not more than 30 days, during which a sanctioned individual can cure their JOBS or Tribal NEW sanction by demonstrating successful participation in the Program. It is the responsibility of the sanctioned individual to contact the JOBS Employment Contractor or Tribal NEW Coordinator to begin the process of curing the sanction.

A sanctioned individual is required to complete a POP Period. To complete a POP period, the individual must comply with the requirements of their JOBS ~~or Employment Plan/Tribal NEW Service~~ Employability Plan (EP) for the entire period. The length of the POP period is determined based on the number of sanctions that have been imposed against that individual. TANF policy recommends POP periods of:

- A minimum of 10 calendar days for the first JOBS sanction; and
- Fifteen (15) calendar days for all subsequent JOBS sanctions.

The expectations for the POP as well as its anticipated end-date shall be outlined on the individual's ~~JOBS Employability Plan (EP) or Tribal NEW Service Plan~~. When appropriate, information from the previous ~~Plan EP~~ should be included in the new Plan EP. A copy of the Plan EP shall be provided to the participant as well as to the eligibility worker.

A POP is considered "started" the day an individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator, in person or by phone, to create the Plan EP and outline the expectations for the POP.

For new and reapplications: A new referral is required. Only one POP (JOBS or Tribal NEW) may be attempted per application.

1. If a sanctioned individual successfully completes the POP, eligible members of the household are provided a TANF benefit prorated from the application date.
2. If a sanctioned individual fails to comply or does not complete all requirements outlined in the Plan EP, the POP is considered to be incomplete, the application must be denied, and the individual must reapply if they wish to receive future benefits.



For ongoing cases, in order to avoid the Month of Ineligibility, a POP must begin no later than the last day of the Sanction Penalty Month and be successfully completed.

**Note:** A new referral must not be created in the Sanction Penalty Month as the case is still open and the current referral remains in effect.

Individuals may attempt multiple POP periods during the Sanction Penalty Month. If an individual fails or refuses to comply or does not complete all requirements outlined in the Plan EP, the POP is considered to be incomplete. The individual must begin and successfully complete a new POP in order to cure the sanction. For each new POP, a new Plan EP must be developed.

**Example:** An individual is sanctioned effective January, which is the Sanction Penalty Month. The individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator on January 5th to create a Plan which outlines the expectations for the POP. The individual complies with the requirements listed in the Plan for five days and then fails or refuses to continue. The POP is considered to be incomplete. The case will close, effective January 31, for 'Sanction Progression'.

On January 15th, the sanctioned individual contacts the JOBS Employment Contractor or Tribal NEW Coordinator to begin a new POP. A new Plan EP is developed. The individual complies with the requirements of the Plan EP and the POP is considered successfully completed. The household will remain eligible and the case will not progress to close.

## 12. Disqualification in Another State 400-19-137-50

A disqualification imposed on an individual in another state must also be imposed in North Dakota. The Human Service Zone (HSZ) county must obtain copies of court decisions, administrative disqualification hearing determinations, signed disqualification consent agreements or administrative disqualification hearing waivers in electronic or hard copy. If the county needs assistance in obtaining the verification, contact the State Policy Staff.

An individual who is found to have committed an Intentional Program Violation (IPV) by a state administration, disqualification proceedings, or by a federal or state court must be subject to the penalties provided in N.D.A.C. 75-02-01.2-72(2) & (5) and the individual's needs may not be included in the TANF benefit.

1. If another state takes action against an individual who has moved to North Dakota and the individual is found guilty of fraud or an Intentional Program

Violation (IPV) in that state, the HSZ county must impose the proper IPV disqualification in North Dakota.

2. If the individual is under a disqualification for an IPV in another state when they move to North Dakota and the individual served a portion of the disqualification in the other state, the individual must serve the remainder of the penalty in North Dakota.
  - ~~○ In these situations, the county must create a Disqualification in Vision, with a type of 'IPV Out of State' and enter the disqualification period assigned by the other state.~~
3. If the individual has an IPV and served the disqualification period in another state before coming to North Dakota, the penalty must be entered into the automated computer system.
  - ~~○ In these situations, the county must create a Disqualification type of 'IPV Out of State (SV)' and enter the appropriate number of completed Out of State IPV's in Vision.~~
4. An individual disqualified permanently due to having three or more IPV's in another state continues to be disqualified in North Dakota.
  - ~~○ In these situations, the county must create a Disqualification type of 'IPV Out of State (SV)' and enter the appropriate number (3) of completed Out of State IPV's in Vision.~~
5. An individual disqualified for having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states continues to be disqualified in North Dakota.
  - ~~○ In these situations, the county must create a Disqualification type of 'Dual Benefits Court' and enter the start date in Vision. The system will default a 10-year period. The county will need to contact State TANF/JOBS policy staff to have the period updated to match the other state's disqualification period.~~

### **13. JOBS Supportive Services - Transition Assistance 400-19-150-35**

Recipients of Transition Assistance may also be eligible to receive JOBS JOGS Supportive Services, provided the individual is a participant of the Job Opportunity and Basic Skills (JOBS) Program. (See Section 400-19-65-15 Types of JOBS Supportive Services.)

### **14. Tribal NEW Coordinators' Directory 400-19-165-170**

~~This Directory is available electronically through the link shown below and may be printed locally.~~

~~This Directory includes the Tribal NEW Coordinator's names, mailing addresses, phone numbers, fax numbers, and email addresses.~~

~~Tribal NEW Coordinator Directory (7 kb rtf)~~