

PHILADELPHIA UNEMPLOYMENT PROJECT

1201 Chestnut Street - Room 702

Philadelphia, PA 19107

(215) 557-0822

FAX (215) 557-6981

e-mail to: pupvic@libertynet.org

or

philaup@aol.com



EMBARGOED MATERIAL

RECEIVED
REGULATORY REVIEW COMMISSION
AUG 13 11 08 AM '02

August 2, 2002

Independent Regulatory Review Commission
33 Market Street
Harrisburg, PA, 17120

Dear Members of the IRRC:

I am writing on behalf of welfare recipients in Philadelphia who wish to echo the concerns raised by Community Legal Services and others across the state who would like to urge changes to DPW's TANF final form regulations which are currently before the IRRC.

While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment.

Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

Some specific concerns:

The regulations are not clear about what counts toward the 60 month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count

toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

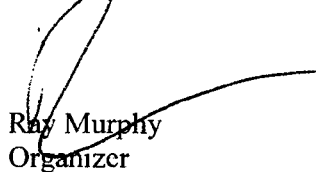
The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,



Ray Murphy
Organizer

cc: Secretary Feather Houstoun

RP
8/6
4:05 PM

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Feather Houstoun
Agency: Department of Public Welfare
Phone: 7-2600
Fax: 2-2062

From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 6, 2002
of Pages: 4

RE: Department of Public Welfare's Regulation #14-472 (IRRC #2224)

URGENT!

Section 5(j) of the Regulatory Review Act (71P.S. §745.5(j)) requires us to forward to you any documents we receive, during the 48-hour blackout preceding our public meeting, within 24 hours of our receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**



ORIGINAL: 2224
NORTHERN TIER COMMUNITY ACTION CORP.
 POST OFFICE BOX 389, EMPORIUM, PENNSYLVANIA 15834
 VOICE: (814) 486-1161 / FAX: (814) 486-0625

KENNETH P. STRAUB
 EXECUTIVE DIRECTOR

Independent Regulatory Review Commission
 33 Market Street
 Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations, which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems that need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. **Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.**

The regulations are not clear about what counts toward the 60-month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60-month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60-month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that

exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate childcare. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

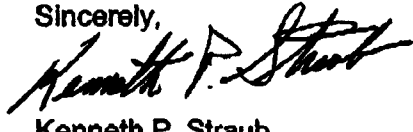
The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

USAH for


Kenneth P. Straub

Executive Director

cc: Secretary Feather Houston
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120



NORTHERN TIER COMMUNITY ACTION CORP.

POST OFFICE BOX 389, EMPORIUM, PENNSYLVANIA 15834
 VOICE: (814) 486-1161 / FAX: (814) 486-0825

KENNETH P. STRAUB
 EXECUTIVE DIRECTOR

FAX TRANSMITTAL SHEET

Date: 8-8-02

Time: 3:10 pm

To: INDEPENDENT REGULATORY REVIEW COMMISSION

Fax Number: 717.783.2664

Number of Pages (including cover): 4

From: KENNETH P. STRAUB

Message: LETTER FOR YOUR CONSIDERATION.

THANK YOU,
KENNETH P. STRAUB

This message is intended for the sole use of the addressee. If you have received this in error, please notify Northern Tier at the aforementioned phone number and then destroy the facsimile. Thank you in advance for your cooperation in this matter.

ORIGINAL: 2224
Faxed Rec'd 8/5/2002



Emma T. Lucas, Ph.D, LSW
President

Rebecca S. Myers, LSW
Executive Director
exec@nasw-pa.org

FAXED
8-5-02

August 5, 2002

BY FAX: (717) 783-2664
Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. **Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.**

The regulations are not clear about what counts toward the 60 month time limit. DPW has failed to distinguish "non-assistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

PENNSYLVANIA CHAPTER

National Association of Social Workers

1337 North Front Street • Harrisburg, PA 17102-2629 • (717) 232-4125 • (800) 272-6279 • FAX (717) 232-4140
www.nasw-pa.org

2002 AUG -0 AM 9:36
RECEIVED
INDEPENDENT REGULATORY REVIEW COMMISSION

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

Rebecca S. Myers, LSW
Executive Director

cc: Secretary Feather Houstoun
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120



Gloria Guard
EXECUTIVE DIRECTOR

Grant Rawdin, Esq.
PRESIDENT

ADMINISTRATION
Rowan House
325 North 39TH Street
Philadelphia, PA 19104-4656
Phone: 215-382-7523
Fax: 215-386-6290
eMail: pec@pec-cares.org

SHELTER & SERVICES
3902 Spring Garden Street
Philadelphia, PA 19104-4655
Phone: 215-382-7521
Fax: 215-349-9099
WEB SITE: www.pec-cares.org

EMBARGOED MATERIAL

BY FAX: (717) 783-2664
Independent Regulatory Review Commission
33 Market Street
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60-month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60-month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60-month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises



A United Way Agency

State law requires us to tell you that PEC is registered as a charitable organization with the Commonwealth. You can obtain a copy of our registration and financial information by calling toll free within Pennsylvania 1-800-732-0999. Registration does not imply endorsement.

control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

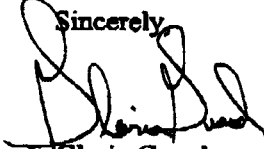
The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

Gloria Guard

cc: Secretary Feather Houston
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120

INDEPENDENT REGULATORY REVIEW COMMISSION

207
for of
8/7
4/5 P.

To: Feather Houstoun
Agency: Department of Public Welfare
Phone: 7-2600
Fax: 2-2062

From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 7, 2002
of Pages: 4

RE: Department of Public Welfare's Regulation #14-472 (IRRC #2224 number)

URGENT!

Section 5(j) of the Regulatory Review Act (71P.S. §745.5(j)) requires us to forward to you any documents we receive, during the 48-hour blackout preceding our public meeting, within 24 hours of our receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

Original: 2224

EMBARGOED MATERIAL

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60 month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, ^g141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week of work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, ^g281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, ^g151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, ^g123.22,161.1.

01-2-02 17:09 FAX 2155615346

EMBARGOED MATERIAL

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours."

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, ^g165.31. The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, ^g165.22(c).

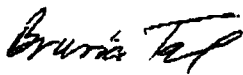
The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, ^g165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, ^g165.22(a)(1). The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, ^g165.31 (c)(7). The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, ^g165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual^Rs work schedule. Compliance Review Regulation, ^g165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,



cc: Secretary Feather Houstoun
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120

RECEIVED
01:30 PM 1-20-02

92
8/8
8:15 am

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Feather Houstoun
Agency: Department of Public Welfare
Phone: 7-2600
Fax: 2-2062

From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 8, 2002
of Pages: 3

RE: Department of Public Welfare's Regulation #14-472 (IRRC #2224)

URGENT!

Section 5(j) of the Regulatory Review Act (71P.S. §745.5(j)) requires us to forward to you any documents we receive, during the 48-hour blackout preceding our public meeting, within 24 hours of our receipt. Please distribute this material to the appropriate regulatory staff as soon as possible.



Greater Philadelphia Urban Affairs Coalition

1207 Chestnut Street, Suite 218, Philadelphia, PA 19107-4102
215-851-1915 FAX 215-851-1965 e-mail: cverrier@gpuac.org

EMBARGOED MATERIAL

Blueprint to End Homelessness

Sharmain Matlock-Turner
President/Executive Director
Christine H. Verrier, Esq.
Director

Co-chairs
Gloria M. Guard
Michael Hinson
Thomas B. O'Rourke

Implementation Committee

Judith L. Bardos
Phillip Beltz
Alicia Christian
Joanne Davidow
Robert Downing
Sally Fisher
Elaine Fox
Julia D. Hincley
Fraderrita Kissen
Winnie Lau
Rev. Herbert Lusk
Dr. Stanley Lynch
Jannine Miller
Dainette Mintz
John Moscatelli
Michael Nardone
Sherry C. Pallet
Sr. Mary Sullion
Rev. Henry Wells

BY FAX: (717) 783-2664
Independent Regulatory Review Commission
33 Market Street
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60 month time limit. DPW has

failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a

Bringing together business and community leaders to solve urban problems.

RECEIVED COMMISSION
2002 AUG -5 PM 1:20

child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

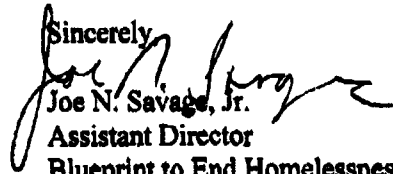
The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the

regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely

Joe N. Savage, Jr.
Assistant Director
Blueprint to End Homelessness
Greater Philadelphia Urban Affairs Coalition

cc: Secretary Feather Houston
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120

RP
8/6
4:05 PM

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Feather Houstoun
Agency: Department of Public Welfare
Phone: 7-2600
Fax: 2-2062

From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 6, 2002
of Pages: 4

RE: Department of Public Welfare's Regulation #14-472 (IRRC #2224)

URGENT!

Section 5(j) of the Regulatory Review Act (71P.S. §745.5(j)) requires us to forward to you any documents we receive, during the 48-hour blackout preceding our public meeting, within 24 hours of our receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**



TEMPLE UNIVERSITY
A Commonwealth University

School of Social Administration

Philadelphia, Pennsylvania 19122
MSW Program (215) 204-8621
BSW Program (215) 204-7611
FAX: (215) 204-9806

Independent Regulatory Review Commission FAX: (717) 783-
2664
33 Market Street
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

To Members of the IRRC:

Due to the many problems which still need to be addressed regarding TANF regulations, I am writing to urge that important changes be made to DPW's TANF final form regulations before final approval of these regulations.

Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment.

Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60 month time limit.

DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the

2002-05-06 PM 2:26
Independent Regulatory Commission

definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations.

Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered

discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

Felice Perlmutter
Professor Emeritus

cc: Secretary Feather Houstoun

**BEFORE THE INDEPENDENT
REGULATORY REVIEW COMMISSION**

REGULATORY REVIEW COMMISSION
2014-003-6 01/17/10

**Comments Regarding the Adoption of
Department of Public Welfare's
Final Regulations
(TANF Regulations)**

#14-447

On behalf of our thousands of clients, who depend upon the TANF program for their subsistence, and on behalf of various grassroots community organizations, including the Philadelphia Welfare Rights Organization, the Philadelphia Unemployment Project, the Mon Valley Unemployed Committee, Success Against the Odds and Just Harvest of Pittsburgh, we urge the IRRC to reject the final TANF regulations recently submitted by the Department of Public Welfare.

Issues Remaining in the DPW TANF regulations

Despite considerable improvement and responsiveness to the concerns of commentators, there are a number of issues raised by the DPW regulations currently before the IRRC. One must bear in mind that a number of the regulations were written in response to comments, but were never seen in draft form prior to their submission as final form regulations. This, then, is the first time that any members of the public have had the opportunity to comment on the actual wording of these regulations. Other regulations were revised, not in response to public comment, but on DPW's own initiative. These changes have also not been subject to public or legislative comment. In addition, there are sections of the regulations where it appears that there may have been drafting errors, or where the wording of the final form regulations do not accurately reflect DPW policy as we understand it. We had hoped that these regulations could be withdrawn so that appropriate amendments could be made or that the agency would agree to tolling so that the same thing could be accomplished, however, DPW has insisted on proceeding with the regulations as written, leaving us with no choice but to oppose these regulations.

In the sections that follow we outline the reason for our opposition, and where we know DPW's position, we have attempted to explain why that position is unsatisfactory, including the situations where DPW has ignored suggestions and questions raised by the IRRC when these regulations were initially submitted as proposed. We wish to point out that DPW has waited five years to develop these regulations and that the changes we are suggesting could be made relatively quickly.

Time limit regulations, 141.41(d): the draft for the first time sets out standards for the time out program and for computation of the 60 months. This in itself violates the IRRC instructions and the Department's representation of how it wished to proceed. The IRRC letter of December 20, 2001 said that the Department said it would publish these *proposed* regulations as soon as possible. Now, however, DPW has denied that it made such a commitment and published these "time out" regulations as if they were final form omitted regulations, denying the public the opportunity to comment. The Department cites to an opportunity to comment after the regulations become final, but that opportunity illusory, given the lack of assurance that the comments will be addressed and taken seriously, or that the Department has any inclination to make further changes.

Moreover, the regulations reject our suggestion for a brief enumeration of the four exceptions to the five-year time limit, a question also raised by the IRRC. For example, the regulations omit short term, emergency nonassistance (which was anticipated, given that DPW informally expressed opposition in starting a new program), but, more significantly, since there should be no substantive disagreement, the regulations fail to make it clear that existing and future DPW programs providing cash benefits do not count toward the 60 months limit because they are "nonassistance" programs, as federal regulations define that term. See 45 C.F.R. § 260.3. For example, services funded with federal TANF dollars and stipends offered by special programs, such as JRARRE, are currently ignored in the calculation of the 60-month time limit, but the proposed regulations do not exempt them from the 60-month computation. DPW's answer that its regulations only apply to assistance, is not persuasive, since it offers no definition of assistance that is similar to the federal definition, leaving recipients of these funds at risk of having the funds they receive counted in the computation of the 60 month period. Similarly, the regulation fails to name the other exceptions: hardship, state-funded programs, and DV,

all of which it had been urged to list by the IRRC. We reiterate, our position is not to regulate these programs in a way that stifles further innovation, rather, it is to urge the adoption of a regulatory framework that describes the exceptions to prevent misapplications of the law.

Time out regulations, 281.1: the new time out program regulations, which are only published for the first time in these final regulations, do not allow enough flexibility in that they limit the Department to only the five enumerated time outs currently in effect and do not describe the unifying principle, namely, that TANF cash assistance programs funded with state dollars do not count toward ⁽¹⁾ the 60 month limit. It is important to add this provision should the Department wish to expand the number of time outs in the future. Such a provision would preserve flexibility by allowing for other programs in addition to the five time out programs already listed.

In addition, one of the rationales for the time out programs is to reward those doing more than the minimum, thus the requirements are set at the federal participation targets (i.e., 30 hours for single parents, 55 hours for two parent families), rather than merely requiring the individual to exceed the 20 hours prescribed as the work requirement in Act 35. However, under the regulation DPW has published for the first time, the time out requirement for single parents with children under 6 is set at 30 hours, even though federal law considers those parents to be fully participating when the parent is working for 20 hours per week. 42 U.S.C. § 607(c)(2)(B). This is, of course, a recognition of the difficulty parents of young children experience when trying to seek and accept employment. The time out regulations should acknowledge that parents with young children can get a time out if their work effort exceeds 20 hours, not the 30 hours required of parents of older children. Had these regulations been published as proposed, such suggestions could already have been weighed responded to by DPW; instead the time regulations appeared for the first time as final in this draft. It is not enough for DPW to now say it didn't have to choose the position we are advocating for, rather, we would like the suggestion to be formally considered in the rulemaking process.

In the important area of Domestic Violence, the new time out regulations define "victim of domestic violence" as an individual who has been subjected to domestic violence, as defined in 187.22. However, DPW has already agreed that domestic violence may include threats of future domestic violence, so that the definition should read, "An individual who is **or** has been subjected to domestic violence **or who is at risk of further domestic violence**, as defined by 187.22." (Suggested language in **bold**.) We suspect that this deviation is unintentional, but a change should be made nonetheless, to avoid possible confusion.

Another problem with the regulations is the limit of the domestic violence time out to 12 months in a lifetime. DPW has, for the first time, announced its intent to put such a restriction in regulatory form. While one would hope that such a one-year time out for domestic violence would be adequate in most cases, there certainly will be exceptional cases that should be dealt with on a case-by-case basis, where more than 12 months in a lifetime will be necessary. Individuals experiencing protracted difficulty with Domestic Violence should be afforded an appropriate Time Out when they experiencing the problem, rather than hoping they can raise it years later when they seek an extension of TANF.

Temporary absence of a child, 151.43(d)(1): in the first proposal commentators objected to two provisions of this regulation providing for eligibility for TANF while a child was temporarily residing elsewhere, so that a parent could maintain a permanent household. While one concern with the regulation has been resolved two serious issues remain. First, DPW insists that parents who fail to report that a child's temporary status has changed will be sanctioned by being disqualified for 30 days.

Several commentators initially objected to this on the grounds that it was not authorized by statute. In response, DPW now insists that it has the general rule making power to invent new sanctions for perceived transgressions, even though the Legislature has previously been viewed as the only source of such punishment. Such a usurpation of authority is illegal and sets a dangerous precedent.

Second, perhaps inadvertently, the regulations say that when a “child is living at a school to which the relative has to turn over control of the child, the RELATIVE will not be eligible for TANF.” This is wrong, since the relative may have other children living with her and therefore still be eligible for TANF; what the regulation undoubtedly should say is that the relative is ineligible insofar as she is relying on the relationship with the absent child to qualify for TANF. DPW’s response, that the regulation *assumes* only one child, is unconvincing – regulations should clearly state such assumptions.

Assessment, 165.1 & 123.22: despite the clear mandate of state and federal law, the regulations still do not make it clear when and how an individual is to be assessed. Federal law is clear that these assessments must be done promptly in every case. Both the IRRC and the minority chair of the Senate Public Welfare Committee requested that the Department explain its *procedures* for doing assessments. The regulations do not do so.

Appropriate child care, 165.2: in order to make it clear that parents will be required to work only where there is appropriate child care, a requirement of federal law, DPW has added a definition of appropriate care and usually, but not always, made reference to appropriate care in other regulations (see 165.21(c)(2) and 165.25(2), where the term “appropriate” is left out, despite IRRC instruction). However, aside from not making consistent reference to “appropriate” care, the new definition is inadequate in that all it defines “appropriate care” as care that meets the requirements of applicable state regulations, which, in the case of informal care (otherwise known as “unregulated care”), does not need to comply with *any* regulatory standards. Nowhere does it say in this definition that the care must be appropriate to the individual child and his or her needs, or that the care meet any safety or health requirements that are in excess of the state regulations -- a key point for informal care, since there are no state standards. Additionally, this section replaces a good cause section that excused those who could not find “adequate child care for children who need close supervision, particularly [during] other than normal daylight hours.” As such, while we welcome the attempt to define “appropriate,” the actual definition, which was never before published, is wanting, contrary to the instruction of the IRRC to develop such a definition consistent with federal regulations, 45 C.F.R. § 261.56(b)(2)(ii).

Initial job search, 165.31: while acknowledging that state law, 62 Purdon’s Stat. § 405.1(a.2) (3) limits initial job search to a period not to exceed 8 weeks (and federal law also limits the counting of work search as a work activity to no more than 8 weeks), the regulation reads that DPW may require individuals to participate in “contractor-directed job search” of 8 weeks *plus* 90-120 days. This is clearly inconsistent with federal and state law. This too is a new provision to the regulations.

DPW now argues that it is a recipient’s choice to participate in either a contractor directed job search of 5 – 6 months or an independent job search of less than 2 months. While we welcome this policy, it should be reflected in the regulations.

Pursuit of education as good cause , 165.52(c): DPW has added language to allow individuals to meet work requirements through education when they have begun an educational program and are nearing completion of the program and therefore have good cause for finishing the educational program, instead of immediately switching to a work activity. However, contrary to existing policy, DPW added a provision limiting good cause to no more than 6 months. There will be circumstances where it may be appropriate to go beyond 6 months. The regulation needlessly imposes inflexibility where none needs exist, since ultimately it will be DPW who decides what will constitute “good cause.” We understand

that DPW does not read the regulation to so limit the recipient to 6 months, however, the wording suggests otherwise. The appropriate course of action is to insist that the regulation reflect DPW's intention, to avoid confusion at a later date.

Similarly, current DPW policy allows individuals to finish their secondary education, even if it extends beyond age 22, where there is good cause. The regulations inexplicably omit this policy.

Special allowances, 165.41(a): DPW has changed "is eligible to receive" special allowances to "may receive" special allowances, suggesting that it is within the discretion of the caseworker to decide. Even if this is not intended, this is an invitation to arbitrary and inconsistent decision making. Similar language was changed in the Child Care Works regulations, §165.46(a)(1), and should be done here as well.

Verification of eligibility for people with disabilities, 165.22(a)(1): solely on its own, DPW amended its proposed regulation, which kept the language that DPW workers "will" assist those having difficulty obtaining verification to say that workers "may" assist such individuals. Such unsolicited change is inappropriate and will, although unintended, increase the risk of abuse of people with disabilities.

Six month limit on Paid Work Experience, 165.31(c)(7): although the proposed regulations were silent on this subject, DPW has inserted language that limits eligibility for paid work experience to 6 months in a lifetime, with an exception only for compliance with the American's with Disabilities Act (ADA). Previously DPW had an unpublished policy to this effect has proven controversial and DPW entered into negotiations that ended with DPW agreeing to allow individuals to establish good cause for exceeding 6 months. Some individuals may have good cause for leaving prior to the end of the 6 month period due to obtaining employment, becoming ill or having a family member who needs attention. They should be allowed the benefit of a complete program, which is not possible with a strict six month in a lifetime restriction. Other individuals, although formally enrolled in a "paid work experience" program may not have been afforded the full array of statutorily mandated services. DPW has assured us that these exceptions are still permissible despite the language of this new regulation. Although we welcome this assurance, a legally enforceable policy would better serve both the Department and those working in the program.

Limitation on training, 165.31: the regulations place a 12-month limit on training, although they allow exceptions where there is good cause. According to the preamble, this good cause could include disability or inability to speak English, however the good cause regulations do not make this at all clear. We continue to see the need for a more general good cause exception as well as recognition that the ADA and Title VI, which, among other things, prohibits discrimination based on national origin, both require specific mention. If, indeed, it is DPW policy to allow good cause in these circumstances, the regulations should say so and set out the criteria to be used.

Compliance Review, 165.51: DPW has made a number of changes in response to objections that the proposed regulation was not required by statute and was unreasonable in doing away with important procedural protections.

First, the very first section of this regulation contains a typographical error that makes it hard to understand:

"A COMPLIANCE REVIEW WILL BE CONDUCTED WHEN INFORMATION INDICATES THAT A RECIPIENT MAY BE OUT OF COMPLIANCE [with?] RESET PARTICIPATION requirements." (Capitalization in original.) Obviously this sentence is missing the preposition "with" or some similar word.

Second, subsection (e) adds a special provision for individuals with disabilities, which we had urged, however, the new language only allows special treatment where the “caseworker *knows* that the individual has a disability” (emphasis added), a much more difficult standard to meet than the language in subsection (c) where the regulation instructs the caseworker to consider the facts presented by the recipient *and* the facts already known by the Department. The disparity in the wording will lead many to conclude that there are different standards for the two subsections. Moreover, nothing in this special section mentions the Americans with Disabilities Act and the obligation of the agency to make reasonable accommodation, even though that is one of the lynchpins of the ADA.

Finally, we note that the IRRC suggested in what is now subsection (b) that, in addition to taking into account an individual’s work schedule, etc., the regulation state what the caseworker is supposed to do, i.e., avoid scheduling conflicts.

For all of the foregoing reasons, we urge the IRRC to reject these regulations as written. While we welcome some of the clarifications made by the Department, the Commonwealth and its citizens will be better served by regulations that are clear and unambiguous than by regulations that are hastily adopted and which require reference to other materials in order to be fully understood.

Respectfully submitted,

Richard P. Weishaupt
Amy E. Hirsch
Community Legal Services,
Peter Zurflieh
Community Justice Project

Inc.

August 5, 2002

[1] DPW mistakenly maintains that commentators urged DPW to add its current Time Out policy to the regulations; that simply is not true. The commentators, including us, wanted DPW to provide a regulatory framework for the Time Out program that actually allowed for future expansion. Instead, DPW promulgated new regulations, not previously reviewed, without formally considering suggestion for modification, nor allowing for future expansion.

ORIGINAL: 2224

IRRC

From: Richard Weishaupt [RWeishaupt@clsphila.org]

Sent: Monday, August 05, 2002 4:27 PM

To: IRRC

Subject: TANFcomments -- final



01/19/06 11:01:10
www.irs.gov/efile

**Philadelphia
Health
Management
Corporation**

260 South Broad Street
Philadelphia, PA 19102-6085
Tel: 215.985.2500
Fax: 215.985.2550
www.phmc.org

Paul A. Dandridge, Esq.
Chairman of the Board

Richard J. Cohen, Ph.D., MACE
President

ORIGINAL: 2224

**Children, Youth and their Families Program
Facsimile Transmission Cover Sheet**

Date: August 5, 2002

TO: Independent Regulatory Review Commission
33 Market Street
Harrisburg, PA 17120



FAX: (717) 783-2664

FROM: Julie A. Friedman, Program Officer
Philadelphia Health Management Corporation

RETURN FAX: (215) 731-2199
DIRECT TELEPHONE: (215) 731-2104

of pages = 2

RECEIVED
INDEPENDENT REGULATORY REVIEW COMMISSION
AUG 5 2002 11:17 AM

Re: DPW Proposed TANF Regulations. Please note that I have reviewed the information sent to me from Community Legal Services, and that I agree with their recommendations.

Dear Members of the IRRC:

I am writing to urge changes to DPW's TANF final form regulations that are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems, which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60-month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60-month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60-month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1

The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the Regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1). The regulations fail to outline procedures for

This facsimile contains PRIVILEGED AND CONFIDENTIAL information intended only for the use of the recipient named above. If you are not the intended recipient, you are hereby notified that any sharing of this information is strictly prohibited; please notify the sender immediately.



completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §165.31(c)(7). The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(e).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

Julie A. Friedman, MSW, MS
Program Officer

cc: Secretary Feather Houston
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120

This facsimile contains PRIVILEGED AND CONFIDENTIAL information intended only for the use of the recipient named above. If you are not the intended recipient, you are hereby notified that any sharing of this information is strictly prohibited; please notify the sender immediately.

Maternity Care Coalition

Strengthening families, one baby at a time

ORIGINAL: 2224

2002-08-05 11:59

INDEPENDENT REGULATORY REVIEW COMMISSION



August 5, 2002

BY FAX: (717) 783-2664
Independent Regulatory Review Commission
33 Market Street
Harrisburg, PA 17120

2000 Hamilton Street
Suite 205
Philadelphia, PA 19130
Tel: 215-977-0700
Fax: 215-977-8266
www.noomobile.org

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations, which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems, which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

The regulations are not clear about what counts toward the 60-month time limit. DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60-month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

The timeout regulations are inappropriately narrow. Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60-month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.



The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading. The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

The regulations fail to outline procedures for completing assessments in accordance with state and federal law. Assessment Regulation, §§123.22, 161.1.

The regulations minimize the need for appropriate child care. The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search. Initial Job Search Regulation, §165.31.

The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy. Education Exemptions Regulation, §165.22(c).

The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances. Special Allowances Regulation, §165.41(a).

The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1).

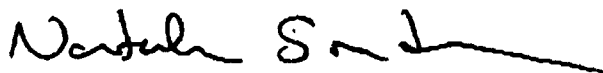
The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fail to establish good cause exceptions. Paid Work Experience Regulation, §165.31 (c)(7).

The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation, §165.31.

The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §165.51(c).

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,



**Natalie Sondheimer, LSW
Public Benefits Coordinator**

**cc: Secretary Feather Houston
Department of Public Welfare
Room 431, Health and Welfare Building
Harrisburg, PA 17120**