

# Regulatory Analysis Form

(Completed by Promulgating Agency)



# IRRC

Independent Regulatory Review Commission

## SECTION I: PROFILE

(1) Agency:

Department of Public Welfare  
Office of Income Maintenance  
Bureau of Employment and Training Programs

(2) Agency Number: 14-518

Identification Number:

IRRC Number:

2833

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(3) Short Title:

Revisions to the Special Allowances for Supportive Services Requirements

(4) PA Code Cite:

55 Pa. Code Chapter 165  
Road to Economic Self-sufficiency through Employment and Training (RESET) Program

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Dr. Bryon C. Noon, Director, Bureau of Employment and Training Programs, 717-787-1302, Health & Welfare Building, 2<sup>nd</sup> Floor West, 7<sup>th</sup> & Forster Streets, Harrisburg PA 17105, Fax number 717-787-4106, [bnoon@state.pa.us](mailto:bnoon@state.pa.us)

Secondary Contact: Tamila Lay, Division Director, Division of Policy, Research, Development and CAO Programs, 717-787-1302, Health & Welfare Building, 2<sup>nd</sup> Floor West, 7<sup>th</sup> & Forster Streets, Harrisburg PA 17015, Fax number 717-787-4106, [tlay@state.pa.us](mailto:tlay@state.pa.us)

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

Edward J. Zogby, Director, Bureau of Policy, 717-787-4081, 4<sup>th</sup> floor, Health & Welfare Building, Harrisburg, PA 17015, [ezogby@state.pa.us](mailto:ezogby@state.pa.us), 717-787-6765

(All Comments will appear on IRRC'S website)

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(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
  - Certification by the Governor
  - Certification by the Attorney General

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of this rulemaking is to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the greatest number of participants with a verified need for supportive services. This rulemaking amends regulations pertaining to special allowances for supportive services that the Department provides to individuals who apply for and receive cash assistance or Supplemental Nutrition Assistance Program (SNAP) benefits (formerly known as food stamps). This rulemaking amends both the maximum amount and the frequency for special allowances to maximize scarce resources.

(9) Include a schedule for review of the regulation including:

- |   |                         |
|---|-------------------------|
| A. The date by which the agency must receive public comments:                               | <u>May 24, 2010</u>     |
| B. The date or dates on which public meetings or hearings will be held:                     | <u>None</u>             |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>December 4, 2010</u> |
| D. The expected effective date of the final-form regulation:                                | <u>December 4, 2010</u> |
| E. The date by which compliance with the final-form regulation will be required:            | <u>December 4, 2010</u> |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <u>N/A</u>              |

(10) Provide the schedule for continual review of the regulation.

This rulemaking will be subject to internal review through the Department's Quality Control and Corrective Action review process which is monitored by the Federal Department of Health and Human Services.

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### **SECTION II: STATEMENT OF NEED**

(11) State the statutory authority for the regulation. Include specific statutory citation.

Sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P.S. 201(2), 403(b) and 408(c)) and the Federal Food Stamp regulation in 7 CFR §§ 273.7(d)(4) (relating to work provisions).

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This rulemaking complies with 62 P.S. § 408(c) which states "...the department shall take into account availability, costs and the number of recipients needing services within the geographic area and shall seek to provide essential service to the greatest number of recipients."

A SNAP only participant may receive special allowances for supportive services not to exceed the types and timeframes prescribed by Federal law.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final-form rulemaking is needed to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the greatest number of participants with a verified need for supportive services. The Department is amending the maximum amount and the frequency for special allowances to maximize scarce resources so that funds for special allowances are available to the greatest number of participants pursuant to state law. In addition, this final-form rulemaking authorizes restitution or reduction for overpayments of supportive services. The Department will not use recoupment to recover a special allowance for supportive services payment issued from SNAP funds. The Department will process an overpayment to recover a special allowance to the extent of the misuse of the special allowance in accordance with Department regulations relating to restitution.

This regulation benefit individuals who agree to participate or who are participating in approved work or work-related activities. Special allowances for supportive services are provided to individuals with a verified need to enable them to fully participate in activities that lead to self-sufficiency. In FY 2009-2010, there were approximately 75,723 recipients.

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(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

Departmental data was used to support this regulation. This material is attached to the regulatory package.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

With regard to the transportation allowances, the Department's analysis shows that over 99% of participants historically would be supported within the \$1,500 annual transportation-related allowance. Based on historical data, the Department concluded that 99.9% of individuals requiring a special allowance for motor vehicle insurance would not be adversely affected by the lifetime limit; and 98.5 % of individuals requesting an allowance to purchase a motor vehicle would not be adversely affected. Based on the historical data and the impact of the PA WORKWEAR initiative, over 99% of individuals would not be adversely affected by the clothing allowance. In analyzing the program, the Department reviewed historical special allowance data, which showed that in a 1-year period, over 97% of participants would not be impacted by the proposal; and that over a 2-year period, a maximum of 92% of individuals who receive special allowances would not be impacted.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

This final-form rulemaking affects individuals who receive TANF and GA cash assistance and who are participating in approved work or work-related activities, as specified on an approved Agreement of Mutual Responsibility (AMR). This final-form rulemaking also affects SNAP only participants who participate in approved work or work-related activities according to the provisions of their approved Employment Development Plan (EDP). In 2009-2010, 75,723 recipients participated in a work activity.

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### SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance.

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Department is reducing the maximum amount for: 1) work training and education allowance, limiting the total amount to a \$2,000 lifetime limit; 2) Certain transportation changes, limiting the total to \$1,500 annually for public transportation and \$1,500 for private transportation; 3) changes in the Clothing and Uniform policy which allows an annual maximum limit of \$150; 4) savings from eliminating certain allowances issued by contractors and the Department; 5) savings from transferring the Car Insurance issuances to \$1,500 lifetime limit; and 6) savings based on enhanced program oversight and effectiveness. Savings from the first fiscal year of implementation is \$5.818 million (\$4.636 million in State funds). Full-year implementation savings the following fiscal year is estimated at \$17.455 million (\$13.910 million in State funds).

The Department is increasing the maximum amount for: 1) Mileage reimbursement for RESET related activities from \$0.12 per mile to \$.25 per mile; and 2) Motor vehicle purchase allowance increase from \$750 per issuance to \$1,500, but only once per lifetime. The total of these two initiatives is estimated at \$3.711 million (\$2.957 million in State funds) for the fiscal year of implementation. Full-year implementation costs the following year is estimated at \$11.133 million (\$8.872 million in State funds).

In total, these regulations are expected to save \$2.107 million (\$1.679 million in State funds) in the first year, with the first full-year savings estimated at \$6.322 million (\$5.038 million in State funds).

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government	0	\$1.679 M	\$5.038 M	\$5.469 M	\$6.398M	\$7.696 M
<b>Total Savings</b>						
<b>COSTS:</b>						
Regulated Community						
Local Government						
State Government	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>						

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Cash				
Grants	\$254.459M	\$258.079M	\$268.579M	\$278.175M

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(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

These final-form regulations are designed to meet the needs of the participants while maintaining fiscal accountability. The rulemaking effectively supports individuals receiving cash assistance and SNAP benefits as they move successfully toward achieving economic self-sufficiency.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Department met with advocates and consumers in the development of this proposed rulemaking, and continued to meet with interested parties following the notice of proposed rulemaking.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Nonregulatory alternative were not considered since existing regulations needed to be amended to provide for these changes. This rulemaking amends both the maximum amount and the frequency for special allowances to maximize scarce resources so that funds for special allowances are available to the greatest number of participants.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No, this rulemaking is not more stringent than Federal standards.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

In researching the types and limits of special allowances in other states, the Department found that other states have similar categories and parameters for special allowances for supportive services. Washington and Mississippi limit special allowances by category and dollar amount. For example, Washington limits special allowances to a total of \$3,000 per participant per program year. Within that annual limit,

## Regulatory Analysis Form

special allowances are limited by category: \$300 for educational expenses per request; \$250 for vehicle repairs per program year; mileage reimbursement at the state employee rate; and up to \$300 for each professional fee.

Mississippi offers several categories of assistance and specifies totals that are available for these items. For example, transportation-related items are limited up to \$300 per month, and clothing or books are limited up to \$500 per year.

Comparing Pennsylvania to its near neighbors shows that many individual levels of special allowances are substantially lower than Pennsylvania's. For example, New Jersey permits a totality of \$500 for all work-related expenses and a per diem rate for transportation. West Virginia allows \$1,000 in total for motor vehicle insurance and \$2,000 for vehicle repair. West Virginia recipients receive no special allowance for a motor vehicle purchase.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking will not affect existing regulations.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Documentation is required for all types of verification for special allowances for supportive services. Verification of the need for special allowances is required prior to authorization. A participant is also required to verify actual expenses. Both a participant and a provider of supportive services also may be required to verify the receipt of supportive services and the amount of the actual payment.

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

There are no special provisions in this rulemaking.



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FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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<p>Copy below is hereby approved as to form and legality. Attorney General</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p>
<p>By: _____ (Deputy Attorney General)</p>	<p><b>DEPARTMENT OF PUBLIC WELFARE</b> (Agency)</p>	<p>BY: <i>[Signature]</i> Andrew C. Clark AUG 23 2010</p>
<p>_____ Date of Approval</p>	<p>LEGAL COUNSEL: <i>[Signature]</i></p>	<p>_____ Date of Approval</p>
<p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>DOCUMENT/FISCAL NOTE NO. <u>14-518</u></p>	<p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p>
	<p>DATE OF ADOPTION: _____</p>	<p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
	<p>BY: <i>[Signature]</i></p>	
	<p>TITLE: <u>SECRETARY OF PUBLIC WELFARE</u> (Executive Officer, Chairman or Secretary)</p>	

NOTICE OF FINAL-FORM RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

OFFICE OF INCOME MAINTENANCE

[55 Pa.Code Chapter 165]

Road to Economic Self-sufficiency through Employment and Training (RESET)  
Program

Revisions to the Special Allowance for Supportive Services

### *Statutory Authority*

The Department of Public Welfare (Department), by this order, adopts the regulation set forth in Annex A pursuant to the authority of sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P.S. 201(2), 403(b) and 408(c)) and the Federal Food Stamp regulation in 7 CFR §§ 273.7(d)(4) (relating to work provisions). Notice of proposed rulemaking was published at 40 Pa.B. 2111 on Saturday, April 24, 2010.

### *Purpose of Regulation*

The purpose of this final-form rulemaking is to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the greatest number of participants with a verified need for supportive services. This final-form rulemaking amends regulations pertaining to special allowances for supportive services, which the Department provides to individuals who apply for and receive cash assistance or Supplemental Nutrition Assistance Program (SNAP) benefits (formerly known as food stamps), or both. These special allowances are limited to those who agree to participate in or who are participating in approved work or work-related activities. In this rulemaking, the Department is amending Chapter 165 (relating to Road to Economic Self-sufficiency through Employment and Training (RESET) Program) and Appendix A of this chapter (relating to employment and training special allowances). Appendix A enumerates the types of special allowances for supportive services for which the Department authorizes payment, as well as the rates, frequency and limitations of the allowances.

This final-form rulemaking enables the Department to provide special allowances in a fiscally responsible and cost-effective manner. To maximize scarce resources, this rulemaking amends the maximum amount and frequency for special allowances. By maximizing the Commonwealth's scarce resources, this final-form rulemaking complies with State law and ensures that supportive services are available to the greatest number of participants who verify the need for services.

In Appendix A, special allowances are listed under six general categories: public transportation; private transportation; motor vehicle purchase; motor vehicle insurance; clothing; and work, education and training. Each category includes sub-categories of special allowances, respective payments and any maximum annual and lifetime parameters.

Finally, this final-form rulemaking authorizes restitution for overpayments of supportive services. The Department will not use recoupment to recover a special allowance issued from SNAP funds. The Department may process an overpayment to recover a special allowance to the extent of the misuse of the special allowance in accordance with Department regulations. The overpayment will be pro-rata, to the extent the recipient did not use, or did not properly use, the special allowance.

### *Background*

With the enactment of the Deficit Reduction Act of 2005, the TANF program was reauthorized. See Pub.L. 109-171. Under the reauthorized TANF program, the Commonwealth is required to increase the work participation rate (WPR) for families or face financial penalty of up to \$36 million on an annual basis. To avoid that financial

penalty, the Department has intensified its efforts to meet the Federal WPR and instituted new initiatives to ensure that all work-eligible individuals participate in approved work or work-related activities. As these participants enroll in employment and training activities or search for or obtain employment, the demand for special allowances for supportive services increases, as does the strain on the Commonwealth's fiscal resources. In fact, the number of recipients increased from 11,877 recipients in 2002-2003 to 75,723 recipients in 2009-2010.

Further, under the Food, Conservation, and Energy Act of 2008 (Pub.L. 110-234), also known as the 2008 U.S. Farm Bill, § 4108 allows SNAP employment and training funds to support SNAP only participants who participate in other SNAP work-related activities and obtain employment. These funds allow the Department to provide additional support to these recipients.

#### *Affected Individuals and Organizations*

This final-form rulemaking affects individuals who receive TANF and GA cash assistance and who are participating in approved work or work-related activities, as specified on an approved AMR. This final-form rulemaking also affects SNAP only participants who participate in approved work or work-related activities according to the provisions of their approved EDP.

#### *Accomplishments and Benefits*

The purpose of this final-form rulemaking is to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the

greatest number of participants with a verified need for supportive services. This final-form rulemaking benefits individuals who receive TANF and GA cash assistance and who are participating in approved work or work-related activities. This final-form rulemaking also benefits SNAP only recipients who must participate in approved work or work-related activities according to the provisions of their approved EDPs. This final-form rulemaking is designed to meet the needs of participants while maintaining fiscal responsibility and accountability. The rulemaking effectively supports individuals receiving cash assistance and SNAP benefits as they move successfully toward achieving economic self-sufficiency.

#### *Fiscal Impact*

The Department estimates the net result of the changes to Chapter 165 will yield a savings of \$2.107 million in the first year, with the first full-year savings estimated at \$6.322 million.

- Changes in the maximum amount for special allowances yield savings estimated at \$5.818 million in the first fiscal year. The Department anticipates that savings for the first full fiscal year after implementation at \$17.455 million.
- Changes that increase the maximum allowances for the purchase of a motor vehicle and mileage reimbursement will cost the Commonwealth \$3.711 million in the first fiscal year. Full-year implementation costs the following year are estimated at \$11.133 million.

### *Paperwork Requirements*

Verification of the need for special allowances is required prior to authorization. A participant is also required to verify actual expenses. Both a participant and a provider of supportive services may be required to verify the receipt of supportive services and the amount of the actual payment.

### *Public Comment*

Written comments and suggestions were solicited during a 30-day comment period after the publication date of the proposed rulemaking. Following publication of the proposed rulemaking, 36 separate commentators submitted comments to the Department. The Department also received comments from the Independent Regulatory Review Commission (IRRC) and Representative Matthew E. Baker.

The Department has carefully reviewed and considered each comment and thanks the individuals and organizations that commented on this rulemaking. The Department appreciates the many thoughtful comments that were received. Many of these comments were incorporated into the final-form rulemaking. In addition, the Department met with advocates and consumers in the development of this proposed rulemaking, and continued to meet with interested parties following the notice of proposed rulemaking.

### *Discussion of Comments and Major Changes*

Following is a summary of the comments received following publication of the proposed rulemaking and the Department's response to those comments.

### *General*

The Department received 13 comments supporting the regulation because it strengthens accountability of the program while utilizing scarce resources to serve the greatest number of people. Several commentators, however, objected to the rulemaking, suggesting that it imposes significant, short-sighted limits on supportive services. They raised concerns that the regulation will deprive TANF and SNAP only recipients of getting the supports they need to work or participate in work-related activities. They expressed concern that recipients may be penalized by losing cash assistance or SNAP benefits and become deprived of the opportunity to achieve self-sufficiency.

### *Response*

The Department appreciates the commentators' support for the amendments to the regulation. Following the 30-day comment period, the Department carefully considered the comments and participated in meetings with stakeholders and legislators.

The Department identified the major concerns in the rulemaking, as described more fully below. The Department has attempted to take into account all voices heard in the regulatory debate, and has continued consulting and meeting with stakeholders, consumers and legislators to help ensure that this final-form rulemaking will strike a fair balance between the competing interests of all parties.

*General-Support for the KEYS program*

Commentators praised Keystone Education Yields Success (KEYS) as a program that significantly helps individuals continue their post-secondary education. They noted that KEYS is a collaborative program between the Department and the Pennsylvania Commission for Community Colleges, designed to help TANF and SNAP only recipients pursue post-secondary education at one of Pennsylvania's 14 community colleges.

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*Response*

The Department concurs that KEYS an important program and thanks the commentators for their support.

*General-Comments about the PA WORKWEAR initiative*

One commentator noted that the clothing allowance adequately reflects the cost of the special allowance. This commentator suggested that the rulemaking provide for administrative funding for the PA WORKWEAR Initiative because of the cost of collecting, distributing and purchasing special allowance items.

Another commentator also highlighted the positive aspects of this initiative, including how it has improved fiscal responsibility. The commentator suggested that PA WORKWEAR can be used as a model for similar initiatives related to special allowances.

*Response*

Although the Department is unable to expand funding for the PA WORKWEAR program at this time due to fiscal constraints, the Department concurs that the initiative



improves fiscal responsibility. The Department may consider using the PA WORKWEAR program as a model for future initiatives.

*Appendix A (relating to work and work-related special allowances)*

IRRC, Representative Baker, and several commentators expressed concern about the proposed annual and lifetime limits. The Department has carefully considered these concerns and has accordingly revised several provisions in the final-form rulemaking. These changes are described more fully below.

*A. Comment*

IRRC questioned how the Department took into account availability, costs and the number of recipients needing services within the geographic area in determining the new limits for special allowances. IRRC also asked the Department to provide more detail about how it examined the availability, costs or number of recipients needing services in developing the amendments to Appendix A.

*Response*

First, the Department formulated the annual and lifetime parameters by reviewing the costs of the program and how those costs were distributed among the types of special allowances. In doing so, the Department considered several factors, such as the average cost of each type of special allowance, the distribution of the total allowance amounts issued annually to individuals in the past, how many recipients received allowances totaling under and over \$2,000, the average length of enrollment in employment and training programs, the number of individuals supported by the

programs, community and stakeholder support for increases in mileage and motor vehicle purchase amounts, and the respective demand for each special allowance. The Department also studied the nature and extent of special allowances in other states.

Second, Federal law limits the activities that count toward meeting State work participation requirements. For example, certain education and training activities are limited to 12 months in a lifetime. This limitation provided the context within which the Department analyzed expenditure patterns for the allowances associated with education and training activities. In analyzing the program, the Department reviewed historical special allowance data, which showed that in a 1-year period, over 97% of participants would not be impacted by the proposal; and that over a 2-year period, a maximum of 92% of individuals who receive special allowances would not be impacted.

Departmental data also confirms the short-term nature of most employment and training programs--18 weeks or less. The parameters set for work, education and training special allowances are more than adequate to support not only the benchmark amount of 18 weeks of participation in employment and training programming, but also those individuals who participate for a longer period of time, such as many of those in the KEYS program. With regard to the transportation allowances, the Department's analysis shows that over 99% of participants historically would be supported within the \$1,500 annual transportation-related allowance. Based on historical data, the Department concluded that 99.9% of individuals requiring a special allowance for motor vehicle insurance would not be adversely affected by the lifetime limit; and 98.5 % of individuals requesting an allowance to purchase a motor vehicle would not be adversely affected.

Based on the historical data and the impact of the PA WORKWEAR initiative, over 99% of individuals would not be adversely affected by the clothing allowance.

Third, the Department anticipates that the low percentage of adversely affected individuals will be even lower as a result of the Department's additional revisions in the final-form rulemaking.

Finally, a reduction in the overall costs of the special allowance program is likely as the Department continues to strengthen its implementation, and to offer appropriate, targeted case-managed supports for individuals on the road to economic self-sufficiency. For example, one of the Department's initiatives, PA WORKWEAR, has substantially reduced the Department's costs for clothing allowances. The Department anticipates additional savings as the Department considers future initiatives.

*B. Comment*

IRRC noted that the Department claimed the amendments will assist in providing services to the greatest number of recipients given the current budget crisis. Commentators claimed that spending, however, has actually decreased in these programs over the years. In addition, commentators contended that the program utilizes a very small percentage of the available block grant funding. IRRC, therefore, requested more detail about why the changes are necessary to provide services to the greatest number of individuals.

*Response*

Although the cost of providing certain special allowances has decreased, the Department is offering special allowances to more recipients than ever and doing so in

the face of a deeply troubled national and statewide economic crisis. In 2002-2003, the Department served 11,877 recipients. In contrast, in 2009-2010, the Department served 75,723 recipients. To continue to provide special allowances to the greatest number of recipients, the Department has accordingly revised Appendix A.

For example, the Department has developed and implemented fiscally responsible initiatives, such as PA WORKWEAR, to reduce overall special allowance costs. Costs decreased from \$56,047,690 in FY 2006-2007 to \$31,516,534 in FY 2009-2010. In FY 2006-2007, the Department served 35,830 people. Two years later, in FY 2009-2010, the Department served approximately 75,723 recipients, more than double the number of recipients. This regulation will enable the Department to further strengthen and improve the special allowance program. With these new initiatives and prudent budgetary and programmatic strategizing, the Department managed to serve 53% more people with 44% less cost.

C. *Comment*

IRRC noted that commentators contended that the limits will undercut participants' efforts to obtain better employment, and that ultimately the proposed changes will defeat the purpose of the allowances. For example, they questioned the \$1,500 annual private transportation limit. Commentators contended that between gas, repair costs and other expenses, it would be virtually impossible for a recipient not to exceed that limit. Commentators expressed concern about the limits on education expenses. Without these supports, commentators indicated that many will be unable to pursue educational programs that exceed more than 1 or 2 years, or to return to receive additional training or education in the future. They surmised that employment will be

limited to low-paying jobs. Commentators argued that in the long run, these limits will be more costly to taxpayers because fewer people will be able to permanently become self-sufficient.

*Response*

The Department agrees with IRRC and other commentators who suggested that in some circumstances individuals might exhaust their annual or lifetime parameters before completing their department-approved education, training or work program and that denying recipients who are successfully participating in a work-related activity with the support they need to complete the activity is counter to the intended purpose of the program. The Department has revised the final-form rulemaking by adding a new subsection (e) in § 165.1 which clarifies that this regulation does not affect the Department's existing ability to provide supportive services to individuals through contracted employment and training programs.

This provision clarifies that the Department may provide additional supportive services to the extent required by an approved work or work-related program under a written agreement with the Department. In the context of a written agreement with the Department, such as through the EARN or KEYS program, cash and SNAP only recipients may receive the supportive services they need to complete their approved activity even if they have reached the limits in Appendix A.

The reason for creating this exception in the context of a written agreement with the Department (such as within the Department's contracted work activity programs) is simple: these programs utilize case management. Case management is a highly effective tool in the delivery of services to recipients participating in work or work-related

activities. Case management facilitates the coordination and tracking of recipient services, including supportive services, especially for those with multiple employment barriers. Case managers are skilled at assessing, tailoring, managing and monitoring a recipient's supportive services to best fit each recipient's particular needs in a sensible and cost-effective way. In short, case management helps to ensure that recipients are well served and the Department's funds are wisely spent.

Even an individual completing self-initiated education or training (for example an individual who has completed the KEYS program and is continuing on to complete a 4-year degree) may receive additional supportive services if offered through an employment and training provider under a written agreement with the Department. The new provision should allay the commentators' concerns without sacrificing the Department's authority—indeed, its duty—to keep expenditures within reasonable, predictable bounds.

*D. Comment*

IRRC commented that the Department should explain its methods for determining each of the annual and lifetime limits. In addition, IRRC requested that the Department should address concerns of the affected communities related to the impact of each limit on those seeking to improve their training and education, and to obtain and maintain long-term employment and self-sufficiency. IRRC requested a thorough fiscal analysis and explanation of the impact of and need for this proposed regulation.

## *Response*

For ease of administration and to maximize recipient choice, the Department divided special allowances into six categories. These categories enable individuals to select the allowances that will best meet their needs.

In researching the types and limits of special allowances in other states, the Department found that other states have similar categories and parameters for special allowances for supportive services. Washington and Mississippi limit special allowances by category and dollar amount. For example, Washington limits special allowances to a total of \$3,000 per participant per program year. Within that annual limit, special allowances are limited by category: \$300 for educational expenses per request; \$250 for vehicle repairs per program year; mileage reimbursement at the state employee rate; and up to \$300 for each professional fee.

Mississippi offers several categories of assistance and specifies totals that are available for these items. For example, transportation-related items are limited up to \$300 per month, and clothing or books are limited up to \$500 per year.

Comparing Pennsylvania to its near neighbors shows that many individual levels of special allowances are substantially lower than Pennsylvania's. For example, New Jersey permits a totality of \$500 for all work-related expenses and a per diem rate for transportation. West Virginia allows \$1,000 in total for motor vehicle insurance and \$2,000 for vehicle repair. West Virginia recipients receive no special allowance for a motor vehicle purchase.

As described more fully above, in determining the parameters for special allowances for supportive services, the Department considered the Federal limits on activities counting towards the work participation rate, data on the length of participation in employment and training programs, historical data on special allowance usage and the impact of the proposed regulations on future usage. Historical special allowance data showed that for work, education and training related allowances, in a 1-year period, over 97% of participants would not be impacted by the proposed parameters; and over a 2-year period, a maximum of 92% of individuals who receive special allowances would not be impacted. The parameters set for work, education and training special allowances are more than adequate to support not only the benchmark amount of 18 weeks of participation in employment and training programming, but also those individuals who participate for a longer period of time, such as many of those in the KEYS program.

With regard to the transportation allowances, the Department's analysis shows that over 99% of participants historically would be supported within the \$1,500 annual transportation-related allowances for public and private transportation. Based on historical data, the Department concluded that 99.9% of individuals requiring a special allowance for motor vehicle insurance would not be adversely affected by the lifetime limit; and 99% of individuals requesting an allowance to purchase a motor vehicle would not be adversely affected. Based on the historical data and the impact of the PA WORKWEAR initiative, over 99% of individuals would not be adversely affected by the clothing allowance parameter.



*E. Comment*

One commentator contended that according to the Regulatory Analysis Form, the Department anticipates saving \$2.199 million (\$1.753 million in State funds) in the first year, with the first full-year savings estimated at \$6.599 million (\$5.259 million in State funds). The commentator contended that the Department has not provided data to support this assertion, and that the Department arrived at this number by simply totaling the special allowances paid in the past that would not be paid in the future due to the imposition of the new and annual lifetime limits.

According to the commentator, this regulation will not save as much as the Department anticipates because the Department has not accounted for the number of recipients that may be unable to move off the assistance rolls and achieve self-sufficiency through quality education and training. The commentator asserted the Department will be called upon to continue to pay for public benefits received by these families because their ability to obtain self-sufficient employment will be impaired.

*Response*

The Department has provided data to support the regulation. Both preceding and following the publication of the proposed rulemaking, the Department provided program data to stakeholders, including the commentator. As described in the response to the comment above, the Department explained how it developed the amendments in Appendix A. Contrary to the opinion of the commentator, the Department derived its numbers in a factual and objective manner, drawing upon current and historic program data including cost, usage, current initiatives like PA WORKWEAR, other state's data and savings. The Department also does not agree

with the commentator's statement that the amendments to Appendix A will hinder individuals from moving off assistance. To the contrary, the Department has a robust employment and training program designed to move individuals off assistance and into employment and has achieved a high success rate, even with the current economic downturn, in successfully assisting individuals participating in the TANF program in acquiring the skills and knowledge that they need to successfully move from the cash assistance program to the workplace. As of May 2010, well over 1500 individuals per month are successfully moving into employment. The regulation is intended to protect the special allowance program from waste, abuse, and fraud and assure its integrity while meaningfully supporting individuals with appropriate, targeted work supports.

*F. Comment*

Representative Baker expressed concern with the annual and lifetime limits in the proposed regulation. He stated that although the existing regulation limits the value of certain allowances, it does not limit how often allowances needed for education or training may be issued, nor does it limit needed transportation payments. The representative expressed concern that the newly proposed limits may harm individuals seeking to better their lives through education or training, especially as the training required for a family-sustaining job may take more semesters than the proposed supports for education and training expenses would permit.

The representative and another commentator are concerned about the harm these limits may cause recipients in rural areas because of travel needs. The representative noted that the lifetime limits may also harm individuals who have worked

their way off welfare but suffered a setback, such as domestic violence, a child's disability, or a job loss, requiring them to start again.

*Response*

As more fully discussed above, annual and lifetime totals are rationally based on a number of factors, meaningfully provide for the needs of those seeking to successfully move into the workplace, and are in line with or more generous than policies in many other states.

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Regarding transportation, Departmental data reveals that 97% of the cases that utilized transportation would not be adversely affected. The Department analyzed transportation costs for students traveling from significant distances in rural counties to attend quality training programs and found that the \$1500 annual allowance is adequate. For example, a student enrolled in a two semester computer support specialist course at the Community College of Beaver County would require a maximum of \$1016 in transportation support for mileage between Beaver and Monaca. A participant attending an 8-week nurse aid training course at the Central Pennsylvania Institute of Science and Technology would require a maximum of \$470.20 in transportation support for mileage from Moshannon.

With respect to the impact on participants who may be more reliant on automobile travel, the analysis showed that 90% of participants received only one allowance to assist with the purchase of an automobile to support participation in an approved work activity.

The Department has also revised the final-form rulemaking to clarify that the Department may provide additional supportive services pursuant to a written agreement with the Department, as discussed more fully above. This revision addresses the concern raised about how to support an individual who is actively engaged in a program to help achieve self-sufficiency through improved quality education or training.

The Department disagrees with the assertion that this regulation will hamper individuals from achieving self-sufficiency. The Department's final-form rulemaking will support those individuals in their quest for independence from the public welfare system. The supports available through the special allowance programs are targeted to match the needs that people have as they move from welfare to work.

Finally, in response to Representative Baker's statement that current Departmental regulations do not place effective control on how many times a category of special allowances may be received, except for the transportation allowance of \$250, the Department does not agree. The existing regulation contains many provisions limiting how often an individual may receive certain special allowances. For example, motor vehicle purchase and repair is once per job; motor vehicle-related expenses (such as a driver's license and inspection fees) is once per job; moving expenses related to accepting employment is once per 12-month period; and clothing, tools, books, and fees is once per job. In addition to the foregoing limitations, the existing regulation restricts the special allowance for public and private transportation to the period up to the date of the first pay after employment.

*G. Comment*

Twenty commentators expressed concern that the limits appear to be arbitrary and unrealistically low. Some commentators stated that annual and lifetime limits are not necessary for program integrity because the Department has existing policies to prevent unnecessary spending. One commentator suggested that if limits are imposed, the limitations should be minimal and that the program should be implemented in a manner that rewards people complying with the regulation. One commentator expressed concern that this regulation would be detrimental to KEYS participant's ability to complete their degree programs.

*Response*

This regulation is intended to achieve fiscal responsibility and accountability while providing appropriate and effective targeted supports for individuals on the road to economic self-sufficiency. Departmental data indicates the average amount per issuance for several of these special allowances was notably less than the current maximum allowance. For example, the average payment is \$384.88 for tools and equipment, \$308.93 for books and supplies, and \$106.18 for fees. Current regulation provides up to \$2,000 for tools and equipment per job, \$500 for books and supplies as required for education and training, and \$250 for fees per job.

Departmental data for the KEYS program during 2009-2010 demonstrates that of the 11.8% of the participants who graduated from KEYS in that time period, 56% of them did so in less than six semesters. The average issuance of \$308.93 for books and supplies multiplied by six semesters is below the \$2000 permissible for work, education and training-related allowances. For the remaining individuals who exceed six

semesters, the Department reiterates that it has added a provision to the final-form rulemaking clarifying the availability of additional supportive services to the extent required by an approved work, work-related or education program under written agreement with the Department, which would include individuals participating in the KEYS program. These individuals who are in the KEYS program will be able to access appropriately targeted supports to complete their participation and move into the workforce on solid ground.

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Finally, this rulemaking provides binding norms to increase enforceability of the current policy that laid the foundation for this rulemaking. The annual and lifetime parameters are just one aspect of this rulemaking; a rulemaking that as a whole, enhances program efficiency and integrity and supports an effective program for individuals seeking to improve their knowledge, skills and opportunities to successfully participate in the workforce. This rulemaking also appropriately provides for the Department's comprehensive effort to strengthen verification requirements and to collect overpaid special allowances.

*H. Comment*

IRRC commented that subsection (c) does not comply with the requirements of the Regulatory Review Act. 71 P.S. §§ 745.1-745.15. IRRC suggested that this subsection be removed from the final-form regulation.

*Response*

Although the Department has the authority to adjust payment frequency, types and amounts in appendices via publication of a notice, the Department removed

subsection (c) in the final-form rulemaking to maximize the public comment process in future adjustments of the codified amounts.

Key sections of the Public Welfare Code reveal the General Assembly's intent to bestow upon the Department the authority to create and modify some aspects of eligibility without resort to rulemaking. The plain language of 62 P.S. § 408(c) directs the Department to base the nature and extent of any work supports on four factors: (1) availability, (2) costs, (3) number of recipients needing services, and (4) distribution to the greatest number of recipients. To fulfill this statutory mandate, the General Assembly instructed the Department "to take such measures not inconsistent with the purposes of [the statute]." Consistent with § 408(c) are "such measures" as publishing a notice in the *Pennsylvania Bulletin* to modify special allowances as these four factors require.

62 P.S. §§ 403(b) and 432 specify the Department has the power and duty to "establish rules, regulations and standards" regarding the nature and extent of eligibility for public assistance. Also, 62 P.S. § 201(2) requires the Department to promulgate regulations as well as to "establish and enforce standards and to take such other measures as may be necessary. . . ." Applying general rules of statutory construction, "rules" and "standards" are necessarily distinct from "regulations"—to interpret otherwise would render those words superfluous. See 1 Pa.C.S. § 1922(2).

In fact, the Pennsylvania Code is replete with examples of the Department's authority to adjust appendices and provisions involving payment frequency and amounts via publication of a notice in the *Pennsylvania Bulletin*. A few of these examples are 55 Pa. Code §§ 299.37, 1187.2, 1150.61 and 181.1.

*§ 165.1(a) (relating to eligibility for special allowances for supportive services)*

*Comment*

IRRC noted that commentators claimed this provision would require exempt volunteers to adhere to an hourly service requirement. IRRC pointed out that § 405.1(b) of the Code does not impose such a requirement, but states that any applicant or recipient exempted from RESET may participate in employment and work-related activities. IRRC questioned the Department's statutory authority for subsection (a).

IRRC noted that commentators argued this provision is not in the public interest, and that exempt RESET individuals include those with disabilities and domestic violence victims. IRRC questioned how the Department intends to protect these exempt individuals while maintaining the hourly requirement.

*Response*

The Department agrees with the concerns expressed by IRRC and the commentators and has amended the language in §165.1(a) in the final-form rulemaking.

*§ 165.44 (relating to verification for special allowances for supportive services)*

*A. Comment*

IRRC noted that commentators expressed concern with the deletion of the phrase "only when it is not readily apparent" from the existing language in subsection (a)(2). IRRC challenged the Department to explain the need for verification for authorization of every expense. IRRC questioned whether the need for transportation



expenses would be readily apparent based on the address of the recipient and the job site or school. IRRRC suggested that the Department provide examples of acceptable and readily accessible means of verification.

*Response*

Because what is readily apparent may be a matter of subjective opinion, the Department has declined to restore the deleted text. For a fair, even-handed approach, individuals in varying scenarios must verify the need for a special allowance. With this uniform approach, caseworkers need not risk making an erroneous call on what facts do or do not require supportive documentation. That said, the Department is confident that for arguably readily apparent facts, verification will not be difficult to obtain. With the availability of fast, reliable resources like the internet and caseworker verification of arguably readily apparent facts is often a few questions or keystrokes away.

Verification of the need for a transportation allowance might occur in the context of an interview between caseworker and recipient. The caseworker would document the facts gathered during the interview. Verification of the distance from home to work may consist of a print off from a simple Mapquest search or the local transit provider's website, which the caseworker would place in the recipient's file. Caseworkers may assist those without access to such fast, reliable resources as the internet.

Finally, the Department agrees that individuals should not be required to provide verification from employers, school officials, training and social services providers for facts unknown to them. For example, a new employer is likely ignorant of an individual's personal transportation circumstances, so the Department would not look to the employer as the source of that verification. As such, the list of sources for

verification is not exhaustive in this section. Verification may involve caseworker inquiry and assistance.

*B. Comment*

IRRC raised a concern with respect to verification of service under subsection (b)(1)(i). IRRC questioned the need for this provision. Additionally, IRRC asked under what circumstances the Department would require verification from both the participant and the provider.

*Response*

If unreliable or inadequate verification is provided, the Department may require additional verification from the recipient or provider. The need to provide verification from both the participant and provider arises in the unusual circumstance where there is a reason to question the validity of verification provided by only one of these sources. The purpose of this provision is to prevent fraud, involving the special allowances through the provider, recipient, or both. Verification from both the provider and participant is not expected to be routinely requested. It might be requested where, for example, the CAO has reason to believe verification provided by one source may be forged. For example, if the caseworker suspects or receives a tip that a car dealer or repair shop has engaged in deceptive business practices, the caseworker might seek verification that the recipient actually received exactly the specific car or repair the special allowance paid for. If the caseworker suspects that a car purchase might be a sham transaction for the dealer and recipient's mutual benefit, the caseworker might seek documentation from both to prevent the apparent collusion. Finally, for

incomplete, ambiguous, or otherwise inadequate documentation, the caseworker might ask the supportive service provider to supplement the recipient's information.

*C. Comment*

IRRC commented that subsection (b)(2) sets forth when the Department will process supportive services overpayment referrals. IRRC noted that commentators expressed concern that this language would always result in overpayment referrals for the full amount, even though participants may have completed the majority of their required hours. IRRC questioned whether the amount that a participant will be required to repay will be pro-rated based on the hours.

*Response*

The Department agrees with IRRC and other commentators that an overpayment referral for the entire special allowance is not appropriate in all circumstances. For example, for individuals who have completed most or a portion of a work or work-related activity, the Department agrees that a partial, prorated overpayment referral—to the extent of the misuse of the special allowance—is the fairest approach. To clarify this sensible approach to special allowance overpayments, the Department has added the phrase “the extent of the misuse” to § 165.46(b)(2).

One example is when an individual receives books to attend vocational education then stops attending half-way through the semester because she lost interest in the program. In such a circumstance, the Department may process an overpayment for half the cost of the books. In another example, an individual might receive a monthly bus pass to attend a training program, but drops out after 1 week, thereby, not fulfilling the

requirement of the Agreement of Mutual Responsibility (AMR) or Employment Development Plan (EDP). The Department may process an overpayment for the cost of the unused portion of the bus pass. On the other hand, if the individual stopped attending due to illness, hospitalization, homelessness, or similar circumstance, the Department would not process an overpayment.

*D. Comment*

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IRRC and a commentator noted that there is no subparagraph (vii), and subparagraph (viii), therefore, should be renumbered.

*Response*

The Department agrees with IRRC and the commentator and has renumbered this subparagraph.

*§ 165.46 (relating to types of special allowances for supportive services)*

*Comment*

IRRC and one commentator stated that the proposed regulation eliminates special allowances for moving costs. They also noted that § 432.20 of the Code specifically allows for assistance for moving costs “to ensure gainful employment.” IRRC asked the Department to examine the economic impact of this deletion and explain the need for this change.

*Response*

The Department has revised the final-form rulemaking by adding moving and relocation expenses as a special allowance. Pursuant to § 432.20 of the Code (62 P.S.

§ 432.20), the special allowance may be authorized as required to accept gainful, permanent employment, no more than once in a 12-month period, and for the actual cost up to \$200.

*Regulatory Review Act*

Under § 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on **AUG 25 2010** the Department submitted a copy of this regulation to the IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In compliance with the Regulatory Review Act the Department also provided the Committees and the IRRC with copies of all public comments received, as well as other documentation.

In preparing the final-form regulation, the Department reviewed and considered comments received from the Committees, the IRRC and the public.

In accordance with § 5.1 (j.1) and (j.2) of the Regulatory Review Act, this regulation was [*deemed*] approved by the Committees on \_\_\_\_\_. The IRRC met on \_\_\_\_\_ and approved the regulation.

In addition to submitting the final-form rulemaking, the Department has provided the IRRC and the Committees with a copy of the regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

*Order*

The Department finds:

(a) The public notice of intention to amend the administrative regulation by this Order has been given pursuant to §§ 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) and the regulations at 1 Pa.Code §§ 7.1 and 7.2.

(b) That the adoption of this regulation in the manner provided by this Order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

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The Department acting pursuant to sections 201(2), 403(b) and 408(c) of the Public Welfare Code (62 P.S.201(2), 403(b) and 408(c)) and the Federal Food Stamp regulation in 7 CFR §§ 273.7(d)(4) (relating to work provisions) orders:

(a) The regulation of the Department is amended to read as set forth in Annex A of this Order.

(b) The Secretary of the Department shall submit this Order and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this Order and Annex A with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon final publication in the *Pennsylvania Bulletin*.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart C. ELIGIBILITY REQUIREMENTS**

**Chapter 165. ROAD TO ECONOMIC SELF-SUFFICIENCY THROUGH  
EMPLOYMENT AND TRAINING (RESET) PROGRAM**

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**GENERAL RESET PROVISIONS**

**§ 165.1. General.**

(a) A recipient who is not exempt shall participate in and comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP, unless the recipient establishes good cause. An exempt individual may volunteer to participate in [RESET] an approved work or work-related activity and shall comply with the AMR or EDP. The [CAO] Department will inform an applicant and recipient of the rights [and], responsibilities [,] and services and benefits available to RESET participants. [A] The Department or its agent will assess the recipient's ability to meet RESET participation requirements [will be assessed] after consultation with the recipient. [Applicants and recipients shall comply with this chapter.]

(b) The Department will provide RESET participants [, to the extent necessary,] with case management and [approved] special allowances for supportive services as [may be necessary] required to [support participants in becoming] help them become self-sufficient. The Department will authorize special allowances for supportive services for the least costly item or service which is available and practical considering the location and hours of scheduled employment or training, and the location of the participant's residence in relation to the provider of the item or service. In addition, the Department will provide participants [will be provided] with or [referred] refer them to [education, training and employment-related] work or work-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that may assist participants to prepare for and obtain employment [in jobs] they may realistically be expected to obtain.

(c) [The Department may, in its discretion, provide employment, education, training, work-related activities or work experience programs to applicants or recipients.] Nothing in this chapter shall be interpreted as requiring the Department to develop or to offer or to continue to offer employment, education, training, work-related activities or work experience programs.

(d) This chapter applies to recipients of TANF and GA cash assistance. Sections 165.41—165.46 (relating to special allowances for



supportive services) also apply to SNAP only participants defined in § 165.2 (relating to definitions). For SNAP only participants, a special allowance for supportive services may be authorized as determined by the Department only up to the employment start date, with the following exception. SNAP only participants who obtain employment after participating in a SNAP work-related activity may receive special allowances for supportive services not to exceed the types and time frames permitted by Federal law.

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(E) THE DEPARTMENT MAY PROVIDE FOR ADDITIONAL SUPPORTIVE SERVICES TO THE EXTENT REQUIRED BY AN APPROVED WORK, WORK-RELATED OR EDUCATIONAL PROGRAM UNDER A WRITTEN AGREEMENT WITH THE DEPARTMENT.

**§ 165.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Collateral contact*—A method to establish communication or obtain additional information which supports or reinforces information presented to the Department.

*EDP—Employment Development Plan*—An individualized agreement with the Department that is completed by the [Food Stamp recipient] SNAP only participant and is based on the individual's skills and abilities.

\* \* \* \* \*

*Employment and training provider*—An entity funded or approved by the Department, that provides work or work-related skills instruction to enable participants to become self-sufficient.

\* \* \* \* \*

*Grant diversion*—The use of all or a portion of a recipient's cash assistance grant and [Food Stamps] SNAP benefits as a wage supplement to an employer.

\* \* \* \* \*

*Participant*—An individual who [is actively engaged] agrees to participate or is participating in a mutually agreed upon [and] approved [education, employment or training related] work or work-related activity.

\* \* \* \* \*

SNAP—Supplemental Nutrition Assistance Program.

SNAP only participant—An individual who applies for and receives SNAP benefits but does not receive cash assistance under the TANF or GA programs.

*Special allowances for supportive services*—Payments for items and services [as determined by] the Department determines to be [necessary to enable] required for a participant to [prepare for, seek, accept or maintain education, employment or training] participate in an approved work or work-related activity.

\* \* \* \* \*

## **SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES**

### **§ 165.41. Eligibility for special allowances for supportive services.**

(a) A [cash assistance or Food Stamp recipient] participant may receive [certain] special allowances [to pay for in advance or to reimburse costs of] for supportive services, as specified in this chapter, to enable the individual to [prepare for, seek, accept or maintain education, training or employment] participate in an approved work or work-related activity for the number of hours as specified on the AMR or EDP. [Payment for supportive] Supportive services

will be [made in advance whenever the payment is needed] provided if required by the individual to [begin or maintain a RESET] participate in an approved work or work-related activity.

(b) [For an individual seeking cash assistance to qualify to receive a special allowance for supportive services, the individual shall be determined eligible for cash assistance, participate in RESET unless exempt and have an approved AMR. For an individual seeking only Food Stamps, to qualify for a special allowance for supportive services, the individual shall comply with an approved EDP. The approved AMR or EDP, whichever is applicable, must specify the activities for which the supportive services will be provided.

(c) [A special allowance for supportive services is made only to the extent that the item or service is not available from another public or non-profit source at no cost to the individual, [does not interfere with parental choice as specified in 165.46(a)(5) and 168.11(b) (relating to types of special allowances for §§ supportive services; and general requirements),] and cannot be met by educational assistance. The activity may not be secondary education or an equivalent level of vocational or technical training, unless the individual is [a pregnant [female] or a custodial parent.

[(d)] (c) The [CAO] Department will inform the individual, [in writing and] orally and in writing, of the availability of special allowances for supportive

services at application, [reapplication] redetermination, recertification and whenever the AMR or EDP is developed or revised.

[(e)] (d) The [CAO shall] Department will assist the participant to obtain supportive services required to participate in [employment, education, training and job search activities, including precomponent activities such as orientation] approved work or work-related activities as specified on an AMR or EDP, with one exception. Supportive services are not available for a SNAP only participant to maintain current employment, except as provided in § 165.1(d) (relating to general).

[(f)] (e) Except as otherwise restricted in this chapter, special allowances for supportive services may be granted [as often as required to enable the individual to participate in an approved education or training activity and once for each job] up to the maximum amount and frequency established by the Department in Appendix A (relating to work and work-related special allowances).

**§ 165.42. Advance [payment] provision of special allowances for supportive services.**

(a) Special allowances for supportive services [, including child care, shall] will be [paid] provided in advance of the date [that payment is] required by the provider, consistent with the requirements and time frames in §[§]

165.45 [and 168.1(b)(3)] (relating to time frames for authorization of payment of special allowances for supportive services [; and policy on payment of child care]).

\* \* \* \* \*

[(c) This section does not apply to vendor payments 165.46(a)(11)(ii) (relating to types of special for child care under § allowances for supportive services).]

**§ 165.43. Requests for special allowances for supportive services and time frames for eligibility determinations.**

(a) The [CAO shall] Department will document an oral or written request for a special allowance for supportive services. A written decision approving or denying the request [shall] will be issued by the [CAO] Department no later than 15-calendar days following the request.

(b) A Notice to Applicant as provided in Chapter 125 (relating to application process), shall be used to inform the [client] individual of the [CAO's] Department's decision on the request for supportive services.

\* \* \* \* \*

**§ 165.44. Verification for special allowances for supportive services.**

(a) *Verification needed to authorize [payment] special allowances for supportive services.*

(1) Before authorizing the [initial payment] special allowance for supportive services, the [CAO shall] Department will determine the following:

(i) Whether the supportive service requested is [necessary] required to enable the participant to engage in an approved [education or training] work or work-related activity [or to apply for employment].

\* \* \* \* \*

(2) Verification [of the need for], including collateral contact, that the special allowances for supportive services is required [only when it is not readily apparent] will be provided prior to authorization.

(3) Acceptable verification [of information need for initial authorization] consists of collateral [contracts] contacts, written statements or completed Departmental forms, obtained from sources such as employers, prospective employers, school officials, employment and training providers or providers of supportive services. If collateral contacts are used, the information will be documented in the participant's file.

(4) The [CAO shall] Department will use collateral contacts whenever necessary to ensure that payment is made in advance of the date that payment is required [by the provider].

(b) *Verification needed [to review continued eligibility] for reoccurring and nonrecurring special allowances for supportive services.*

(1) The participant's [continued] eligibility for a special allowance for a supportive service is reviewed monthly, or more often if [costs] expenses are likely to change, at each [reapplication] redetermination or recertification, whenever a change in employment or training is reported by the participant or the employment and training provider, and whenever the AMR or EDP is revised.

[(2) To review the participant's continued eligibility, the CAO shall require verification of] (i) A participant shall verify the actual costs incurred by the participant for the supportive service and [verification of] the participant's attendance at [an education or training activity or at employment] the approved work or work-related activity. The Department may require that the participant or provider of the supportive service, or both, verify that the participant received the approved special allowance for supportive services and that the provider received payment for the amount the participant was eligible to receive.



[(3)] (ii) When verification provided [to the CAO] indicates a change in eligibility, payment of the special allowance to the participant shall be reduced, terminated or increased, as appropriate, upon issuance of a confirming notice to the participant, in accordance with § 133.4(c) (relating to procedures).

(2) The Department will process an overpayment referral to recover a special allowance for supportive services TO THE EXTENT OF THE MISUSE in accordance with § 165.91 (relating to restitution) and Chapter 255 (relating to restitution). Circumstances for which a referral may be appropriate include the following:

(i) The participant was ineligible for cash assistance or SNAP only benefits in the month the Department issued a special allowance for supportive services.

(ii) The participant did not use the special allowance for supportive services for its intended purpose.

(iii) The actual cost of the supportive service was less than the estimated cost of the service.

(iv) The participant provided falsified or erroneous documentation to obtain a special allowance for supportive services.

(v) The participant received a reoccurring special allowance for supportive services when the need no longer existed.

(vi) The participant or provider of supportive services, or both, did not provide verification, such as a receipt, that the supportive services requested were obtained using the special allowance payment.

(viii) (VII) The participant did not participate in or comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP.

[(c) *Special requirements related to child care for GA recipients.*

(1) Child care costs shall be verified through a collateral contact by the CAO with the child care provider, by a written statement signed by the provider or on a form specified by the Department.

(2) When a special allowance for child care is authorized based on a collateral contact or a written statement from the provider, verification of the charge for child care on a form specified by the Department shall be submitted to the CAO within 30 days of the first day child care costs were incurred. The CAO

shall assist the client, as needed, to obtain a completed verification form from the provider.

(3) Verification of factors other than cost relating to the need for child care shall consist of collateral contacts with, or written statement from, employers, prospective employers, physicians, licensed psychologists, school officials, or training providers or copies of court orders or pay stubs. The client's statement regarding suspected child abuse is acceptable evidence. Information previously verified need not be repeated unless it is subject to change.]

**§ 165.45. Time frames for authorization of [payment of] special allowances for supportive services.**

(a) When verification is obtained or received by the [CAO] Department within 5-calendar days following a request for a special allowance for supportive services, if approved, the [CAO shall] Department will authorize [payment] the request no later than 10-calendar days following the date of request.

(b) When verification is obtained or received by the [CAO] Department more than 5 days following a request for special allowance for supportive services, the [CAO shall] Department will authorize [payment] the request no later than 5-calendar days after receipt of the verification.

(c) When the last day for authorization of payment falls on a weekend or holiday, the [CAO shall] Department will authorize [payment] the request on or before the working day immediately preceding the weekend or holiday.

(d) Authorization [of payment] shall include actually processing the data needed to issue a check, including completing required forms and performing data entry.

(e) The [CAO shall] Department will issue the written decision approving or disapproving the request for a special allowance for a supportive service within the time frame for authorization [of payment] in this section.

(f) [The CAO shall] For payments of special allowances for supportive services, the Department will use the method of payment, such as a county or central issuance, that is best calculated to provide payment to the [client] participant in advance of the date that payment for the supportive service is required by the provider.

**§ 165.46. Types of special allowances for supportive services.**

(a) *[Child care for GA recipients.*

(1) Payment for child care is made to enable the caretaker/relative or custodial parent to participate in an approved education or training activity or to apply for employment.

(2) The CAO shall promptly inform an ETP participant who is in need of child care about the following:

(i) The types and locations of child care providers reasonably accessible to the participant.

(ii) The assistance available to help the participant select an appropriate child care provider.

(iii) The assistance available on request to help the participant obtain a child care provider.

(iv) That child care payments shall be paid in advance of the date that payment is required by the provider, consistent with the requirements and time § 165.45 (relating to time frames for authorization of payment of frames in special allowances for supportive services), to ensure that the participant will have access to the child care provider of the participant's choice.

(3) Special allowances for child care are available for the following types of providers, including the following:

(i) Center-based care.

(c) Group family day care.

(c) Family day care.

(iv) Department of Education administered day care.

(v) Unregulated care.

(4) Child care payments may be made only to a person or business entity who allows parental access to the child while a child is in care without the need for prior notification and who provides care in accordance with applicable Federal, State and local law.

(5) The caretaker/relative shall have the right to choose from any type of child care that is available under this chapter and the right to choose any child care provider who meets the requirements of this chapter.

(6) Payments are made for care of a child who is one of the following:

(i) Twelve years of age or younger, living in the home of the parent or caretaker/relative and receiving cash assistance, or who would be eligible to receive cash assistance except for the receipt of SSI or foster care under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—677).

(ii) Thirteen years of age or older if it has been verified by a physician or licensed psychologist that the child is not physically or mentally capable of caring for himself or it is verified that the child is under a court order requiring adult supervision, the child is living in the home of the parent or caretaker/relative and is receiving cash assistance, or who would be eligible to receive cash assistance except for the receipt of SSI or foster care under Title IV-E of the Social Security Act.

(7) Payment is made for the eligible cost of child care up to the maximum § 168.1 (relating to policy on allowance established by the Department in payment of child care) or the rate charged the general public, whichever is less, per child. Recipients receiving special allowances for child care before implementation of the maximum allowances continue to receive payment for actual reasonable costs incurred for child care. Eligible costs include charges for days on which the child does not attend due to illness, vacation, or

the like. Charges for transporting the child to or from care are included if not levied as a separate charge by the provider.

(8) Payment for providing care of children will not be made to the following persons or business entities owned by:

(c) A biological or adoptive parent of the child.

(c) A legal guardian of the child.

(c) A stepparent of the child living in the home.

(iv) Persons receiving TANF as essential persons.

(v) Other members of the budget group of which the child is a member.

(9) Payment for child care shall be made for persons awaiting entry into, or during breaks in, approved education training or employment for one of the following:

(i) Up to 2 weeks.



(ii) Up to 30 days when it is verified that the arrangements would otherwise be lost in the interim period.

(10) Payment of child care shall be reasonably related to the hours of employment or ETP participation, including travel time.

(11) Payment for child care may be made by one of the following:

(i) Direct payment to the recipient when the provider is unregulated or is regulated but is not enrolled in the Department's child care vendor payment system.

(ii) Vendor payment to a regulated provider who has signed the Department's vendor payment agreement and who is enrolled in the Department's child care vendor payment system.

(iii) Restricted endorsement check to the recipient and provider.

(iv) The earned income deductions in §§183.94(3) and 183.95(2) (relating to TANF earned income deductions; and GA earned income deductions) for employed clients, except that clients earning wages in a work experience training activity may receive payment for the difference between

the child care deduction and the maximum child care allowance established by the Department in § 168.1 when the cost of child care exceeds the deductions in §§ 183.94(3) and 183.95(2).

(12) Child care services are not considered as needed when an unemployed biological or adoptive parent, specified relative or legal guardian is in the home unless that person is physically or mentally incapable of providing care or is involved in education, training, job search or employment related activities, or the child is at risk due to suspected child abuse or the custodial parent is participating in a Single Point of Contact or Department or Department of Education Pregnant and Parenting Youth Program.

(13) Preexpenditure approval is required unless the child care is for a job interview and the client is unable to contact the worker prior to the scheduled interview.

(b) *Care of incapacitated adults.* Payments are made for the eligible costs of nonmedical care up to the maximum rates established for infant care of an incapacitated adult living in the same home if care is required to enable a recipient to participate in an approved education or training activity or to apply for employment and no other sound plan can be made for care of the incapacitated adult. Costs for care of incapacitated adults for maintaining employment are met by the earned income deductions in §§ 183.94(3) and 183.95(2) except that

clients earning wages in a training activity, such as work experience, may receive payment for the difference between the deduction for care of an incapacitated adult found in §§ 183.94(3) and 183.95(2) and the actual non-medical cost incurred.

(1) There shall be verification of the person's incapacity and the need for the care.

(2) Payment will be made for the actual cost of care.

(3) Payment for providing care will not be made to the following:

(i) The spouse of an incapacitated person.

(ii) An essential person.

(iii) Other members of the budget group of which the recipient or incapacitated adult is a member.

(4) Preexpenditure approval is required.

(c) *Transportation and related expenses.* [Payments are made for eligible transportation costs incurred due to participation in ETP activities or for accepting employment. Transportation costs under paragraph (1) or (2) for maintaining employment are met by the earned income deductions in §§183.94(1) and 183.95(2).] The Department will pay for transportation and related expenses required for an individual to engage in approved work or work-related activities up to the maximum allowance established in Appendix A (relating to work or work-related special allowances). [Payment is made] Transportation-related allowances are provided for the least costly type of transportation which is available and practical considering the location and hours of scheduled [employment or training] approved work or work-related activity, the [client's] participant's physical condition and the need to transport children to a child care provider. [Payment for transportation-related costs is] Transportation-related allowances are not [made] provided if the activity is secondary education or an equivalent level of vocational or technical training unless the [person] individual is [a] pregnant [female] or a custodial parent.

(1) *Public transportation.* [Payment is made] Public transportation-related allowances are provided for costs incurred for transportation provided by bus, subway, commuter [or long distance] rail, taxi, [air,] paratransit or other recognized modes of transportation.

(i) [Payment] An allowance for public transportation is the actual cost to the [client] participant up to the maximum amount established by the Department in Appendix A (relating to work and work-related special allowances).

(ii) [Except for air or long distance rail travel, preexpenditure approval is not required.] Verification of the need and the cost of transportation is required [within 30 days of the date the transportation expense was incurred].

(2) *Private transportation.* [Payment is made] Private transportation-related allowances are provided for costs incurred for transportation provided by privately owned vehicles, ride sharing and car or van pools.

(i) [Payment for] An allowance for private transportation provided by a vehicle owned by the [client] participant is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum [monthly] amount established by the Department in Appendix A.

(ii) [For an allowance provided for the client to ride with a volunteer car and driver, the volunteer driver is paid at] An allowance for

transportation provided by a volunteer driver or if the participant is permitted to use another person's vehicle is the mileage rate established by the Department in Appendix A [,] and the actual cost of [the] parking and highway or bridge tolls up to the maximum [monthly] amount established by the Department in Appendix A.

(iii) [For an] An allowance provided for transportation by a car or van pool [,] is the [client receives a] participant's proportionate share of the cost up to the maximum [monthly] amount established by the Department in Appendix A. If the [client's] participant's share is a flat fee, the payment is the actual fee [is used] up to the maximum [monthly] amount established by the Department in Appendix A.

(3) *Motor vehicle purchase or repair.* When there is no other type of practical transportation available or other available transportation is more expensive, a special allowance may be authorized toward the purchase, down payment [to purchase] or repair of a motor vehicle for an individual to [accept a firm job offer, to prevent the loss of current employment, to attend an approved education or training activity or to transport children to day care while the client is employed or participates] participate in an approved [education or training] work or work-related activity.

(i) The maximum total allowance toward a motor vehicle purchase, down payment and repair is limited to [a] the rate and frequency established by the Department in Appendix A.

\* \* \* \* \*

(4) *Motor vehicle-related expenses.* The cost of a driver's license, State inspection fee, emission control inspection fee, license plates and vehicle registration fee may be authorized for a participant if they are [needed] required for [an individual to accept a firm job offer, to attend an approved education or training activity, or to transport children to day care while the client participates] participation in an approved [education or training] work or work-related activity.

(i) Payment is made for actual cost up to the maximum allowance and frequency established by the Department in Appendix A.

\* \* \* \* \*

(5) [*Moving/relocation costs.* A special allowance may be granted if an individual is relocating to accept a verified offer of gainful, permanent employment and if the individual has not received a moving allowance for any reason within the previous 12 months.

(i) Payment is not made for moves by unlicensed moving companies except as provided for in §175.23(b)(3)(i)(C) (relating to requirements).

(ii) The maximum allowance toward moving/relocation costs is limited to the rate established by the Department in Appendix A, in a 12-month period. The 12-month period begins with the first authorization of this allowance.

(iii) Preexpenditure approval is required.

(6) *Lodging and food.* A special allowance toward lodging and food may be granted if an individual has to be away from home one or more nights to apply for employment or an approved education or training activity or to attend training.

(i) Payment for lodging will be made for actual costs up to the rates established for Commonwealth employees by the Office of Administration. These rates will be available upon request at the CAO. When lodging cannot be located with a reasonable effort within these rates, the rates may be exceeded. The rate may also be exceeded if the client is required to stay in a specific hotel or motel. A complete explanation of lodging costs in excess of the rate shall be documented in the CAO record.



(ii) Payment for food will be made for each 24-hour period the individual has to be away from home in accordance with the rates established for Commonwealth employees by the Office of Administration and the Office of the Budget. These rates will be available upon request at the CAO. Overnight travel of less than 24 hours will be divided into 6-hour periods and reimbursed at the fractional day allowance rates. An allowance will not be provided for less than 3 hours. Payment will not be made for meals provided by a prospective employer or included as part of registration fees.

(iii) Preexpenditure approval is required.]

Motor vehicle insurance. The cost of motor vehicle insurance may be authorized if the allowance is required for participation in an approved work or work-related activity.

(ii) The allowance is provided only to participants who use their own vehicles.

(ii) Payment is made for actual cost up to the maximum allowance established by the Department in Appendix A.

(iii) Preexpenditure approval is required.

[(d)] (b) *Other expenses related to [employment and training] approved work and work-related activities*. Special allowances may be authorized for other items related to [applying for or accepting employment or for participating] participation in approved [education or training] work or work-related activities. Preexpenditure approval is required. The maximum allowances for these items are subject to the rates and frequencies established by the Department in Appendix A.

(1) *Clothing*. [A special allowance may be authorized for street or business] The Department may refer a participant to other public or nonprofit sources that provide clothing and grooming items at no cost. If these sources are not available or do not have appropriate clothing or other required items, the Department may authorize a special allowance for supportive services for clothing and grooming items [needed to make a client presentable to accept a job or to enter an approved education or training activity or specialized clothing, such as uniforms or safety shoes verified by the employer or training provider as needed for the client to work at a job or] required to participate in an approved [education or training] work or work-related activity.

(2) *Tools and other equipment*. A special allowance may be authorized for tools and other equipment [, such as goggles, helmets and wrenches] which an employer, education, employment or training provider [specifies are necessary] requires for [employment or] participation in an

approved work or work-related activity but which are not provided by the employer, education, employment or training provider and are not available under Federal, State or other educational grants.

(3) *Books and supplies.* A special allowance may be authorized for books and supplies [, such as pens, pencils, wristwatches or thermometers] that an employer or employment and training provider requires for a [client] participant to [attend] participate in an approved [education or training] work or work-related activity if these items are not provided by the employer or training provider and are not available under Federal, State or other educational grants.

(4) *Fees.* A special allowance for supportive services may be authorized for a fee [for taking] to take a test such as a high school equivalency test, a test that is a prerequisite for employment [,] or for registration or enrollment fees required for [a client] an individual to enter an approved [education or training course] work or work-related activity. Tuition is not construed to be a fee.

(5) *Union dues and professional fees.* If payment of union dues or professional fees is a condition of employment, a special allowance for supportive services may be [granted] authorized to participants who receive TANF or GA cash assistance for the initial fee only and for the period up to the

date of the [client's] participant's first pay. A special allowance for supportive services may not be issued to pay for reoccurring fees, such as license fees, even if they are necessary for the individual to maintain employment.

~~(c) Amendments to Appendix A. The Department may amend Appendix A as necessary based on availability of funding and demand for supportive services. Revisions will be published as a notice in the *Pennsylvania Bulletin* for recommended codification in Appendix A.~~

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## RESTITUTION

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### § 165.91. Restitution.

The Cash Assistance provisions of Chapter 255 (relating to restitution) apply except that the provision for recoupment of an overpayment does not apply to special allowances for supportive services issued to SNAP only participants.

## APPENDIX A

### [EMPLOYMENT AND TRAINING] WORK AND WORK-RELATED SPECIAL ALLOWANCES

[Allowance	Frequency	Maximum Allowance
Child Care	—as required for education, training, job application or job interview	—actual cost subject to the maximum established by the Department, for allowances granted after implementation of the maximum allowances —actual reasonable cost for recipients receiving child care allowances before implementation of the maximum allowances
Care of Incapacitated Adults	—as required for education, training, job application or job interview	—actual cost of nonmedical care up to the maximum rates established for infant care
Transportation <i>Public</i> —bus —subway —commuter rail —taxi —paratransit —air —long distance rail	—no limit on the number of trips for job interviews, education or training activities —for employment, may be authorized for the period up to the date of the first pay	—up to \$250 total per month as determined below: —actual cost except for air and long distance rail travel, which is provided at actual cost at the lowest available rate
<i>Private</i> —privately owned vehicle —volunteer car and driver	—no limit on the number of trips for job interviews, education or training activities —for employment, may be authorized for the period up to the date of the first pay	—\$.12 per mile plus the actual cost of parking and highway and bridge tolls

—car or van pool	—same as above	—proportionate share of cost as determined above or flat fee
Motor Vehicle Purchase and Repair	—once per job —as required for education or training activities	—actual cost up to \$200 for purchase and repair
Motor Vehicle Related Expenses —driver's license —state inspection fee —emission control inspection fee —license plates —vehicle registration fee	—once per job —as required for education or training activities	—actual cost up to \$200.
Moving/Relocation Costs to Accept Employment	—no more than once in a 12-month period	—actual cost up to \$200.
Lodging	—once for each application or interview for a job —as required for education or training	—actual cost subject to the maximum rate established for Commonwealth employees by the Office of Administration
Food	—once for each application or interview for a job —as required for education or training	—actual cost subject to the maximum rate established for Commonwealth employees by the Office of Administration and the Office of the Budget.
Clothing	—once per job —as required for education or training activities	—actual cost up to \$75.
Tools and Equipment	—once per job —as required for education or training activities	—actual cost up to \$2,000.
Books and Supplies	—as required for education or training activities	—actual cost up to \$500.
Fees	—once per job —as required for education or training activities	—actual cost up to \$250.

Union Dues/Professional Fees —once per job —actual cost up to \$250.]  
 —may be authorized for the period up to date of the first pay

<u>Type of Allowance</u>	<u>Frequency</u>		<u>Maximum Allowance</u>
	<u>TANF or GA</u>	<u>SNAP Only</u>	
<u>PUBLIC</u> <u>TRANSPORTATION</u> <u>RELATED</u> <u>ALLOWANCES</u>			<u>—actual cost up to \$1,500 annually</u>
<u>Transportation</u> <u>Public</u>	<u>—as required</u>	<u>—as required</u>	
<u>—bus</u>	<u>for job</u>	<u>for job</u>	
<u>—subway</u>	<u>interviews,</u>	<u>interviews,</u>	
<u>—commuter rail</u>	<u>work or work-</u>	<u>work or work-</u>	
<u>—taxi</u>	<u>related</u>	<u>related</u>	
<u>—paratransit</u>	<u>activities</u>	<u>activities</u>	
	<u>—for</u>	<u>—for</u>	
	<u>employment,</u>	<u>employment,</u>	
	<u>may be</u>	<u>may be</u>	
	<u>authorized for</u>	<u>authorized for</u>	
	<u>the period up to</u>	<u>the period up to</u>	
	<u>the date of the</u>	<u>the start date</u>	
	<u>first pay</u>		
<u>PRIVATE</u> <u>TRANSPORTATION</u> <u>RELATED</u> <u>ALLOWANCES</u>			<u>—actual cost up to \$1,500 annually, EXCEPT FOR MOVING/RELOCATION COSTS TO ACCEPT EMPLOYMENT</u>
<u>Transportation</u> <u>Private</u>	<u>—as required</u>	<u>—as required</u>	
<u>—privately-owned</u>	<u>for job</u>	<u>for job</u>	
<u>vehicle</u>	<u>interviews,</u>	<u>interviews,</u>	
<u>—volunteer car and</u>	<u>work or work-</u>	<u>work or work-</u>	
	<u>related</u>	<u>related</u>	
			<u>—mileage reimbursement rate will be set by the Department by notice not to exceed</u>

<u>driver</u>	<u>activities</u> <u>—for</u> <u>employment,</u> <u>may be</u> <u>authorized for</u> <u>the period up to</u> <u>the date of the</u> <u>first pay</u>	<u>activities</u> <u>—for</u> <u>employment,</u> <u>may be</u> <u>authorized for</u> <u>the period up to</u> <u>the start date</u>	<u>Commonwealth</u> <u>reimbursement rate for</u> <u>actual cost of gasoline,</u> <u>plus the actual cost of</u> <u>parking and highway</u> <u>and bridge tolls</u>
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<u>Transportation</u> <u>Car or van pool</u>	<u>—as required</u> <u>for job</u> <u>interviews,</u> <u>work or work-</u> <u>related</u> <u>activities</u> <u>—for</u> <u>employment,</u> <u>may be</u> <u>authorized for</u> <u>the period up to</u> <u>the date of the</u> <u>first pay</u>	<u>—as required</u> <u>for job</u> <u>interviews,</u> <u>work or work-</u> <u>related</u> <u>activities</u> <u>—for</u> <u>employment,</u> <u>may be</u> <u>authorized for</u> <u>the period up to</u> <u>the start date</u>
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MOVING/RELOCATION COSTS TO ACCEPT EMPLOYMENT	— TO ACCEPT A VERIFIED OFFER OF GAINFUL, PERMANENT EMPLOYMENT —NO MORE THAN ONCE IN A 12-MONTH PERIOD	— TO ACCEPT A VERIFIED OFFER OF GAINFUL, PERMANENT EMPLOYMENT —NO MORE THAN ONCE IN A 12-MONTH PERIOD	—ACTUAL COST UP TO \$200
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<u>Motor Vehicle Repair</u>	<u>—as required</u> <u>for work or</u> <u>work-related</u> <u>activities</u>	<u>—as required</u> <u>for work or</u> <u>work-related</u> <u>activities or if</u> <u>required to</u> <u>accept</u> <u>employment</u>
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<u>Motor Vehicle-Related</u> <u>Expenses</u>	<u>—as required</u> <u>for work or</u>	<u>—as required</u> <u>for work or</u>
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<u>—driver's license</u> <u>—state inspection fee</u> <u>—emission control inspection fee</u> <u>—license plates</u> <u>—vehicle registration fee</u>	<u>work-related activities</u>	<u>work-related activities or if required to accept employment</u>	
<u>MOTOR VEHICLE PURCHASE</u>	<u>—as required for work or work-related activities</u>	<u>—as required for work or work-related activities or if required to accept employment</u>	<u>—actual cost for one vehicle up to \$1,500 in a lifetime.</u>
<u>MOTOR VEHICLE INSURANCE</u>	<u>—as required for work or work-related activities</u>	<u>—as required for work-or work-related activities or if required to accept employment</u>	<u>—actual cost up to \$1,500 in a lifetime.</u>
<u>CLOTHING</u>	<u>—as required for work or work-related activities</u>	<u>—as required for work or work-related activities or if required to accept employment</u>	<u>—required clothing or actual cost of clothing up to \$150 annually</u>
<u>WORK, EDUCATION AND TRAINING RELATED ALLOWANCES</u>			<u>—actual cost up to \$2,000 in a lifetime</u>
<u>Tools and Equipment</u>	<u>—as required for work or work-related activities</u>	<u>—as required for work or work-related activities or if required to accept employment</u>	
<u>Books and Supplies</u>	<u>—as required</u>	<u>—as required</u>	

	<u>for work or work-related activities</u>	<u>for work or work-related activities</u>
<u>Fees</u>	<u>—as required for work or work-related activities</u>	<u>—as required for work-or work-related activities or if required to accept employment</u>
<u>Union Dues/Professional Fees</u>	<u>—may be authorized for the period up to date of first pay</u>	<u>—may be authorized for the period up to the start date</u>

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**Republican Chairman**  
**Health and Human Services Committee**  
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**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 14-518  
 SUBJECT: REVISIONS TO THE SPECIAL ALLOWANCE FOR SUPPORTIVE SERVICES  
 AGENCY: DEPARTMENT OF PUBLIC WELFARE

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
X 8/25/10	<u>D. Rucker</u>	maj - HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES - <u>Oliver</u>
8/25/10	<u>B. Brackbill</u>	<del>MAJORITY CHAIRMAN</del> <sup>Minority</sup> <u>Baker</u>
X 8/25/10	<u>C. Slawden-Lager</u>	maj - SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE - <u>Vance</u>
X 8/25/10	<u>M. W. [Signature]</u>	<del>MAJORITY CHAIRMAN</del> <sup>Minority</sup> <u>Hughes</u>
8/25/10	<u>K. Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)