

#14-518-29

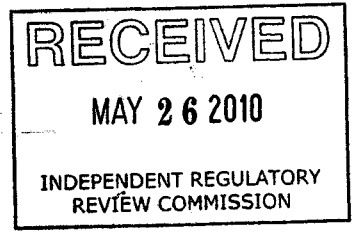
Office of Income Maintenance
Bureau of Policy

2833

May 24, 2010

MAY 25 2010

EZogby@state.pa.us



Edward J. Zogby, Director, Bureau of Policy
Health and Welfare Building, 4th Floor
Harrisburg, PA 17105

**RE: Proposed Regulations #14-518
Revisions to the Special Allowance for Supportive Services Requirements**

Dear Mr. Zogby:

I am writing to oppose the Department of Public Welfare's recently proposed regulations that would severely and unnecessarily limit the availability of welfare-to-work supports for Pennsylvania families.

I am most concerned that DPW appears to be imposing new hours' requirements on persons who are exempt from participation in RESET (Road to Economic Self-sufficiency through Employment and Training), but who choose to volunteer for education or training programs that could prepare them for eventual employment:

An exempt individual may volunteer to participate in an approved work or work-related activity and shall comply with the requirements of the AMR or EDP.

Proposed 55 Pa. Code §165.1(a). The Pennsylvania Welfare Code explicitly allows persons who are exempt from RESET requirements to voluntarily participate in education and training activities. The statute does not require a volunteer to commit to a specific number of hours nor does it state, as implied by DPW's proposed language above, that there will be an adverse consequence if the volunteer is unable to meet the hours specified on her AMR (Agreement of Mutual Responsibility) or EDP (Employment Development Plan). While the proposed language does not expressly state that the "requirements of the AMR or EDP" include required hours of participation, we are not sure what other kinds of requirement this regulation could mean if not that. The language of this regulation is dangerously ambiguous, and could be used to deny opportunities to the individuals that the Welfare Code was implemented to protect.

This language is alarming given the Department's history of recognizing that individuals who are exempt or have good cause for not meeting RESET work requirements nevertheless may benefit from participation in a RESET activity in order to prepare for eventual employment. Over the years many women, especially victims of domestic violence, have been helped enormously by DPW's volunteer policy. Such a policy gives women who have survived emotional and physical injuries the chance to take courses at community college, or pursue ESL instruction or a GED in order to prepare themselves for employment after they have had time to progress in their recovery.

Often, however, the nature of the very circumstances that make a person exempt from RESET prevents that person from being able to maintain 100% attendance at their education or training program. For example, a domestic violence victim whose abuser has discovered where she is going to school might feel unsafe leaving the house until she can put in place an adequate safety plan, causing her to miss some classes in the meantime. Accordingly, the problem with DPW's proposed revision to Section 165.1 is that it seems to require volunteers to commit to a fixed number of hours per week for their programs, even though circumstances beyond their control relating to, for example, domestic violence, could prevent them from meeting their hours' commitment. The "shall comply" language strongly implies that an adverse consequence will follow if the person is unable to fulfill all of her hours. This will surely discourage clients with barriers from volunteering for programs that could be very helpful in enhancing their employment prospects further down the line.

This proposed change represents a regrettable reversal in policy for the Department, as it would have a particularly harsh impact on survivors of domestic violence. Accordingly, I recommend that DPW delete the proposed language stating that clients "shall comply with the requirements of the AMR or EDP."

I am also troubled by several other provisions:

- I am concerned that the proposed regulations would impose low and arbitrary limits on the amount of critical special allowances that a family might receive. For example, an individual would only be able to receive \$2,000 in her lifetime to spend on books and school supplies, and \$1,500 per year on transportation. If a parent reaches the maximum payment for transportation or books and supplies, she may be forced to abandon her education or training, quit a job, or stop looking for work. These arbitrary limits will prevent many people from making enough money to leave welfare behind.

I recommend that these annual and life-time limits be dropped.

- Proposed 55 Pa. Code §165.44(b)(2)(viii) would impose a supportive services overpayment for non-compliance with work requirements, without regard to the degree of non-compliance. Under this provision, a client who, for example, attends her program for 29 hours in week, instead of the required 30 hours, could be required to pay back the full amount of supportive services payments issued to her in that week, even though those work supports were actually required and used for their intended purpose.

I recommend that DPW drop subsection (viii) from this proposed regulation.

- Proposed 55 Pa. Code §165.44(a)(2) would create unnecessary red tape by requiring employers and training providers to verify that transportation to the work or training site is required, even when the need for such transportation is readily apparent. Employers should not be asked to prove the obvious, especially

as they often have no more knowledge than welfare office staff of the employee's transportation options. Individuals who live more than walking distance from their job or training site should not have to prove they need transportation to get there.

I recommend that DPW add the following exception to the requirement that need be verified: "unless, with regard to the need for transportation, readily available information regarding the travel distance demonstrates the need."

In this recession, Pennsylvania's women and families need more help — not less — to obtain quality education and training that will lead to self-sufficient jobs. These regulations will only hurt women and families as they try to work their way out of poverty.

Sincerely yours,

Susan Frietsche
401 Wood Street Suite 1020
Pittsburgh, PA 15222

cc: Arthur Coccodrilli, Chair, Independent Regulatory Review Commission