
FLORIDA WORKS
Policies & Procedures

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PURPOSE

To define State policies for local use and to provide clear and exact guidance for the internal adoption, operations, and management of the WTP Deferral Procedure and Documentation for Region #9, Florida Works.

BACKGROUND

The Welfare Transition program requires that recipients of Temporary Cash Assistance engage in work activities. Recipients of cash assistance must not only be engaged in one of the acceptable work activities, but they must also participate/work a specific number of hours each week. A recipient of cash assistance counts as engaged in a work activity if he/she participates for at least the minimum average number of hours per week during the month.

Participation rates are important. In order for states to receive the maximum funding from TANF, participation rates must be met. For the fiscal year 2000 and after, recipients need to work an average of 30 hours per week over the month in order to count for the participation rate. Because averages are allowed, some recipients may work more hours one week and then less the next. However, the weeks during a month must average no less than 30 hours.

A jobseeker who cannot participate in assigned work activities may be deferred from the activity for a specific period of time. However, the jobseeker shall be required to comply with the course of treatment necessary to resume participation. It may also be required that a jobseeker cooperate in an independent, third party medical and/or vocational assessment necessary to evaluate the jobseeker's ability to participate in a work activity. If necessary, a vocational assessment may be completed by referring the jobseeker to the local Division of Vocational Rehabilitation.

PROGRAM GUIDANCE

A deferral excuses a participant from the work activity requirements for a **specific period of time**. Deferral is granted as a result of significant barriers that affect the individual's ability to participate in work activities. One very important point to remember is that **time limits are not affected by the approval of a deferral**. If a participant has a 24-month time limit for TCA, the 24-month time limit stays in affect while the deferral is in effect.

Deferral does not mean that the jobseeker never has to meet work requirements. Deferral means that the participant does not have to meet work requirements for a specific period of time or until certain barriers have been eliminated. An **Alternative Requirement Plan** (ARP) must be developed with the jobseeker who is deferred. This plan will document alternate activities that he/she must comply with in order to remove any barriers that hinder participation in work activities.

The career counselor is responsible for monitoring the deferrals and for the development of an **Alternative Requirement Plan (ARP)**. This plan must identify and outline the specific requirements that the jobseeker must meet.

DEFERRALS

A. Medical Incapacity and Medical Deferrals

The Medical Verification Form and the Statement of Need for Care Form are required to secure documentation regarding the WT jobseeker's medical incapacity, limitations and/or ability to comply.

1. The **Medical Verification Form, AWI-WTP 2288(a)**, is a three-page form that includes:

- A letter to the physician requesting the release of the client's information;
- A page disclosing the WT jobseeker's rights and responsibilities regarding compliance;
- A page disclosing the WT jobseeker's rights and responsibilities regarding the release of medical information;
- A request for the physician to provide information regarding restrictions on participation in both work and classroom activities; and
- A place for the physician to provide an estimated duration of the condition and the therapy or treatment plan prescribed for the jobseeker.

The Medical Verification Form (AWI-WTP 2288(a)) must be completed by the physician and submitted to the service provider(s) every **6 months**.

Medical verification must be obtained in order to evaluate a jobseeker's medical ability to comply. A physician licensed under F.S. 458 or 459 must complete a **Request for Medical Verification**, form AWI-WTP 2288(a), 9/2005 (Attachment A).

Form AWI-WTP 2288(a) includes:

- Nature of jobseeker's disability
- Jobseeker's limitation (what they can and cannot do)
- The duration of the disability (how long the disability is expected to last)
- The number of hours per week the jobseeker can participate
- Percentage of the jobseeker's disability
- The course of treatment necessary to resume participation

2. The **Statement of Need for Care Form, AWI-WTP 2288 (b)**, includes:

- A notice of rights and responsibilities for the WT jobseeker;
- An authorization to release medical information for the individual requiring care to the Provider;
- The rights and responsibilities of the individual receiving care regarding medical information and confidentiality; and
- A page to be completed by a physician licensed under Chapter 458 or 459, F.S. providing information regarding the amount of time the WT jobseeker should be excused from work activities to provide care for the medically incapacitated adult/child.

A jobseeker for whom there is medical verification of limitation to participate in work activities will be assigned to work activities consistent with his/her limitations. An **Alternative Requirement Plan (ARP)** must be completed with the jobseeker. The ARP activities shall be assigned based on both limitations and the course of action necessary to resume participation. The jobseeker may be subject to the sanctioning process for failure to comply with the ARP.

Procedures for Medical Deferrals

A deferral or “excuse” from work activity requirements is time limited and should be based on the medical documentation received.

1. All jobseekers with an existing medical verification form will be contacted by Florida Works’ service provider(s) and given a “Request for Medical Verification” form AWI-WTP 2288(a) for completion by an authorized physician. All future medical verification must be completed on this same form (AWI-WTP 2288(a)). The jobseeker must return the completed and signed Medical Verification Form (AWI-WTP 2288(a)) to the service provider within five (5) working days.
2. Once the “Request for Medical Verification” is received, it is reviewed to determine whether or not the jobseeker is 100% medically deferred. The medical verification form must also be reviewed for accuracy and the possibility of fraud.
3. If the jobseeker is 100% medically deferred, the jobseeker should be counseled as to the possibility of applying for SSI/SSDI via the local Social Security Administration (SSA) (if appropriate) and should be contacted on a **monthly basis**. An **Alternative Requirement Plan** must be developed with the jobseeker for work activity consistent with their limitations. The ARP shall be developed upon verification of the deferral.
4. If the jobseeker is not 100% medically deferred, they must be referred to the Division of Vocational Rehabilitation (VR) to be evaluated for the jobseeker’s ability to participate in work activities. An **Alternative Requirement Plan** must be developed with the jobseeker for work activity consistent with their limitations. The ARP shall be developed upon verification of the deferral.
5. In the event that a jobseeker is considered to be permanently deferred, (with no chance of resuming any work activity - as stated by an authorized physician) an **Alternative Requirement Plan** must be developed with the jobseeker and the jobseeker must be referred back to DCF for permanent exemption. Additionally, the jobseeker should be counseled as to the possibility of applying for SSI/SSDI via the local Social Security Administration (SSA). The ARP shall be developed upon verification of the deferral.
6. The service provider must review and update the jobseeker’s case **at least once a month** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to reflect medical assessment, vocational assessment, treatment plan progress, and participation based on medical ability to comply.
7. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.
8. The Medical Verification Form **must be updated every 6 months** and placed in the jobseeker’s hard copy file.

B. SSI / SSDI Applicant Deferrals

Procedures for SSI / SSDI Applicants

Individuals who have applied for SSI/SSDI and have not received a final determination from the Social Security Administration (SSA) may be “*exempted*” or “temporarily excused” from *work requirements* while awaiting a final determination. The term “exempt” under this subsection in Florida Statutes is not to be confused with the term “exempt” defined by eligibility determination.

The jobseeker must:

1. Secure documentation from the SSA verifying a current application or appeal is on file. If the jobseeker provides documentation verifying an application or appeal for SSI/SSDI is on file at the SSA office, the jobseeker may be excused from work requirements. **However, the jobseeker is not exempt from WT program requirements.**
2. Submit a completed Medical Verification Form regarding the nature of the medical incapacity, limitations to participation, the duration of disability or incapacity, as well as a course of treatment recommended or required; and
3. Participate in program requirements according to his/her documented medical ability to comply.
4. Jobseekers who have provided verification of a SSI/SSDI application or appeal must submit a completed Medical Verification Form documenting the nature of the medical incapacity, limitations to participation, the duration of disability or incapacity, as well as a course of treatment recommended or required. A physician licensed under Chapter 458 or 459, F.S., must complete the Medical Verification Form. An **Alternative Requirement Plan** must be developed with the jobseeker based on the limitations outlined in the medical documentation. The ARP shall be developed upon verification of the deferral.
5. The service provider must review and update the jobseeker's case **at least once a month** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to reflect medical assessment, vocational assessment, treatment plan progress, and participation based on medical ability to comply.
6. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.
7. The Medical Verification Form **must be updated every 6 months** and placed in the jobseeker's hard copy file.
 - Section 414.105 (11), F.S., states persons who have applied for SSI/SSDI but have not received a final determination **must** continue to meet all program requirements assigned to the jobseeker based on medical ability to comply.
 - Section 414.065 (1) (b), F.S., states jobseekers receiving TCA who are exempted from noncompliance penalties and fails to comply with the alternative plan requirements will be subject to the same penalties as those who are subject to work requirements as outlined in 414.065 (a). **The jobseeker must comply with an ARP that is consistent with the individual's limitations.**

C. Outpatient Mental Health / Substance Abuse Treatment Deferrals

Procedures for Outpatient Mental Health or Substance Abuse Treatment

If a jobseeker informs the provider that he/she is in need of substance abuse or mental health services:

1. The jobseeker should be referred to a Substance Abuse and/or Mental Health (SAMH) service provider.
2. If the jobseeker reports that he/she is already involved in a treatment or mental health program, the provider must assist the jobseeker in developing an **Alternative Requirement Plan** (ARP) to include the alternative requirements, participation in the treatment program and documentation of the treatment. The ARP shall be developed upon verification of the deferral.

Counting the Hours Florida Statutes, section 414.065 (e), allows jobseekers to be *excused* from work activity requirements for up to 5 hours per week to participate in a substance abuse or mental health treatment program. **The individual may not exceed 100 hours per year.**

The jobseeker may be excused from the work activity for up to five hours per week after a mental health or substance abuse professional certifies:

- The treatment protocol and
- Provides verification of attendance at the counseling or treatment sessions **each week**.

If the jobseeker requires more than five hours a week for SAMH treatment or he/she is involved in an inpatient treatment program, a physician licensed under Chapter 458 or 459, F.S. must verify it. And an ***Alternative Requirement Plan*** (ARP) must be developed that includes the:

- Assigned program requirements to remain in compliance with the WT program;
- Program and activity requirements that take into consideration the jobseeker's medical limitations; and
- Course of treatment necessary for the individual to resume participation based on the medical documentation.

The Substance Abuse and Mental Health Treatment Verification form, CF-ES 2299, must be used to certify the jobseeker's engagement in the treatment program.

1. Once the jobseeker has started the SAMH program, the SAMH counselor shall complete section B of the CF-ES 2299 to verify the WT jobseeker has started the treatment process. This information will then be forwarded to the provider.
2. An ***Alternative Requirement Plan*** must be developed with the jobseeker for work activity consistent with their limitations. The ARP shall be developed upon verification of the deferral.
3. The RWB will communicate with the SAMH counselor and monitor participation ***at least monthly***.
4. The provider is responsible for obtaining verification of attendance at the counseling and treatment sessions for each week.
 - Obtaining verification may be included in the jobseeker's IRP/ARP.
5. The service provider must review and update the jobseeker's case/file ***weekly*** to verify that the jobseeker is complying with work plan requirements and participation as outlined in the IRP/ARP.
6. The IRP/ARP must be updated as needed to reflect plan progress, and weekly participation based on ability to comply.
7. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.
8. The Substance Abuse and Mental Health Treatment Verification form, CF-ES 2299 ***must be updated every 6 months*** and placed in the jobseeker's hard copy file.
9. Once treatment is completed, the SAMH counselor shall complete section C of the SAMH Treatment Verification Form, CF-ES 2299, indicating:
 - The months that the jobseeker fully complied with the SAMH treatment requirements and
 - If the jobseeker was successful in completing the program

This information will then be forwarded to the provider.

D. Other Exceptions to Penalties

Noncompliance Related to Childcare

In many parts of the state, there is a lack of infant care. If appropriate childcare cannot be found, the jobseeker may have his/her work activity requirements deferred until such time as childcare is available.

A jobseeker may be deferred for Non-compliance Related to Childcare in the following circumstances:

1. Child must be under the age of 6 years old.
2. Family must prove an inability to obtain suitable childcare.
 - Within a reasonable distance from the individual's home or worksite
 - In an informal setting, or
 - That is appropriate and affordable (formal)
3. An **Alternative Requirement Plan** must be developed with the jobseeker for work activity consistent with their limitations. The ARP shall be developed upon verification of the deferral.
4. The service provider must review and update the jobseeker's case **weekly** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to plan progress, and participation based on ability to comply.
5. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.

Noncompliance Related to Domestic Violence

1. Work requirements would make it probable that the individual would not be able to escape domestic violence.
2. An **Alternative Requirement Plan** must be developed with the jobseeker for work activity consistent with their limitations. This plan must prepare the individual for self-sufficiency while providing for the safety of the individual and dependents. The ARP shall be developed upon verification of the deferral.
3. The service provider must review and update the jobseeker's case **at least once a month** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to reflect plan progress, and participation based on ability to comply.
4. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.

Noncompliance Related to Past Effects of Domestic Violence

1. Unable to comply with work requirements due mental or physical impairment related to past incidents of domestic violence.
2. An **Alternative Requirement Plan** must be developed to prepare the individual for self-sufficiency while providing for the safety of the individual and dependents. The ARP shall be developed upon verification of the deferral.
 - The plan must include counseling or a course of treatment necessary for the individual to resume participation.
 - The need for treatment must be verified by a licensed physician, psychologist or other professional identified in 414.065

3. The service provider must review and update the jobseeker's case **at least once a month** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to reflect plan progress, and participation based on ability to comply.
4. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.

Noncompliance Related to Other Good Cause Exceptions

Other Good Cause Exceptions are circumstances out of the individual's control such as natural & personal disasters or "Other" reasons as approved by FloridaWorks.

1. The natural / personal disaster(s) must be documented via official letter from a State or official agency (i.e. Sheriff's Department, Fire Department, Hospital) or newspaper article.
 - The letter must identify the nature of the natural / personal disaster.
 - The date that the exception occurred.
 - The outcome effect of the natural / personal disaster.
2. An **Alternative Requirement Plan** must be developed with the jobseeker for work activity consistent with their limitations. The ARP shall be developed upon verification of the deferral.
3. The service provider must review and update the jobseeker's case **at least once a month** to verify that the jobseeker is complying with work plan requirements. The IRP or ARP must be updated to reflect plan progress, and participation based on ability to comply.
4. For jobseekers participating in any work plan, all *Case Notes* and *System Notes* must be updated to reflect informational entries and case actions taken. Additionally, all required follow-ups must be entered into OSST as they occur.

Tracking Jobseeker Progress

Federal law requires the reporting of an individual's participation on a monthly basis in order to track the State's performance in meeting federal participation rates. This information is entered into the OSST system under the Skill Development tab. Welfare Transition entries into the system are based on participation documentation such as time sheets or school attendance forms, pay stubs, etc.

Follow-up and ongoing support shall be provided to the jobseeker. Both the career counselor and the jobseeker are responsible for the achievement of the goals of the IRP (and ARP). Regular contact shall be maintained to enable joint monitoring of the progress made in achieving goals outlined in the plan. Jobseekers shall be contacted **no less than monthly** and more often if the steps outlined in the plan require it. The plan shall be updated at regular intervals or when there is:

- 1) A change in the jobseeker's circumstances; or
- 2) An activity is completed or a new one is assigned.

The IRP / ARP must allow for changes and updates as the jobseeker's circumstances dictate. In addition to the monthly or more frequent follow-up, the IRP / ARP shall be jointly reviewed and revised, if necessary, **no less than every 6 months**. Previous IRPs / ARPs and currently amended IRPs / ARPs shall be printed and signed with the **original** retained in the jobseeker's hard copy file.

Participation and Failure to Comply with the Deferral

All TCA recipients who are not exempt must participate in work activities as outline on their work requirement plan – this includes jobseekers who have been deferred. All jobseekers may be subject to the sanctioning process for failure to comply with the ARP.

Links to Required Forms

[Medical Verification Form AWI-WTP 2288\(a\)](#)

[Statement of Need for Care AWI-WTP 2288\(b\)](#)

[Substance Abuse and Mental Health Treatment Verification form, CF-ES 2299](#)