

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 4.—Public Assistance Program

30-4-64. Work program requirements for TANF.

Each applicant or recipient of TANF, unless exempted, shall be required to participate in one or more components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations.

(a) Exemptions. The following persons shall be exempt from the work requirements:

(1) Any person who is aged 17 or younger or who is aged 18 and working toward attainment of a high school diploma or its equivalent. This exemption shall not be claimed by a female who is pregnant or a parent of a child in the home and who has not yet attained a high school diploma or its equivalent;

(2) any person who is needed in the household because another member of the household requires the person's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care; and

(3) any parent or other caretaker who is personally providing care for a child under the age of three months. Only one person in a case may be exempt on the basis of providing care for a child under the age of three months. This exemption shall not be claimed under any of the following circumstances:

(A) A custodial parent or pregnant woman under the age of 20 does not possess a high school diploma or its equivalent;

(B) both parents, a stepparent, a cohabiting partner, or a caretaker of the child is present and is not exempt, unsuitable, or incapable of providing child care; or

(C) a parent, a stepparent, a cohabiting partner, or a caretaker is determined to have a substance abuse disorder.

(b) Participation requirements. Each applicant or recipient shall participate in one or more components of a department-approved, work-related program directed toward the recipient's plan of self-reliance.

(c) Support costs. Payment of support costs shall be provided to participants. Support costs may include the following:

(1) Transportation expenses for each person participating in a work program activity in accordance with a department-approved plan;

(2) child care expenses, as necessary for the person to participate in a work program activity in accordance with a department-approved plan;

(3) education and training costs for each participant based on a department-approved plan, which may include tuition, books, and fees; and

(4) support service expenses to obtain goods and services needed to participate in an approved component.

(d) Transitional expenses. Payment for transitional expenses may be provided to each qualifying participant who loses eligibility for TANF if not otherwise disqualified. Transitional expenses may include any reasonable and necessary expenses for job retention.

(e) Penalty.

(1) A person who is required to participate in the work program shall be ineligible for assistance if one of the following conditions is met in any assistance program administered by the secretary in which work program participation is required:

(A) The person fails without good cause to cooperate in the work assessment process or participate in the program.

(B) The person refuses without good cause a bona fide referral for or offer of employment.

(C) The person terminates employment without good cause.

(D) The person is terminated from employment by voluntarily making oneself unacceptable without good cause.

(E) The person reduces earnings without good cause.

(2) The period of ineligibility shall be as follows:

(A) For the first penalty, three months and full cooperation with work program activities;

(B) for the second penalty, six months and full cooperation with work program activities;

(C) for the third penalty, one year and full cooperation with work program activities; and

(D) for the fourth and each subsequent penalty, 10 years.

If the person is an adult, the mandatory filing unit of which the person is a member shall also be ineligible.

(f) Good cause. Each individual who presents verification that the individual meets one or more of the following conditions shall be determined to have good cause for failing to participate in the work program:

(1) The individual is exempt from participation in the program.

(2) The individual was incapable of performing the activity as determined by the individual's case manager.

(3) Performance of the activity was so dangerous or hazardous according to occupational safety and health administration (OSHA) standards as to make a refusal to perform the activity or termination of the activity a reasonable one.

(4) Child care or day care for an incapacitated individual living in the same home is necessary for an individual to participate or continue to participate in the program, and the care is not available.

(5) The total daily commuting time to and from home to the activity to which the individual is assigned exceeds two hours, not including the transporting of a child to and from a child care facility. If a longer commuting distance is generally accepted in the community, the round trip commuting time shall not exceed the generally accepted community standards.

(6) The failure occurred in the month in which the individual's pregnancy ended or the two following months.

(7) A single custodial parent has demonstrated the inability to obtain needed child care for a child under the age of six, because of one or more of the following reasons:

(A) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;

(B) unavailability or unsuitability of informal child care. "Informal child care" shall mean care that is legally exempt from regulation; or

(C) unavailability of appropriate and affordable formal child care arrangements.

(8) The individual was a victim of domestic violence, and compliance with program requirements would increase the risk of harm for the individual or any children in the individual's care.

(9) There was no bona fide offer of employment or training.

(10) The payment offered for employment was less than the federal minimum wage. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996; amended March 1, 1997; amended July 1, 1998; amended April 1, 1999; amended Dec. 1, 1999; amended May 1, 2001; amended Jan. 1, 2007; amended May 3, 2019.)

***** Authenticated Kansas Administrative Regulation *****