

Comments on Florida's Work Verification Plan

1. Throughout the plan, the State includes language indicating that the 2007 Legislative Session will provide approval for various plan elements. If the legislature fails to act or approves provisions inconsistent with the description in this plan, the State must revise and resubmit its WVP.
2. (Various pages) The plan states that countable work activities include “but are not limited to” and then provides a list. Whenever providing a list, enumerate or describe everything in the list or amend the plan at a later time to include additional activities.
3. (Page 3) The plan indicates that the NDNH will be used to help determine hours of employment. The NDNH does not have this information, but can be helpful in finding employment unknown to the agency, which in turn could be verified and documented.
4. (Pages 3, 5, 7, 11) The plan indicates that when actual hours are not available, “staff divide salary by the applicable minimum wage to calculate the total hours worked for the time period.” Only actual hours of participation may be counted. If documents do not record actual hours of participation, another method of documentation must be obtained.
5. (Page 4) For the self-employed, is the method the State uses for determining gross income and expenses the same method it uses to determine eligibility for TANF benefits? If so, the WVP should state this; if not, it should give more detail on how the State determines these figures.
6. (Pages 4, 6, 8, 11) Please describe the method, including any formulas, for determining average weekly hours of participation in projecting hours of employment.
7. (Pages 9, 15, 16, 24) When deeming core hours, the State should base the hours of participation on the monthly TANF and food stamp benefits divided by the higher of the Federal or State minimum wage. This result should not be divided by 4.3, as the limit does not apply to any one week, but to total hours for the month (or the average weekly hours). The limit is not based on a weekly threshold, because this allows States maximum flexibility from week-to-week. Also, the plan should note that deeming only applies once the individual participates for the maximum hours allowed under the FLSA.
8. (Pages 9, 11, 14, 16, 19, 20, 21) Before we can approve its plan, the State needs to include its method of assuring supervision for each activity, including explaining who provides supervision. Please amend all the relevant sections to add activity-specific information.
9. (Page 13) Please specify how often and how many job search employment contacts will be verified.
10. (Pages 13-14) Is on-site job search the only form of job search that will be permitted? The plan refers to “unsupervised on-site job search.” All job search activities must be supervised.

11. (Page 17) A vocational educational training program may take place at a secondary school, but it may not consist of secondary school training or be part of a secondary school degree. That would count under satisfactory participation in secondary school.
12. (Page 22) The description of how countable hours are determined for someone “providing child care services” refers back to the calculation for determining hours under community service programs. Does this mean that the child care provider’s hours should be the same as those of the CSP participant for whom she is providing care, or does it mean that Florida considers “providing child care services” to be subject to the FLSA? “Providing child care services for community service program participants” should not be a paid activity.
13. (Page 23) Unless the participant is providing child care in a structured setting, daily supervision must be described more fully, including who is providing the supervision.
14. (Pages 23-24) After reviewing State Work Verification Plans, we have decided that more than 10 holidays does not meet the standard we outlined in the preamble to the interim final rule, allowing a reasonable number of holidays. The State is free to designate 10 days of holidays to count toward the participation rate for an individual. We will not approve plans with more than 10 days of holidays. If the State chooses to designate two or more successive days (such as Thanksgiving and the Friday after Thanksgiving) as holidays, they will constitute two of the 10 maximum holidays that it can count for participation. In addition, semester breaks and planned work shut downs are not considered holidays. If a State fails the participation rate due to natural disaster or other catastrophe, it can make a request for a reasonable cause exception on that basis.
15. (Page 24) For those in paid activities, only paid leave counts as participation. The plan suggests that this may be paid and/or sick leave. Sick leave can only be counted if it is paid.
16. (Page 24) Florida notes that it cannot currently track excused absences in its automated system but will be making systems changes to do so. Once the system has been modified to track excused absences Florida should revise the plan to reflect this change. In the meantime, please provide explanation of how you track excused absences manually.
17. (Page 25) A parent with a child under three months is not excluded from the definition of a work-eligible individual, but can be disregarded from the participation rate calculation.