

LEGISLATIVE SUMMARY SHEET

Tracking No. 0338-19

DATE: November 19, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING AMENDMENTS TO THE NAVAJO NATION DEPARTMENT FOR SELF RELIANCE'S PATHWAY TO SELF RELIANCE POLICY MANUAL

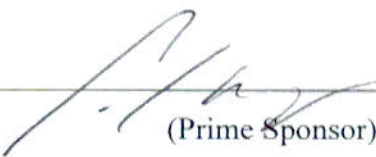
PURPOSE: This bill will approve amendments to *Policy Manual* for the Navajo Nation Department for Self-Reliance. The manual is entitled *Pathway to Self-Reliance*. Generally, it addresses the Navajo Nation's administration of the *Tribal Temporary Assistance for Needy Families program* (TANF, a federal program entitled *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2800
Website Posting Time/Date: _____
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Eligible for Action: 11/25/19

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – FIRST YEAR, 2019

INTRODUCED BY


(Prime Sponsor)
0338-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING
AMENDMENTS TO THE NAVAJO NATION DEPARTMENT FOR SELF
RELIANCE'S PATHWAY TO SELF RELIANCE POLICY MANUAL

BE IT ENACTED:

Section One. Authorities

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400 (A).
- B. The Health, Education and Human Services Committee has oversight over the Division of Social Services and its programs. 2 N.N.C. § 601(C)(1).
- C. The Health, Education and Human Services Committee pursuant to 2 N.N.C. § 401(B)(1) is authorized to establish Navajo Nation policy, promulgate rules and regulations governing human services and general government services of the Navajo Nation.

Section Two. Findings

- A. On November 7, 2012, by Resolution No. HEHSN-33-2012, the Health, Education and Human Services Committee of the Navajo Nation Council approved the Navajo Division of Social Services Navajo Nation Program for Self Reliance's Pathway to Self Reliance Manual revisions.

- 1 B. The Pathway to Self Reliance Manual needs to be updated because certain financial
2 assistance eligibility provisions have changed since the Manual was last revised seven
3 (7) years ago.
- 4 C. The proposed revisions to the Navajo Nation Department for Self Reliance's *Pathway*
5 *to Self Reliance Policy Manual* have been reviewed by the Navajo Nation Department
6 of Justice and deemed sufficient.
- 7 D. The Navajo Nation finds it in the best interest of the Navajo People to approve the
8 recommended amendments to the *Pathway to Self Reliance Policy Manual* as
9 submitted by the Navajo Nation Department for Self Reliance and as attached hereto
10 as Exhibit A.

11

12 **Section Three. Amending the Pathway to Self Reliance Policy Manual**

- 13 A. The Navajo Nation hereby approves and adopts amendments to the *Pathway to Self*
14 *Reliance Policy Manual*, attached as Exhibit A.
- 15 B. The Navajo Nation Department for Self Reliance is authorized to insert page numbers
16 and a paginated *Table of Contents* for purposes of public availability of the *Policy*
17 *Manual*.

18

19 **Section Four. Effective Date**

20 The *Pathway to Self Reliance Policy Manual*, as set forth above, shall become
21 effective immediately.

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TABLE OF CONTENTS

SECTION 100: GENERAL INFORMATION

100	Introduction.....
102	Welfare Reform.....
103	Navajo Nation Program <u>Department</u> for Self Reliance.....

SECTION 200: T'ÁÁ HWÓ ÁJÍT'ÉEGO (Self Reliance)

201	Purpose <u>T'áá hwó ájít'éego</u>
202	Mission <u>Vision</u> Statement.....
203	Service Delivery Model <u>Mission Statement</u>
204	Customer Rights <u>Service Delivery Model</u>
205	Customer Responsibilities <u>Rights</u>
206	Employee <u>Customer</u> Responsibilities.....
207	<u>DSR Employee Responsibilities</u>

SECTION 300: NITSÁHAKÉÉS (THINKING)

301	Purpose.....
302	Eligibility Requirements <u>Pre-Application Screening</u>
303	Application.....
304	Interview.....
305	Ineligible Applicants <u>Required Documents</u>
306	Eligibility Decision <u>Needy Family</u>
307	Approval Period <u>Ineligibility for Assistance</u>
308	Diversión <u>Eligibility for Assistance</u>
309	Non-Financial Eligibility Criteria.....
310	Financial Eligibility Criteria <u>Supplemental Eligibility Criteria</u>
311	Supplemental Eligibility Criteria <u>Financial Eligibility Criteria</u>

312	Requirements for Inclusion in Benefit Group <u>Eligibility Monthly Assistance</u> <u>Amount</u>
313	Exclusion from Benefit Group <u>Monthly Assistance Payments</u>
314	<u>Monthly Assistance Payments</u> <u>Eligibility Decision</u>
315	<u>Certification Period</u>
316	<u>Protective Payee</u>
317	<u>Authorized Representative</u>

SECTION 400: NAHAT'Á (PLANNING)

401	<u>Purpose</u>
402	<u>Case Assignment</u>
403	<u>Customer Assessments</u>
404	<u>Personal Responsibility Plan Development</u>
405	<u>Work Participation Requirements</u>

SECTION 500: AADÍILIL (DOING)

501	<u>Purpose</u>
502	Review of Personal Responsibility Plan <u>Quality Case Management</u>
503	Monthly Update Report (MUR) <u>Change Reports</u>
504	Penalties <u>Adverse Action Review</u>
505	<u>Support Services and Incentives, Achievement Awards and Incentives</u>
506	<u>Customer Progression Toward Self-Reliance</u>

SECTION 600: BEE NIISÉÉLDOO (GROWING)

601	<u>Purpose</u>
602	Case Closure <u>Education and Career Services</u>
603	Transitional Support Services

SECTION 700: HOZHO K'EH HINA (WALK IN BEAUTY) CUSTOMER DUE PROCESS

701	Purpose.....
702	Advance Notification <u>Transitional Support Services</u>
703	Appeals <u>Short-Term, Non-Recurring Benefits</u>
704	Informal Hearing <u>Diversion</u>

SECTION 800: ~~INTERNAL CONTROLS~~ COMPLIANCE

801	Purpose.....
802	Internal Reviews <u>Penalties</u>
803	Data Collection and Reporting <u>Intentional Program Violations</u>
804	Program Integrity <u>Advance Written Notification</u>
805	Records Management <u>Case Closure</u>
806	Professional Ethics and Standards <u>Appeals and Customer Due Process</u>
807	Improper Payments <u>Appeal Review</u>
808	<u>Appeal Hearing</u>
809	<u>Internal Review</u>
810	<u>Data Collection and Reporting</u>
811	<u>Program Integrity</u>
812	<u>Records Management</u>
813	<u>Professional Ethics and Standards</u>
814	<u>Improper Payments</u>
815	<u>Case Management Violations</u>

SECTION 900: GLOSSARY

901	Purpose.....
802	Definitions.....
803	Acronyms.....

EXHIBITS ATTACHMENTS:

- A. ~~Legislative Approval: Health, Education and Human Services Committee of the Navajo Nation Council~~

1 ~~B.~~ 1. Federally ~~Recognized~~ Designated Near Reservation Communities.....

2 ~~C.~~ 2. Navajo Nation Privacy and Access to Information Act.....

1
2 NAVAJO NATION PROGRAM DEPARTMENT FOR SELF RELIANCE
3 PATHWAY TO SELF RELIANCE POLICY MANUAL
4

5 SECTION 100: GENERAL INFORMATION

6 101 INTRODUCTIONS

7 ~~When~~ Public Law 104-193, is the Personal Responsibility and Work Opportunity
8 Reconciliation Action (PRWORA) of 1996 ~~was enacted, major changes resulted.~~
9 ~~The four (4) purposes of~~ that provides the Navajo Nation Department for Self
10 Reliance guidance in administering the Tribal Temporary Assistance for Needy
11 Families (TANF) program. ~~are to:~~

- 12 1. ~~Provide assistance to needy families so that children may be cared for in their~~
13 ~~homes or in homes of relatives.~~
14 2. ~~End the dependency of needy parents on government benefits by promoting~~
15 ~~job preparation, work and marriage.~~
16 3. ~~Prevent and reduce the incidence of out of wedlock pregnancies and establish~~
17 ~~annual numerical goals to prevent and reduce the incidence of these~~
18 ~~pregnancies.~~
19 4. ~~Encourage the formation, maintenance and strengthening of two-parent~~
20 ~~families.~~

21
22 ~~Some k~~ Key principles ~~reflected in the new law~~ are:

- 23 • A. Welfare programs should ~~be designed to help people move from Welfare to~~
24 ~~w~~ Work.
25 • B. Welfare should be short-term and transitional; and not a way of life.
26 • C. Parents should receive the child care and health care services to ~~assure that~~
27 ensure their children are not ~~put~~ at risk as parents move from Welfare to
28 Work.
29 • D. Child support programs should get tougher and more effective in securing
30 support from absent parents.

- E. States, Tribes, and localities should develop diverse and creative solutions to the many factors that generate contributing to poverty and dependency.

102 WELFARE REFORM

~~Personal Responsibility and Work Opportunity Reconciliation Action (PRWORA) or Welfare Reform, 45 CFR, Part 286 and Section 412 of Public Law 104-193, gave tribes the flexibility to design a program that will achieve the goals of the new block grant. This allowed the Navajo Nation to develop strategies for promoting work over welfare and self-sufficiency over dependency. It challenges tribes to foster changes that are culturally appropriate. It also allows Tribes to take more responsibility for program results and outcomes.~~

Welfare Reform gave tribes flexibility to design a program that will promote the following TANF purposes:

- A. Provide assistance to needy families so that children may be cared for in their homes or in homes of relatives.
- B. End the dependency of needy parents on government benefits by promoting job preparation, work and marriage.
- C. Prevent and reduce the incidence of out of wedlock pregnancies and establish annual numerical goals to prevent and reduce the incidence of these pregnancies.
- D. Encourage the formation and maintenance of two-parent families.

103 NAVAJO NATION PROGRAM DEPARTMENT FOR SELF-RELIANCE

~~In December 1996, the Navajo Nation embarked on the development and implementation of its own Temporary Assistance for Needy Families (TANF) program. As the largest Native American Tribe in the United States, both in population and in reservation size, the Navajo Nation faced the challenge of designing a program that would effectively and efficiently serve Customers living in remote areas throughout the 26,000 square miles of land in the states of Arizona, New Mexico, and Utah.~~

1 The Navajo Nation Program for Self Reliance (NNPSR) is committed to:

- 2 • providing quality and timely services;
- 3 • enhancing the self-esteem of Customers by treating Customers with dignity
- 4 and respect;
- 5 • providing Culturally sensitive Customer service; and
- 6 • coordinating and collaborating with other Tribal and State agencies as well as
- 7 the private sectors to foster positive changes in Customers.

8 All program employees are responsible for providing effective and appropriate
9 services to Customers and adhering to the goals of helping each Customer reach
10 his/her full potential. This shall be accomplished by closely mentoring each
11 Customer.

12 Customers are responsible for providing accurate and current information
13 regarding their eligibility and taking responsibility for becoming self-reliant. Any
14 person seeking NNPSR services and assistance shall be viewed as an individual
15 striving to better themselves and their family.

16 The Navajo Nation Program for Self Reliance shall provide support to Customers
17 through:

- 18 • Providing employment support service opportunities through coordination and
- 19 agreements with Navajo Nation programs and collaborative partners
- 20 • Promoting educational and employment opportunities which prepare
- 21 Customers for their chosen career path.
- 22 • Promoting and encouraging academic achievement of adults and minor
- 23 children.
- 24 • Using, when appropriate, cultural and traditional teachings and concepts
- 25 which promote personal responsibility and self-reliance.
- 26 • Developing a comprehensive case management data base system which
- 27 monitors and tracks the progress for Customers.

The Navajo Nation Department for Self Reliance (DSR) serves Customers living on the Navajo Nation and Navajo families living in designated Near Reservation communities, (Attachment 1).

The DSR is committed to quality and timely services, treating Customers with dignity and respect, maintaining regular contact with Customers, and coordinating and collaborating with other entities to foster positive changes in Customers.

SECTION 200: T'ÁÁ HWÓ ÁJÍT'ÉEGO (SELF RELIANCE)

201 PURPOSE T'ÁÁ HWÓ ÁJÍT'ÉEGO

~~This section is to establish a unique and culturally relevant Pathway to Self Reliance where the Customer and their family members gain a sense of responsibility and ownership of their future.~~

The concept of T'áá hwó ájít'éego is a powerful teaching that promotes living life with a purpose, making conscious decisions, exercising personal discipline, and taking full responsibility for one's life. By promoting T'áá hwó ájít'éego, personal attributes of self-respect, perseverance and conducting one's self with courage and potential are strengthened.

202 MISSION VISION STATEMENT

~~We shall serve, with integrity and in an ethical manner, to empower all families, based on the Navajo teachings of the concept of T'áá hwó ájít'éego, to become self-reliant.~~

To eliminate future dependency of children and families on government assistance by promoting T'áá hwó ájít'éego.

203 SERVICE DELIVERY MODEL MISSION STATEMENT

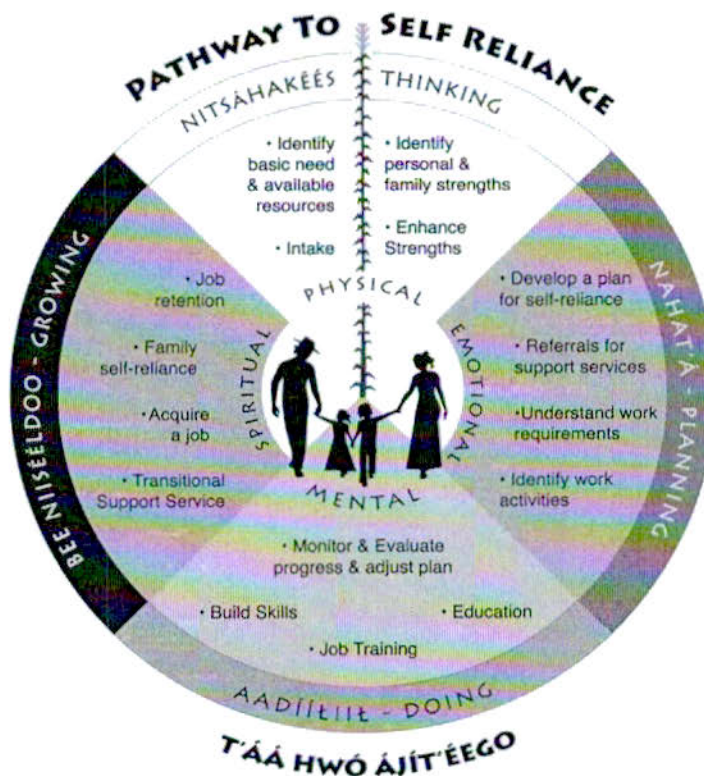
1 Traditionally, the Diné were strong, proud, enduring and self-sufficient.
2 Historically, the Diné lived an active, healthy and productive lifestyle by growing
3 crops, raising livestock, and taking responsibility for their own way of living.
4 This lifestyle and idealism still exist, but many Diné have become dependent on
5 Federal, State and Tribal assistance programs which are intended as temporary
6 assistance. Like many Americans across the country, Navajo families in need,
7 sought and received assistance from various welfare programs. For some, it was a
8 different way of being cared for, but it was not consistent with the Diné traditional
9 belief.

10
11 The NNPSR encourages the development of social and economic responsibility as
12 well as self-sufficiency in families and individuals through well-defined and
13 supportive activities. Culturally sensitive services are offered to Customers living
14 within the NNPSR's Service Delivery Area.

15
16 Navajo culture is incorporated into the program by promoting the basic life
17 principles of the Navajo people. These basic principles form the Pathway to Self-
18 Reliance (see Figure 1) that consists of four significant life activities: Thinking,
19 Planning, Doing, and Growing. They represent the steps individuals and families
20 must take to become self-sufficient.

21
22 The program utilizes these four activities to foster individualized plans that will
23 help develop personal responsibility and move Customers toward self-sufficiency.
24 Program staff mentors Customers as they work towards the goals they have set for
25 themselves and their family in a "Personal Responsibility Plan". All customers
26 are required to develop a "Personal Responsibility Plan" which is used to guide
27 the Customer through progressive stages that include the application process,
28 eligibility and payment determination, referral, job search, work activity,
29 evaluation and assessment, reporting and other program activities.

30 **Figure 1.**



We shall serve, with integrity and ethics, to empower individuals and families by promoting T'áá hwó ájít'éego, through appropriate support, opportunities and education.

204 **CUSTOMER-RIGHTS SERVICE DELIVERY MODEL**

Every Customer has a right to:

- A. Be treated with respect and dignity.
- B. To recognize and respect their privacy including protection of any information that identifies a particular Customer and his/her family.
- C. Not to be discriminated against in the delivery of services based on race, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information or source of payment.

1 ~~D. Have services provided in a culturally appropriate manner with consideration~~
2 ~~for Customers with limited English proficiency or reading skills and those~~
3 ~~with diverse cultural backgrounds.~~

4 ~~E. Be provided information regarding complaints or grievance procedures and~~
5 ~~how to obtain prompt resolution of their issues and concerns.~~

6 ~~F. Have access to his/her case file in accordance with applicable Federal and~~
7 ~~tribal laws.~~

8
9 The DSR Service Delivery Model has four (4) progressive stages of learning and
10 personal development that result in successful outcomes of DSR families.

11
12 NITSÁHAKÉÉS (Thinking): To promote personal responsibility by educating
13 Customers on welfare reform, reducing dependency on public assistance by
14 creating educational and career opportunities, providing assistance to eligible
15 needy families to meet their basic needs, and addressing social dilemmas by
16 identifying and providing referrals to key resources.

17
18 NAHAT'Á (Planning): To create a Customer-centered environment encouraging
19 personal change by assisting Customers in identifying specific opportunities that
20 foster a positive outcome.

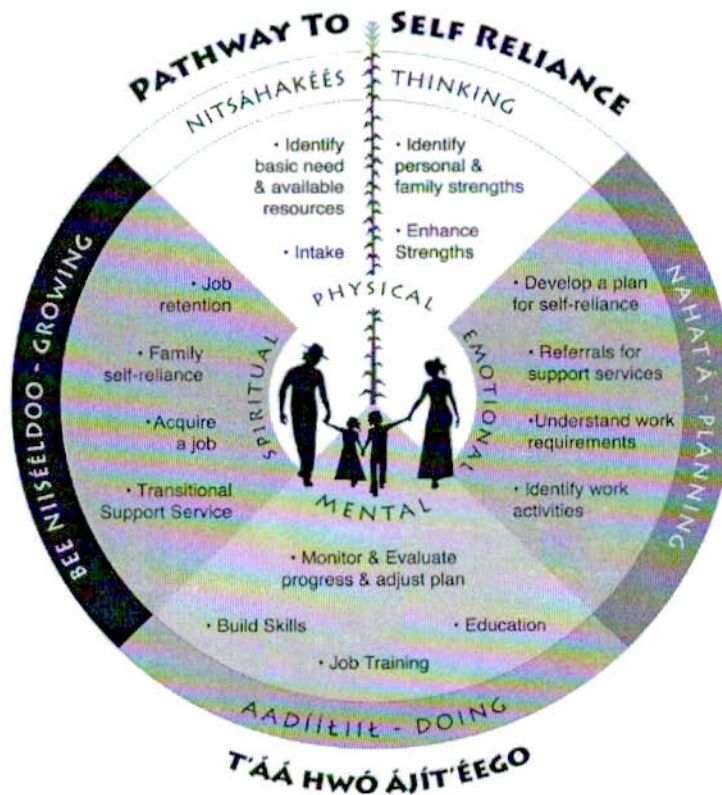
21
22 AADÍĹĹĹ (Doing): To implement a plan of action based on a Customer's
23 identified strengths and barriers while establishing and providing opportunities for
24 Customers to enhance their knowledge, skills, abilities, and experiences to help
25 them become self-reliant.

26
27 BEE NIISÉĹĹDOO (Growing): To recognize Customers taking responsibility for
28 themselves and their family members toward self-sufficiency.

These four (4) traditional teachings guide and serve as a model for development of one's well-being and promote value in sustaining *Hozho K'eh lina*.

Figure 1 depicts the pathway the DSR promotes for Customers to reach self-reliance.

Figure 1.



205 CUSTOMER RESPONSIBILITIES RIGHTS

Every Customer has a responsibility to:

- A. Provide accurate and complete information about their present conditions, previous services and other information relating to his/her situation.
- B. Cooperate with NNPSR in the determination of their eligibility and the monitoring of their on-going eligibility, including investigations.
- C. Be considerate of the rights of others, including his/her personal behavior.
- D. Respect the property of others and of the program's property.

- ~~E. Refrain from verbal/physical abusive conduct toward NNPSR staff.~~
- ~~F. Comply with all scheduled appointments, including arriving on time, or contacting the NNPSR staff to reschedule appointments.~~
- ~~G. Develop a Personal Responsibility Plan (PRP) within forty-five (45) working days after the date of approval.~~
- ~~H. Comply with Work Participation Requirements.~~
- ~~I. Immediately report any changes in their circumstances, which may affect their eligibility, benefit amount and/or their PRP.~~
- ~~J. Complete and submit a Monthly Update Report (MUR) as required.~~
- ~~K. Apply for continued assistance if the need for assistance extends beyond the current approval period.~~

Each Customer has a right to:

- A. Be treated with respect and dignity.
- B. Have their privacy recognize and respected including protection of any information that identifies the Customer and their family in accordance with the Navajo Nation Privacy and Access to Information Act.
- C. Be treated fairly regardless of race, ethnicity, national origin, religion, gender, age, disability, sexual orientation, or source of income.
- D. Apply for and receive assistance and services at any DSR direct service office of their choice.
- E. Receive a copy of the DSR Pathway to Self Reliance Policy Manual and an orientation on these Policies.
- F. Develop a Personal Responsibility Plan (PRP) based on their interests and chosen career goals.
- G. Receive services provided in an appropriate manner with consideration of their limitations.
- H. Make written or verbal complaints and receive resolution of their issues or concerns.

- I. Due process to appeal an action taken or not taken by the DSR regarding their application, assistance, or case.
- J. Receive copies of documents they submitted and notices the DSR generated.
- K. Withdraw their application before a decision is made by the DSR.
- L. Bring a person of their choice to appointments and/or hearings.
- M. Be fully informed of any decisions or changes affecting the services and assistance they currently receive.
- N. Voluntarily close their case at any time.
- O. Decide which minor child(ren) to be included in their Benefit Group.
- P. Refuse assistance and services offered by the DSR.

206 **EMPLOYEE CUSTOMER RESPONSIBILITIES**

~~NNPSR employees have a responsibility to:~~

- ~~A. Assist Customers in completing the Application for Assistance and other necessary forms.~~
- ~~B. Uphold and protect the confidentiality of program Customers in accordance with the Navajo Nation Privacy Act, the NNPSR Professional and Ethical Standards of Employee Conduct, and the NNPSR Pathway to Self Reliance Manual.~~
- ~~C. Provide accurate and timely determination of eligibility for NNPSR assistance and services.~~
- ~~D. Ensure that Customers understand program requirements and consequences for non-compliance.~~
- ~~E. Ensure that all Customers understand that, if they do not agree with a decision made regarding their application or assistance, they have the Right to Appeal the decision.~~
- ~~F. Assist Customers to understand and identify their needs, interests, strengths and weaknesses as they begin to pursue self-sufficiency.~~
- ~~G. Assist the Customer to pursue all opportunities and resources available to him or her.~~

H. ~~Make payment adjustments in a timely manner when the Customer reports a change in their circumstance.~~

I. ~~If necessary, verify information provided by the Customer.~~

J. ~~Adhere to the NNPSR Professional and Ethical Standards of Employee Conduct.~~

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Each Customer has a responsibility to:

A. Treat others with respect and dignity.

B. Provide accurate and complete information about their present conditions, previous services and other information relating to his or her situation.

C. Cooperate with DSR in the determination of their eligibility and the monitoring of their on-going eligibility, including investigations.

D. Comply with all scheduled appointments, including arriving on time, or contacting the DSR direct service staff to reschedule appointments in a timely manner.

E. Participate in the development and completion of their PRP within thirty (30) working days after the date on the Approval Decision Notice.

F. Commit to achieving their PRP goals and objectives.

G. Review and update their PRP at least once every four (4) months or as situations change.

H. Comply with Work Participation Requirements. This applies to adult(s) and minor parent(s) who are included in a Benefit Group receiving assistance.

I. Report any changes in their circumstances which may affect their eligibility, benefit amount, and/or their PRP, within five (5) working days from the change.

J. Follow through with all referrals to internal and external resources.

K. Use monthly assistance payments for its intended purposes.

207 DSR EMPLOYEE RESPONSIBILITIES

Each DSR employees is responsible to:

- A. Treat each Customer with respect, dignity and in a professional manner.
- B. Uphold and protect the confidentiality of DSR Customers in accordance with the Navajo Nation Privacy and Access to Information Act, (Attachment 2), the DSR Professional and Ethical Standards of Employee Conduct, and this Policy.
- C. Abide by the DSR Professional and Ethical Standards of Employee Conduct.
- D. Provide each Customer with a Pathway to Self Reliance Policy Manual.
- E. Explain to the Customer their rights and responsibilities.
- F. Provide each Customer an *Application for Assistance* and other necessary forms.
- G. Ensure Customers understand DSR requirements and consequences for non-compliance.
- H. Ensure all Customers understand that if they do not agree with a decision made regarding their application or assistance, they have the right to appeal the decision.

Each DSR Direct Service Employee is responsible to:

- A. Assist Customers with completing the *Application for Assistance* and other necessary forms.
- B. Assist Customers to understand and identify their needs, interests, strengths and weaknesses as they begin to pursue self-sufficiency.
- C. Document all interactions with Customers in case notes.
- D. Assist Customers to pursue all opportunities and resources available to him or her.
- E. Make payment adjustments in a timely manner when ~~the~~ Customers reports a change in their circumstance.
- F. Verify information provided by Customers.
- G. Provide accurate and timely determination of eligibility for DSR assistance and services.

- H. At a minimum, communicate and follow-up with Customers on a monthly basis, including providing advance notice of decisions or changes affecting Customers' eligibility and assistance.
- I. Provide adequate notice prior to home visits.
- J. Provide transportation in accordance with the DSR Customer Transportation Procedures.
- K. Prepare for and keep each appointment, regardless of early release or administrative leave.
- L. Make every effort to keep an appointment. If for any reason, a staff is not able to keep an appointment, the staff must arrange with their supervisor to contact the Customer to reschedule the appointment or have another staff member meet with the Customer.
- M. Participate in the development and monitoring of the Customer's PRP.
- N. Obtain Tribal Assistance System (TAS) certification within six (6) months after beginning the Pathway to Quality Services (PQS) training series.
- O. Report a potential Intentional Program Violation (IPV) committed by a Customer or a member of the Customer's Benefit Group to the Fraud Investigations Unit when a staff suspects or becomes aware of an IPV. A DSR direct service staff who does not report a potential IPV for which they are aware of may be subject to disciplinary action in accordance with the Navajo Nation Personnel Policies Manual.

SECTION 300: NITSÁHAKÉÉS (THINKING)

301 PURPOSE

~~This section contains the policies related to intake and eligibility determination, which is the beginning of the Pathway to Self Reliance.~~

It is the purpose of the DSR to promote personal responsibility by educating Customers on welfare reform, reducing dependency on public assistance by creating educational and career opportunities, assisting eligible needy families to

1 meet their basic needs, and addressing social dilemmas by identifying and
2 providing referrals to key resources.

4 **302 ELIGIBILITY REQUIREMENTS PRE-APPLICATION SCREENING**

5 ~~Customers must meet financial, non-financial and supplemental eligibility~~
6 ~~requirements to receive assistance.~~

7 A. DSR direct service staff must screen all individuals who inquire about DSR
8 assistance and services for their potential eligibility for the Diversion Benefits,
9 which is a once-in-a-lifetime non-recurring payment to divert individuals from
10 on-going monthly assistance by removing barrier(s) that puts their current
11 employment at risk, or prevents them to accept full-time employment offer,
12 before they complete and submit an *Application for Assistance*. Diversion
13 Benefits are not entered into the Tribal Assistance System; therefore, an
14 individual who refuses a pre-application screening must be documented
15 manually in their case record, and be allowed to proceed with an *Application*
16 *for Assistance*.

17 B. DSR direct service staff must provide information about the application
18 process, right to file, and encourage individuals or a representative of their
19 choice to apply on their behalf, for DSR assistance on the same day they
20 contacted the DSR direct service office. Individuals must have an opportunity
21 to make informed decision to proceed with the Diversion Benefits or an
22 *Application for Assistance*.

24 **303 APPLICATION**

25 ~~The NNPSR Application for Assistance shall be utilized to apply for NNPSR~~
26 ~~services and assistance.~~

27 ~~A. Individuals applying for assistance should be screened and provided~~
28 ~~information regarding eligibility criteria and Customer requirements so they~~
29 ~~can make an informed decision.~~

1 B. ~~An Acceptable Application submitted in person, or by mail, to a local NNPSR~~
2 ~~office shall begin the intake and eligibility determination process.~~

3 C. ~~The Registration Date shall be the Effective Date of eligibility for NNPSR~~
4 ~~benefits and services, unless an exception applies.~~

5 D. ~~An applicant has a right to withdraw their application prior to a decision~~
6 ~~being rendered.~~

7 The DSR operates with two (2) types of applications: Request for Diversion
8 Benefits and Application for Assistance.

9 A. Request for Diversion Benefits:

10 An individual who is screened to be potentially eligible for the Diversion
11 Benefits must submit a Request for Diversion Benefits form.

12 B. Application for Assistance:

13 1. Interested individuals or Customers re-applying for continued assistance
14 must submit a DSR Application for Assistance in person, by mail, fax, or
15 email to any DSR direct service office.

16 2. The effective date of eligibility for DSR assistance must be the date on
17 which an application is received by a DSR direct service office, except
18 for:

19 a. Application(s) received during non-business hours, including a holiday
20 or recognized Navajo Nation official closure. Applications received
21 during this time must be date stamped for the next business day.

22 b. To prevent duplication of assistance, a Benefit Group receiving similar
23 assistance from a State or other Tribal TANF, or Navajo Nation
24 General Assistance during an Intake Month shall have their Effective
25 Date for DSR assistance begin on the day after their assistance with
26 the other program ends. An applicant must provide written
27 verification indicating that the other assistance has ended.

28 c. A Benefit Group that meets all of the following criteria must be given
29 the option of having their Effective Date begin on the first day of the
30

1 following month to avoid having a partial month of assistance count
2 toward their sixty (60) Countable Month Time Limit:

- 3 i. resides in a near reservation community,
- 4 ii. includes an adult member, and
- 5 iii. applies within the last five (5) working days of an Intake Month.

6 C. An Applicant has the right to withdraw his or her application before a decision
7 is rendered by:

- 8 1. Submitting the DSR *Voluntary Withdrawal/Closure/Removal Request*
9 form; or
- 10 2. Submitting a written statement which must indicate they request to
11 withdraw their application and waive their right to appeal.

13 **304 INTERVIEWS**

14 ~~Upon receipt of an Acceptable Application, an eligibility determination interview~~
15 ~~shall be scheduled and conducted by no later than fifteen (15) working days from~~
16 ~~the Registration Date.~~

17 ~~A. An applicant may reschedule their interview appointment once, in accordance~~
18 ~~with established procedures.~~

19 ~~B. An applicant who does not complete the interview process shall be denied.~~

20 ~~C. During each eligibility determination interview, NNPSR staff shall inform the~~
21 ~~Applicant(s) that, pursuant to 45 CFR, Part 286, Subsection 286.75(f), a~~
22 ~~family cannot receive assistance from the NNPSR while simultaneously~~
23 ~~receiving similar assistance from another State or Tribal program.~~

24 An eligibility determination interview shall be scheduled and conducted timely,
25 preferably within five (5) working days of an Application Date. In no instance
26 shall an eligibility determination interview be scheduled and/or conducted beyond
27 fifteen (15) working days from the Application Date.

28 A. Application for Diversion Benefits:

29 An eligibility interview must be scheduled and conducted on the same day a
30 request is made. For a two-parent application, including a stepparent, both

1 parents must be present at the interview. At an individual's request, a third
2 party may be present.

3 Refer to Section 704 of this Policy if a new applicant meets the eligibility
4 criteria and requirement for the Diversion Benefits.

5 B. Application for DSR Assistance:

6 1. Eligibility determination interview must be scheduled on the same day an
7 application is received, to be conducted preferably within five (5) working
8 days from the Application Date.

9 2. The following process must be implemented:

10 a. A direct service staff must interview all applicants to determine their
11 eligibility for DSR assistance.

12 b. Initial eligibility interviews must be conducted in-person.

13 c. For two-parent applications, including a stepparent, both parents must
14 be present at the interview.

15 d. An eligibility checklist requesting verification documents must be
16 given to a head-of-household. Verification documents must be
17 submitted within ten (10) working days from the date of interview.

18 e. At an applicant's request, a third party may be present during an
19 interview.

20 C. Eligibility determination interviews for continued (on-going) assistance must
21 be conducted in-person, including home visits or via Skype.

22 D. An interview may be conducted by telephone if a justifiable reason exists. A
23 Justifiable reason include, but is not limited to the following:

24 1. Customer is temporarily absent from the Service Delivery Area for
25 educational or training purposes;

26 2. Customer is in a medical or non-medical treatment facility;

27 3. Hospitalization of an immediate family member requiring the Customer's
28 continuous presence;

29 4. Customer is incapacitated preventing him or her from traveling;
30

5. Severe inclement weather condition that prevents the Customer from traveling; or

6. Customer who has to travel one-hundred (100) or more miles one-way.

305 ~~INELIGIBLE APPLICANTS REQUIRED DOCUMENTS~~

~~The following shall be ineligible to apply for, and receive assistance:~~

~~A. An individual is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or an attempt to commit a crime, which is a felony under federal or state law.~~

~~B. An individual who is violating a condition of probation or parole imposed under Federal or State law.~~

~~C. An individual found to have committed an Intentional Program Violation, as determined by the NNPSR Fraud Investigation Unit, shall be ineligible to apply for, and receive, assistance for a period determined by the NNPSR.~~

~~D. An individual whose background check result, pursuant to Section 309.5, is Unfavorable.~~

~~E. An individual who physically assaults, or threatens the safety of, a NNPSR employee(s) shall be ineligible to apply for, and receive, assistance for a period of six (6) months for the first incident. A second incident shall result in permanent disqualification. The assault(s) and/or threat(s) must be substantiated by a police report(s).~~

To verify the age and U.S. citizenship of applicants and Customers, and to prevent duplication of assistance, the following documents must be submitted with an *Application for Assistance* or a *Request for Diversion Benefits*:

A. Birth Certificate

An official birth certificate must be used to verify the age and U.S. citizenship of the head-of-household and all members of the Benefit Group, except for the following situation:

1. A newborn child may be included in a Benefit Group without an official Birth Certificate not to exceed ninety (90) calendar Days after birth. If an

official Birth Certificate is not submitted by the end of the ninety (90) calendar day period, a minor child shall be removed from the Benefit Group until such time an official Birth Certificate is submitted to the DSR.

2. An adult who do not have an official Birth Certificate must submit an Affidavit of Birth issued by the Navajo Office of Vital Records, in lieu of, an official Birth Certificate.

B. Social Security Card

A valid Social Security Card for the head-of-household and all members of the Benefit Group must be submitted to prevent duplication of DSR assistance, except for a newborn child may be included in the Benefit Group not to exceed ninety (90) calendar days after birth. If a Social Security Card is not submitted by the end of the ninety (90) calendar day period, the child must be removed from the Benefit Group until such time their Social Security Card is submitted to the DSR.

C. Identification Card

A valid picture Identification Card can be used to verify the identity of adult Customers and Minor Parents. An Identification Card with a picture such as a valid driver's license, valid employee identification card, state or tribal issued identification card, passport, military and/or dependent identification card, or school identification card are acceptable forms of Identification Card. Use of library, shopping or warehouse membership cards with a picture are not allowed.

306 ELIGIBILITY DECISION-NEEDY FAMILY

A decision shall be rendered on all applications for NNPSR assistance and written notification provided to the Customer by no later than fifteen (15) working days after the Interview Date.

A Needy Family has one (1) head-of-household, at least one (1) minor child, and meets all eligibility criteria and requirements for receipt of DSR assistance. A Needy Family must be comprised of a minor child(ren) and:

- A. Their custodial parent(s);
- B. Their custodial parent and a stepparent by legal marriage;
- C. A related adult who is the primary caretaker of the minor child(ren), in which case only the child(ren) receives assistance, and will be considered as a child-only case; or
- D. An unrelated adult caretaker who has Legal Custody of the minor child(ren), in which case only the child(ren) receives assistance, and will be considered as a child-only case.

307 APPROVAL PERIOD INELIGIBILITY FOR ASSISTANCE

~~Eligible Benefit Groups shall be approved to receive NNPSR assistance for a period not to exceed one (1) year, on the condition there is no change in their circumstances that affects their eligibility.~~

~~A. All Benefit Groups must submit Monthly Update Reports, to verify their continued eligibility, in order to receive their next monthly benefit payment, unless an exception applies.~~

~~B. All Benefit Groups that want to continue receiving assistance beyond the end of their Approval Period need to apply for continued assistance and have their eligibility re-determined prior to the end of their current Approval Period.~~

~~C. A Benefit Group may not receive NNPSR assistance beyond the end of their Approval Period.~~

A. Applications for DSR assistance submitted by the following shall not be approved:

- 1. Adults who have met the DSR Time Limit for Assistance, except if they are applying for continued assistance and are granted a Hardship Exemption from the Time Limit requirement; or
- 2. Adults who have received Diversion Benefits or Transitional Support Services and are currently in the three (3) month Disqualification Period.

1 B. Custodial Parent(s) who is/are ineligible for DSR assistance due to one (1) of
2 the following reasons will have their income and assets counted in
3 determining the Benefit Group's eligibility:

- 4 1. Is not a United States citizen;
- 5 2. Is in a disqualification period due to committing an Intentional Program
6 Violation;
- 7 3. Is in a disqualification period due to reaching the Fourth Level Penalty; or
- 8 4. Is ineligible to receive DSR assistance due to one (1) of the following
9 reasons:
 - 10 a. Felony conviction for fraudulent misrepresentation of residence within
11 the ten (10)-year period preceding the date of application, in order to
12 obtain assistance simultaneously from two (2) or more States or Tribes
13 for the following reasons:
 - 14 i. programs funded under Title IV of the Social Security Act (SSA),
15 which includes TANF;
 - 16 ii. programs funded under Title XIX of the SSA;
 - 17 iii. programs funded under the Supplemental Nutrition Assistance
18 Program, formerly the Food Stamp Act of 1977; or
 - 19 iv. receipt of benefits in two (2) or more States under the Supplemental
20 Security Income program under Title XVI.
 - 21 b. Currently fleeing to avoid prosecution, custody, or confinement after
22 conviction for a crime or an attempt to commit a crime, which is a
23 felony under federal or state law; or
 - 24 c. Currently violating a condition of probation or parole imposed by
25 Federal or State law.

26 C. An individual who meets one of the following situations must not be included
27 in a Benefit Group, and their income and assets shall be disregarded in
28 determining eligibility for DSR assistance:

- 29 1. An individual receiving Supplemental Security Income (SSI);
- 30 2. A relative or non-relative caretaker;

3. A dependent child who turns nineteen (19) years of age;

4. A protective payee(s); or

5. An authorized representative(s).

D. An individual included in a DSR Benefit Group at the time they begin receiving SSI benefits shall be removed from the Benefit Group as of the last day of the month in which they begin receiving SSI benefits.

E. A Custodial Parent receiving disability benefits shall have the option of being excluded from a DSR Benefit Group and have their income and assets disregarded, or be included in the DSR Benefit Group and have their income and assets counted in determining the Benefit Group's eligibility for DSR assistance.

308 **DIVERSION ELIGIBILITY FOR ASSISTANCE**

~~A family may be offered Diversion benefits as an alternative to, not in addition to, on-going monthly assistance, subject to funds availability. A family that does not meet the eligibility criteria for receiving NNPSR assistance, but is at risk of becoming dependent on public assistance, should be assessed for short-term, non-recurring barrier(s) to employment and self-sufficiency.~~

Customers must meet non-financial, financial and, if applicable, supplemental eligibility requirements in order to receive DSR assistance.

309 **NON-FINANCIAL ELIGIBILITY CRITERIA REQUIREMENTS**

A. Minor Child

All DSR Benefit Groups must include at least one (1) eligible minor child.

1. In addition, all school age minor children in the Benefit Group must be enrolled in school. During the summer break, a minor child who completed the previous school year must be verified by a final report card or a document on official school letterhead shall be deemed as meeting this requirement;

2. An eighteen (18) year old who is a full-time student in secondary school may be included in the Benefit Group, as a minor child, up to the time they obtain their high school diploma or turn nineteen (19) years of age, whichever occurs first, and must be removed from the Benefit Group as of the last day of the month in which they receive a high school diploma or turn 19 years of age, whichever occurs first; or
3. A minor child who received a high school diploma before the age of eighteen (18) years must be enrolled in a post-secondary school within the State of Arizona, New Mexico, or Utah to remain eligible for continued DSR assistance. Exemption may be made for the summer months and verification must be provided the following school term.

B. Service Delivery Area

The head-of-household and all members of the Benefit Group must have resided within the DSR's Service Delivery Area (SDA) for at least thirty (30) consecutive days at the time of an initial application, or when adding new member(s) to a Benefit Group. The SDA is:

1. All communities within the boundaries of the Navajo Nation, including trust lands, fee lands, and the satellite communities of Alamo, Tohajiilee, and Ramah.
2. The city limits of a Designated Near Reservation community where the identified head-of-household or a Benefit Group member has a Navajo Census Number. The Designated "Near Reservation" communities for the Navajo Nation are listed in the Federal Register Vol. 44 No 9, Friday, January 12, 1979, pp. 2093-94 (See Appendix, "On or Near Reservation Designation for the Navajo Nation").

C. Service Population

The DSR Service Population includes:

1. All eligible Federally-Recognized Tribal and Non-Tribal families, living on the Navajo Nation, including trust lands, fee lands, and the satellite communities of Alamo, Tohajiilee and Ramah.

- 1 2. All eligible families, including child-only cases, living within the city
2 limits of a federally designated near-reservation community where the
3 identified head-of-household or a Benefit Group member has a Navajo
4 Census Number.
- 5 3. Approved DSR Customers who are temporarily absent from the SDA for
6 one (1) of the following reasons are considered domiciled at their
7 permanent residence and may continue to receive assistance during their
8 temporary absence on the condition they meet and comply with the criteria
9 established at Section 309. C. 4 herein:
- 10 a. An adult Benefit Group member receiving education or training in
11 accordance with their PRP;
- 12 b. A Customer receiving medical or non-medical treatment;
- 13 c. A Customer whose presence is required during an immediate family
14 member's medical or non-medical treatment; or
- 15 d. A Customer receiving services in a domestic violence shelter or
16 facility.
- 17 4. Approved DSR Customers who are temporarily absent from the SDA for
18 one (1) of the reasons listed at Section 309. C. 3 herein may continue to
19 receive DSR assistance subject to the following conditions:
- 20 a. The temporary absence from the SDA may be granted and must not
21 exceed ninety (90) calendar days from the date the Customer(s)
22 vacates the SDA, unless a justifiable reason exists to extend the
23 temporary absence for up to an additional ninety (90) calendar days. If
24 an extension is granted, the current PRP must be updated to include or
25 extend appropriate work activities. Under no circumstance shall a
26 temporary absence exceed one-hundred eighty (180) calendar days
27 from the date a Customer or Benefit Group member first vacated the
28 SDA;
- 29
- 30

- b. Customers receiving medical or non-medical treatment must comply with their treatment plan as prescribed or outlined by a certified and/or licensed physician, counselor or therapist;
 - c. Customers gaining education, training or on-the-job training must remain enrolled and making satisfactory progress in the educational of training program; or
 - d. Customers receiving domestic violence services must comply with their service plan as developed by a person trained in domestic violence.
5. A Benefit Group or Benefit Group member who relocates outside the SDA shall be ineligible to receive DSR assistance as of the last day of the month in which they relocated.

D. Residency

- 1. All Benefit Group members must have resided with the head-of-household for at least thirty (30) consecutive days at the time of initial application, or when adding member(s) to a Benefit Group, those individual(s) must have resided with the head-of-household for at least thirty (30) consecutive days, unless for one (1) of the following exceptions:
 - a. A Benefit Group member who is temporarily absent from the home for no more than thirty (30) consecutive days, due to receiving medical or non-medical treatment;
 - b. A Benefit Group Member's presence is required during an immediate family member's medical or non-medical treatment;
 - c. Minor child(ren) residing in a dormitory while attending a school located in the States of Arizona, New Mexico and Utah; or
 - d. Minor child(ren) whose Custodial Parent(s) have deceased and is/are placed in the care of a Caretaker or Stepparent.
- 2. For approved on-going cases, all Benefit Group members must continue to reside with the head of household, except if one (1) of the criteria under 309. C. 3 herein occurs.

- 1 3. A newborn child may be included in the Benefit Group beginning the
2 month following their date of birth if the new born complies with all other
3 eligibility criteria and requirements.

4 E. Citizenship

5 The head-of-household and all Benefit Group members must be United States
6 citizens and must be verified by an official birth certificate; affidavit of birth;
7 or certificate of naturalization.

8 F. Time Limit

- 9 1. The DSR Time Limit for an adult or minor parent to receive DSR
10 assistance must not exceed sixty (60) countable months, whether or not
11 consecutive. The time limit does not apply to minor children in a Benefit
12 Group.
- 13 2. Any and all prior months of TANF assistance funded with the TANF
14 Block Grant, including State and other Tribal TANF, shall be counted
15 towards the Time Limit, unless an exemption or disregard criteria is met
16 (45 CFR, Part 286, §286.125).
- 17 3. An application submitted by, or which includes, an Adult who has
18 received sixty (60) Countable Months of TANF Assistance shall not be
19 approved, except if it is an application for continued assistance and the
20 adult has been granted a Hardship Exemption.

21 G. Hardship Exemption

- 22 1. A hardship exemption from the DSR Time Limit may be granted to a
23 Customer experiencing a condition that hampers or inhibits his or her
24 ability to maintain work or enter into work related activities. If a hardship
25 exemption is granted, the month is not counted towards their sixty (60)
26 month time limit. A Customer who is granted a hardship exemption is
27 included in the overall work participation rate. (45 CFR 286.120).
- 28 2. Examples of a hardship include, but are not limited to, the following:
- 29 a. Victim of domestic violence whose participation in work activities may
30 cause an immediate threat to his or her own safety or the safety of his

1 or her children;

2 b. Customer who has a medical condition that prevents him or her from
3 participating in work activities which must be confirmed, in writing, by
4 a physician;

5 c. Customer with significant cognitive, physical, and/or mental
6 impairment that limit his or her educational and job skills attainment
7 and/or their ability to secure and retain employment due to an
8 impairment, for which a documentation of his or her condition must be
9 required;

10 d. Customer responsible for providing full-time care of an elderly person
11 or a disabled dependent, for which a documentation must be required;

12 e. Families who are homeless due to vandalism, hazardous living
13 conditions, acts of nature, or their home was destroyed by fire and is
14 uninhabitable; or

15 f. Families who are homeless due to eviction.

16
17 309.1—Residency and Service Population

18 ~~A Filing Unit must have resided within the NNPSR Service Delivery Area (SDA)~~
19 ~~for at least thirty (30) consecutive days at the time of application and meet Service~~
20 ~~Population criteria:~~

21 ~~A. The NNPSR SDA and Service Population are:~~

22 ~~1. All families living within the exterior boundaries of the Navajo Nation,~~
23 ~~including Trust lands and the satellite communities of Alamo, Tohajiilee,~~
24 ~~and Ramah;~~

25 ~~2. Families, including child-only cases, living within the city limits of a~~
26 ~~Designated Near Reservation community, where the identified head of~~
27 ~~household has a Navajo Census Number. The Designated “Near~~
28 ~~Reservation” communities for the Navajo Nation are listed in the Federal~~
29 ~~Register Vol. 44 No 9, Friday, January 12, 1979, pp. 2093-94 (See~~
30 ~~Appendix, “On or Near Reservation Designation for the Navajo Nation”)~~

1 ~~B. Approved program Customers who temporarily relocate to another~~
2 ~~community within the states of Arizona, New Mexico, or Utah, for the~~
3 ~~purpose of receiving medical/non-medical treatment, education, or training, in~~
4 ~~accordance with their PRP, will be:~~

- 5 ~~1. considered domiciled at their permanent residence; and~~
- 6 ~~2. eligible to continue receiving NNPSR assistance for the duration of their~~
7 ~~treatment, education, or training, based on the following conditions:~~
 - 8 ~~a. They intend to return to their permanent residence, or a community~~
9 ~~within the NNPSR's SDA, upon completion of their treatment,~~
10 ~~education, or training.~~
 - 11 ~~b. If relocating for the purpose of receiving medical or non-medical~~
12 ~~treatment, they must comply with their treatment plan, as prescribed or~~
13 ~~outlined by a certified and/or licensed physician, counselor or~~
14 ~~therapist.~~
 - 15 ~~c. If relocating for the purpose of gaining education, training, or on-the-~~
16 ~~job training, they must remain enrolled and make satisfactory progress~~
17 ~~in the educational/training program; and the entire Benefit Group must~~
18 ~~relocate.~~
 - 19 ~~d. If relocating due to domestic violence, as determined by an assessment~~
20 ~~and a services plan developed by a person trained in domestic~~
21 ~~violence, they must comply with their service plan which will, as~~
22 ~~appropriate, be designed to lead to work. (45 CFR, Part 286,~~
23 ~~Subsection 286.140, (b), (3). (iii).~~

24 ~~C. A Benefit Group that relocates outside of the SDA, with the exception of~~
25 ~~Benefit Groups identified at 309.1.B, shall be ineligible to receive NNPSR~~
26 ~~assistance as of the last day of the month in which they relocate.~~

27 28 ~~309.2 Deprivation~~

29 ~~All Benefit Groups shall include at least one minor child for whom Deprivation~~
30 ~~has been established, or for whom Deprivation establishment is being actively~~

1 pursued, unless a Good Cause Exemption from the Deprivation requirements has
2 been granted.

3 A. For the purpose of eligibility for NNPSR assistance, "Deprivation" is defined
4 as follows:

5 *A minor child deprived of financial support and care due to the continued*
6 *absence, disability, or death, of a legal parent(s); or, in two-parent families, a*
7 *child deprived of financial support and care due to the unemployment or*
8 *underemployment of both parents in the household (legal parents, or legal*
9 *parent and step-parent by marriage).*

10 B. If Deprivation is not established for a Minor Child(ren) and the Customer
11 agrees to, and adheres to, conditions specified in the THINKING Procedures
12 Manual, the child(ren) may be included in the Benefit Group for up to twelve
13 (12) months after initial approval.

14 C. If Deprivation is not established for the minor child(ren) by the end of the
15 twelve (12)-month period after initial approval, the Customer's efforts to
16 establish Deprivation for the minor child(ren) will be reviewed to determine if
17 an extension should be granted.

18 D. If the Customer provides verification they made a good faith effort to establish
19 Deprivation, but for a reason(s) beyond their control, was not able to establish
20 Deprivation for the minor child(ren), the Customer may be given up to an
21 additional twelve (12)-month period to establish Deprivation for the minor
22 child(ren).

23 E. If the Customer does not provide verification they made a good faith effort to
24 establish Deprivation, the minor child(ren) shall be deleted from the Benefit
25 Group at the end of the twelfth (12) month of assistance and cannot be
26 included in the Benefit Group until Deprivation is established for the
27 child(ren).

28 F. Under no circumstance shall a minor child be included in a Benefit Group for
29 more than twenty-four (24) months after initial approval without Deprivation
30 being established.

1 309.3 U.S. Citizenship

2 All Benefit Group members must be U.S. Citizens.

3 309.4 Child Support

4 All Customers shall be required to cooperate with the Navajo Department of
5 Child Support Enforcement (NDCSE) by completing an application and
6 maintaining continual compliance with the requirements of the NDCSE, unless
7 excluded or a Good Cause Exemption has been granted (45 CFR §286.155).

8 309.5 Background Check

9 A. All adult applicants and adult filing unit members shall be required to
10 complete a background check and obtain clearance for the following:

11 1. They have not been convicted of one of the following felonies:

12 a. Fraudulent misrepresentation of residence, within the ten (10)-year
13 period preceding the date of application, in order to obtain assistance
14 simultaneously from two (2) or more States/Tribes for the following:

- 15 • programs funded under Title IV of the Social Security Act, which
16 includes TANF;
- 17 • programs funded under Title XIX of the Social Security Act;
- 18 • programs funded under the Food Stamp Act of 1977; or
- 19 • receipt of benefits in two (2) or more States under the
20 supplemental security income program under Title XVI.

21 b. Possession, use, or distribution of a controlled substance (as defined in
22 section 802(6) of the Controlled Substances Act), within the seven (7)-
23 year period preceding the date of application.

24 e. Sexual Assault or Child Abuse and Neglect, within the seven (7)-year
25 period preceding the date of application.

26 2. They are not currently residing at a residence(s) other than, or in addition
27 to, the residence provided on the application.

28
29 B. An adult shall be ineligible to receive DSR assistance if their background
30 check reveals:

- ~~1. a conviction for one of the felonies listed at 309.5 (A)(1);~~
- ~~2. a residence other than, or in addition to, the residence listed on their Application for Assistance and it is verified that they do not reside within the DSR Service Delivery Area;~~
- ~~3. they are fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or an attempt to commit a crime, which is a felony under federal or state law; or~~
- ~~4. they are violating a condition of probation or parole imposed under Federal or State law.~~

~~309.6 Time Limit~~

~~To be eligible to apply for and receive assistance, an adult must not have reached the Time Limit of sixty (60) countable months of assistance. Any and all prior months of TANF assistance funded with a TANF Block Grant, including State and other Tribal TANF, shall be counted towards the Time Limit, unless an exemption or disregard criteria is met. (45 CFR, Part 286, §286.125).~~

310 FINANCIAL SUPPLEMENTAL ELIGIBILITY CRITERIA

In addition to meeting non-financial and financial eligibility criteria, Caretakers, Stepparents and Minor Parents must meet the Supplemental Eligibility Criteria.

A. Caretakers

1. A Caretaker related by blood or marriage to the minor child(ren) on whose behalf he or she is applying must provide legal documentation such as court order, referral, family card, etc. verifying that he or she is an immediate relative and designated as the primary care provider for the minor child(ren).
2. A Caretaker who is not related by blood or marriage to the minor child(ren) on whose behalf he or she is applying must provide legal documentation verifying that he or she has Legal Custody of the minor

1 child(ren). Otherwise, the minor child(ren) cannot be included in the
2 Benefit Group until a legal document is provided.

3 3. The income and resources of a Caretaker shall not be considered in
4 determining the Benefit Group's eligibility for DSR assistance.

5 4. A Caretaker will not be subject to Work Participation requirements.

6 B. Stepparents

7 A Stepparent who is legally married to the Custodial Parent of the minor
8 child(ren) and meets the DSR eligibility criteria and requirements may be
9 included in a Benefit Group.

10 C. Custodial Minor Parents

11 1. Emancipated Minor Parent

12 A Custodial Minor Parent under the age of eighteen (18) may apply for
13 DSR assistance on their own behalf if they are emancipated, which must
14 be verified by a court order.

15 2. Non-emancipated Minor Parent

16 A Custodial Minor Parent under the age of eighteen (18) who is not
17 emancipated may receive DSR assistance in accordance with the
18 following requirements:

19 a. An adult must apply on behalf of the Custodial Minor Parent(s) and
20 the Custodial Minor Parent's child(ren);

21 b. The Custodial Minor Parents who have not attained a high school
22 diploma or GED must be attending a high school, or an equivalency
23 program; and

24 c. The Custodial Minor Parent(s) must be living in a place of residence
25 maintained by a parent, legal guardian, or other adult relative.

26 3. The Custodial Minor Parent(s) receiving monthly assistance shall be
27 subject to Work Participation, PRP, and Time Limit requirements.

28 ~~To be eligible to receive assistance, the Benefit Group must meet with following~~
29 ~~financial eligibility requirements:~~

30 ~~A. Countable Assets shall not exceed \$3,000~~

1 B. ~~Countable Gross Income shall not exceed the National Poverty Guideline~~
2 ~~(NPG), adjusted at 150%, for the applicable Benefit Group size~~

3 C. ~~Countable Net Income shall not exceed the Payment Standard amount for the~~
4 ~~applicable Benefit Group size~~

5 ~~310.1 Assets~~

6 ~~The total value of a Benefit Group's Countable Assets shall not exceed three~~
7 ~~thousand dollars (\$3,000). The following assets are counted toward the~~
8 ~~established asset limit:~~

- 9 ~~• Bank accounts (checking, savings, certificates of deposits, etc.).~~
- 10 ~~• Stocks and bonds.~~
- 11 ~~• Promissory notes and mortgages payable to the Customer.~~
- 12 ~~• The current market value of non-excluded vehicles, stock/horse trailers,~~
13 ~~flatbeds, ATVs, and boats, which are not held in lien/pawn and which the~~
14 ~~Customer has legal right to sell.~~
- 15 ~~• The following shall not be counted toward the established asset limit:~~
- 16 ~~• One vehicle used as the primary family transportation, which may be the~~
17 ~~vehicle with the most value.~~
- 18 ~~• Vehicles held in lien.~~
- 19 ~~• Vehicles held in pawn.~~
- 20 ~~• Personal items used in day-to-day living such as household furnishings,~~
21 ~~jewelry, maintenance tools and equipment.~~
- 22 ~~• Property, including real property, used to generate income.~~
- 23 ~~• Property that has no value.~~
- 24 ~~• Cash surrender value of insurance policies.~~
- 25 ~~• Funds which are held in a restricted account and cannot be readily liquidated~~
26 ~~to meet basic needs.~~
- 27 ~~• Individual Development Accounts (IDA)~~
- 28 ~~• 401K/Individual Retirement Accounts (IRA)~~

29 ~~310.2 Gross Monthly Income~~

1 The Benefit Group's Total Gross Countable Monthly Income shall not exceed the
2 current NPG, adjusted at 150%, for the applicable Benefit Group size. The
3 following shall be considered in the Gross Income Calculation:

4 A. Earned Income including, but not limited to:

- 5 • Hourly wages, salaries, commissions, tips from employment.
- 6 • Contract employment where compensation is based on a defined Scope of
7 Work.
- 8 • Seasonal employment (e.g. school employees, paid for less than a twelve
9 (12) month contract, NAPI, Railroad, Construction workers, etc.).
- 10 • Stipend payments for performing a duty, i.e.; Jury duty, Chapter Official,
11 Board/Commission membership and local committee membership;
12 excluding reimbursement for mileage and meals in the performance of
13 these duties.
- 14 • Self-Employment Income.

15 B. Unearned Income including, but not limited to:

- 16 • Child Support Payments
- 17 • Social Security Benefits — Retirement, Survivors, and Disability
18 Insurance.
- 19 • Veteran's Benefits
- 20 • Retirement Benefits, including state, tribal, federal and railroad.
- 21 • Interest and dividends.
- 22 • Oil and gas and other mineral royalties.
- 23 • Rental/lease of properties/land.
- 24 • Per capita payments derived from tribal owned trust or income producing
25 enterprises, unless excluded by federal statute.
- 26 • Unemployment Insurance Compensation (UIC) and other on-going
27 assistance or benefits provided by the State, County or local agencies.
- 28 • Allowances or stipend payments received to cover living expenses while
29 participating in an educational or training program, excluding Workforce
30 Investment Act (WIA) and Native Employment Works (NEW) programs.

- ~~Federal and State Income Tax Refunds.~~
- ~~Vacation/Sick/Severance payments.~~
- ~~Net profit from sales of any vehicles or property.~~
- ~~Lottery and Gambling winnings.~~
- ~~Insurance Settlements~~

~~310.3 Net Countable Income~~

~~The Benefit Group's Net Countable Monthly Income shall not exceed the Payment Standard for the applicable Benefit Group Size. The Prospective-Prospective-Retrospective (PPR) concept will be utilized in determining Benefit Group's eligibility for NNPSR benefits.~~

~~310.4 Disregard Income~~

~~The following shall not be considered in the determination of eligibility for NNPSR assistance:~~

- ~~A. Workforce Investment Act (WIA) or Job Corps payments of all types, except on the job training income of individuals who are at least nineteen (19) years old, and not a dependent child.~~
- ~~B. Educational grants, scholarships, student work study, student loans, and other awards from a recognized source to the extent the money is used for educational expenses only.~~
- ~~C. Low Income Home Energy Assistance Program (LIHEAP) or any other Emergency Energy Assistance Program.~~
- ~~D. Supplemental assistance from public or private agencies to help the Benefit Group meet emergency situations or balance need not met by the NNPSR, such as; Emergency Assistance, Housing and Urban Development (HUD), and other utility allowances.~~
- ~~E. Wages of dependent children eighteen (18) years or younger in the Benefit Group who are full-time students.~~

- ~~F. The value of food produced in home farming for the Benefit Group's consumption.~~
- ~~G. Reimbursements for job related expenses, including reimbursement for travel, lodging, meals and etc.~~
- ~~H. Value of supplemental food assistance received under the Child Nutrition Act, the National School Lunch Act and USDA Food Stamp Program.~~
- ~~I. Cash value of USDA Commodities Food Assistance.~~
- ~~J. Payments made under U.S. Housing Act — Annual Contributions Contract. HUD community development block grant funds and Escrow Accounts in the Family Self Sufficiency Program.~~
- ~~K. Relocation assistance or allowance under the Housing Act, including payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy, and the Navajo-Hopi Relocation Act (P.L. 93-531).~~
- ~~L. Tax exempt portions of payments made under the Alaska Native Claims Settlement Act.~~
- ~~M. Agent Orange Settlements or payments made under the Radiation Exposure Compensations Act for injuries or death of nuclear testing or uranium mining.~~
- ~~N. Benefits received under Title III and VI, Nutrition Program for the Elderly-Older Americans Act.~~
- ~~O. Individual Development Account (IDA) established for the purpose of enabling the recipient to become self-sufficient.~~
- ~~P. Payments to public service volunteers; e.g. Foster Grandparent Program, Community Service Program, AmeriCorps, etc.~~
- ~~Q. Terminated Income~~
- ~~R. In-Kind Contributions (A gift or donation in the form of cash or non-cash given voluntarily to Benefit Group members without requiring something in return).~~
- ~~S. Income Disregard: Up to \$200.00 of earned income received from employment which prepares a Customer for their chosen career field, as identified in their Personal Responsibility Plan.~~

1
2 **311 SUPPLEMENTAL FINANCIAL ELIGIBILITY CRITERIA**

3 A Needy Family must not exceed the Total Countable Assets, Gross Countable
4 Monthly Income, and Net Countable Income eligibility criteria to be eligible to
5 receive DSR assistance payments.

6 A. Total Countable Assets

7 1. Countable Assets

8 Funds in a checking, savings, and/or certificate of deposit bank account(s)
9 that holds money for a Benefit Group member shall be verified with a
10 monthly financial statement and counted toward the established asset limit
11 except it is disregarded in accordance with Federal, State, or Tribal law,
12 judgement, or settlement.

13 2. Any income listed at Section 311. C. of this Policy, Non-Countable
14 Income that is deposited into a checking and/or savings bank account(s)
15 will not be counted as a Countable Asset.

16 3. A Needy Family's Total Countable Assets must not exceed three thousand
17 dollars (\$3,000) per month.

18 4. If a Needy Family's Total Countable Assets exceed \$3,000 per month, the
19 Benefit Group is ineligible for DSR monthly assistance.

20 B. Income Types

21 1. Countable Income

22 The following income are counted in determining eligibility for DSR
23 assistance, unless disregarded in accordance with Federal, State or Tribal
24 law, judgement or settlement:

25 a. Earned Income

26 i. Employment Income

27 Income received as wage, salary or commission, bonus or tips from
28 permanent, temporary, full-time, or part-time employment.

29 ii. Self-Employment Income
30

Income received from operating one's own business where the usual employment withholdings such as Federal and/or State Taxes, FICA, Medicare, etc. are not deducted from the income.

b. Unearned Income

Income derived from sources other than employment, including, but not limited to:

- i. Child Support Payments;
- ii. Social Security Benefits - Retirement, Survivors, and Disability Insurance;
- iii. Retirement Benefits, including Federal, State, Tribal, and railroad;
- iv. Interest and dividend statement from a financial institution;
- v. Royalty payments such as oil, gas and other minerals;
- vi. Rental/lease of properties/land;
- vii. Per capita payments derived from Tribal owned trust or income producing enterprises, unless excluded by federal statute;
- viii. Unemployment Insurance Compensation;
- ix. Vacation/Sick/Severance payments;
- x. Lottery and Gambling winnings;
- xi. Insurance Settlements;
- xii. Worker's Compensation;
- xiii. Disability payments to individuals included in the Benefit Group, except for military disability compensation;
- xiv. Foster Care payments received for Minor Children included in the Benefit Group; and
- xv. After one-year from the date a payment is received from the Land Buy-Back Program, pursuant to the Claims Resolution Act of 2010, Pub. L. No. 111-291, Section 101(f).

C. Non-Countable Income

1 Income derived from the following source are not counted in the
2 determination of eligibility for DSR assistance:

- 3 1. Workforce Innovation and Opportunity Act and Native Employment
4 Works program payments;
- 5 2. Job Corps payments;
- 6 3. Educational grants, scholarships, student work study, student loans, and
7 other awards from a recognized source to the extent the money is used for
8 educational expenses only;
- 9 4. Low Income Home Energy Assistance Program (LIHEAP) or any other
10 Emergency Energy Assistance Program;
- 11 5. Supplemental assistance from public or private agencies to help the
12 Benefit Group meet emergency situations or balance of need not met by
13 the DSR, such as Community Services Block Grant; Emergency
14 Assistance; Title IV-B, Subpart 1 of the Social Security Act; Housing and
15 Urban Development; and other utility allowances;
- 16 6. Wages of dependent children eighteen (18) years or younger in the Benefit
17 Group who are enrolled students;
- 18 7. The value of food produced in home farming for the Benefit Group's
19 consumption;
- 20 8. Reimbursements for job related expenses such as travel, lodging, meals, or
21 mileage;
- 22 9. Value of supplemental food assistance received under the Child Nutrition
23 Act, the National School Lunch Act and United States Department of
24 Agriculture (USDA) Supplemental Nutrition Assistance Program;
- 25 10. Payments made under the United States Housing Act – Annual
26 Contributions Contract. HUD community development block grant funds
27 and Escrow Accounts in the Family Self Sufficiency Program;
- 28 11. Cash value of USDA Commodities Food Assistance;
- 29 12. Relocation assistance or allowances under the Housing Act, including
30 payments made under Title II of the Uniform Relocation and Real

Property Acquisition Policy, and the Navajo-Hopi Relocation Act (P.L. 93-531);

13. Tax-exempt portions of payments made under the Alaska Native Claims Settlement Act;

14. Agent Orange Settlements or payments made under the Radiation Exposure Compensations Act for injuries or death of nuclear testing or uranium mining;

15. Benefits received under Title III and VI, Nutrition Program for the Elderly–Older Americans Act;

16. Payments to public service volunteers, e.g. Foster Grandparent Program, community services programs, AmeriCorps, plasma donation, recycling, etc.;

17. Terminated Income (Does not apply to on-going cases);

18. In-Kind Income (Compensation received in non-monetary form, such as room and board, livestock, etc.) for a service(s) performed, that is not converted to cash;

19. Gifts received in the form of cash or non-cash, given voluntarily without requiring something in return;

20. Foster Care payments received for minor children not included in the Benefit Group;

21. Military service related Benefits including, but not limited to, the following: education and training, health care, disability, dependency and indemnity, or survivor's compensation;

22. The first \$300 of the Needy Family's Net Monthly Earned Income;

23. The first \$100 of the Needy Family's Net Monthly Unearned Income;

24. All income earned from participation in the DSR's Subsidized Adult Employment (SAE);

25. Federal and State Income Tax Returns;

26. Allowances or stipend payments received to cover living expenses while participating in an educational or training program;

- 1 27. Payments excluded by federal statute or court order; and
2 28. Payment from the Land Buy-Back Program for Tribal Nations is tax
3 exempt, for a one-year period, starting on the date a payment is received,
4 and that payment will not affect benefits received or are eligible to receive
5 under any federal or federally-assisted program, pursuant to the Claims
6 Resolution Act of 2010, Pub. L. No. 111-291, Section 101(f).

7 D. Gross Countable Monthly Income

8 A Needy Family's Gross Countable Monthly Income is the total amount of
9 earned and unearned income received, before mandatory and allowable
10 deductions are applied.

- 11 1. For new applications, a Needy Family's "Prospective" (anticipated) Gross
12 Countable Monthly Income for the Intake Month will be used to determine
13 the Benefit Group's eligibility for DSR assistance.
14 Income received weekly, bi-weekly or which fluctuates will be converted
15 to a monthly amount resulting in a Gross Countable Monthly Income.
16 2. For on-going cases (after the first two months of assistance), the Benefit
17 Group's eligibility will be determined using the "Retrospective" concept,
18 in which a Needy Family's actual income received in the income month is
19 used to determine eligibility for the benefit month.
20 3. If a Needy Family's Gross Countable Monthly Income exceeds the current
21 National Poverty Guidelines adjusted at 200% for the applicable Benefit
22 Group size, the Benefit Group is **ineligible** to receive DSR Assistance.
23 4. If a Needy Family's Gross Countable Monthly Income is below the
24 current National Poverty Guidelines adjusted at 200% for the applicable
25 Benefit Group size, proceed to Net Countable Monthly Income provision.

26 E. Net Countable Monthly Income

27 A Needy Family's Net Countable Monthly Income is the total amount of
28 earned and unearned income received from non-disregarded income sources
29 after applying mandatory and allowable deductions.
30

1. For new applications, the Needy Family's "Prospective" (anticipated) Net Countable Monthly Income for the Intake Month will be used to determine the Benefit Group's eligibility for DSR assistance.

2. For on-going cases (after the first two months of assistance), the Benefit Group's eligibility will be determined using the "Retrospective" concept. The Retrospective concept is where, at the time a Benefit Group's eligibility is being determined, the Net Countable Monthly Income received in the prior month (Income Month) is used to determine eligibility for the next month (Benefit Month).

EXAMPLE: During the month of September, a Benefit Group's eligibility for an October (Benefit Month) assistance payment is determined using actual income received in August (Income Month).

3. The Monthly Income Worksheet (MIW) is used to determine the Needy Family's Eligible Monthly Assistance Amount (see **Chart 1**).

4. Countable Monthly Earned Income

The Needy Family's Countable Monthly Earned Income (MIW #8) is determined as follows:

a. If a Needy Family has income from employment by others, subtract the following verified Mandatory Deductions (MIW #4b) from the Gross Monthly Employment Income (MIW #4a):

i. Federal and/or State Withholding Taxes;

ii. Federal Insurance Compensation Act (FICA);

iii. Medicare;

iv. Health and medical premiums;

v. Court ordered child support and/or alimony payments; and

vi. Court ordered restitution payments.

NOTE: If Mandatory Deductions cannot be verified, apply a 20% deduction to the Gross Monthly Employment Income.

b. If the Needy Family has Self-Employment Income (MIW #5a), subtract 20% of the Gross Self-Employment Income (MIW #5b) for expenses incurred, including taxes and/or insurance.

c. Calculate the Needy Family's Net Monthly Earned Income (MIW #6) by:

i. Adding Gross Monthly Employment (MIW #4a) and Gross Self-Employment Income (MIW 5a); then

ii. Subtracting Mandatory Deductions (MIW #4b) and Self-Employment Deductions (MIW # 5b).

d. Employment Allowance

If the Needy Family's Net Monthly Earned Income (MIW #6) is greater than zero, the Needy Family is eligible for an Employment Allowance of up to three hundred dollars (\$300) in accordance with the following:

i. If the Needy Family's Net Earned Income is less than \$300, the Employment Allowance will be the Net Earned Income.

ii. If the Needy Family's Net Earned Income is \$300 or greater, the Employment Allowance will be \$300.

e. The Needy Family's Countable Monthly Earned Income (MIW #8) is the Net Countable Earned Income (MIW #6) minus, if applicable, the Employment Allowance (MIW #7).

5. Countable Monthly Unearned Income

A Needy Family's Countable Monthly Unearned Income (MIW #13) is calculated as follows:

a. If a Needy Family member(s) receives Unemployment Insurance Compensation (UIC) benefit payments:

i. Calculate the Gross UIC amount (MIW #9a) by adding the UIC payments received during the Income Month.

- 1 ii. Calculate the UIC Deduction (MIW #9b) by multiplying the Gross
2 UIC amount by 33%. The UIC deduction is for work search related
3 expenses and does not apply to any other type of unearned income.
- 4 b. Calculate Other Unearned Income (MIW #10) by adding all other
5 sources of Unearned Income.
- 6 c. Calculate Net Monthly Unearned Income (#11) by adding Gross UIC
7 amount (MIW #9a) and Other Unearned Income (MIW #10), then, if
8 applicable, subtracting the UIC Deduction (MIW #9b).
- 9 d. If a Needy Family's Net Monthly Unearned Income (MIW #11) is
10 greater than zero, the Needy Family is eligible for an Unearned
11 Income Disregard (MIW #12) of up to one-hundred dollars (\$100) in
12 accordance with the following:
- 13 i. If a Needy Family's Net Unearned Income is less than one-hundred
14 dollars (\$100), the Employment Allowance will be the Net
15 Unearned Income Amount (MIW #11).
- 16 ii. If a Needy Family's Net Unearned Income is one-hundred dollars
17 (\$100) or greater, the Employment Allowance will be one-hundred
18 dollars (\$100).
- 19 e. A Needy Family's Countable Monthly Unearned Income (MIW #13)
20 is calculated by subtracting the Unearned Income Disregard amount
21 (MIW #12), from the Net Monthly Unearned Income (MIW #11).
- 22 6. Total Countable Monthly Income
- 23 Calculate a Needy Family's Total Countable Monthly Income (MIW #14)
24 by adding the Countable Monthly Earned Income (MIW # 8) and the
25 Countable Monthly Unearned Income (MIW # 13).
- 26 7. Net Countable Monthly Income
- 27 Calculate a Needy Family's Net Countable Monthly Income (MIW #16)
28 by subtracting the Dependent Care Deduction (MIW #15), if applicable,
29 from the Total Countable Monthly Income (MIW #14).
- 30 8. Dependent Care Deduction

Expenses incurred by the Custodial Parent(s) for the care of a child(ren) younger than thirteen (13) years of age may be deducted from the Countable Monthly Earned Income in accordance with the following:

a. The dependent care expense is:

i. required to allow the Custodial Parent(s) to participate in work participation activities; and

ii. verified by an original bill or receipt.

b. The Custodial Parent must have paid or is personally responsible for paying the dependent care expense.

c. The dependent care expense can be for a child(ren) who is/are not included in the Benefit Group.

d. The maximum Dependent Care Deduction shall be \$150 per month for each eligible child.

9. If a Needy Family's Net Countable Monthly Income (MIW #16) is equal to or exceeds the Payment Standard for the applicable Benefit Group Size, the Benefit Group shall be **ineligible** to receive DSR assistance.

10. If a Needy Family's Net Countable Monthly Income (MIW #16) is less than the Payment Standard for the applicable Benefit Group size and the Benefit Group meets all other eligibility criteria, proceed to determining the Benefit Group's Eligible Monthly Assistance Amount.

311.1 Two-Parent Assistance (TPA)

A. In addition to meeting the basic eligibility criteria, individuals applying for TPA must meet the following criteria:

1. The parents:

a. have a common child(ren) which is verified by one of the following: Birth Certificate, Court Order establishing paternity, a notarized Acknowledgment of Paternity, or Genetic Test results; or

b. If the parents do not have a common child(ren), be legally married or have a common-law marriage.

1 ~~2. The parents and the minor child(ren) reside in the same home or in close~~
2 ~~proximity to one another where they have daily physical contact, unless an~~
3 ~~exception applies.~~

4 ~~3. Both parents must be currently unemployed or underemployed.~~

5 ~~4. Both parents must be present during the interview.~~

6 ~~B. If the filing unit includes additional minor child(ren) who are not common and~~
7 ~~are deprived of parental support and care due to the absence, death or~~
8 ~~disability of a legal parent(s), the minor child(ren) shall be added to the Two-~~
9 ~~Parent Benefit Group.~~

10
11 311.2 Minor Parents

12 ~~A. A minor parent (under the age of 18) must be emancipated in order to apply~~
13 ~~for, and receive, assistance on their own.~~

14 ~~B. A minor parent under the age of 18 shall be eligible to receive TPA if they are~~
15 ~~the spouse of an adult head of household and the adult head of household~~
16 ~~applies on the filing unit's behalf. The minor parent shall be subject to Work~~
17 ~~Participation, Personal Responsibility Plan and Time Limit requirements.~~

18
19 311.3 Legal Guardianship

20 ~~A Third Party Custodian (TPC) must have Legal Guardianship, or agree to pursue~~
21 ~~obtaining Legal Guardianship, of the minor child(ren) on whose behalf they are~~
22 ~~applying.~~

23 ~~A. If a TPC does not have Legal Guardianship of the minor child(ren) in their~~
24 ~~care, the TPC shall be allowed a one-time opportunity to include the~~
25 ~~child(ren) in the Benefit Group, for only up to twelve (12) months, without~~
26 ~~establishment of Legal Guardianship, on the condition they comply with the~~
27 ~~following:~~

28 ~~1. Provide documentation of being an Immediate Relative of the minor~~
29 ~~child(ren);~~

2. ~~Initiate the process of obtaining Legal Guardianship by no later than three (3) months after approval; and~~

3. ~~At each review, provide verification of activity pursuing legal Guardianship for the minor child(ren).~~

B. ~~If, at any time during the twelve (12)-month period, the TPC does not comply with the established conditions, the minor child(ren) shall be deleted from the Benefit Group and cannot be included in the Benefit Group until Legal Guardianship is obtained.~~

C. ~~If the TPC does not obtain Legal Guardianship of the minor child(ren) within twelve (12) months after initial approval, the minor child(ren) shall be deleted from the Benefit Group at the end of the month in which the twelve (12)-month period ends and the minor child(ren) will be ineligible to be included in the Benefit Group until Legal Guardianship is obtained.~~

D. ~~Under no circumstance shall a minor child be included in a Benefit Group for more than twelve (12) months after initial approval without the TPC obtaining Legal Guardianship of the minor child.~~

312 **REQUIREMENTS FOR INCLUSION IN BENEFIT GROUP**
ELIGIBILITY MONTHLY ASSISTANCE AMOUNT

~~Only members of the Benefit Group shall have their needs included and their income and resources counted. To determine the members of the Benefit Group, the following shall apply:~~

A. ~~A Benefit Group must include at least one minor child for whom Deprivation has been established, or is being actively pursued.~~

B. ~~Custodial Legal Parent(s) must be included in the Benefit Group unless they are disabled and receiving disability benefit payments.~~

C. ~~A step-parent by legal or common-law marriage may be included in the Benefit Group.~~

1 ~~D. All members of the Benefit Group must have lived with the head of household~~
2 ~~for at least thirty (30) consecutive days at the time of application or addition to~~
3 ~~Benefit Group, with the exception of a newborn.~~

4 ~~E. Minor children who are of school age and under the age of 18 must be~~
5 ~~enrolled, on a full time basis, in school; or if age 18, must be enrolled, on a~~
6 ~~full time basis, in a high school, or general equivalency diploma (GED)~~
7 ~~program.~~

8 ~~F. All members of the Benefit Group must have state issued birth certificate,~~
9 ~~unless an exception applies.~~

10 ~~G. All members of the Benefit Group must have a valid Social Security Number~~
11 ~~(SSN), unless an exception applies.~~

12 The current DSR Payment Standard shall be used to determine the Monthly
13 Assistance Amount a Benefit Group is eligible to receive.

14 A. The Monthly Assistance Amount a Benefit Group is eligible to receive shall
15 be the difference between a Need Family's Total Net Countable Income and
16 the Payment Standard for the applicable Benefit Group size.

17 B. For new approvals, the Monthly Assistance Amount a Benefit Group is
18 eligible to receive for the first two (2) months of assistance is determined by
19 subtracting the Needy Family's Total Countable Income for the Intake Month
20 from the Payment Standard for the applicable Benefit Group size.

21 C. For ongoing cases, after the first two (2) months of assistance, the Monthly
22 Assistance Amount a Benefit Group is eligible to receive is determined by
23 subtracting a Needy Family's Actual Net Countable Income for the Income
24 Month from the Payment Standard for the applicable Benefit Group size.

25
26 **EXAMPLE:** During the month of September, a Benefit Group's eligibility for an
27 October (Benefit Month) assistance payment is determined using the Family's
28 actual Total Countable Income received in August (Income Month).

313 **EXCLUSION FROM BENEFIT GROUP MONTHLY ASSISTANCE**
314 **PAYMENTS**

315 The following cannot be included in a NNPSR Benefit Group:

316 A. ~~Third Party Custodians~~

317 B. ~~Any person, regardless of age, receiving Supplemental Security Income (SSI)~~
318 ~~benefits.~~

319 C. ~~A dependent child who turns nineteen (19) years of age.~~

320 A. The DSR Payment Standard for the applicable Benefit Group size is the
321 maximum amount of assistance a Benefit Group may receive each month.

322 B. If a Benefit Group has countable income, the monthly assistance amount the
323 Benefit Group receives shall be the difference between the Payment Standard
324 for the benefit month for the applicable Benefit Group size, and a Benefit
325 Group's Net Countable Monthly Income.

326 C. The amount a Benefit Group is eligible to receive may change when:

- 327 1. a penalty is imposed;
- 328 2. an overpayment is collected;
- 329 3. an underpayment is remedied; or
- 330 4. a pro-rated monthly payment is issued.

331 D. Monthly benefit payments will be issued using the payment method
332 established by the DSR.

333 E. Subject to the availability of funds, the DSR may establish a Winter
334 Assistance Payment Standard to assist DSR Benefit Groups in meeting the
335 increased costs for basic needs during the winter months. In addition to
336 helping the Benefit Group meet the costs of heating their homes during the
337 winter season, it will also assist the Benefit Group with additional expenses
338 incurred for food, clothing and utilities (water, electricity, etc.) during the time
339 children are at home while on their winter school break. DSR will establish
340 the Winter Assistance Payment Standard based on the availability of funds.
341 The DSR Winter Payment Standard for the applicable Benefit Group size will
342 be the maximum amount of assistance a Benefit Group may receive. A

Benefit Group that received DSR's Winter Assistance will not be eligible for school clothing assistance, emergency assistance, and low-income heating and energy assistance provided by the Navajo Nation with other funding sources.

Chart 1: Eligible Monthly Assistance Amount

<u>MONTHLY EARNED INCOME</u>		<u>Monthly Income Worksheet</u>
	Gross Monthly Employment Income (GMEI)	4a.
Minus	Mandatory Deductions (Actual or 20% of GMEI)	4b.
Plus	Gross Monthly Self-Employment Income (GMSEI)	5a.
Minus	Self-Employment Deduction (20% of GMSEI)	5b.
=====		
EQUALS	Net Monthly Earned Income (NMEI)	6.
Minus	Employment Allowance (up to \$300 of NMEI, if eligible)	7.
=====		
EQUALS	<u>Countable Monthly Earned Income</u>	8.
<u>MONTHLY UNEARNED INCOME</u>		
	Unemployment Insurance Compensation (UIC)	9a.
Minus	UIC Deduction (33% of UIC)	9b.
Plus	Other Unearned Income	10.
=====		
EQUALS	Net Monthly Unearned Income	11.
Minus	Unearned Income Disregard (up to \$100)	12.
EQUALS	<u>Countable Monthly Unearned Income</u>	13.
<u>COUNTABLE MONTHLY INCOME</u>		
	Countable Earned Income	8.
Plus	Countable Unearned Income	13.
=====		
EQUALS	Total Countable Monthly Income	14.
Minus	Dependent Care Deduction (if eligible)	15.
=====		
EQUALS	<u>Net Countable Monthly Income</u>	16.
<u>ELIGIBLE MONTHLY ASSISTANCE AMOUNT</u>		
	Payment Standard for the Applicable Benefit Group Size	17.
Minus	Net Countable Monthly Income	16.
=====		
EQUALS	<u>ELIGIBLE MONTHLY ASSISTANCE AMOUNT</u>	18.
	(If zero or negative, Benefit Group is ineligible)	

1 **314 ~~MONTHLY ASSISTANCE PAYMENTS ELIGIBILITY DECISION~~**

2 ~~The most current NNPSR Payment Standard shall be utilized to determine the~~
3 ~~monthly assistance amount to be provided to eligible Benefit Groups.~~

4 ~~A. The NNPSR Payment Standard amount shall not be interpreted as the amount~~
5 ~~an eligible Benefit Group will receive.~~

6 ~~B. If the Benefit Group has countable income, their monthly assistance amount~~
7 ~~shall be the difference between the Payment Standard for the applicable~~
8 ~~Benefit Group size and the Benefit Group's Net Countable Income.~~

9 ~~C. Monthly benefit payments will be made utilizing the payment method~~
10 ~~established by the NNPSR.~~

11 A decision shall be rendered on all applications for DSR assistance and written
12 notification provided to the Customer, preferably within five (5) working days
13 after the Interview Date, but no later than fifteen (15) working days after the
14 Interview Date.

15
16 **315 CERTIFICATION PERIOD**

17 Benefit Groups determined eligible for DSR assistance may be certified to receive
18 DSR assistance for a period not to exceed twelve (12) benefit months with the
19 understanding that, if there is a change in their circumstances, their eligibility may
20 be re-determined at any point during the Certification Period.

21 A. A Benefit Group may request to continue receiving assistance beyond the end
22 of their Certification Period by submitting a new application, and have their
23 eligibility re-determined prior to the end of their current Certification Period.

24 B. A Benefit Group that is not approved for continued assistance by the end of
25 their current Certification Period shall have their case closed effective the last
26 day of their Certification Period.

27
28 **316 PROTECTIVE PAYEES**

29 A Protective Payee may be appointed, voluntarily or involuntarily, to receive
30 Monthly Assistance Payments on behalf of the Benefit Group.

- 1 A. A head-of-household may voluntarily appoint a Protective Payee by
2 completing a *Protective Payee Appointment* form. The designated Protective
3 Payee must sign the form and acknowledge the appointment in the presence of
4 a DSR staff who will sign as a witness.
- 5 B. The head-of-household may withdraw their voluntary appointment of a
6 Protective Payee at any time by submitting written notice to the DSR.
- 7 C. A Customer may appoint a Protective Payee at any time after approval for
8 receipt of DSR assistance.
- 9 D. If the appointment of a Protective Payee is court ordered, a copy of the court
10 order must be provided to support the appointment.
- 11 E. The Protective Payee may be required to verify the monthly assistance
12 payments are used for the basic needs of the Benefit Group.

13 317 **AUTHORIZED REPRESENTATIVES**

14 An Authorized Representative may be appointed, voluntarily or involuntarily, at
15 any time after a Customer's application for DSR assistance is approved, to
16 represent the Benefit Group, and act on behalf of the head-of-household, until the
17 appointment is revoked.

- 18 A. A head-of-household may voluntarily appoint an Authorized Representative
19 by submitting an *Authorized Representative Appointment* form, completed and
20 signed by the head-of-household and the appointed individual.
- 21 B. The head-of-household may withdraw their voluntary appointment of an
22 Authorized Representative at any time by submitting written notice to the
23 DSR.
- 24 C. The Authorized Representative Appointment must be documented in the
25 Benefit Group's case record.
- 26 D. An individual appointed by court order must provide a copy of the court order
27 to be filed in the Customer's case folder.
- 28 E. The financial resources of the Authorized Representative will not be
29 considered in the determination of the Benefit Group's eligibility.
- 30

SECTION 400: NAHAT'AA (PLANNING)

401 PURPOSE

~~This section establishes policies for the Planning component of the Pathway to Self-Reliance, including Personal Responsibility Plan (PRP) development.~~

It is the purpose of the DSR to create a Customer-centered environment that encourages personal change by assisting Customers with identifying specific opportunities that foster a positive outcome.

402 CASE ASSIGNMENT

~~Cases must be assigned and Customers notified of their assigned staff within ten (10) working days of approval.~~

A. A Program Supervisor II (PSII) must assign newly approved and transferred cases within five (5) working days of approval or transfer.

B. Assigned Senior Caseworkers (SCW) and Principal Caseworkers (PCW) must contact the Customer(s) within five (5) working days after assignment to schedule an appointment to develop or review their PRP.

403 CUSTOMER ASSESSMENTS

~~The program shall provide appropriate and necessary assessments specific to the Customer's needs.~~

Assessments are the systematic collection, documentation, analysis, and use of information of a Customer's knowledge, skills, attitudes, benefits, and social and emotional capacities.

A. Assessments are necessary tools in developing a PRP to:

1. Develop a comprehensive plan for services;
2. Establish priorities for service delivery;
3. Understand the Customer's current status, desired state and needs;

4. Determine the best ways to move the Customer from the current state to the desired state; and

5. Justify the actions taken, decisions and referrals made, and services provided.

B. Assessment Tools include, but are not limited to:

1. Barriers to Employment Success Inventory (BESI): Helps individuals identify their major barriers to obtaining a job or succeeding in their employment.

2. Picture Interest Career Survey (PICS): A visual vocational interest survey to help individuals identify their career interests.

3. Test of Adult Basic Education (TABE): Used to measure basic academic skills commonly found in adult education curricula taught in high school and adult instructional programs.

4. Informal Assessment Interview: To identify a Customer's priorities, experiences, strengths, and skills.

404 PERSONAL RESPONSIBILITY PLAN DEVELOPMENT

~~A. A Personal Responsibility Plan (PRP) shall be developed jointly with Customers and must be completed and implemented for all Benefit Groups by no later than forty-five (45) working days after approval.~~

~~B. The PRP must be developed using assessment results and must focus on the Customer's path to gaining the skills, education, training, and service necessary for employment and self-reliance.~~

~~C. Appropriate work activities which support the Customer's goals shall be authorized in the PRP.~~

A PRP outlines the Customer's plan to gain the skills, education, training, and services necessary for employment and/or self-sufficiency.

A. A PRP is developed using the following criteria:

1. Assessment data;

2. Knowledge of short-term and long-term goal(s);

3. Customer's current status; and
4. Assist Customers with identifying steps to achieve short-term and long-term goals.

B. Initial PRP for New Customers

1. An initial PRP is required for each adult Benefit Group member, head-of-household in Child-Only cases, and Custodial Minor Parent. An initial PRP must be developed and implemented by no later than thirty (30) working days after an initial application is approved. Failure to develop an initial PRP must be subject to penalties in accordance with Section 802 of this Policy.
2. Adult Benefit Group members shall develop their PRP based on their interests and chosen goals.
3. For Child-Only cases, the head-of-household's PRP must focus on the success and well-being of the child(ren).
4. A Direct services staff will facilitate the PRP development and provide necessary support and coaching toward the Customer's chosen goals.
5. Assessment results may be used and must focus on the Customer's path to gain the skills, abilities and knowledge for self-reliance.
6. At a minimum, an initial PRP should identify at least one (1) goal and related objectives.
7. At least one (1) work activity and associated hours must be identified in the initial PRP for adult Benefit Group members, including support services, goals and steps to receive incentives.

C. PRP for Ongoing Customers

1. Assessment results must be used and must focus on the Customer's path to gain the skills, abilities and knowledge for self-reliance.
2. At a minimum, a completed PRP should contain strategies to address:
 - a. barriers and issues;
 - b. goals and objectives;
 - c. identifying internal and external resources; and

d. work activities and hours, if appropriate.

The completed PRP must support a Customer's chosen goals, including support services and steps to receive incentives.

3. A PRP must be reviewed and, if necessary, updated at least once every four (4) months. Failure to update a PRP will be subject to penalties in accordance with Section 802 of this Policy.

D. PRP for Transferred and Reassigned Cases

1. For active cases that are transferred or reassigned, the PSII must assign the case to a SCW or PCW within five (5) working days from receipt of the case.
2. The Customer's established PRP must be reviewed by an assigned SCW or PCW and updated, as necessary, within five (5) working days after assignment.
3. A PRP must be reviewed and, if necessary, updated at least once every four (4) months.

405 WORK PARTICIPATION REQUIREMENTS

~~All adults receiving assistance and minor parents receiving assistance as the spouse of an adult head of household should begin participating in authorized work activities immediately upon receiving under their first benefit payment.~~

Each Adult and Minor Parent included in a Benefit Group is required to meet the Minimum Work Participation Hours (MWPH) as a condition to receiving financial assistance and supportive services.

A. Work Participation Hours

Beginning the month after a Customer's initial PRP is developed and implemented, each adult included in a Benefit Group and Minor Parent receiving assistance must be required to participate in work activities for a minimum of twenty-four (24) hours per week, on average.

1. Work Participation activities identified in a Customer's PRP must support their chosen goal(s) and address identified barriers.

2. When a Customer is unable to participate in a Work Activity due to an unforeseen circumstance that requires their immediate attention, any supplemental activities the Customer engages in to address the unforeseen circumstance may be counted, provided the activity is listed in the DSR's Work Participation Activities at Section 405.B of this Policy. A Customer's PRP must be revised to reflect these circumstances.
3. Customers subject to MWPH requirements must use the DSR *Work Participation Timesheet* form, worksite timecard/timesheet, or other documentation to verify the number of hours they were engaged in authorized Work Participation activities during a Reporting Month.
4. Customer timesheets/timecards are due by the close of business (COB) on the fifth (5th) day of the following month for which they are reporting hours. If the fifth (5th) day of the month falls on a weekend, holiday, or authorized office closure day, timesheets/timecards must be received by the COB on the first working day following the weekend, holiday, or authorized closure day.
5. Customer timesheets/timecards or other documentation may be submitted in person, by mail, fax, or email to any DSR direct service office.
6. When a Customer's Work Participation Activity site is closed due to a Federal, State, or Tribal holiday, or for authorized closures, a Customer will be given credit for the hours they were scheduled to participate in work activities on that day.

B. Pre-Authorized and Authorized Work Participation Activities

Work Participation Activities expand the Customer's knowledge, skills and abilities through education, training, and employment, and removes barriers to employment and self-reliance.

1. Preauthorized Work Participation Activities

The following Work Participation Activities are pre-authorized for newly approved Customers up to the time their initial PRP is developed and implemented:

- a. Overview sessions such as DSR Orientation, Timesheet, PRP;
 - b. Participating in assessments such as TABE, Inventory Assessment, or Self Identity;
 - c. Post-Secondary Education for Customers attending a Post-Secondary institution at the time of application;
 - d. Secondary school or course of studies leading to a GED certificate for Customers attending high school or enrolled in a GED program at the time of application; or
 - e. Unsubsidized Employment including self-employment.
2. Work Participation Activities are performance contained in the PRP and authorized for Customers, which may include:
- a. Unsubsidized Employment
Full- or part-time employment in the public or private sector that is not subsidized by the DSR or any other public program
 - b. Subsidized Private Sector Employment
Employment in the private sector where the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.
 - c. Subsidized Public Sector Employment
Employment in the public sector where the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.
 - d. Self-Employment
Engaging in an activity which produces income by working in one's own business, trade or profession (e.g. rug weaving, silversmith, childcare services, itinerant food vendor, etc.) Self-employment should be supplemented by other work activities which assist the Customer in progressing toward self-reliance.
 - e. Work Experience

1 An unpaid worksite placement that provides Customers with an
2 opportunity to obtain general skills, training, knowledge, and work
3 habits that improve their employability. The Customer's placement
4 should be short term and not be considered "free labor".

5 f. Vocational/Technical Educational Training

6 Participation in vocational-technical education directly related to the
7 preparation of individuals for employment in current or emerging
8 occupations (e.g. health care, computer technology, office
9 management, and skilled trades).

10 g. On-the-Job Training directly related to employment

11 On-the-job training provided to an employed Customer to expand and
12 enhance their knowledge and skills in areas that are necessary to fully
13 and adequately perform their job duties and responsibilities.

14 h. Job Skills Training directly related to employment

15 Training and education to obtain job skills required by employers so
16 the individual will be able to obtain employment, advance in their
17 current employment, or adapt to the changing demands of the
18 workplace.

19 i. Participation in education directly related to employment, where the
20 Customer has not received a high school diploma or GED certificate.

21 This includes cultural education as a Navajo Medicine Man
22 apprentice, assisting with cultural ceremonies, learning to speak other
23 languages for the purpose of job readiness, learning traditional stories
24 to become a storyteller, and other cultural education that leads to
25 becoming self- sufficient.

26 j. Participation in education, other than post-secondary, directly related
27 to employment, where a Customer has a high school diploma or
28 GED certificate.

29 This includes cultural education as a Navajo Medicine Man apprentice,
30 assisting with cultural ceremonies, learning to speak other languages

for the purpose of job readiness, learning traditional stories to become a storyteller, and other cultural education that leads to becoming self-sufficient.

k. Secondary School

Satisfactory attendance at a secondary school or course of studies leading to a High School Diploma or its equivalent such as a GED.

l. Participation in Adult Basic Education (ABE), Remedial Education, and English as a Second Language (ESL) courses.

m. Post-secondary education at a college or university

Participating in educational courses provided at an institution of higher learning that offers undergraduate or postgraduate degree programs.

n. Job Search

Activities or training that provides skills in identifying a career and searching for a job, including, but not limited to: finding job vacancies; making job contacts; resume preparation; completion of employment applications; and successful participation in interviews. Job search should be supplemented by another work activity.

NOTE: Job Search must supplement another work activity (45 CFR 286.105).

o. Job Readiness

Activities that provide the knowledge and skills necessary to obtain and keep a job, including training related to attendance, punctuality, appropriate appearance, appropriate and positive attitude and behavior skills, building and demonstrating skills in relationships, and completing tasks effectively.

NOTE: Job Readiness must supplement another work activity (45 CFR 286.105).

p. Community Service

An activity or service performed without compensation and the activity/service benefits the community as a whole.

NOTE: Community Service shall not be counted for more than eight (8) hours per week in a reporting month.

- q. Provision of childcare services to another Customer who is participating in work activities.

NOTE: This activity cannot be counted for a Customer to care for their own child(ren) and must be supplemented by other work activities that assist the Customer in progressing toward their career goal or expand their knowledge in child development.

- r. Assessments

Participation in Assessments, as part of case management services, conducted by the DSR or other programs.

- s. Orientations

Participation in Orientation Sessions provided by the DSR or other programs.

- t. Removal of Barriers to PRP Goals

Time spent in removing barriers to PRP goals and objectives and complying with the PRP. Activities such as obtaining or regaining a driver's license; obtaining appropriate and affordable child care; completing steps necessary to enroll in post-secondary education/vocational education, etc.

- u. Substance Abuse and Drug Intervention

Time spent in substance abuse and drug intervention and counseling, behavioral and mental health services, and domestic violence intervention and counseling. This includes being a patient of cultural/traditional ceremonies.

- v. Physical Health-Related Illnesses

Participation and education in prevention, intervention, or treatment of physical health-related illnesses. This includes being a patient of cultural/traditional ceremonies.

- 1 w. Providing Support and Care to a Dependent Child with a Special
2 Need(s) Activities performed in accordance with the Navajo teaching
3 and practice of caring for one's own children.
- 4 x. Providing Care to an Immediate Relative with a Verified Disability
5 Activities performed in accordance with the Navajo teaching and
6 practice of caring for one's own relatives.
- 7 y. Study/Research Time
8 Time spent studying and/or conducting research by Customers
9 participating in an education related work activity. Customers may be
10 authorized one (1) hour of study/research time for each hour of class
11 time authorized.
- 12 z. Academic Support
13 Activities to promote and support a minor child's academic success and
14 participation in school-sponsored/school-related activities, including
15 helping child(ren) with daily homework, preparing child for Spelling
16 Bee, assisting with bake sales, attending parent-teacher conference, etc.
17 **NOTE:** Not to exceed six (6) hours per week.
- 18 aa. Traditional Support and Mentoring
19 Participating in activities, conducted in a group setting, which uses
20 traditional teachings and methods to support and encourage the mental,
21 physical and emotional development and wellness of DSR Customers
22 and their children, thereby improving their probability of future self-
23 reliance. Activities may include Fatherhood/Motherhood Curriculum,
24 building self-esteem, self-identity and awareness, talking circles, and
25 learning other languages and traditions.
- 26 bb. Agricultural Subsistence
27 Performing activities associated with farming, gardening, and ranching
28 that provides for the basic needs of, or provides income for, the
29 Benefit Group.
- 30 cc. Reasonable Transportation Time

Reasonable Transportation Time, which is the average amount of time for a person to travel to and from a work participation site, may be authorized on a case-by-case basis.

405.1—Work Participation Hours

Beginning the month after a Customer's Personal Responsibility Plan (PRP) is developed and implemented, all adults included in a Benefit Group and minor parents receiving assistance as the spouse of an adult head of household shall be required to participate in authorized work activities for a minimum of twenty-four (24) hours per work, on average, during the Reporting Month.

A. Only work participation activities which are pre-approved for new Customers or authorized in a Customer's PRP, may be counted toward the minimum work participation hours requirement.

B. Customers subject to Work Participation requirements shall utilize the NNPSR Work Participation Timesheet or worksite Time Card/Sheet to verify the number of hours they were engaged in authorized work participation activities during the Reporting Month.

C. If a Customer does not meet the minimum work requirement, the Benefit Group shall be subject to penalty, unless an exception applies.

D. When a Customer's worksite is closed due to a federal, state, or tribal holiday, or for authorized closures, the Customer will be given credit for the hours they were scheduled to participate in authorized work activities on that day.

405.2—Authorized Work Activities

Work participation activities which move a Customer toward the career goal identified in their PRP, including removal of a barrier(s) to self-reliance, shall be authorized for adult Benefit Group members.

A. The NNPSR's policy is to provide Customers with the best opportunity for succeeding in their chosen career path. Therefore, placement of Customers in training and employment preparation work participation activities shall be

1 done in accordance with the NNPSR Customer Training Guidelines and the
2 NNPSR Employment Readiness Guidelines.

3 B. ~~Work Participation Activities which may be authorized for Customers are:~~

- 4 1. ~~Work Experience~~
- 5 2. ~~On-the-job training (OJT) leading to employment.~~
- 6 3. ~~Job skills training directly related to employment~~
- 7 4. ~~Job Search~~
- 8 5. ~~Job Readiness~~
- 9 6. ~~Community service~~
- 10 7. ~~Vocational Education Training~~
- 11 8. ~~Participation in education directly related to employment, if the Customer~~
12 ~~has not received a high school diploma or GED certificate.~~
- 13 9. ~~Participation in education, other than post-secondary, directly related to~~
14 ~~employment, in the case of a Customer who has a high school diploma or~~
15 ~~GED certificate.~~
- 16 10. ~~Satisfactory attendance at a secondary school or course of studies leading~~
17 ~~to a GED certificate.~~
- 18 11. ~~Satisfactory attendance at a secondary school or course of studies leading~~
19 ~~to a High School Diploma.~~
- 20 12. ~~Participation in adult basic education, Pre-GED or remedial education~~
21 ~~courses.~~
- 22 13. ~~Participation in post-secondary education~~
- 23 14. ~~Provision of childcare services to another NNPSR Customer who is~~
24 ~~participating in authorized work activities.~~
- 25 15. ~~Self-employment~~
- 26 16. ~~Unsubsidized employment~~
- 27 17. ~~Subsidized private sector employment~~
- 28 18. ~~Subsidized public sector employment~~
- 29 19. ~~Participation in Assessment as part of case management services from the~~
30 ~~NNPSR and other programs.~~

20. ~~Participation in Orientation Session provided by the NNPSR and other programs.~~

21. ~~Time spent in substance abuse and drug intervention and counseling; behavioral and mental health services; and domestic violence intervention and counseling. This includes being a patient of cultural/traditional ceremonies.~~

22. ~~Participation and education in prevention, intervention, or treatment of physical health related illnesses. This includes being a patient of cultural/traditional ceremonies.~~

23. ~~Providing care to an immediate relative with a verified disability.~~

24. ~~Constructive Living and Success Skills Training~~

25. ~~Reasonable transportation time to and from an authorized work activity site.~~

26. ~~Study/Research Time associated with an authorized education related work participation activity~~

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SECTION 500: AADHIÍLLIÍLL (DOING)

501 PURPOSE

~~This section establishes policies for the DOING component of the Pathway to Self-Reliance, where the progress of Customers is monitored to ensure reasonable and steady progress toward self-reliance.~~

It is the purpose of the DSR to implement plans of action based on a Customer's identified strengths and barriers while establishing and providing opportunities for Customers to enhance their knowledge, skills, abilities, and experiences to help them become self-reliant.

502 **REVIEW OF PERSONAL RESPONSIBILITY PLAN QUALITY CASE**
MANAGEMENT

All Personal Responsibility Plan (PRP) must be reviewed with the Customer at least once every six (6) months to ensure realistic Customer progression toward their goals and, eventually, self-reliance.

A. The PRP review shall include:

1. assessing progress toward established goals & objectives.
2. As necessary and appropriate, updating goals & objectives based on assessment.
3. Assessing the Customer's authorized work participation activities to ensure they support the goals and objectives identified in the PRP. As necessary, the Customer's authorized work participation activities shall be updated.
4. Verifying the Customer's Months of Assistance and Countable Months.
5. Evaluation of the Customer's compliance with program Requirements, including establishment of Deprivation.

B. A new PRP shall be developed if there is a significant change in a Customer's circumstances, such as change in: residence; medical or physical condition; family composition; career goals; etc.

C. A Customer's PRP shall be reviewed on a more frequent basis if it is in the best interest of the Customer's progress toward self-reliance, such as monitoring challenges and successes.

Quality Case Management (QCM) is the most essential direct service provided to Customers; it helps Customers increase their knowledge, competency, skills, and abilities to enhance problem solving, coping abilities and obtain resources. The DSR provides guidance for interaction between organizations and resources.

A. Customer Contact

1. The QCM includes regular monthly follow-up with Customers. The complexity of a case determines how often DSR direct service staff are in contact with a Customer. At least half of the monitoring contacts must be

1 in-person such as, but not limited to, the following: office visit, home visit,
2 Skype meeting or interview, telephone call, or email.

3 2. Customer contacts include discussing the following:

- 4 a. Objectives in the PRP;
5 b. Barriers to completing the objectives;
6 c. Completion of objectives;
7 d. Objectives yet to be completed;
8 e. Customer's comfort with the timelines;
9 f. Due dates, deadlines, approval period, etc.; and
10 g. Next contact or appointment.

11 B. Review of Customer's PRP

12 1. All PRPs must be reviewed with the Customer at least once every four (4)
13 months to ensure realistic Customer progression toward their goals and
14 self-reliance.

15 2. The PRP review shall include:

- 16 a. Assessing progress toward established goals and objectives.
17 b. Updating goals and objectives as necessary and appropriate.
18 c. Reviewing Customer's work participation activities to ensure they
19 support the goals and objectives identified in their PRP. As necessary,
20 Customer's work participation activities shall be updated.

21 3. A new PRP shall be developed if there is a significant change in a
22 Customer's circumstances, such as change in residence, medical or
23 physical condition, family composition, career goals, etc.

24 4. A Customer's PRP shall be reviewed more frequently if it is in the best
25 interest of a Customer's progress toward self-reliance, such as monitoring
26 challenges and successes.

27 C. Case Review

28 Case Reviews ensure accurate and timely services and identify necessary and
29 appropriate corrections to reduce potential violations. Case Reviews may
30 include peer reviews and supervisor reviews.

1. Review Customer assessment information.
2. Verify and narrate a Customer's Months of Assistance and the number of Months of Assistance that are countable toward the Time Limit (Countable Months).
3. Verify Customer's continued eligibility for assistance prior to posting a monthly payment or prior to issuing a support service or incentive.
4. When a case is assigned or re-assigned, a case review must be conducted within five (5) working days to ensure compliance with applicable work participation and eligibility requirements.
5. If a DSR direct service staff determines an error or incorrect decision was made on a Customer's case, respective staff who made the error must be responsible to correct the error immediately, unless that staff member is no longer employed with the DSR. The PSII must ensure that corrective action is taken.
6. Prior to initiating an adverse action, the proposed action shall be reviewed to ensure that action is appropriate and supported.

D. Case Staffing

1. Case Staffing is an opportunity to exchange information about a Customer and to gain consultation from other DSR direct service staff. It is a group process to help identify issues, suggest problem resolution strategies and recommend service options.
2. Customers who may need Case Staffing include those who are not making progress or who need to address significant issues.
3. As necessary, Case Staffing must ensure Customers receive appropriate and effective services to provide them the opportunities and support they need to progress towards self-reliance.
4. Prior to initiating an adverse action, the proposed action must be case staffed to ensure the action is appropriate and necessary.

E. Case Conferencing

1. Case Conferencing is an opportunity to exchange information with a Customer and with their consent consult with other service providers. It is a time to bring together a multidisciplinary team of experts to review cases, identify resolution strategies and recommend solutions. Bringing the group together increases understanding of the services and expertise available in the community and provides an opportunity for creative problem solving and resource development.
2. Case conferencing is mandatory for Customers who do not have a justifiable reason for not meeting the Minimum Work Participation Hours requirement. The goal is to prevent a penalty being imposed by engaging the Customer in appropriate Work Participation Activities.

F. Turning-the-Curve Milestones

DSR direct service staff must continue to support Customers in achieving their established goals and objectives through periodic assessments, consistent monitoring and providing adequate resources. Progression monitoring will apply the Results Based Accountability (RBA) concept. The DSR will use strength-based management for creating objectives that mark Customers' progression toward their desired outcome.

1. DSR direct service staff will assess Customer progression towards their established goals at a minimum of every four (4) months or sooner, as necessary. This may consist of reviewing Customer case files, contacting Customers, scheduling home visits, etc.
2. The purpose of each assessment is to evaluate the effectiveness of a Customer's PRP and their progress. The following questions are guidelines in completing the assessment:
 - a. Are the steps in a Customer's PRP delivering results as planned?
 - b. Have there been outside referrals provided to the Customer? If so, is the feedback positive?
 - c. Are the steps in the PRP still supporting the goal? If so, what evidence supports there is progress?

- d. How has the PRP steps influenced the Benefit Group and what skills have been developed?
- e. Is service and case management provided to the Customer reasonable? What other resources could help increase the effectiveness of services?
- f. Is the PRP a positive influence on the Benefit Group?
- g. Is there evidence the PRP is likely to change? If so, what additional case management services are necessary?

503 MONTHLY UPDATE REPORT CHANGE REPORTS

~~All — Benefit Groups are required to complete and submit a Monthly Update Report (MUR) to verify their eligibility for continued assistance.~~

~~A. A completed MUR must be received by the established due date to process a Benefit Group's next monthly assistance payment, unless an exception applies.~~

~~B. Customers who do not submit a MUR for two consecutive due dates shall be subject to case closure and ineligibility for one (1) month from closure date.~~

~~C. Due Process shall be provided prior to non-payment and case closure.~~

A Change Report provides an opportunity for Customers to report or request for a change in their circumstances which may affect their eligibility, Benefit Group size, or financial assistance amount. When a Change Report is received, the following steps must be followed:

A. Customers are required to report all changes in their circumstances that may affect their eligibility for DSR assistance no later than five (5) working days after a change occurs.

B. The Customers must be informed, in writing, to provide required verification documents and be provided with a Checklist that identifies the required documents to be submitted.

C. Customers have up to five (5) working days from the date of reported change in their circumstances to submit the required verification documents to DSR.

- D. Upon receipt of the required verification documents, an assigned DSR direct service staff determines if the request or reported change will affect the Benefit Group's eligibility, Benefit Group size, or monthly financial assistance amount.
- E. A decision must be made and a written notification provided to a Customer on all reported changes, preferably within five (5) working days, but by no later than ten (10) working days from the date the change was requested or reported.
- F. Customers will be informed of their due process and appeal rights if they disagree with a decision concerning their request for or reported change in circumstances that adversely affects their Benefit Group's eligibility, Benefit Group size, or monthly financial assistance amount.

504 PENALTIES ADVERSE ACTION REVIEW

~~An adult, or a minor parent receiving assistance as the spouse of an adult head of household, who does not comply with a program requirement shall be subject to penalty, unless an exemption applies.~~

~~A. Penalties shall be imposed as follows:~~

~~1st Penalty:—Reduction of the Benefit Group's approved monthly benefit amount by 25%~~

~~2nd Penalty:—Reduction of the Benefit Group's approved monthly benefit amount by 50%~~

~~3rd Penalty:—Reduction of the Benefit Group's approved monthly benefit amount by 75%~~

~~4th Penalty:—Closure and disqualification for one year from the date of closure.~~

~~B. Penalties shall be imposed in one (1) month increments until such time that the Customer returns to compliance with the program requirement(s) or the Customer reaches the 4th Penalty.~~

1 C. ~~Customers who return to compliance with program requirements before~~
2 ~~reaching the 4th Penalty shall have their benefit amount restored to 100% of~~
3 ~~their approved monthly benefit amount for the next benefit month.~~

4 D. ~~Non-compliance by a Customer who was previously penalized shall be subject~~
5 ~~to subsequent penalty as follows:~~

6 1. ~~If the current non-compliance occurred less than twelve (12) months from~~
7 ~~the month for which they were previously penalized, the next penalty will~~
8 ~~be imposed;~~

9 2. ~~If the current non-compliance occurred less than twelve (12) months or~~
10 ~~more months after the month for which they were previously penalized,~~
11 ~~the 1st penalty will be imposed;~~

12 E. ~~Customers must be provided formal written notification and informed of their~~
13 ~~appeal rights prior to a penalty being imposed. Once time line for requesting~~
14 ~~an informal hearing has expired, the penalty shall be imposed.~~

15 F. ~~Exemptions from penalties~~

16 1. ~~A Customer shall not be penalized if they are a single custodial parent~~
17 ~~earing for a child who is under six (6) years of age and can provide~~
18 ~~verification of inability (as determined by the DSR) to obtain needed child~~
19 ~~care due to one of the following reasons: (45 CFR, Part 286, §286.150)~~

20 a. ~~Appropriate child care is not available within a reasonable commuting~~
21 ~~distance from the home; or~~

22 b. ~~Informal child care by a relative or other arrangements are unavailable~~
23 ~~or unsuitable; or~~

24 c. ~~Appropriate and affordable formal child care arrangements are~~
25 ~~unavailable.~~

26 2. ~~Additional exemptions from penalties may be granted, on a limited and~~
27 ~~case-by-case basis:~~

28 a. ~~Death of an immediate family member.~~

29 b. ~~Hospitalization of self.~~

1 e. ~~Hospitalization of an immediate family member which requires the~~
2 ~~Customer's continuous presence.~~

3 d. ~~Unforeseen short-term disability.~~

4 e. ~~Natural disaster.~~

5 f. ~~The above is not an exhaustive list of possible circumstances for a~~
6 ~~Good Cause Exemption.~~

7 3. ~~Exemption of a Customer from penalties will be re-evaluated on a~~
8 ~~monthly basis and documented in the case file.~~

9
10 All proposed adverse actions must be reviewed by a PSII or PSW prior to
11 initiating any action with the exception of Intentional Program Violation
12 disqualifications.

13 A. Customers are eligible to seek relief for the following adverse actions: 1)
14 denial; 2) case closure; and 3) penalty.

15 B. If a PSII or PCW has a direct or apparent conflict of interest, a PSII or PCW
16 from another DSR direct service office must conduct the proposed adverse
17 action review.

18 C. An adverse action proposed by a CW or SCW must be reviewed by a PSII or
19 PCW; an adverse action proposed by a PSW must be reviewed by a PSII; or if
20 an eligibility is denied by a PSII, a PSII from another DSR direct service
21 office must review the adverse action.

22 D. When a CW, SCW or PCW proposes to take an adverse action regarding a
23 Customer's application or case, the Customer's case record must be submitted
24 to PSII or a PCW for an adequate review of the proposed adverse action.

25 E. A PSII or a PCW must review the proposed adverse action within two (2)
26 working days from the date of receiving a Customer's case record to
27 determine if the proposed adverse action is correct, proper and justified.

28 F. If a PS II or PCW determines a proposed adverse action is correct, proper and
29 justified, a written decision notice must be sent to the Customer in accordance
30 with Section 804 of this Policy.

- 1 G. If a PSII or a PCW determines the proposed action is incorrect, improper or
2 not justified, the case record will be returned to the direct service staff who
3 made the decision immediately with recommendations to bring the case record
4 into compliance in accordance with Sections 809 and 815 of this Policy.
- 5 H. A Customer has a right to appeal the decision and request for an Appeal
6 Hearing pursuant to Sections 806, 807 and 808 of this Policy, and this
7 provision shall be included in the written decision notice.
- 8 I. A Customer who was disqualified due to an Intentional Program Violation is
9 not subject to this requirement.

10

11 **505 SUPPORTIVE SERVICES, ACHIEVEMENT AWARDS AND**
12 **INCENTIVES**

13 ~~Subject to availability of funds, support services and incentives may be provided~~
14 ~~to assist Customers in addressing a barrier(s) to their successful participation in an~~
15 ~~authorized work participation activity and to transition toward gaining and~~
16 ~~maintaining employment.~~

17 The DSR provides supportive services, achievement awards and incentives to
18 Customers who are striving for self-reliance, including but not limited, to the
19 following:

20 A. Supportive Services

21 Supportive Services are to assist members of a Needy Family in addressing a
22 barrier(s) to their successful participation in a work participation activity and
23 to transition toward gaining and maintaining employment.

- 24 1. The assigned SCW or PCW must prepare and submit a Support Service
25 request, on behalf of the Customer, to PSII for their review and
26 concurrence.
- 27 2. Upon concurrence by a PSII, the Support Service request will be
28 submitted to the DSR Department Manager III for approval.
- 29
- 30

3. Supportive Services available to Customers participating in Work Participation activities in accordance with their PRP include, but are not limited to, the following:

- a. Worksite related expenses.
- b. Fee related expenses including testing, background check, physical exams, etc.
- c. Transportation related expenses, not to exceed a \$1,000 lifetime limit, including minor vehicle repair, fuel, tires, and bus passes.
- d. Childcare related expenses for Customers who do not have access to reliable, appropriate or affordable childcare.
- e. Short Term Training related expenses including registration, transportation, meals and lodging.
- f. Education related expenses including books, tuition and required school supplies.

4. Supportive Services for Transportation/Fuel, Meals and Lodging are based on the following:

a. Transportation/Fuel

<u>Miles from Residence to Work</u>	<u>Daily</u>
<u>Participation Activity Site (one-way)</u>	<u>Rate</u>
<u>25 or less</u>	<u>\$10</u>
<u>26 – 50</u>	<u>\$20</u>
<u>51 – 75</u>	<u>\$30</u>
<u>76 or more</u>	<u>\$40</u>

b. Meals based on daily rate of \$15.

c. Actual costs incurred for lodging.

5. Advance payment for support services are considered on a case-by-case basis.

6. Support Services requests are subject to approval by the Department Manager III.

B. Achievement Awards

Achievement Awards will be provided to reward Benefit Group members who achieve an established educational or employment goal.

1. The head-of-household may request for Achievement Awards for Benefit Group members.

2. Achievement Awards include, but are not limited to, the following:

a. High Academic Achievement - Minor Child: Offered twice per school year to minor children in the Benefit Group who achieve a 3.5 Grade Point Average, on a 4.0 scale; or all "Excellent" (E); for a grading period.

b. Academic Improvement: Offered twice per school year to minor children included in a Benefit Group who made a significant improvement in their overall academic performance from one grading period to the next.

c. Post-Secondary High Academic Achievement: Offered twice per school year to DSR Benefit Group members attending a Post-Secondary educational institution and attain a 3.5 or better GPA (on a 4.0 scale) during a semester.

d. Perfect Attendance: Offered twice per current school year for minor children in the Benefit Group who achieve Perfect Attendance and have a Grade Point Average of 2.0 or better, on a 4.0 scale; or all Excellent and Satisfactory"; for the semester.

e. Graduation: Offered to Benefit Group members graduating from a secondary or post-secondary educational institution.

C. Incentives

Incentives will be provided to encourage and motivate Benefit Group members to succeed in their education and employment.

1. The head-of-household may request Incentives for Benefit Group members.

2. Incentives include, but are not limited to, the following:

- a. Enrichment: Offered to minor children in the Benefit Group who are accepted into an Enrichment Program.
 - b. Educational Learning: Offered once per school year to minor children in the Benefit Group enrolled in school to promote school attendance, improve academic performance and improve self-esteem.
 - c. Youth Training: Offered to minor children in the Benefit Group who have been accepted into a Youth Training Program.
3. Denial of an incentive request is not subject to an appeal.

D. Education and Career Services (ECS) Support Services and Incentives

1. Adult Benefit Group members selected to participate in an approved Extended Training in accordance with their PRP, may be eligible to receive Support Services for expenses associated with the Extended Training, including, but not limited to, the following:
 - a. Actual costs for registration, tuition, room and board, meal plans, books, and other related Extended Training expenses;
 - b. Fees and costs associated with the Extended Training such as, but not limited to, background checks, uniforms, equipment, etc.; and
 - c. Transportation and meals necessary for successful completion of the Extended Training based on the following:

<u>Miles from Residence</u>	<u>Weekly/Daily Rate</u>		
<u>to Training Site</u>	<u>Weekly</u>	<u>Daily</u>	<u>Daily</u>
<u>(one-way)</u>	<u>Transportation</u>	<u>Transportation</u>	<u>Meals</u>
<u>25 or less</u>	<u>\$10 round trip</u>	<u>\$10</u>	<u>\$15</u>
<u>25 – 50</u>	<u>\$20 round trip</u>	<u>\$20</u>	<u>\$15</u>
<u>51 – 75</u>	<u>\$30 round trip</u>	<u>\$20</u>	<u>\$15</u>
<u>76 or more</u>	<u>\$40 round trip</u>	<u>\$40</u>	<u>\$15</u>

2. Work Experience Stipends

Work Experience stipends are to support Customer participation in gaining necessary employment preparation skills, through reducing employment-related barriers, such as, but not limited to, appropriate work

attire, fuel expenses, necessary work supplies, etc. Customers who are placed at a worksite by ECS may be eligible for a stipend.

3. ECS Incentives

Customers completing an ECS activity (e.g. Extended Training, Work Experience, Subsidized Employment, etc.) may be provided an incentive to motivate and encourage him/her to progress towards their career goal.

~~506~~ **CUSTOMER PROGRESSION TOWARD SELF-RELIANCE**

~~The progress of Customers must be assessed, at a minimum, on an annual basis to measure the Customer's advancement towards self-reliance and the ability to meet their needs. Case progression is designed to document the benefits of services provided.~~

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SECTION 600: BEE NII SE EEEÉL DOO (GROWING)

601 PURPOSE

~~This section establishes policies for the GROWING — BEE NII SE EEL DOO component of the Pathway to Self-Reliance, where job-ready Customers are assisted to identify, pursue, obtain and maintain long-term, sustainable employment. Effective case management is critical in this process through follow-up, monitoring and provision of the support and tools necessary to achieve and maintain self-reliance.~~

It is the purpose of the DSR to recognize Customers who take responsibility for themselves and their family members toward self-sufficiency.

602 CASE CLOSURE EDUCATION AND CAREER SERVICES

Staff must ensure that Customers are provided with the specific reason for case closure and ensure that Customers understand the reason for case closure. A Customer's case shall be closed due to any of the following reasons:

A. Disqualification

1. Reaching the 4th Penalty
2. Failure to submit a MUR for two consecutive months.
3. Intentional Program Violation
4. Unfavorable Background Check
5. threatening or assaulting a NNPSR staff
6. Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or an attempt to commit a crime, which is a felony under federal or state law.
7. Violating a condition of probation or parole imposed under Federal or State law.

B. Ineligibility

1. No eligible minor child in the Benefit Group
2. Benefit Group relocating outside of the defined Service Delivery Area, except for Benefit Groups temporarily relocating in accordance with the provisions outlined at 309.1.B.
3. Income and/or Assets exceeding established thresholds
4. Non-compliance with Child Support Requirements
5. Meeting the NNPSR Time Limit for Assistance
6. The above is not an exhaustive list of possible reasons for an individual's or Benefit Group's ineligibility for NNPSR assistance.

C. Voluntary Closure

D. Failure to cooperate with NNPSR staff in the monitoring of their case

E. Death of Head of Household

The Education and Career Services (ECS) enhances and increases employment opportunities for Customers through the Adult Basic Education, Computer Basic Training, Subsidized Adult Employment (SAE), Subsidized Youth Employment

(SYE), Extended Training (ET), and Work Experience (WEX) placement with employers. The ECS provides case management services for Customers by establishing goals and steps, monitoring progress in ECS activities, evaluating employability, assessing Customer strengths and barriers, and following-up with Customers after they obtain employment:

- A. PCW and SCW refers Customers to the ECS by completing an ECS referral form and emailing or routing the referral form to the respective Employment Development Specialist (EDS), with a courtesy copy to the ECS Senior Programs and Projects Specialist.
- B. Customers may attend an ECS overview without a referral from the assigned SCW or PCW. However, the assigned SCW or PCW must submit an ECS referral within five (5) working days after the overview.
- C. Upon completing the ECS overview, Customers who are interested in participating in an ECS Initiative, must complete an ECS registration packet and assessment.
- D. If a referred Customer has an existing ECS case record, the assigned EDS completes a case transfer request in accordance with the Case Record Management Procedures.
- E. During a Customer's participation in the ECS initiatives, the assigned SCW or PCW must continue with on-going case management services in accordance with Section 502 of this Policy.
- F. The Training Instructor and EDS work together to prepare Customers for the ECS Initiatives.
- G. An Adult Customer completes an Education and/or Career Goal (ECG) for the initiative.
- H. The assigned EDS monitors and/or evaluates the Customer's progression in the ECS initiative. This includes requesting for incentives and support services, reviewing and if necessary, updating the ECG, and contacting the various partners in the initiative (e.g. instructors, employer, etc.).

I. During the course of a Customer's participation in the ECS initiative, the assigned SCW or PCW and assigned EDS maintain regular contact with Customers. This is to ensure that Customers receive full support as needed.

J. As necessary, the SCW or PCW arranges for Customer's transportation to the training site.

K. At the conclusion of the ECS initiative, the assigned EDS and Training Instructor must meet with the assigned SCW or PCW to complete an ECS exit report.

~~603~~ **TRANSITIONAL SUPPORT SERVICES**

~~Transitional support is not an entitlement and may be provided to families who no longer meet the eligibility criteria for receiving NNPSR assistance due to income received from employment. The employment must be verified and have the potential to be sustainable and long term for the family. Although employed, they may still require support to meet necessary and appropriate costs as they "transition" toward self-sufficiency.~~

~~A. Transitional Support Services shall be available and evaluated on a month-to-month basis and shall not exceed six (6) months.~~

~~B. A Customer approved for Transitional Support Services shall be ineligible to apply for NNPSR assistance and services for a one-year period from the date of approval for Transitional Support Services.~~

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SECTION 700: CUSTOMER DUE PROCESS HOZHO K'EH IINA (WALK IN BEAUTY)

701 PURPOSE

~~This section establishes policies related to Customer Due Process.~~

The foundation of the DSR is based on the Navajo values and teachings of living life in harmony and balance, or *Hozho K'eh Iina*. These Navajo values and

1 teachings have been passed down from one generation to the next, and have
2 helped the Navajo people endure and overcome challenges. With these
3 teachings, the purpose of the DSR is taking on the challenge of “turning the
4 curve” from the cycle of dependence by providing assistance and services that
5 will make a difference in the lives of individuals and families so they can progress
6 toward Hozho K'eh lina.

7
8 **702 ADVANCE NOTIFICATION TRANSITIONAL SUPPORT SERVICES**

9 A. Customers must be provided written notification of any decision which affects
10 their case.

11 B. Customers shall be advised of their appeal rights and given ten (10) working
12 days to appeal the decision before the decision is implemented, unless an
13 exception applies.

14 C. If the Customer does not submit a request for an informal Fair Hearing within
15 the established timeframe, the decision made shall be applied and considered
16 official at the end of the tenth (10th) working day.

17 Transitional support may be provided to Customers who are no longer eligible for
18 DSR monthly financial assistance due to obtaining full-time sustainable
19 employment, yet require support to meet necessary and appropriate costs as they
20 transition to self-reliance.

21 A. Customers must meet the following eligibility criteria to receive Transitional
22 Support Services:

23 1. At the time of the request, the Benefit Group's DSR monthly assistance
24 case must be closed, or is in the process of being closed, due to
25 employment income exceeding the DSR Payment Standard.

26 **NOTE:** Employees returning to work after furlough period are ineligible.

27 2. An adult who obtained employment was a Benefit Group member at the
28 time of case closure.

29 3. No Benefit Group member shall have previously received Transitional
30 Support Services.

4. An adult's employment may be verified by one (1) of the following:
 - a. Personnel Action Form (PAF) or similar employment form from their employer;
 - b. Employment Offer Letter;
 - c. Employment Verification;
 - d. Worksite visit by DSR direct service staff; or
 - e. Contact with the Employer.
 5. The Family's Gross Monthly Income must not exceed 200% of the current National Poverty Guideline for the applicable family size.
- B. Transitional Support Services will assist eligible Customers meet the costs associated with maintaining employment and stabilizing the family to become financially self-reliant.
- C. Customers who meet the eligibility criteria can receive a once in a life-time Transitional Support Service benefit equal to three (3) times the Payment Standard amount, at 100%, for the applicable Benefit Group size.
- D. Transitional Support Services must assist eligible Customers meet the costs associated with maintaining employment and stabilizing the family to become financially self-reliant.
- E. All members of a Benefit Group approved for Transitional Support Services will be ineligible to receive DSR Monthly Assistance for three (3) months from the date of case closure.

703 APPEALS SHORT-TERM, NON-RECURRING BENEFITS

- A. ~~A Customer may appeal a decision by submitting a request for an Informal Fair Hearing to the local NNSR Office which issued the decision.~~
- B. ~~The Customer's appeal must be received by the close of business on the last day of the ten (10) working day appeal period.~~
- C. ~~The postmark date of the Decision Notice will be used to determine the ten (10) working days appeal period.~~

1 Subject to the availability of funds, a DSR direct service staff may request on
2 behalf of a Customer, a one-time Short-Term Non-Recurring Benefits (STNRB),
3 to assist eligible families in addressing a specific crisis or episode of need that
4 will not extend beyond four (4) consecutive months.

5 A. STNRB must be available to eligible families experiencing a crisis at the time
6 of application for DSR assistance and to eligible families receiving DSR
7 assistance at the time they experience a crisis.

8 B. STNRB must not be provided to meet recurring or ongoing needs.

9 C. The STNRB shall be the actual amount necessary to address the crisis or
10 episode of need; or \$500; whichever is less.

11 D. Eligibility Criteria to receive STNRB are:

12 1. A Benefit Group must be currently receiving DSR assistance;

13 2. A crisis or episode of need must be verified, in writing, and concern one of
14 the following:

15 a. Expenses to temporarily relocate the family, if the family is, or might
16 become homeless due to an unforeseen circumstance such as domestic
17 violence, vandalism, hazardous living conditions, acts of nature, or
18 their home is destroyed by fire.

19 b. Minor repairs to the Benefit Group's primary residence not including
20 major construction activities;

21 c. Housing rental costs to prevent eviction;

22 **NOTE:** Before a rental payment s authorized, verification must be
23 obtained from the landlord that payment will cancel the eviction;

24 d. Costs to heat or cool the home or for restoring utilities;

25 **NOTE:** Before a utility payment is authorized, verification must be
26 obtained from the utility company that payment will cancel the
27 disconnection.

28 e. Food, clothing, personal hygiene items, diapers, infant formula, water,
29 bedding, and other basic needs;

30 f. Temporary transportation costs such as a bus pass;

g. Necessary repairs to a vehicle owned by a Customer;

NOTE: Three (3) estimates for costs of repair and proof of vehicle ownership must be provided prior to any repairs.

h. Necessary travel expenses when an immediate family member is hospitalized for an extended period and a Customer's presence is required or necessary; or

i. Costs to care for a child(ren) who is/are placed with the family by a social services agency or by a Court.

3. Other available resources must have been explored and exhausted; and

4. A Benefit Group must not have received STNRB previously.

E. The receipt of STNRB shall not count as a month of assistance toward the time limit and is non-countable income.

F. A Customer must submit original receipts for expenses that fund the STNRB. If no original receipts are submitted then an improper payment packet must be completed.

G. Denial of STNRB is not subject to an appeal.

704 INFORMAL HEARING DIVERSION

A. ~~An Informal Hearing shall be scheduled and conducted by no later than ten (10) working days from the date the appeal is received at the local NNPSR Office which issued the decision.~~

B. ~~Customers with an active case who are scheduled for an Informal Hearing may continue to receive their current monthly benefit amount during the Appeal Process by completing and submitting an Acknowledgment Appeal form~~

C. ~~If the Customer is not satisfied with the decision rendered at the conclusion of the Informal Hearing, they may appeal the decision by submitting a Formal Hearing Request.~~

1 ~~D. The request for Formal Hearing must be received at a local NNPSR office~~
2 ~~which issued the decision by no later than ten (10) working days after the~~
3 ~~postmark date of the Informal Hearing Decision Notice.~~

4 ~~E. A final decision of the Informal Fair Hearing must have occurred prior to a~~
5 ~~request for a Formal Hearing.~~

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7
8 Subject to the availability of funds, the DSR may provide a Diversion Benefits,
9 which is a once-in-a-lifetime non-recurring payment to divert individuals from
10 on-going monthly assistance by removing barrier(s) that puts their current
11 sustainable employment at risk, or prevents them to accept full-time employment
12 offer.

13 A. The Eligibility Criteria for receipt of Diversion benefits are:

- 14 1. Must be a parent;
- 15 2. Must have at least one (1) minor child;
- 16 3. Must reside in the Service Delivery Area;
- 17 4. Must be part of the Service Population;
- 18 5. Must meet the Residency requirement;
- 19 6. Must be a United States citizen;
- 20 7. Must not exceed the Time Limit;
- 21 8. Must not have been Disqualified; and
- 22 9. The Benefit Group's Gross Monthly Income must not exceed 200% of the
23 National Poverty Guideline for the applicable family size.

24 B. Written verification must be obtained from the employer that the Applicant
25 will be employed, re-employed or remain employed.

26 C. An assessment must be conducted to determine if the Diversion Benefits will
27 remove the barrier(s) putting the family at risk of becoming dependent on
28 governmental benefits.

29 D. The amount of the Diversion Benefits is the actual expense to remove the
30 barrier or \$3,000, whichever is less.

- 1 E. Diversion Benefits is a once in a lifetime benefit.
- 2 F. Customers are exempt from developing a PRP and meeting Work
- 3 Participation Requirements.
- 4 G. Receipt of Diversion Benefits will not count toward an adult's TANF time
- 5 limit.
- 6 H. All members of a Benefit Group receiving a Diversion Benefits payment will
- 7 be ineligible to receive DSR Monthly Assistance for a period of three (3)
- 8 months, beginning on the date the Diversion Benefits payment is issued.
- 9 I. Denials of Diversion Benefits are not subject to appeal.

10 SECTION 800: INTERNAL CONTROLS COMPLIANCE

13 **801 PURPOSE**

14 ~~This section establishes policies related to program internal controls to ensure~~

15 ~~compliance with the Federal, State and Tribal laws, and regulations.~~

16 It is the purpose of the DSR to establish policies related to compliance with

17 established DSR monthly assistance eligibility criteria, Minimum Work

18 Participation Hours requirement, and Customer Due Process as defined in the

19 Tribal Family Assistance Plan.

21 **802 INTERNAL REVIEWS PENALTIES**

22 ~~Random case reviews shall be conducted to assure accuracy and compliance with~~

23 ~~requirements of Public Law 104-193; 45 CFR Part 286; and the Navajo Nation~~

24 ~~Tribal Family Assistance Plan.~~

- 25 A. A Benefit Group shall be subject to a penalty for not meeting the Minimum
- 26 Work Participation Hours (MWPH) requirement, for a month of assistance
- 27 they received.
- 28 B. A Customer will not be subject to penalty for not meeting the MWPH
- 29 requirement until the month after their PRP is developed and implemented.

1 C. A penalty will be imposed by reducing a Benefit Group's monthly benefit
2 amount in part or in full.

3 D. Prior to imposing a First Level penalty, a "Written Warning" shall be issued to
4 a Customer. In addition, the assigned SCW or PCW must make an honest
5 effort to meet with the Customer to discuss and address the reason(s) for not
6 meeting the MWPH requirement. An assigned SCW or PCW must review the
7 following sections of the DSR Pathway to Self-Reliance Policy Manual with
8 the Customer:

- 9 1. Section 206: Customer Responsibilities;
- 10 2. Section 404: PRP Development;
- 11 3. Section 405: Work Participation Requirements;
- 12 4. Section 802: Penalties; and
- 13 5. Section 806: Appeals and Customer Due Process.

14 An honest effort is making at least three (3) separate attempts to contact and
15 meet with a Customer by letter, telephone calls, home visits, Skype meeting,
16 facsimile, or email. Each attempt and method by which a Customer was
17 contacted must be narrated in the Customer's case file.

18 E. After issuing a Written Warning, subsequent non-compliance with the MWPH
19 requirement will result in imposing a penalty to reduce a Benefit Group's
20 calculated monthly benefit amount in part, or in full, in accordance with the
21 following:

- 22 1. **1st Level:** Reduction of a Benefit Group's eligible monthly assistance
23 amount by 25%;
- 24 2. **2nd Level:** Reduction of a Benefit Group's eligible monthly assistance
25 amount by 50%;
- 26 3. **3rd Level:** Reduction of a Benefit Group's eligible monthly assistance
27 amount by 75%; and
- 28 4. **4th Level:** Termination of a Benefit Group's monthly benefits, closure of
29 case, and disqualification of the head-of-household and, if applicable, their
30 spouse for one (1) year from the date of closure.

1 F. If a Customer's Approval Period has ended or will expire at the end of the
2 current month, the 4th Level Penalty Disqualification period will begin on the
3 first day of the month after due process is provided, unless a Customer waives
4 their Appeal Rights.

5 Example: If a Customer's Approval Period ends on June 30th, the Fourth
6 Penalty Decision Notice is mailed on June 8th and the twenty (20) working
7 day appeal period ends on July 7th. If a Customer waives their Appeal Rights,
8 a Customer's disqualification period will begin on August 1st.

9 G. Penalties shall be imposed in one (1) month increments until such time a
10 Customer returns to compliance with the MWPH requirement or a Customer
11 reaches the 4th Level Penalty.

12 H. Customers who bring their MWPH requirement into compliance before
13 reaching the 4th Level Penalty shall have their benefit amount restored to
14 100% of their approved monthly benefit amount for the next benefit month.

15 I. Non-compliance by a Customer who was previously penalized shall be subject
16 to subsequent penalty as follows:

17 1. If the current non-compliance occurred less than six (6) months from the
18 reporting month for which they were previously penalized, the next
19 penalty level must be imposed.

20 2. If the current non-compliance occurred six (6) or more months after the
21 reporting month for which they were previously penalized, the
22 enforcement of penalties starts over beginning with a new Written
23 Warning.

24 J. Customers must be provided written notification and informed of their appeal
25 rights prior to imposing a penalty. Once the established deadline for
26 requesting an Appeal Review has expired, or a Customer submits a completed
27 and signed *Waiver of Appeal Rights* form or a written confirmation that they
28 have waived their appeal rights, the penalty shall be imposed.

29 K. If a Customer's Approval Period expires, or their case is closed, prior to
30 imposing a penalty and a Customer's case remains closed for at least twenty-

four (24) consecutive months, the penalty shall not be imposed when they reapply and enforcement of penalties starts over beginning with a Written Warning.

L. Exemptions from penalties must be documented in the Customer's case file:

1. Customers shall not be penalized if they are a single custodial parent caring for a child who is under six (6) years of age and can provide verification of inability (as determined by the DSR) to obtain needed childcare due to one (1) of the following reasons (45 CFR, Part 286, §286.150):

- a. Appropriate child care is not available within a reasonable commuting distance from the home;
- b. Informal child care by a relative or other arrangements are unavailable or unsuitable; or
- c. Appropriate and affordable formal child care arrangements are unavailable.

Customers who refuse to engage in work participation activities when acceptable, appropriate and affordable child care is available shall not be protected from a penalty (45 CFR 286.150(b)).

2. Additional exemptions from penalties must be evaluated and may be granted on a limited and case-by-case basis, including but not limited to, the following:

- a. Death of an immediate family member;
- b. Hospitalization of self;
- c. Hospitalization of an immediate family member requiring the Customer's continuous presence;
- d. Unforeseen short-term disability; or
- e. Natural disaster.

The above reasons are not an exhaustive list of possible circumstances for an exemption from penalty.

803 **DATA COLLECTION AND REPORTING INTENTIONAL PROGRAM VIOLATION**

Complete and accurate information shall be collected and reported to comply with 45 CFR Part 286, Subpart E—Data Collection and Reporting Requirements.

A. An Intentional Program Violation (IPV) occurs when a Customer intentionally commits one (1) of the following acts for the purpose of becoming eligible for assistance, remaining eligible for assistance, or increasing the amount of financial assistance:

1. Making a false or misleading statement related to eligibility;
2. Misrepresenting, concealing or withholding facts;
3. Failing to report income;
4. Disposing of assets for the sole purpose of becoming or remaining eligible for assistance; or
5. Depositing monthly financial assistance payment via mobile banking app or device, then attempting to or cash the same check at another venue.

B. DSR staff must report any potential IPV they suspect, or become aware of, to the DSR Fraud Investigations Unit (FIU).

C. The FIU determines if the referral will be accepted for investigation and, if accepted, an investigation will be conducted.

D. Upon completion of an investigation, FIU submits written results of a bona fide or non-bona fide investigation to a PSII whose direct service office served the Customer and who was investigated.

E. If the FIU determines a referral is non-bona fide, no further action will be taken.

F. A determination by the FIU that an IPV was committed by a Customer who is the head-of-household shall result in disqualification of that head-of-household to receive DSR assistance for this time period:

1. One (1) year for the first offense;
2. Two (2) years for the second offense; or
3. Permanently for the third offense.

- 1 G. The FIU shall provide a written Decision Notice to the head-of-household, by
2 no later than five (5) working days after making the IPV determination, which
3 informs him or her of the IPV determination, the length of disqualification for
4 DSR assistance and their right to appeal the determination.
- 5 H. An IPV Disqualifications shall not be imposed until a Customer's appeal
6 rights have been exhausted.
- 7 I. If a Customer submits a Request for Appeal Hearing to appeal the IPV
8 determination, the request will be immediately forwarded to the Compliance
9 Hearing Officer who will schedule an Appeal Hearing by no later than ten
10 (10) working days from the date the request is received.

11

12 804 **PROGRAM INTEGRITY ADVANCE WRITTEN NOTIFICATION**

13 ~~To protect the program's integrity, all potential internal and external fraudulent~~
14 ~~activities shall be investigated. In addition, all staff will be subject to background~~
15 ~~check and must obtain a Favorable result.~~

- 16 A. Customers must be provided written notification for any of the following
17 decisions:
- 18 1. Approval or Denial of an Application for Assistance;
 - 19 2. Case Closure;
 - 20 3. Monthly Assistance Payment Increase;
 - 21 4. Monthly Assistance Payment Decrease;
 - 22 5. No Payment for the next benefit month;
 - 23 6. Disqualification;
 - 24 7. Imposing a Penalty;
 - 25 8. Underpayment or Overpayment; or
- 26
27
28
29
30

1 9. Changes or Requests Affecting Benefit Group Size.

2 B. Customers have twenty (20) working days to dispute a decision before it is
3 implemented, unless one (1) of the following exceptions applies, then the
4 action may be implemented prior to the end of the appeal period:

5 1. A favorable decision to approve a Customer's application or increase a
6 Benefit Group's monthly assistance amount;

7 2. The head-of-household submits a completed and signed *Waiver of Appeal*
8 *Rights* form, or a written confirmation that they have waived their appeal
9 rights;

10 3. The head-of-household voluntarily closes their case or voluntarily
11 removes a Benefit Group member from their case, using the *Voluntary*
12 *Withdrawal/Closure/Removal* form, waiving their appeal rights;

13 4. The head-of-household submits a *Withdrawal of Request for Appeal*
14 *Hearing* waiving their appeal rights prior to a decision being made on the
15 Appeal;

16 5. An overturned decision;

17 6. A Benefit Group or Benefit Group member who relocates outside the SDA
18 (Section 309. B. of this Policy). The case shall close effective on the last
19 day of the month in which the Benefit Group or a Benefit Group member
20 relocated;

21 7. Upon verification of the death of the head-of-household, the designated
22 next-of-kin shall be informed of the case closure and given an opportunity
23 to apply on behalf of the minor child(ren), if applicable; or

24 8. A Needy Family's income type and income amount are the same as the
25 previous month.

26 C. If a Customer does not submit a *Request for Appeal Hearing* by the close of
27 business on the last day of the twenty (20) working day appeal period, the
28 decision shall be implemented.

29
30 **805 RECORDS MANAGEMENT CASE CLOSURE**

1 ~~All case records shall be maintained in accordance with applicable laws,~~
2 ~~regulations, and internal record procedures.~~

3 A. Pursuant to Section 504 of this Policy, all proposed case closures, with the
4 exception of Intentional Program Violation (IPV) disqualifications, shall be
5 reviewed by a respective PSII or PCW prior to being initiated.

6 B. A Benefit Group's case may be closed for one (1) of the following reasons:

7 1. Disqualification

- 8 a. Reaching 4th Level Penalty;
9 b. Intentional Program Violation;
10 c. Fleeing to avoid prosecution, custody or confinement after conviction
11 for a crime or an attempt to commit a crime that is a felony under
12 Federal or State law, which must be verified by the DSR FIU; or
13 d. Violating a condition of probation or parole imposed under Federal or
14 State law, which must be verified by the FIU.

15 2. A Benefit Group no longer meets all of the eligibility criteria (Non-
16 Financial, Financial, and if applicable, Supplemental) for receipt of DSR
17 assistance.

18 3. Voluntary Closure – must be submitted in writing

- 19 a. Written notice must be submitted within five (5) working days
20 consistent with Section 503 of this Policy.
21 b. A DSR direct service staff must provide quality case management
22 service in contacting a Customer in an effort to obtain a signed
23 *Voluntary Withdrawal/Closure/Removal Request* form.

24 4. Failure to cooperate with a FIU Investigator who is conducting an
25 investigation of a potential IPV.

26 5. Death of the head-of-household.

27 6. Change in the head-of-household consistent with Section 306 of this
28 Policy.

29 7. Expiration of Certification Period and no submittal of re-application.
30

1 C. Customers must be provided written notice and provided twenty (20) working
2 days to appeal a decision to close their case or a Customer must submit a
3 completed and signed *Waiver of Appeal Rights* form before a case closure is
4 implemented.

5
6 **806 ~~PROFESSIONAL ETHICS AND STANDARDS~~ APPEALS AND**
7 **CUSTOMER DUE PROCESS**

8 ~~All NNPSR staff shall strictly adhere to the NNPSR's Professional and Ethical~~
9 ~~Standards of Employee Conduct and the Navajo Nation Privacy Act to uphold the~~
10 ~~integrity of the program and protect the confidentiality of program Customers.~~

11 The DSR respects and advocates for Customers to exercise their appeal rights to
12 dispute a decision or adverse action made on their application or case. The
13 following due process must be followed:

14 A. A head-of-household has a right to request for an impartial review of their
15 application or case if he or she disagrees with the DSR, by submitting a
16 written request to any DSR direct service office within twenty (20) working
17 days from the date of a decision notice.

18 1. A written request must include the head-of-household's name, mailing
19 address, telephone number, date of the notice that the head-of-household
20 does not agree with, and reason(s) for not agreeing.

21 2. If a head-of-household is appealing more than one (1) decision, he or she
22 must submit separate requests for each decision he or she is appealing, and
23 separate Appeal Hearings must be scheduled.

24 B. A head-of-household has a right to withdraw his or her appeal and must
25 complete a *Withdrawal of Appeal Hearing Request* form or any type of
26 written request, at any time prior to the Appeal Hearing decision. The written
27 withdrawal must be submitted to any DSR direct service office.

28 C. If a head-of-household chooses to submit an Appeal Hearing Withdrawal, he
29 or she acknowledges the original decision will be implemented immediately,
30 and they have waived their right to an appeal. Upon signing and submitting a

1 Withdrawal of Appeal Hearing Request form, he or she has waived their right
2 to appeal.

3 D. A decision that resulted in an appeal shall not be implemented until after a
4 Customer has exhausted or waived their appeal rights.

5
6 **807 IMPROPER PAYMENTS APPEAL REVIEW**

7 ~~All Potential Improper Payments (a payment that should not have been made or~~
8 ~~that was made in an incorrect amount) shall be handled in accordance with the~~
9 ~~NNPSR Improper Payment Procedures.~~

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- 1 A. A DSR direct service office must forward a Customer's *Request for Appeal*
2 *Hearing* form to a Compliance Officer within one (1) working day from the
3 date on the *Request for Appeal Hearing* form.
- 4 B. A Compliance Officer must conduct an impartial appeal review within five (5)
5 working days from the date a *Request for Appeal Hearing* is received.
- 6 C. **EXCEPTION:** A *Request for Appeal Hearing* regarding an IPV notice issued
7 by the FIU must be forward and directly to the DSR Compliance Hearing
8 Officer on the same day it was received.
- 9 D. If a Compliance Officer decides that an adverse action or decision was
10 incorrect, improper or not justified, a Compliance Officer must notify the PS
11 II, in writing, no later than three (3) working days from the date the
12 Compliance Officer rendered a decision.
- 13 E. A PS II must work with the CW, SCW and PCW to self-correct the case error
14 and notify the Customer, in writing, for a correction no later than three (3)
15 working days from the date on an appeal review decision.
- 16 F. If a Compliance Officer determines that an adverse action or decision was
17 correct, proper and justified, a *Request for Appeal Hearing* form shall be
18 submitted to the Compliance Hearing Officer no later than one (1) working
19 day from the date on the Appeal Hearing decision. Proceed to Section 808 of
20 this Policy.

21 **808** **APPEAL HEARING**

22 Appeal Hearings shall be conducted by the Compliance Hearing Officer to
23 provide an opportunity for Customers who do not agree with a decision or adverse
24 action made regarding their application or case, for which he or she can present
25 information disputing that decision.

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- 1 A. The Compliance Hearing Officer must conduct an appeal case review within
2 two (2) working days upon receipt of a *Request for Appeal Hearing* from a
3 Compliance Officer.
- 4 B. The Compliance Hearing Officer must contact a head-of-household, by calling
5 the telephone number listed on their *Application for DSR Assistance*, to
6 schedule and arrange for a date, time and location of an appeal hearing, and
7 notify respective PS II, CW, SCW and PCW whose decision or action is being
8 appealed.
- 9 C. For an IPV notice issued by the FIU, the Compliance Hearing Officer must
10 contact a head-of-household, by calling the telephone number listed on their
11 *Application for DSR Assistance*, to schedule and conduct an appeal hearing
12 with a Customer within ten (10) working days from the date a *Request for*
13 *Appeal Hearing* is received from a DSR direct service office.
- 14 D. The Compliance Hearing Officer must conduct an Appeal Hearing within ten
15 (10) working days from the date a *Request for Appeal Hearing* is received
16 from a Compliance Officer.
- 17 E. If a head-of-household fails to appear for their scheduled appeal hearing and
18 they do not reschedule before the close of business the same day, the decision
19 being appeal will be final.
- 20 F. A head-of-household may reschedule their appeal hearing only one-time
21 before the close of business the same day.
- 22 G. If the Compliance Hearing Officer determines that an adverse action or
23 decision was: 1) incorrect, or 2) a case management error, the Compliance
24 Hearing Officer must notify the PS II, in writing, within three (3) working
25 days from the appeal hearing decision.
- 26 H. The PS II must work with CW, SCW and PCW to self-correct the incorrect or
27 case management error and notify the head-of-household, in writing, of the
28 correction within three (3) working days from the date on the appeal hearing
29 decision notice.
- 30

- I. In addition to the self-correction, an IPIP must be completed within three (3) working days by the respective CW, SCW and PCW from the date on the appeal hearing decision.
- J. If the Compliance Hearing Officer determines an adverse action or decision was correct, or correct for another reason for which it was determined not a case management error, the Compliance Hearing Officer must notify the respective PS II within one (1) working day from the appeal hearing decision.
- K. The Compliance Hearing Officer must notify the head-of-household, in writing, within three (3) working days from the date of the decision, and notify the respective PS II, CW, SCW and PCW whose decision or action is being appealed.
- L. The decision of the Compliance Hearing Officer shall be the final, with no further appeals.

809 INTERNAL REVIEWS

Case reviews shall be conducted to ensure accuracy and compliance with the requirements of Public Law 104-193, 45 CFR Part 286, the Navajo Nation Tribal Family Assistance Plan, DSR Pathway to Self-Reliance Policy Manual, and DSR Compliance Procedures. Errors discovered during an Internal Review shall be remedied to prevent future errors. If an error or incorrect decision was made, the staff who made the error shall be responsible to correct the error immediately, unless that staff is no longer employed with the DSR. The PS II shall ensure that corrective action is taken.

810 DATA COLLECTION AND REPORTING

Complete and accurate information shall be collected and reported by the established due date to comply with 45 CFR Part 286, Subpart E – Data Collection and Reporting Requirements.

811 PROGRAM INTEGRITY

To protect the DSR's integrity, all potential internal and external fraudulent activities shall be investigated. In addition, all DSR staff are subject to a background check and must obtain a favorable result for continued employment.

812 RECORDS MANAGEMENT

All case records shall be maintained in accordance with applicable laws, regulations, and internal record procedures encompassing scanning.

813 PROFESSIONAL ETHICS AND STANDARDS

Each DSR staff shall strictly adhere to the DSR's Professional and Ethical Standards of Employee Conduct and the Navajo Nation Access to Information and Privacy Act to uphold the integrity of the DSR and protect the confidentiality of DSR Customers.

814 IMPROPER PAYMENTS

All Potential Improper Payments, including a payment that should not have been made or that was made in an incorrect amount shall be handled in accordance with the DSR Improper Payment Procedures.

815 CASE MANAGEMENT VIOLATIONS

If a DSR staff determines an error or incorrect decision was made, the staff who made the error is responsible to correct the error immediately, unless the staff is no longer employed with the DSR. The Supervisor shall ensure corrective action is taken.

SECTION 900: GLOSSARY

901 PURPOSE

The purpose of this section is to define the words, terms and acronyms that are used in this Policy Manual. The terms or words used in this Manual may differ from the terms or words as used by the general public.

902 DEFINITIONS

~~Absent Parent: A Legal Parent(s) who has been absent from the home for at least thirty (30) consecutive days and does not provide care, guidance and/or financial support to his/her child(ren).~~

Achievement

Award An incentive that is provided as a monetary award to a Benefit Group member who has achieved an established educational or employment goal.

Adult: An individual who is eighteen (18) years of age or older, or a child under eighteen (18) years of age emancipated by a court of competent jurisdiction.

Appeal: A written request made by a NNPSR DSR Customer who is the head-of-household to have someone other than the caseworker review or examine an adverse action a decision made on their NNPSR DSR assistance or service.

Appeal

Hearing: A meeting conducted in an informal setting with a Customer to attempt to resolve a decision or adverse action made on their application or case.

Applicant: An individual who submits an application to requesting NNPSR DSR assistance or services, whether they are included in the request or not.

Application: The form, *Application for Assistance*, which is completed and submitted to apply for NNPSR DSR assistance. The Application must include, at minimum, the Applicant's Name,

Social Security Number, Date of Birth, Mailing Address, Physical Residential Address, and Signature.

Asset: ~~Something of value that an individual owns, and has legal rights to, which can be easily converted to cash to meet the current needs of the Benefit Group.~~ Funds in a checking, saving, and/or certificate of deposit accounts.

Financial

Assistance: A monthly benefit payment provided to meet a family's ongoing basic needs and supportive services provided to families that are unemployed or underemployed.

Benefit Group: ~~Individuals~~ Members of a Needy Family who meet eligibility requirements for receipt of DSR assistance, who and whose needs are included in the benefit payment amount, and whose income and resources are considered in determining eligibility for DSR assistance.

Benefit Month: A month for which a Customer is approved to receive a monthly benefit assistance payment.

Benefit Payment: ~~A payment made to, or on behalf of, an individual or Benefit Group that is eligible for NNPSR assistance.~~

Caretaker: An individual, other than the Custodial Parent of a minor child, who is appointed or is volunteering to provide full-time care to a person the minor child, an adult caretaker related by blood or marriage who is the primary caretaker of at least one minor child(ren), or an unrelated adult caretaker who has Legal Custody of at least one minor child(ren).

Child-only Case: ~~A Benefit Group that consists of only minor children, due to the absence or exclusion of the custodial parent(s).~~

Common Child: ~~A dependent child who lives with and is cared for by both of his/her legal parents.~~

~~Common Law~~

1 Marriage: ~~A marriage, other than through the signing of a marriage~~
2 ~~license before witnesses or the performing of a church, civil or~~
3 ~~Navajo traditional ceremony, that includes four necessary~~
4 ~~elements: a present intention of the parties to be husband and~~
5 ~~wife; a present consent between the parties to be husband and~~
6 ~~wife; actual cohabitation; and an actual holding out of the~~
7 ~~parties within their community to be married.~~

8 Continued

9 Absence: ~~An interruption or termination of the legal parent's function as~~
10 ~~a provider of financial support, physical care, or guidance for~~
11 ~~their child(ren), with the intention of not returning, for more~~
12 ~~than thirty (30) consecutive days.~~

13 Case Staffing: A meeting, involving two (2) or more DSR staff, to develop
14 and enhance case management and services provided to
15 Customers. Case staffing may include, but is not limited, to
16 reviewing formal and informal assessments, developing
17 strategies to address barriers and issues, identifying appropriate
18 Customer work activities and resources, reviewing and
19 updating Customer goals and objectives, and reviewing
20 Customer progression.

21 Certification

22 Period: The number of months for which a household is certified to
23 receive benefits.

24 Compliance

25 Hearing Officer: DSR support service staff who reviews, hears and decides on
26 administrative appeals for DSR assistance, cases and services.

27 Compliance

28 Officer: DSR direct services staff who reviews adverse actions and
29 conducts case reviews.

30 Custodial

1 Parent: A custodial parent who has physical custody of, and is
2 responsible for the care of, a minor child(ren).

3 Customer: An eligible individual ~~applying for, or receiving, NNPSR DSR~~
4 ~~assistance and services.~~

5 Decision Notice: Written notification provided to a Customer explaining a
6 decision made on their NNPSR DSR application or assistance.

7 ~~Deprivation: A minor child deprived of parental and financial support and~~
8 ~~care due to the continued absence, disability, or death, of a~~
9 ~~legal parent; or, in two-parent families, a minor child deprived~~
10 ~~of financial support and care due to the unemployment or~~
11 ~~underemployment of both legal parents.~~

12 Designated Near
13 Reservation

14 ~~Communities: Communities adjacent to the Navajo Reservation, which are~~
15 ~~designated as Near Reservation communities for the Navajo~~
16 ~~Nation, pursuant to Federal Register Vol. 44 No. 9, Friday~~
17 ~~January 12, 1979, pp. 2093-4.~~

18 ~~Diversion: An alternative to monthly assistance where a lump sum~~
19 ~~payment is provided to a Benefit Group, based on a~~
20 ~~determination that, with the removal of a short-term, non-~~
21 ~~recurring financial barrier, the Benefit Group has a high~~
22 ~~probability of attaining/achieving self-reliance.~~

23 Due Process: A Customer's right to be provided written notification of a
24 decision made on their application for assistance or case; be
25 provided ~~ten (10)~~ twenty (20) working days to appeal the
26 decision before the decision is implemented; and ~~be provided~~
27 ~~an opportunity to be heard (fair hearing).~~

28 Emancipation: ~~A person under eighteen (18) years of age who, by order of a~~
29 ~~court of competent jurisdiction, has demonstrated he/she is able~~
30 ~~and capable of living on their own and to be financially self-~~

	reliant. <u>The legal court process that allows a minor under the age of 18 years to assume responsibility for their own welfare. When a minor becomes emancipated, their parent(s) is/are no longer legally obligated to support the minor.</u>
<u>Employee:</u>	<u>A person employed for wages or salary at a non-executive level, which includes blue collar, white collar, artisan, hired-hand, hired man, hired help, or personnel workforce.</u>
<u>Employer:</u>	<u>A person or organization that employs and compensates individuals.</u>
<u>Employment</u>	
<u>Income:</u>	<u>Income, excluding in-kind service, received as wages, salaries or commission from employment by another.</u>
<u>Exclusion:</u>	A determination that an individual is not required to comply with a program requirement due to the requirement being non-applicable in their particular circumstance. <u>An individual who is not included in a Benefit Group.</u>
<u>Exemption:</u>	<u>Released or excused from having to comply with a program DSR requirement (e.g. Child Support Enforcement, etc.); for a specified period, due to a justifiable reason or special circumstance.</u>
<u>Family:</u>	<u>A social unit consisting of at least one (1) minor child who lives with their parent(s) or related/unrelated caretaker.</u>
<u>Filing Unit:</u>	Individuals on whose behalf a NNPSR application is submitted.
<u>Fraud:</u>	<u>Intentional false representation of facts through deceit, trickery, or omission that induces the Caseworker to approve results in the approval of benefits that the Customer was not entitled to receive.</u>
<u>Full Time</u>	

Student: An individual enrolled in an institution of learning and enrolled in the appropriate number of credit hours deemed as full time by the individual institution.

~~Garnishment: When a deduction is made from a person's income to satisfy a debt with, or without, their expressed consent.~~

~~Good Cause~~

~~Exemption: A determination that a justifiable reason exists to exempt a NNPSR Customer from having to comply with a program requirement.~~

Gift A donation in the form of cash, other financial instruments, or goods that are given voluntarily without requiring something in return.

Gross Income: The total amount of countable earned or unearned income a person receives from all sources; before any deductions ~~are made.~~

Head of

Household: The individual designated to apply on behalf of the ~~household~~, Needy Family who shall represent, and is responsible for, the Benefit Group.

Household: Individuals living together and functioning as a unit, with a head of household who may or may not be related to the members of the household.

Incentive: A monetary award to encourage and motivate Benefit Group members to succeed in their education and employment and/or completion of their PRP education goals, which is dependent on the availability of funds.

Immediate

Relative: An individual who is related by **blood, legal marriage, or adoption**, as: father; mother; son; daughter; brother; sister; grandmother; grandfather; uncle; aunt; husband; wife;

stepfather; stepmother; stepson; stepdaughter; stepsister; stepbrother; half-brother; or half-sister; ~~mother-in-law; or father-in-law.~~

Income: ~~The amount of m~~Money ~~or in-kind gain~~ received from employment, benefit, property, winnings from gaming, in-kind goods or services, gifts, contributions, and or other sources ~~that was actually used~~ available to meet basic needs ~~or other and expenses.~~ ~~for the filing unit.~~

Informal Fair

Hearing: A meeting conducted in an informal setting between the Caseworker/Senior Caseworker, the Customer and an assigned NNPSR staff member to try to resolve an issue, complaint, or appeal before proceeding to a formal hearing.

In-Kind Income

Contribution: ~~A gift or donation, in the form of cash or other financial instruments, which can be easily converted into cash, or goods, given voluntarily without requiring something in return.~~ Compensation received in non-monetary form (e.g. room and board, jewelry, food, household goods, livestock, wood/propane, or vehicle maintenance, etc.), for a service(s) performed that is not converted to cash.

Intake Month: The calendar month in which a *DSR Application for Assistance* is received and accepted.

Integrity: Adhering to moral principles and values.

Intentional

Program

Violation: ~~Intentionally committing one of the following acts for the purpose of establishing or maintaining eligibility for NNPSR benefits, or increasing or preventing a reduction in the amount of NNPSR benefits: Making a false or misleading statement;~~

1 Misrepresenting, concealing or withholding facts; or Disposing
2 of assets for the sole purpose of becoming or remaining
3 eligible.

4 Legal Parent: A parent listed on a child's birth certificate; or a parent for
5 whom paternity has been established by a court, paternity test
6 or by a signed and notarized Acknowledgment of Paternity; or
7 a legal adoptive parent. An individual whose Parental Rights
8 have been terminated by a court is not considered a Legal
9 Parent.

10 Legal Guardian
11 Custody: An individual, other than the custodial parents, who has been
12 appointed by a court of a competent jurisdiction, as the legal
13 guardian having custody of a minor child.

14 Legal Marriage: The matrimonial union of a man and woman as husband and
15 wife two (2) individuals through a legal commitment; religious
16 ceremony; or a traditional ceremony.

17 Lien: A restriction placed on a person's asset, property or belonging
18 to satisfy a debt, obligation, or duty.

19 Lum-Sum: A windfall or retroactive payment given in one payment.

20 Long-Term: Continuous for at least six (6) months.

21 Mandatory

22 Deductions: Deduction from income that are required by law, Court Order
23 or Garnishment, such as: Federal and State Withholding Taxes,
24 Federal Insurance Compensation Act (FICA), Medicare, health
25 and medical Insurance Premiums, Child Support, alimony
26 payments, and court ordered restitution payments. Taxes and
27 ete.

28 Minor Child: An individual under the age of eighteen (18) years of age or
29 has not attained nineteen (19) years of age and is a full-time
30

1 student in secondary school, unless emancipated by order of a
2 court of competent jurisdiction.

3 Minor Parent: An individual who has not attained eighteen (18) years of age,
4 is not emancipated, and is the custodial parent of a minor child.

5 Monthly Update

6 Report: The form which must be completed and submitted by NNPSR
7 Customers to verify the Benefit Group's eligibility for
8 continued assistance.

9 National Poverty

10 Guideline: The federal poverty measure, issued annually by the U.S.
11 Department of Health and Human Services, which is used to
12 determine financial eligibility for certain federal programs.

13 Needy Family: A household with at least one child who is deprived of parental
14 support and care and who meets NNPSR's financial and non-
15 financial eligibility requirements.

16 Net Income: The total amount of income that is available after mandatory
17 deductions are made from gross income.

18 Non-financial: Not related to financial resources.

19 Overpayment: A payment made to a benefit group that is certified as
20 exceeding the amount the Benefit Group was eligible to
21 receive.

22 Overturn

23 Decision: The act or process made by an authorized DSR employee by
24 reversing any decision that is incorrect, improper or not
25 justified regarding a customer's application and/or benefit
26 assistance.

27 Payment

28 Standard: The matrix utilized to determine the DSR Benefit Group's
29 monthly assistance amount, based on the Benefit Group size;
30 for NNPSR Benefit Groups.

Penalty: A ~~progressive~~ reduction of a Benefit Group's monthly benefit amount imposed due to failure to comply with PRP requirement and the Minimum Work Participation Hours a ~~specified program~~ requirement(s).

Per Capita

Payment: ~~Yearly~~ A distribution of Tribal funds or royalties per individual tribal members as established by Individual Tribes.

Post-Secondary: Education and/or training after high school.

Prospective-Prospective-Retrospective:

The concept used to determine an eligible Benefit Group's assistance amount. The ~~amount of~~ countable income the Benefit Group anticipates (Prospective) or receives (Retrospective) in the Income Month is used to determine their monthly assistance amount.

Reporting Month: The month for which ~~an Assistance payment is being calculated~~ a Customer is required to meet the Minimum Work Participation Hours requirement due to receiving DSR assistance for that month.

Intake Month: ~~The calendar month in which an Application for Assistance is received and accepted.~~

Income Month: ~~For new applications, the Intake Month is the Income Month. The countable income the Benefit Group anticipates receiving in the Intake Month is utilized to determine the Benefit Group's assistance amount for the first two (2) months of assistance. To calculate the third month, the following months of assistance, the Income month is two (2) months before the Reporting Month.~~

New Application: An application submitted by a Customer head-of-household who is applying for NNPSR DSR assistance for the first time; or an application submitted by a ~~prior NNPSR Customer~~ head-of-household who previously received DSR assistance but has

1 had after a break in service assistance of more than ~~three (3)~~
2 two (2) months of assistance.

3 Prospective: For new applications, ~~utilizing~~ use the amount of income the
4 Benefit Group anticipates or expects during the Intake Month
5 to receive in the month they apply for NNPSR assistance to
6 determine the Benefit Group's eligibility and, if eligible, to
7 determine the Benefit Group's monthly benefit assistance
8 payment amount for the first two months of assistance.

9 Retrospective: After the first two (2) months of assistance is provided, a
10 Benefit Group's eligibility and monthly assistance amount is
11 determined using the ~~utilizing~~ actual income the Family
12 received two (2) months before the Reporting Benefit Month
13 (e.g. the monthly assistance amount for the Benefit Month of
14 October is determined using the actual income received in
15 August). ~~to determine a Benefit Group's assistance amount for~~
16 ~~the Reporting Month.~~

17 Registration

18 Date: ~~The date that an application is accepted by the NNPSR local~~
19 ~~office, whether in person or by mail.~~

20 Resources: Monetary or non-monetary types which may include but not
21 limited to: I income, revenues, assets, properties, other
22 services, other benefits and other valuables that are or could be
23 available to a NNPSR DSR Customer.

24 Residence: ~~An established~~ A physical location where a Customer currently
25 resides which may include but not limited to a Hogan, mobile
26 home, house, apartment, vehicle, or shelter.

27 Self-

28 Employment: Operating one's own business.

29 Self

30 Employment

1 Income: Income that is earned by a Customer for self-gain by working
2 in received from operating one's own business, trade, or
3 profession where the usual employment withholdings (e.g.
4 Federal/State Taxes, FICA, Medicare, etc.) are not deducted
5 from the income.

6 School Age: A minor child between five (5) and eighteen (18) years of age.

7 Self-Reliance: A state or goal that shall be pursued with a family pursues to
8 prepare the adults for employment and/or prevent the future
9 dependence of the minor children on governmental benefits.

10 Service Delivery

11 Area: The geographic area and population to be served by the
12 NNPSR-DSR, as defined in the Navajo Nation's A approved
13 Tribal Family Assistance Plan.

14 Service

15 Population: All families living on the Navajo Nation, including trust lands.
16 Additionally, families living within the city limits of a
17 designated near-reservation community where a head-of-
18 household or a Benefit Group member has a Navajo Census
19 Number.

20 Stepparent: A custodial parent's spouse who is not the biological or
21 adoptive parent of the custodial parent's child(ren).

22 Subsidized

23 Private

24 Employment: Employment with a in the private sector for which the
25 employer receives a subsidy from TANF or other public funds
26 to offset some or all of the wages and costs of employing an
27 individual. business (e.g. Basha's, Lowe's, Chevron, Giant,
28 BHP, Safeway) where employment related expenses
29 (salary/wages, insurance, benefits, etc.) are cost shared
30 between the employer and other entities, including the NNPSR.

Subsidized

Public

Employment: Employment with a in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual. agency (e.g. Navajo Nation, IHS, BIA, Public Schools) where employment related expenses (salary/wages, insurance, benefits, etc.) are cost shared between the employer and other entities, including the NNPSR.

Support Service: A service, which that removes a barrier to employment or education/training, provided to a Benefit Group member engaged in an approved work participation activity.

Sustainable

Employment: Employment at a wage which meets or exceeds the National Poverty Guideline amount for the applicable Benefit Group size.

Terminated

Income: Income which is no longer being that was received regularly (daily, weekly, bi-weekly, or monthly) that is no longer, including one-time payments, and the last payment was received prior to the initial new application date. If the last pay check was received prior to the date a new application is submitted, it is considered non-countable. If a check is received after the date of application, then the income is considered countable in the Income Month. Termination Income does not apply to on-going cases.

Termination of

Parental Rights: An individual whose Parental Rights have been severed by a court of a competent jurisdiction. The individual is not considered a Custodial Parent.

Third Party

Custodian: ~~An adult caretaker of a minor child who is not the legal parent of the minor child.~~

Time Limit: The ~~sixty (60)~~ maximum number of Countable Months of DSR assistance (whether or not consecutive) that ~~NNPSR assistance~~ may can be provided to ~~a Benefit Group that includes an adult member, unless a Hardship Exemption is granted.~~

Underemployed: An individual who is employed, including self-employment, but whose ~~net~~ countable monthly income is less than the Payment Standard for the applicable Benefit Group size.

Underpayment A payment made to a benefit group that is certified as being less than the amount the benefit group was eligible to receive.

Upheld

Decision: The act or process made by an authorized DSR employee by supporting any decision that is correct, proper and justified regarding a customer's application and/or benefit assistance.

Unsubsidized

Employment: Employment whether the employer is responsible for all employment related expenses, including ~~(salary, wages, insurance, and benefits, etc.)~~.

Welfare

Reform: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which eliminated AFDC's open-ended entitlement and created a block grant for states and tribes to provide time-limited assistance for needy families, with work requirements for most recipients.

Working Day: A day ~~on which~~ the Navajo Nation offices are open for regular business, Monday to Friday, 8:00 a.m. to 5:00 p.m.

903 ACRONYMS

AFDC	Aid to Families with Dependent Children
AAR	<u>Adverse Action Review</u>
BG	<u>Benefit Group</u>
CA	<u>Case Assistant</u>
CFR	Code of Federal Regulations
COB	<u>Close of Business</u>
CMS	<u>Case Management Specialist</u>
CSBG	<u>Community Services Block Grant</u>
DSR	<u>Department for Self Reliance</u>
ECS	<u>Education and Career Services</u>
EDS	<u>Employment Development Specialist</u>
FIU	<u>Fraud Investigations Unit</u>
FICA	Federal Insurance Compensation Act
GA	<u>General Assistance</u>
GED	<u>General Equivalency Diploma</u>
HOH	<u>Head-of-Household</u>
HUD	Housing & Urban Development
IPV	Intentional Program Violation
IDA	Individual Development Account
LIHEAP	<u>Low Income Home Energy Assistance Program</u>
MIW	<u>Monthly Income Worksheet</u>
MWPH	<u>Minimum Work Participation Hours</u>
MUR	<u>Monthly Update Report</u>
NDWD	Navajo Department of Workforce Development
NNPSR	Navajo Nation Program for Self-Reliance
NPG	National Poverty Guideline
PCW	<u>Principal Case Worker</u>
P-P-R	Prospective-Prospective-Retrospective
PRP	Personal Responsibility Plan

PRWORA	Personal Responsibility & Work Opportunity Reconciliation Act
PSII	<u>Program Supervisor II</u>
QA	<u>Quality Assurance</u>
QCM	<u>Quality Case Management</u>
RBA	<u>Results Based Accountability</u>
SAE	<u>Subsidized Adult Employment</u>
SCW	<u>Senior Case Worker</u>
SDA	Service Delivery Area
SNAP	<u>Supplemental Nutrition Assistance Program</u>
SPPS	<u>Senior Programs and Projects Specialist</u>
SSC	<u>Social Security Card</u>
SSI	<u>Supplemental Security Income</u>
STNRB	<u>Short-Term Non-Recurring Benefits</u>
TANF	Temporary Assistance for Needy Families
TAS	Tribal Assistance System
UI	<u>Unemployment Insurance</u>
TPA	<u>Two-Parent Assistance</u>
WAR	<u>Waiver of Appeal Rights</u>
WIA	<u>Workforce Investment Act</u>
WIOA	<u>Work Innovation and Opportunity Act</u>

ATTACHMENTS:

- A. ~~Legislative Approval: — Health and Social Services Committee of the Navajo Nation Council~~
- B A. Federally Recognized Designated Near Reservation Communities
- C B. Navajo Nation Privacy and Access to Information Act

DESIGNATED NEAR RESERVATION COMMUNITIES

Pursuant to Federal Register Vol. 44 No.9, Friday January 12, 1979, pp. 201934, the
Recognized Near Reservation Communities for the Navajo Nation are:

A. Within the State of Arizona

1. Grand Canyon
2. Joseph City
3. Marble Canyon
4. Flagstaff
5. Snowflake
6. Holbrook
7. Page
8. Wupatki
9. Winslow

B. Within the State of New Mexico

1. Farmington
2. Aztec
3. Bloomfield
4. Magdalena
5. Cuba
6. Kirtland
7. Grants
8. Milan
9. Socorro
10. Gallup

Title 2. Navajo Nation Government

Chapter 2. Navajo Nation Privacy and Access to Information

Subchapter 1. Privacy and Access to Information

§81. Short Title

This Act shall be referred to as the Navajo Nation Privacy Act.

§82. Declaration of Public Policy

The Navajo Nation Council finds and declares it the policy of the Navajo Nation that a democratic form of government requires that information related to government operations be accessible to the public, while recognizing that individuals have a right to privacy. It is the intent of the law that the general public be provided a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

§83. Definitions

As used in this subchapter:

A. "*Governmental entity*" means any administrative, advisory, executive judicial or legislative office commissions, corporations and other instrumentalities whose boards of directors are appointed or elected by the Navajo Nation or its political subdivisions. Governmental entity includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the Navajo Nation to carry out the public's business.

B. "*Person*" means any individual, nonprofit or profit corporation, partnership, sole proprietorship or other type of business organization.

C. "*Protected record*" means any record containing data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. § 85.

D. "*Public record*" means any record that is not private or otherwise protected and that is not exempt from disclosure as provided in 2 N.N.C. § 84.

E. "*Record*" means all books, letters, documents, papers, maps, plans, photographs, films, cards, characteristics which are prepared, owned, received or retained

1 by a governmental entity and where all of the information in the original is reproducible
2 by photocopy or other mechanical or electronic means. "Record" does not mean:

- 3 1. Materials that are legally owned by an individual in his private capacity;
- 4 2. Materials to which access is limited by the laws of copyright or patent
5 unless the copyright or patent is owned by a governmental entity;
- 6 3. Junk mail or commercial publications received by a governmental entity
7 or an official or employee of a governmental entity;
- 8 4. Books and other materials that are cataloged, indexed or inventoried and
9 contained in the collections of libraries open to the public;
- 10 5. Daily calendars and other personal notes prepared by the originator for the
11 originator's personal use or for the personal use of an individual for whom he is
12 working;
- 13 6. Computer programs that are developed or purchased by or for any
14 governmental entity for its own use; or
- 15 7. Notes or internal memoranda prepared as part of the deliberative process
16 by a member of the judiciary or any other body charged by law with performing a
17 quasi-judicial function.

18 F. "*Right to Privacy*" means the right of a person to be free from unwarranted
19 intrusion by a governmental entity.

20 **§84. Records that must be disclosed:**

21 A. The following records are public except to the extent they contain information
22 expressly permitted to be treated as protected as provided for 2 N.N.C. § 85:

- 23 1. Laws;
- 24 2. Names, gender, job titles, job description, business addresses, business
25 telephone numbers, number of hours worked per pay period, dates of
26 employment, relevant education, previous employment and similar job
27 qualifications of the governmental entity's current and former employees and
28 officers excluding:
 - 29 a. Undercover law enforcement personnel; and

b. Investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety.

3. Inter-office memoranda;

4. Final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is protected;

5. Final interpretations of statutes or rules by a governmental entity;

6. Information contained in or compiled from a transcript, minutes or report of the open portions of a meeting, excluding executive sessions, of a governmental entity, including the records of all votes of each member of the governmental entity;

7. Judicial records unless a court orders the record to be restricted under the rules of civil or criminal procedure or unless the records are protected under this subchapter;

8. Records filed with or maintained by governmental entities that give public notice of:

a. Title or encumbrances to real property, including homesite permits, land use permits and grazing permits; or

b. Restrictions on the use of real property.

9. Records filed with or maintained by governmental entities that evidence incorporations, name changes and uniform commercial code filings;

10. Documentation of the compensation that a governmental entity pays to a contractor or private provider; and

11. Data on individuals that would otherwise be protected under this subchapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public.

1 B. The following records are normally public, but to the extent that a record is
2 expressly exempt from disclosure, access may be restricted under 2 N.N.C. § 85:

3 1. Administrative staff manuals, instructions to staff and statements of
4 policy;

5 2. Records documenting a contractor's or private provider's compliance with
6 the terms of a contract with a governmental entity;

7 3. Contracts entered into by a governmental entity;

8 4. Any account, voucher or contract that deals with the receipt or expenditure
9 of funds by a governmental entity;

10 5. Correspondence by and with a governmental entity in which the
11 governmental entity determines or states an opinion upon the rights of the Nation,
12 a political subdivision, the public or any person;

13 6. Empirical data if contained in drafts if:

14 a. The data is not reasonably available to the requester elsewhere in
15 similar form; and

16 b. The governmental entity is given a reasonable opportunity to correct
17 any errors or make non-substantive changes before releases.

18 7. Drafts that are circulated to anyone other than a governmental entity, a
19 federal agency if the governmental entity and the federal agency are jointly
20 responsible for implementation of a program or a contractor or private provider;

21 8. Drafts that have never been finalized but were relied upon by the
22 governmental entity in carrying out action or policy;

23 9. Arrest warrants after issuance, except that, for good cause, a court may
24 order restricted access to arrest warrants prior to service;

25 10. Search warrants after execution and filing of the return, except that, for
26 good cause, a court may order restricted access to search warrants prior to trial;

27 11. Records that would disclose information relating to formal charges or
28 disciplinary action against a past or present governmental entity employee if:

29 a. The disciplinary action has been completed and all time periods for
30 administrative appeal have expired; and

1 b. The formal charges were sustained.

2 C. The list of public records in this section is not exhaustive and should not be
3 used to limit access to records.

4 **§85. Protected records**

5 A. The following records are private or otherwise protected and shall not be
6 considered public for purposes of required disclosure:

7 1. Records concerning an individual's eligibility for social services, welfare
8 benefits or the determination of benefit levels;

9 2. Records containing data on individuals describing medical history,
10 diagnosis, condition, treatment, evaluation or similar medical data, including
11 psychiatric or psychological data;

12 3. Records concerning a current or former employee of, or applicant for
13 employment with, a governmental entity that would disclose that individual's
14 home address, home telephone number, social security number, insurance
15 coverage, marital status or payroll deductions;

16 4. Records concerning a current or former employee of, or applicant for
17 employment with, a governmental entity, including performance evaluations and
18 personal status information such as race, religion or disabilities, but not including
19 records that are public under 2 N.N.C. § 84(A)(2) or (B) (11);

20 5. Records describing an individual's finances, except that the following are
21 public:

22 a. Records described in 2 N.N.C. § 84(A);

23 b. Navajo Nation Economic Disclosure Statements filed with the Ethics
24 and Rules Office by elected public officials and candidates for elected public
25 office, pursuant to 2 N.N.C. § 3762;

26 c. Loan applications for Navajo Nation loans to elected public officials
27 and appointed public officials submitted to the Government Services
28 Committee for approval, pursuant to Section 7(c) of the Personal Loan
29 Operating Policies and Guidelines, approved by Resolution CLO-19-88; or
30

d. Records that must be disclosed in accordance with another statute or duly adopted rules and regulations of a governmental entity.

6. Attorney-client privileged information, materials and work-products, including the mental impressions or legal theories of an attorney or other representative of a governmental entity;

7. The negotiating position of the Navajo Nation before a contract, lease or other agreement is entered into;

8. Records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;

9. Information, research and discussions conducted by the public bodies of the Navajo Nation during executive sessions;

10. Memoranda prepared by staff and used in the decision-making process by a judge or a member of any other body charged by law with performing a Quasi-judicial function;

11. Information received in response to an invitation for bids or request for proposals before a contract is awarded. Such information will also remain unavailable to the general public after a contract is entered into provided that the information contained in the bid or proposals is proprietary in nature or otherwise to remain confidential at the request of the person submitting the bid or proposal;

12. Information contained within or related to a contract, lease or other agreement which is proprietary in nature or otherwise to remain confidential at the request of any party to the contract, lease or other agreement;

13. Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

14. Records which are sealed or otherwise protected by court order due to the sensitive nature of the record in which the privacy interest of the person outweighs the public interest in the information;

15. Records to which access is restricted pursuant to court rule or as a condition of participation in a state or federal program or for receiving state or federal funds;

1 16. Drafts, unless otherwise classified as public;

2 17. Information related to the location of an individual member of any
3 threatened or endangered species, such that that individual member could be
4 placed further at risk;

5 18. Information which cannot be released without interfering with an
6 individual's right to exercise or practice his chosen religion;

7 19. Information otherwise protected by applicable laws;

8 20. Other records containing data on individuals the disclosure of which
9 constitutes a clearly unwarranted invasion of personal privacy.

10 B. Upon request, a governmental entity shall disclose a private or otherwise
11 protected record as provided for in 2 N.N.C. § 86.

12 **§86. Access to protected documents**

13 Upon request, protected records will be available for disclosure as follows:

14 A. Information shall be available for criminal and civil law enforcement for
15 prosecution purposes, internal audit, as a result of a court order, to further an individual's
16 medical treatment and to address public health needs.

17 B. Information relating to an individual shall be available to the individual who is
18 the subject of the record, or if a minor, shall be available to the parent or guardian subject
19 to any applicable court order.

20 C. Individual records may be released to third parties with the written
21 permission, by means of a notarized release, of the individual who is the subject of those
22 records, or his or her parent or legal guardian if a minor.

23 D. Individual records may be used for statistical and other purposes provided that
24 any information which could be used to identify the individual specifically is removed or
25 withheld.

26 E. Information about an individual will always be available to other Navajo
27 Nation governmental entities subject to the general restrictions above.

28 F. Before releasing a protected record, the governmental entity shall obtain
29 evidence of the requester's identity.
30

1 G. Before releasing of protected record, the governmental entity shall inform the
2 requester that he or she is prohibited from disclosing or providing a copy of the protected
3 record to any other person and shall obtain the requester's written acknowledgement of
4 this prohibition.

5 **§87. Segregation of records**

6 A. Notwithstanding any other provision in this subchapter, if a governmental
7 entity receives a request for access to a record that contains both information that the
8 requester is entitled to inspect and information that the requester is not entitled to inspect,
9 and, if the information the requester is entitled to inspect is intelligible and able to be
10 segregated, the governmental entity:

11 1. Shall allow access to information in the record that the requester is entitled
12 to inspect under this subchapter; and

13 2. May deny access to information in the record if the information is exempt
14 from disclosure to the requester, issuing a notice of denial as provided in 2 N.N.C.
15 § 89.

16 B. If there is more than one subject of a protected record, the portion of the
17 record that pertains to another subject shall be segregated from the portion that the
18 requester is entitled to inspect.

19 **§88. Procedures**

20 A. Every person has the right to inspect a public record free of charge, and the
21 right to take a copy of a public record during normal working hours, subject to subsection
22 (H).

23 B. All records are public unless otherwise expressly provided by statute.

24 C. A person making a request for a record shall furnish the governmental entity
25 with a written request containing his name, mailing address, daytime telephone number,
26 if available, and a description of the records requested that identifies the record with
27 reasonable specificity. The request for information shall be addressed to the
28 governmental entity primarily responsible for comping such records.

1 D. A governmental entity is not required to create a record in response to a
2 request. However, upon request, a governmental entity shall provide a record in a
3 particular format if:

4 1. The governmental entity is able to do so without unreasonable interfering
5 with the governmental entity's duties and responsibilities; and

6 2. The requester agrees to pay the governmental entity for its additional costs
7 actually incurred in providing the record in the requested format.

8 E. Nothing in this section requires a governmental entity to fulfill a person's
9 records request if the request unreasonably duplicates prior records requests from that
10 person.

11 F. Within 90 days, the governmental entity shall respond to the request by:

12 1. Approving the request and providing the record;

13 2. Denying the request by providing a written explanation of why the record
14 is protected from disclosure. In making such determinations, the governmental
15 entity shall consult with the Department of Justice; or

16 3. Notifying the requester that it does not maintain the record and providing,
17 if known, the name and address of the governmental entity that does maintain the
18 record.

19 G. In the event that the governmental entity determines that the requested record
20 is protected from disclosure, or fails to respond to the request within the 90 day period,
21 the requesting party may make application to the District Court, as defined at 7 N.N.C. §
22 253, in accordance with the proper processes of the Court for an order compelling the
23 release of the record.

24 1. This application must meet the notice and filing requirements of the
25 Navajo Nation Sovereign Immunity Act, 1 N.N.C. § 551 et seq.

26 2. Any person who may have an interest in maintaining the confidentiality of
27 the record may appear and demonstrate the need for maintaining the
28 confidentiality of such record.

29 3. In determining the availability of any record requested, the District Court
30 shall apply the standards set forth in 2 N.N.C. §§ 84 and 85.

1 H. The Navajo Nation may assess the reasonable costs for photocopying and
2 other activities associated with providing the record against the person requesting the
3 record.

4 I. The implementation of the Navajo Nation Privacy and Access to Information
5 Act shall be subject to rules and regulations duly adopted by the Government Services
6 Committee. Records released may be subject to reasonable restrictions on use, pursuant
7 to such rules and regulations of the Government Services Committee.

8 **§89. Denials**

9 A. If the governmental entity denies the request in whole or in part, it shall
10 provide a notice of denial to the requester either in person or by sending the notice to the
11 requester's address.

12 B. The notice of denial shall contain the following information:

13 1. A description of the record or portions of the record to which access was
14 denied, provided that the description does not disclose protected information;

15 2. Citations to the provisions of this subchapter, court rule or order, state or
16 federal statute or regulation that exempt the record or portions of the record from
17 disclosure, provided that the citations do not disclose protected information;

18 3. A statement that the requester has the right to make application to the
19 District Court for an order releasing the record and the time limits for filing the
20 application.

21 C. Unless otherwise required by a court of competent jurisdiction, a
22 governmental entity may not destroy or give up custody of any record to which access
23 was denied until the period for an appeal has expired or the end of the appeals process.

24 **§90. Ordinances Adopted in Compliance with Subchapter**

25 A. Each governmental entity may adopt an ordinance or a polity applicable
26 throughout its jurisdiction relating to information practices including access, denials,
27 segregation and appeals.

28 B. If the governmental entity does not adopt and maintain an ordinance or policy,
29 then that governmental entity is subject to this subchapter.

1 C. Notwithstanding the adoption of an ordinance or policy, each governmental
2 entity is subject to 2 N.N.C. §§ 83, 84 and 85.

3 D. Each ordinance or policy shall establish access criteria, procedures and
4 response times for requests to inspect or obtain records of the governmental entity and
5 time limits for appeals.

6 E. Each ordinance or policy shall establish an appeal process for persons
7 aggrieved by, the access decisions, allowing petition for judicial review to the District
8 Court as set forth at 2 N.N.C. § 88(G).

9 **§91. Criminal Penalties**

10 A. A public employee or other person who has lawful access to any protected
11 record under this subchapter, who intentionally discloses or provides a copy of a
12 protected record to any other person is guilty of an offense and upon conviction thereof
13 shall be punished by a fine of not less than \$1000 nor more than \$5000.

14 B. It is a defense to prosecution under subsection (A) that the actor released
15 protected information in the reasonable belief that the disclosure of the information was
16 necessary to expose a violation of law involving government corruption, abuse of office
17 or misappropriation of public funds or property.

18 C. A person who, by false pretenses, bribery or theft, gains access to or obtains a
19 copy of any protected record to which he is not legally entitled is guilty of an offense and
20 upon conviction thereof shall be punished by a fine of not less than \$1000 nor more than
21 \$5000. No person shall be guilty who receives the record, information or copy after the
22 fact and without prior knowledge of or participation in the false pretenses, bribery or
23 theft.

24 D. A public employee who intentionally refuses to release a record the disclosure
25 of which the employee knows is required by law or by final un-appealed order from a
26 governmental entity or a court is guilty of an offense and upon conviction thereof shall be
27 punished by a fine of not less than \$1000 nor more than \$5000.

28 **§92. Civil Penalties**

1 A. A non-Indian who has lawful access to any protected record under this
2 subchapter, who intentionally discloses or provides a copy of a protected record to any
3 other person is subject to civil penalties of not less than \$1000 no more than \$5000.

4 B. It is a defense to a civil action under subsection (A) that the non-Indian actor
5 released protected information in the reasonable belief that the disclosure of the
6 information was necessary to expose a violation of law involving governmental
7 corruption, abuse of office or misappropriation of public funds or property.

8 C. A non-Indian person who by false pretenses, bribery or theft, gains access to
9 or obtains a copy of any protected record to which he is not legally entitled is subject to
10 civil penalties of not less than \$1000 nor more than \$5000. No person shall be subject to
11 civil penalties who receives the record, information or copy after the fact and without
12 prior knowledge of or participation in the false pretenses, bribery or theft.

13 D. A non-Indian public employee who intentionally refuses to release a record
14 the disclosure of which the employee knows is required by law or by final unappealed
15 order from a governmental entity or a court is subject to civil penalties of not less than
16 \$1000 nor more than \$5000.

17 E. Any non-Navajo person within the Navajo Nation's jurisdiction, as defined at
18 7 N.N.C. § 254, having been found to be in repeated violation of this subchapter may be
19 subject to the exclusionary provisions of the Navajo Nation, as provided at 17 N.N.C.
20 §1901 *et seq.*

Re

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING AMENDMENTS TO THE NAVAJO NATION DEPARTMENT FOR SELF RELIANCE'S PATHWAY TO SELF RELIANCE POLICY MANUAL

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

Office of Legislative Counsel / The Legislative Branch / Post Office Box 3390 / Window Rock, Arizona / 86515