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Division of Workforce Development/Family and Adult Division	DHS Manager
	DHS Legal Manager
Effective Date: June 1, 1998 Revision date: ????? 2007	DWD Division Manager
Subject Area: Employment/Supportive Services	DHS Division Manager
Subject: Fair Labor Standards Act and Deeming Hours for Community Service/Community Work Experience Programs (Policy) Number: 98-7-E/SS Reference policy: 99-16-CW	DWD Policy Manager DHS Policy Manager

BACKGROUND INFORMATION

The Colorado Department of Human Services staff Manual Volume III section 3.631.2G and Colorado statutory citation 26-2-703(21) defines Community Service and Community Work Experience programs as unpaid structured and supervised programs that directly benefits the community. Colorado Works (CW) agency letter TCW-07-01-P (attached) notifies county department of human services the implications and applications of the Fair Labor Standards Act (FLSA) to work activities under the CW program and provides two (2) options to meet the intent of FLSA. Colorado's mini-simplified food stamp program allows deeming participation hours to TANF participants in a community service or community work experience activity if their average hours are below twenty (20), but within the FLSA.

County departments of human/social services are required to provide uncompensated wages to TANF participants engaged in community service and community work experience programs, when defined as "work" unless the county chooses to establish all work experience and community service sites as training sites.

POLICY

Community service and community work experience programs are countable activities for Temporary Assistance for Needy Families (TANF) and will be administered in accordance with the guidelines and procedures set forth by the U. S. Department of Labor (USDOL).

The Denver Department of Human Services and Division of Workforce Development bear the cost of uncompensated wages to TANF participants when engaged in community service or community work experience programs and worker's compensation, if not otherwise provided.

PROCEDURE

Community service and work experience programs may be created and/or authorized by the Office of economic Development, Division of Workforce Development (DWD), and a contracted Community Based Organization (CBO) or directly by the TANF DWD worker. If the referral is made directly by the DWD TANF worker, the appropriate referral form is to be used.

Community Service (CS) and Community Work Experience (CP) Program Sites

CS and CP sites may be government or other public agencies, non-profit organizations, private employers, schools, churches, community centers, and other business entities. They must adhere to the USDOL rules and regulations. The sites need not be located in Denver County but must be accessible to Denver county TANF participants. The program sites must:

1. Provide a structured and meaningful training experience (not to exceed 12 calendar months);
2. Provide daily supervision to the participant;
3. Provide accurate progress and attendance reports monthly to the TANF DWD worker;
4. Provide participant performance or behavior issues to the TANF DWD worker via e-mail or phone contact timely within twenty-four (24) business hours.

Fair Compensation for FSLA

The following is an example of the calculation that is used to determine the correct compensation for both single and two-parent families:

Number of actual hours worked in the reporting month	<u>140 hours</u>
Multiplied by Colorado's minimum wage	<u>X \$6.85 (effective 1/1/07)</u>
Required compensation under FLSA based on hours worked	<u>\$959.00</u>
BCA received for same month as hours reported	\$356.00
Food Stamp benefits for same month as BCA	\$150.00
Total BCA and Food Stamps	<u>-\$506.00</u>
Amount of uncompensated wages (\$956.00 minus \$506.00)	<u>\$453.00</u>

The uncompensated amount **MUST** be paid to the participant (s) within the month following the reporting month. **Payment is not optional and does not depend on non-compliance or sanction.**

Deeming Hours

Colorado has been approved by the Federal Food and Nutritional Services to adopt a mini-simplified food stamp program to deem TANF participants in a community service or work experience program, as actively participating and meeting their weekly hours if below 20, but within the FLSA guidelines. Below is an example of the deeming calculation:

BCA grant amount	\$280.00
Food Stamp allotment	+ <u>\$150.00</u>
	\$430.00
Divided by Colorado's minimum hourly wage	<u>\$6.85</u>
Hours needed per month	62.77

If the family has a child under the age of six (6), the required hours monthly is eighty-eight (88). With the calculation shown above, the family would need to complete 62.77 hours to meet the required Federal Participation Rate (FPR), however the TANF DWD worker would enter the full 88 hours in CBMS.

For families with no children under the age of 6, the required monthly is one hundred-nine (129). Again, using the calculation above the family would only need to complete 62.77 hours to stay compliant with the FPR, but the CBMS entry would be 129 hours.