

---

September 09, 2021

## States Have Flexibility to Move TANF Work Programs in an Antiracist Direction

By LaDonna Pavetti and Ali Safawi

The Temporary Assistance for Needy Families (TANF) was billed by its supporters as an effort to improve cash assistance recipients' employment opportunities. Instead, it laid the foundation for states to perpetuate racist ideas that have dominated cash assistance programs since their inception.<sup>1</sup> Parents who receive cash assistance from TANF are required to participate in work programs that keep them in the same low-paying, unstable jobs that often led them to TANF, and if they can't meet the requirements, they face having their cash benefits taken away.<sup>2</sup> But using existing flexibility, states *can and should* move their TANF work programs in an antiracist direction, aimed at respecting parents' choices, recognizing each family's strengths, and investing in families to help them realize their full potential.

TANF's focus on getting recipients into work as quickly as possible fuels occupational segregation that keeps women — especially women of color — stuck doing the same work Black women have been forced to do since they were enslaved.<sup>3</sup> (Some states support participation in vocational training programs to prepare recipients for quality jobs, but participants in these programs account for less than 5 percent of all participants in TANF work programs.)<sup>4</sup> Additionally, TANF work programs, built on the racist assumption that Black women are lazy and need to be forced to work, continue the historical practice of punishing Black women for not complying with efforts to control their behavior. Studies show Black recipients are significantly more likely to have their benefits taken

---

<sup>1</sup> For more on TANF's racist history, see Ife Floyd *et al.*, "TANF Policies Reflect Racist Legacy of Cash Assistance: Reimagined Program Should Center Black Mothers," CBPP, August 4, 2021, <https://www.cbpp.org/research/family-income-support/tanf-policies-reflect-racist-legacy-of-cash-assistance>.

<sup>2</sup> Ali Safawi and LaDonna Pavetti, "Most Parents Leaving TANF Work, But in Low-Paying, Unstable Jobs, Recent Studies Find," CBPP, November 19, 2020, <https://www.cbpp.org/research/family-income-support/most-parents-leaving-tanf-work-but-in-low-paying-unstable-jobs>.

<sup>3</sup> Nina Banks, "Black women's labor market history reveals deep-seated race and gender discrimination," February 19, 2019, Economic Policy Institute, <https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/>.

<sup>4</sup> Department of Health & Human Services, "Temporary Assistance for Needy Families (TANF) and Separate State Programs – Maintenance of Effort (SSP-MOE): Work Participation Rates and Engagement in Work Activities," 2020, Table 4B, <https://www.acf.hhs.gov/sites/default/files/documents/ofa/wpr2020table04b.pdf>.

away for not meeting a work requirement than white recipients.<sup>5</sup> These racist policies deny all families, regardless of their race or ethnicity, the assistance they need to afford the basics, the opportunity to acquire the education and training they need to qualify for quality jobs, and the supports that TANF can provide to help them succeed on the path they choose.

States often point to federal law as constraining their ability to operate work programs that would improve recipients' long-term economic prospects.<sup>6</sup> But state — not federal — rules determine work requirements for *individual* TANF recipients, including which recipients to exempt from work requirements.<sup>7</sup> Federal law establishes work participation metrics, known as the work participation rate (WPR), that apply to *states*.<sup>8</sup> Although most states define what is expected of individual recipients to align with what is required for a recipient to “count” toward the WPR, federal law does not require them to do so. This distinction is important as it clarifies why states have considerable flexibility to operate work programs that would better affirm recipients' dignity and help them achieve economic mobility.

States can build an antiracist approach to work programs based on the principles of: (1) making individual choice the hallmark of TANF work programs; (2) centering work programs on programs that promote opportunity; (3) recognizing the trauma that accompanies racism and living in poverty and affirming people's dignity; (4) providing resources and support to maximize success; and (5) ensuring equitable access to high-quality programs and services within the community.

Using existing flexibility, states can take the following actions to implement work programs based on these principles:

- Decouple the design and implementation of work programs from requirements to meet the WPR;
- Eliminate full-family sanctions and minimize the use of all sanctions;
- Maximize the use of work exemptions to broaden recipients' choices and better meet participants' diverse needs;
- Recognize the diversity of needs and support the full range of activities that can prepare recipients for employment; and
- Minimize verification of work activities and hours.

While states can minimize the negative impact of mandatory work requirements, we need federal action to ensure that all families can receive the cash assistance they need to make ends meet and are

---

<sup>5</sup> LaDonna Pavetti, “TANF Studies Show Work Requirement Proposals for Other Programs Would Harm Millions, Do Little to Increase Work,” November 13, 2018, <https://www.cbpp.org/research/family-income-support/tanf-studies-show-work-requirement-proposals-for-other-programs>.

<sup>6</sup> American Public Human Services Association, “Core Principles for TANF Modernization,” April 2021, <https://files.constantcontact.com/391325ca001/4251ff7a-5206-4cc3-8e3c-c360b320f9a6.pdf>.

<sup>7</sup> Congressional Research Service, “Temporary Assistance for Needy Families (TANF): Welfare Waivers,” June 4, 2013, <https://crsreports.congress.gov/product/pdf/R/R42627/16>.

<sup>8</sup> Liz Schott and LaDonna Pavetti, “Changes in TANF Work Requirements Could Make Them More Effective in Promoting Employment,” CBPP, February 26, 2013, <https://www.cbpp.org/research/family-income-support/changes-in-tanf-work-requirements-could-make-them-more-effective-in>.

afforded the same opportunities as everyone else to improve their education and skills. Even if states take advantage of available flexibility, they still must operate within a system of federal rules and regulations that is built on and incentivizes racist ideas. Federal policymakers can support moving TANF work programs in an antiracist direction by making participating in work programs voluntary, eliminating and prohibiting states from taking benefits away from recipients who are unable to meet a work requirement; eliminating the work participation rate; and rewarding states that offer programs that promote upward mobility.

## TANF Work Requirements Grew Out of a Long History of Racist Policy

TANF's work requirements developed from a long history of social policy that began soon after the Civil War to recreate the economic exploitation of Black people they suffered during chattel slavery.<sup>9</sup> These policies, and the racist ideas used to justify them, developed in the Jim Crow South but they were not exclusive to that region. When federally funded cash assistance to families with children was established in 1935, it was built on a foundation of policy and ideas that has segregated Black women into low-wage, unstable, and often coercive occupations, devalued their role as mothers, and punished them for circumstances often beyond their control.

To secure support from the then-powerful Southern congressional bloc, two core New Deal programs designed to provide cash assistance to people in need, unemployment insurance and Old Age Insurance, explicitly excluded agricultural workers and domestic work, the two industries in which 90 percent of Black women worked.<sup>10</sup> While the Aid to Dependent Children (ADC) program (later renamed Aid to Families with Dependent Children, AFDC), TANF's predecessor, did not have the same occupational exclusions, state and local governments were given significant control over the program's administration. Southern states and localities used this control to deny Black families' access to ADC.<sup>11</sup> ADC officials also coerced Black parents to work with "farm policies" that lowered or cut off benefits during the harvest or planting seasons, even if no paying jobs were available.<sup>12</sup>

The share of Black mothers receiving ADC began to grow in the 1940s and 1950s, as did the share of single mothers who were not widows.<sup>13</sup> As the caseload changed, so too did the program's focus.<sup>14</sup> In 1956, Congress added promoting "self-sufficiency" — i.e., work — to ADC's mandate.<sup>15</sup> The coming emergence of federally mandated work programs were not focused on helping ADC

---

<sup>9</sup> Floyd *et al. op. cit.*; Elisa Minoff, "The Racist Roots of Work Requirements," Center for the Study of Social Policy, February 2020, <https://cssp.org/wp-content/uploads/2020/02/Racist-Roots-of-Work-Requirements-CSSP-1.pdf>.

<sup>10</sup> Ellen Mutari, Marilyn Power, and Deborah M. Figart, "Neither Mothers Nor Breadwinners: African-American Women's Exclusion From US Minimum Wage Policies, 1912-1938," *Feminist Economics*, Vol. 8, No. 2, 2002, p. 39, <https://doi.org/10.1080/13545700210160988>; Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, Oxford University Press, 1994, pp. 17-32.

<sup>11</sup> Winifred Bell, *Aid to Dependent Children*, Columbia University Press, 1965, p. 34.

<sup>13</sup> Susan W. Blank and Barbara B. Blum, "A Brief History of Work Expectations for Welfare Mothers," *The Future of Children*, Vol. 7, No. 1, <https://www.jstor.org/stable/1602575>.

<sup>14</sup> *Ibid.*

<sup>15</sup> Gene Falk, "The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History," Congressional Research Service (CRS), updated July 21, 2020, <https://fas.org/sgp/crs/misc/R44668.pdf>.

recipients find good-quality work that could support a dignified life for their family or on allowing mothers to choose to focus on doing the work of raising their children. Instead, these policies assumed that recipients needed to be compelled to work and their implementation furthered occupational segregation, devalued motherhood, and punished Black women for the faults of structural racism.<sup>16</sup>

Liberal Democrats in the Kennedy and Johnson administrations tried to find a balance between requiring work and protecting single mothers' right to care for their children.<sup>17</sup> But Southern Democrats, emboldened by the growing negative media attention for AFDC,<sup>18</sup> favored a broader work focus for AFDC mothers. In 1967, Democratic Representative Wilbur Mills of Arkansas pushed through Congress his Work Incentive Program (WIN), which required states to establish work programs for AFDC recipients and allowed recipients to earn income without losing their benefits on a dollar-for-dollar basis. In 1971, Senator Herman Talmadge of Georgia successfully sponsored an amendment to add a mandatory work requirement to WIN: AFDC recipients with no children under 6 were required to register for work programs or face benefit reductions or termination from the program.<sup>19</sup> Both Mills and Talmadge were known segregationists.<sup>20</sup>

The National Welfare Rights Organization — a movement of mostly Black and other mothers of color who received AFDC benefits — opposed WIN because they believed it would further coerce them to work in extremely low-wage jobs for exploitative white employers. They also wanted to be able to choose whether to participate in the labor market or to do the work of raising a family.<sup>21</sup> NWRO's concerns about WIN proved well-founded. The program upheld occupational segregation by making work, often in the form of domestic jobs serving white people, necessary for Black families to be able to meet their basic needs.<sup>22</sup> A 1977 study found that WIN did not improve

---

<sup>16</sup> Minoff, *op. cit.*

<sup>17</sup> President Kennedy made two attempts at compromise: 1) creating the AFDC-Unemployed Parent (AFDC-UP) program, which allowed married couples with unemployed fathers to qualify for aid so long as the father entered work training; and 2) expanding psychosocial counseling and social services aimed at rehabilitating mothers. Neither initiative persuaded Southern Democrats that stricter work requirements weren't needed, in part because they failed to lower the caseload. States had the option to implement these new policies, but no Southern states did so by the end of the decade. Years later, the federal government mandated that states create AFDC-UP programs. Eva Bertram, "Democratic Divisions in the 1960s and the Road to Welfare Reform," *Political Science Quarterly*, Vol. 126, No. 4, Winter 2011-12.

<sup>18</sup> Premilla Nadasen, Jennifer Mittelstadt, and Marisa Chappell, *Welfare in the United States: A History with Documents, 1935-1996*, Routledge, 2009, pp. 46-47.

<sup>19</sup> Minoff, *op. cit.*; Office of Assistance Secretary for Planning and Evaluation (ASPE), U.S. Department of Health and Human Services (HHS), "A Brief History of the AFDC Program," <https://aspe.hhs.gov/system/files/pdf/167036/1history.pdf>

<sup>20</sup> Eva Bertram, "Democratic Divisions in the 1960s and the Road to Welfare Reform," *Political Science Quarterly*, Vol. 126, No. 4, Winter 2011-12, [https://www.jstor.org/stable/41502469?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/41502469?seq=1#metadata_info_tab_contents); "Herman Talmadge (1913-2002)," *New Georgia Encyclopedia*, August 14, 2020, <https://www.georgiaencyclopedia.org/articles/government-politics/herman-talmadge-1913-2002>.

<sup>21</sup> Minoff, *op. cit.*

<sup>22</sup> Minoff, *op. cit.*

AFDC families' circumstances and attributed its failure to labor market barriers, not lack of work ethic.<sup>23</sup>

The social and economic tumult of the 1960s and 1970s precipitated a racist backlash, and Black women receiving AFDC were a primary target. During his unsuccessful run for the presidency in 1976, Ronald Reagan introduced the racist — and highly inaccurate — trope of the “welfare queen.”<sup>24</sup> After Reagan’s victory in 1980, the Omnibus Reconciliation Bill (OBRA) of 1981 allowed states to create WIN demonstration programs, which focused primarily on getting participants into jobs quickly through low-cost job search.<sup>25</sup> This “work first” approach, which continues in most states’ TANF programs today, furthers occupational segregation by keeping recipients in the low-wage, unstable jobs to which Black women have always been relegated.

Racist ideas about the culture of low-income Black people figured prominently in proposals to extend work requirements and impose harsher penalties. Claiming that a “culture of poverty” existed in cities, whose supply of jobs deindustrialization had decimated, conservative intellectuals like Lawrence Mead and Charles Murray argued for policies to coerce low-income Black people to work, regardless of the quality or compensation of the work available to them.<sup>26</sup> The work of Mead, Murray, and others greatly influenced social policy in the 1980s and 1990s and were a driving force behind the decline and eventual termination of AFDC.

In 1988, Congress passed the Family Support Act (FSA), which replaced WIN with the Job Opportunity and Basic Skills (JOBS) training program. The intent of JOBS was to shift the focus of AFDC work programs toward education and training by requiring states to provide such services. The FSA also provided critical supports, namely transitional child care and Medicaid coverage, to families leaving AFDC for work to help smooth their transition off of assistance.<sup>27</sup>

While FSA made many positive changes, JOBS doubled down on punishing recipients by requiring most parents without children younger than 3 (a stricter requirement than WIN) to be engaged in work, education, or training under threat of sanction.<sup>28</sup> By expanding a work requirement to more parents, JOBS further devalued motherhood as a viable and valuable occupation that women could hold in lieu of working outside the home, a bias that was also prevalent in the public

---

<sup>23</sup> Leonard Goodwin, “What Has Been Learned from the Work Incentive Program and Related Experiences: A Review on Research with Policy Implications. Final Report,” National Technical Information Service, 1977, <https://files.eric.ed.gov/fulltext/ED136011.pdf>.

<sup>24</sup> “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *The New York Times*, Reprinted from *The Washington Star*, February 14, 1976, [https://timesmachine.nytimes.com/timesmachine/1976/02/15/113445299.pdf?pdf\\_redirect=true&ip=0](https://timesmachine.nytimes.com/timesmachine/1976/02/15/113445299.pdf?pdf_redirect=true&ip=0).

<sup>25</sup> GAO, “Work and Welfare: Current AFDC Work Programs and Implications for Federal Policy,” January 29, 1987.

<sup>26</sup> Paul Gorski, “The Myth of the Culture of Poverty,” from *On Poverty and Learning*, <http://www.ascd.org/publications/books/116064/chapters/The-Myth-of-the-Culture-of-Poverty.aspx>; Nadasen *et. al.* 70-71;

<sup>27</sup> Falk, *op. cit.*

<sup>28</sup> ASPE, *op. cit.*



discourse surrounding AFDC at the time.<sup>29</sup> Shortly after the FSA was enacted, states entered the early 1990s recession and were unable or unwilling to allocate the required amount of state matching funds in order to draw down federal JOBS funds, and the program was never fully implemented as Congress intended.

As the AFDC caseload grew after a decade of relative stagnation,<sup>30</sup> President Bill Clinton took office in 1992, having made the promise of “ending welfare [AFDC] as we know it” a central part of his presidential campaign.<sup>31</sup> The Clinton Administration began approving waivers that gave states the freedom to change their programs, including establishing stricter work requirements than national policy. States made changes to eligibility rules that made participation in JOBS mandatory for more recipients and implemented the first “full-family” sanctions that took all cash assistance away from families when a parent was unable to demonstrate compliance with a work requirement.<sup>32</sup>

In 1994, Republicans would also use the campaign pledge of “welfare reform,” and the racist ideas about Black poverty that came with it, to win back control of Congress.<sup>33</sup> When President Clinton signed the 1996 bill that created TANF into law, flanked by several Black women, he did not acknowledge the structural issues that had limited Black women’s employment opportunities but instead reinforced the racist ideas that led to the bill: [the law] “gives us a chance we haven’t had before to break the cycle of dependency that has existed for millions and millions of our fellow citizens, exiling them from the world of work. It gives structure, meaning and dignity to most of our lives.”<sup>34</sup>

The law laid the foundation for the focus on work that drives the design and structure of most TANF work programs; changes added when TANF was reauthorized in 2006 made work requirements harsher and harder to meet. To meet the requirements set by the law, states have implemented work programs that focus on controlling recipients’ behavior by requiring work as a condition of eligibility, using punishment to enforce work requirements, and reinforcing occupational segregation by prioritizing immediate job placement over participation in education or training programs.

While the creation of TANF represented a significant shift in U.S. cash assistance policy, lawmakers did not address the problems that plagued previous attempts to connect more recipients

---

<sup>29</sup> Lucy A. Williams, “Race, Rat Bites, and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate,” *Fordham Urban Law Journal*, Vol. 22, No. 4, 2011, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1440&context=ulj>.

<sup>30</sup> Falk, *op. cit.*

<sup>31</sup> See 1992 campaign ad by then-candidate Bill Clinton on “The Clinton Plan: Welfare to Work,” [https://www.washingtonpost.com/video/politics/bill-clinton-in-1992-ad-a-plan-to-end-welfare-as-we-know-it/2016/08/30/9e6350f8-6ee0-11e6-993f-73c693a89820\\_video.html](https://www.washingtonpost.com/video/politics/bill-clinton-in-1992-ad-a-plan-to-end-welfare-as-we-know-it/2016/08/30/9e6350f8-6ee0-11e6-993f-73c693a89820_video.html).

<sup>32</sup> Carol Harvey, Michael J. Camasso and Radha Jagannathan, “Evaluating Welfare Reform Waivers Under Section 1115,” *Journal of Economic Perspectives*, Vol. 14, No. 4, Fall 2000, pp. 165-188, <https://pubs.aeaweb.org/doi/pdf/10.1257/jep.14.4.165>

<sup>33</sup> Minoff, *op. cit.*; Edward J. Rymysza, “The Contract With America: The Crystallization of the GOP’s Racial Agenda,” *New York City Law Review*, Vol. 1, 1996, <https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1004&context=clr>.

<sup>34</sup> Andrew Glass, “Clinton signs ‘Welfare to Work’ bill, Aug. 22, 1996,” *Politico*, August 22, 2018, <https://www.politico.com/story/2018/08/22/clinton-signs-welfare-to-work-bill-aug-22-1996-790321>.

to work. WIN and JOBS never received the funding they needed to be fully implemented.<sup>35</sup> While the logic under TANF was that, as more families moved from cash assistance to work, states could redirect funding toward work-related programs and child care, such investments never occurred at an adequate level. States raised their spending on work-related programs and child care somewhat in TANF's early years, but this spending has remained flat or fallen even in nominal dollars for more than a decade.<sup>36</sup>

Today, TANF work programs serve few participants and continue the focus on “work first” that aims to place recipients in jobs as quickly as possible. This furthers the occupational segregation of recipients, a majority of whom are Black or Latina, into low-quality jobs<sup>37</sup> and continues to punish them through harsh sanctions.<sup>38</sup>

## TANF Work Programs Contribute to Racial Inequities

TANF's focus on mandatory work requirements with an emphasis on immediate job placement reinforces the racist stereotype that parents receiving assistance, who are disproportionately people of color, do not work and do not wish to work and will only do so if forced.<sup>39</sup> This stereotype persists even though data show that Black women have consistently maintained the highest levels of labor market participation regardless of age, marital status, and presence of children in the home when compared to other women in the United States.<sup>40</sup>

TANF work programs largely ignore that fact that many TANF recipients working or seeking work face structural barriers and discrimination that makes finding stable, high-paying employment — or any employment at all — challenging. The widespread racial discrimination<sup>41</sup> that many recipients face forces them into low-paying and unstable jobs.<sup>42</sup> Programs often also ignore the fact that most recipients have worked and will work again, and without new opportunities will return to the same unstable low-paid jobs that led them to need TANF.

---

<sup>35</sup> Blank and Blum, *op. cit.*

<sup>36</sup> Ali Safawi and Liz Schott, “To Lessen Hardship, States Should Invest More TANF Dollars in Basic Assistance for Families,” CBPP, updated January 12, 2021, <https://www.cbpp.org/research/family-income-support/to-lessen-hardship-states-should-invest-more-tanf-dollars-in-basic>.

<sup>37</sup> Safawi and Pavetti, *op. cit.*

<sup>38</sup> Pavetti, *op. cit.*

<sup>39</sup> Floyd *et al. op. cit.*

<sup>40</sup> Banks, *op. cit.*

<sup>41</sup> Lincoln Quillian *et al.*, “Meta-analysis of field experiments shows no change in racial discrimination in hiring over time,” Proceedings of the National Academy of Sciences of the United States of America, October 10, 2017, Vo. 114, No. 41, <https://www.pnas.org/content/114/41/10870/tab-article-info>.

<sup>42</sup> Danyelle Solomon, Connor Maxwell, and Abril Castro, “Systematic Inequality and Economic Opportunity,” Center for American Progress, August 7, 2019, <https://www.americanprogress.org/issues/race/reports/2019/08/07/472910/systematic-inequality-economic-opportunity/>.

These racial inequities are compounded by persistent barriers to women's employment. Women of color are typically paid less than white women and men,<sup>43</sup> women with the same education level and years of experience as men are more likely work in lower-paying fields,<sup>44</sup> and Black women face the highest rates of workplace harassment.<sup>45</sup> Black women are concentrated in low-paying, inflexible service occupations that lack employer-provided retirement plans, health insurance, and paid leave. Over a third (36 percent) of Black women workers lack paid sick leave.<sup>46</sup>

Because TANF work programs ignore these realities, they have done very little to improve participants' employment and earnings — and in fact have increased deep poverty, especially for Black and Latinx families.<sup>47</sup> A recent review of studies examining the work experiences of recipients leaving TANF found that recipients who leave TANF for work end up in jobs characterized by periods of joblessness and below-poverty incomes. Many recipients with the most limited job prospects never find employment.<sup>48</sup> The majority who found work took jobs in low-paying sectors such as food service and child care. Most leavers who had earnings in their first year after leaving TANF earned wages too low to lift their family above the poverty line.

But these outcomes are not a given. As described below, states can use existing flexibility to help recipients obtain the skills they need to qualify for quality jobs or to identify quality jobs that build on their existing experience and skills.<sup>49</sup>

---

<sup>43</sup> National Partnership for Women & Families, "Quantifying America's Gender Wage Gap by Race/Ethnicity," September 2020, <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/quantifying-americas-gender-wage-gap.pdf>.

<sup>44</sup> Washington Center for Equitable Growth, "Fact sheet: Occupational segregation in the United States," October 3, 2017, <https://equitablegrowth.org/fact-sheet-occupational-segregation-in-the-united-states/>; Will McGrew, "How workplace segregation fosters wage discrimination for African American women," Washington Center for Equitable Growth, August 28, 2018, <https://equitablegrowth.org/how-workplace-segregation-fosters-wage-discrimination-for-african-american-women/>; Kate Bahn and Will McGrew, "The intersectional wage gaps faced by Latina women in the United States," Washington Center for Equitable Growth, November 1, 2018, <https://equitablegrowth.org/the-intersectional-wage-gaps-faced-by-latina-women-in-the-united-states/>.

<sup>45</sup> Amanda Rossie, Jasmine Tucker, and Kayla Patrick, "Out of the Shadows: An Analysis of Sexual Harassment Charges Filed by Working Women," National Women's Law Center, August 2, 2018, <https://nwlc.org/resources/out-of-the-shadows-an-analysis-of-sexual-harassment-charges-filed-by-working-women/>; National Partnership for Women & Families, "By the Numbers: Women Continue to Face Pregnancy Discrimination in the Workplace: An Analysis of U.S. Equal Employment Opportunity Commission Charges (Fiscal Years 2011 – 2015)," October 2016, <https://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/by-the-numbers-women-continue-to-face-pregnancy-discrimination-in-the-workplace.pdf>.

<sup>46</sup> Banks, *op. cit.*

<sup>47</sup> LaDonna Pavetti and Ali Safawi, "TANF Cash Assistance Helps Families, But Program Is Not the Success Some Claim," CBPP, August 2, 2021, <https://www.cbpp.org/research/family-income-support/tanf-cash-assistance-helps-families-but-program-is-not-the-success>.

<sup>48</sup> Safawi and Pavetti, *op. cit.*

<sup>49</sup> Rework America Alliance, "Unlocking experience-based job progressions for millions of workers," June 2021, <https://www.markle.org/sites/default/files/Unlocking-Job-Progressions-Full-Report.pdf>.



## States Disproportionately Impose Penalties on Black Recipients

The structural barriers to employment that recipients face, along with additional personal and family challenges, make complying with state TANF rules difficult.<sup>50</sup> Black and Latinx recipients are likelier than white recipients to live in states with the most restrictive work requirement policies. In addition, Black families are more likely than white families to have their benefits taken away for not meeting a work requirement (i.e., sanctioned), research shows.<sup>51</sup>

Researchers using fictitious case examples to examine racial bias found that caseworkers were much more likely to take benefits away from Black mothers with previous sanctions than white mothers; the case examples varied only on two dimensions: race and whether recipients had their benefits reduced or taken away previously.<sup>52</sup> A study that examined state policy choices found that state TANF policy decisions are significantly related to race: states with a higher share of Black residents were more likely to have harsher sanction policies in place.<sup>53</sup>

---

<sup>50</sup> Dan Bloom, Pamela J. Loprest, and Sheila R. Zedlewski, “TANF Recipients with Barriers to Employment,” Urban Institute, August 2011, <https://www.urban.org/sites/default/files/publication/25396/412567-TANF-Recipients-with-Barriers-to-Employment.PDF>.

<sup>51</sup> LaDonna Pavetti, Michelle K. Derr, and Heather Hesketh, “Review of Sanction Policies and Research Studies,” Mathematica Policy Research, March 10, 2003, <https://www.mathematica.org/our-publications-and-findings/publications/review-of-sanction-policies-and-research-studies-final-literature-review>.

<sup>52</sup> Sanford F. Schram *et al.*, “Deciding to Discipline: Race, Choice, and Punishment on the Frontlines of Welfare Reform,” *American Sociological Review*, January 2009.

<sup>53</sup> Heather Hahn *et al.*, “Why Does Cash Welfare Depend on Where You Live? How and Why State TANF Programs Vary,” Urban Institute, June 5, 2017, <https://www.urban.org/research/publication/why-does-cash-welfare-depend-where-you-live>.

---

## Outdated, Racist Work Policies Influence the Design of TANF Work Programs

Under the TANF law, states must:

- **Meet the work participation rate (WPR).** A state's work participation rate measures the share of work-eligible recipients that participate in work activities as defined in federal law. Each year, states are required to meet a WPR for all families and a separate rate for two-parent families. Both are adjusted for the reduction in their caseload, after accounting for any eligibility changes. A state that fails to meet the rate can be subject to a fiscal penalty, up to 21 percent of its block grant. Federal law is prescriptive about the hours and activities in which recipients must be engaged to be counted in the WPR calculation as well as procedures states must follow to document their participation.
- **Engage parents in work (as defined by the state).** States are expected to engage recipients in work within 24 months of their participation in TANF, but it is up to the state to decide what constitutes being engaged in work. A state's definition of what it means to be engaged in work does not have to follow the federal rules for activities and hours that determine whether a family is counted as engaged in work for purposes of the WPR calculation. It also does not have to include all families that are included in the WPR calculation. There is no penalty to the state if they do not meet this requirement.
- **Reduce benefits for families with a member who refuses to comply with work requirements.** States are required to impose a financial penalty (i.e., a sanction) when a family member "refuses" to comply with work requirements as defined by the state without "good cause." States determine the penalty amount and duration, including whether benefits are taken away from the family member who has not met the requirement, or the entire family, including the children in the family. They also determine when to impose the penalty and define what constitutes "good cause." A state that does not implement this requirement can face a penalty of between 1 and 5 percent of its block grant.
- **Conduct an employability assessment.** States are expected to assess a recipient's skills, work experience and employability within 90 days of participating in TANF. Some states use these assessments to develop an individualized service plan for recipients, but they are not required to do so. There is no penalty to the state if they do not meet this requirement.

## Using State Flexibility to Move TANF Work Programs in an Antiracist Direction

Conditioning benefits on participation in mandatory work programs is one of TANF's most racially driven policies, one that started with enslavement and continued with coerced labor practices that continued long beyond emancipation. TANF work programs do not have to continue this legacy. Work programs that promote racial equity would recognize each family's strengths and focus on investing in families to help them realize their full potential.

## Principles to Guide an Antiracist Approach to TANF Work Programs

States can begin with the following principles to build an antiracist approach to work programs:

- **Make individual choice the hallmark of TANF work programs.** Moving TANF work programs in an antiracist direction means replacing restrictive and prescriptive requirements based on long-held stereotypes with options that respond to parents' aspirations and circumstances — and that puts decision-making, including whether to participate, in parents' hands. Such a change requires shifting the role of program staff from verifying hours and activities to helping parents identify personal and family goals through coaching and navigate systems to achieve their desired outcomes. A key part of making individual choice a hallmark of TANF work programs is respecting parents' individual choices and believing that they know what is best for their families.
- **Center work programs on promoting opportunity and supporting economic mobility.** To move TANF work programs in an antiracist direction, states will need to shift away from “work first” and instead focus on advocating for and supporting employment, training, and education opportunities that will lead to higher-paying, quality jobs. Many parents turn to TANF for assistance because they work in unstable jobs that provide low wages, variable hours, and limited opportunities for advancement. States should help recipients who want to increase their education and skills to identify programs that will help them to achieve their goals and to navigate the application process and secure funds to cover the costs of participating. For those who want to find a new job, TANF programs should focus on identifying experience-based job progressions that will act as a gateway to economic advancement and better career opportunities.<sup>54</sup>
- **Recognize the trauma that accompanies racism and affirm people's dignity.** Because TANF is built on a racist history that has defined people who need assistance to meet their basic needs as undeserving, recipients often report experiencing stigma and shame when participating in the program.<sup>55</sup> Moving TANF work programs in an antiracist direction requires not only focusing on what services and programs are provided, but also on *how* they are provided. Racism and discrimination produce multiple levels of stress and trauma in families' lives. Situations that often trigger the need for TANF assistance — loss of a job, domestic violence, homelessness, caregiving responsibilities — add to the trauma that parents experience. Approaching work programs through a trauma-informed lens means delivering services compassionately in an environment that feels safe to participants and that avoids re-traumatizing parents, especially by asking invasive questions about their past before establishing a relationship built on trust.
- **Provide resources and support to maximize success.** While no single approach is a good fit for all recipients, evidence shows that individuals with limited skills and education generally benefit from strategies that combine education, training, and support services.<sup>56</sup> TANF agencies should provide comprehensive supports to improve recipients' chances of success on

---

<sup>54</sup> Rework America Alliance, *op. cit.*

<sup>55</sup> Jennifer Stuber and Mark Schlesinger, “Sources of stigma for means-tested government programs,” *Social Science & Medicine*, Vol. 63, No. 4, August 2006, pp. 933-945, <https://www.sciencedirect.com/science/article/abs/pii/S0277953606000414>.

<sup>56</sup> What Works in Job Training: A Synthesis of the Evidence,” U.S. Department of Labor, Department of Commerce, Department of Education, and Department of Health and Human Services, July 22, 2014, <https://www.dol.gov/asp/evaluation/jdt/jdt.pdf>.

whatever path they choose. In some cases, providing support will mean helping participants resolve crises *before* they look for work or participate in an education or training program, while in others it will mean providing participants with extra cash assistance to resolve a crisis. Child care and transportation assistance also are critical for success.

- **Ensure equitable access to high-quality programs and services within the community.** Too often, TANF recipients find themselves unable to participate in education and training and other programs in their community because they are not aligned with what counts toward the WPR. Those restrictions should be eliminated so that TANF recipients have access to the same opportunities to improve their well-being, including increasing their employment and earnings, as any other individual in the community in which they live. When programs in the community are lacking, states should use their TANF funds to increase the options available to TANF recipients.

### **States Have Flexibility to Incorporate Antiracism Principles in TANF Work Programs**

Even with the existing rigid requirements for the activities and hours that participants must meet to be counted in a state's WPR (see box, "Outdated, Racist Work Policies Influence the Design of TANF Work Programs"), states have the flexibility to move their TANF work programs in an antiracist direction.<sup>57</sup> Although most states define what is expected of individual recipients to align with what is required for a recipient to "count" toward the standards, federal law does not require them to do so.

Federal law sets the WPR for all families at 50 percent, but the "target rate" — the actual rate states must meet — is substantially lower because states are eligible for a "caseload reduction credit" based on changes in their TANF caseload since 2005. In 2020, because the number of families receiving TANF benefits had fallen significantly in many states, more than half the states had a WPR target rate of 0. Only seven states had a target rate of 25 percent or more. Every state met the WPR for all families in 2019, the last year for which data are available. The low target rates provide states with significant flexibility to design and operate a work program built on principles that would move TANF work programs in an antiracist direction.

States can take advantage of the flexibility they have to move their work programs in an antiracist direction, including making the following changes:

- **Decoupling the design and implementation of work programs from requirements to meet the WPR.** Many of the racist elements of TANF work programs can be traced to the WPR's design and implementation. The focus on meeting the WPR has resulted in work programs that focus on tracking participation and verifying hours rather than on creating service delivery approaches that honor recipients' choices and empower them to do what they decide is best for their families. Since most states can easily meet their WPR through a combination of a caseload reduction credit and reporting hours for recipients who are employed, it should not drive their program design.
- **Eliminating full-family sanctions and minimizing the use of all sanctions.** Federal law requires states to reduce the amount of assistance provided to a participant who "refuses" to

---

<sup>57</sup> Schott and Pavetti, *op. cit.*

comply with work requirements (as defined by the state), but states have considerable latitude regarding how those sanctions are designed and applied. One of the first steps states should take to move their work programs in an antiracist direction is to eliminate full-family sanctions that end cash benefits for the entire family (rather than just reducing benefits to the family) and allow all families to receive their full benefits immediately upon complying with any requirements. States also can narrowly define what it means to “refuse” to comply with work requirements and broadly define exemptions and “good cause” for not participating. They also can increase efforts to assess recipients’ circumstances before decreasing or eliminating benefits.

- **Maximizing the use of work exemptions to broaden recipients’ choices and better meet participants’ diverse needs.** States can make work programs voluntary for most participants by establishing broad exemptions and not requiring participation in work activities until recipients have received assistance for 24 months. TANF regulations require that “a parent or caretaker receiving assistance must engage in work activities when the state has determined that the individual is ready to engage in work or when he or she has received assistance for a total of 24 months, whichever is earlier...”<sup>58</sup> States can use this provision to not deem recipients as ready to engage in work until they have received assistance for 24 months, giving them time and flexibility to develop and pursue personal and family goals. This doesn’t mean that families should not be offered education, training, and employment services during this 24-month period; rather, during this period participation can be voluntary with parents making decisions based on their own goals and circumstances.
- **Recognizing the diversity of needs and supporting the full range of activities that can prepare recipients for employment.** Although federal law and regulations are prescriptive about the work activities and hours in which a recipient must be engaged to count toward meeting the work participation rate, it is up to states to decide what work activities and hours it will require of any recipient, and when participants should be exempted from work requirements. While federal law also requires states to ensure that individuals are “engaged in work” when determined work-ready or after 24 months, states can define what constitutes being “engaged in work” under this provision.<sup>59</sup> To address TANF recipients’ diverse circumstances, states can use this flexibility to broadly define the activities in which recipients can participate and when they are required to engage in work activities. These activities need not be aligned with activities that count toward meeting the WPR.
- **Minimizing verification of work activities and hours.** Regulations require states to apply onerous procedures to verify participation in activities *that count toward the WPR*. These requirements send a message to recipients that they cannot be trusted and rob them of their sense of autonomy and even their dignity. States can minimize the need to verify hours by gathering this information only for a limited set of activities which are easy to verify. For example, Texas only collects this information for employment, on-the-job training and high school attendance.<sup>60</sup> Since employment accounts for the vast majority of work activities that

---

<sup>58</sup> 45 Code of Federal Regulations, §261.10 (a) (1)

<sup>59</sup> 45 Code of Federal Regulations, §261.10 (a) (2)

<sup>60</sup> “Temporary Assistance for Needy Families (TANF) Work Verification Plan,” State of Texas, revised January 30, 2020, <https://www.twc.texas.gov/files/partners/temporary-assistance-needy-families-work-verification-plan-twc.pdf#:~:text=On%20January%2031%2C%202012%2C%20TWC%E2%80%99s%20three->



count toward the WPR<sup>61</sup> and states need only verify employment every six months and can verify employment through pay stubs, this approach reduces stigma and frees up staff time to provide more meaningful assistance to families.

## Federal Changes Necessary to Move All TANF Work Programs in an Antiracist Direction

TANF has an important role to play in creating a more equitable and resilient nation, but its effectiveness will be sharply curtailed by its current emphasis on mandatory work requirements. While states can take steps now to minimize the negative impact of mandatory work requirements, the requirements in federal law send a strong signal — and convenient excuse — to states about the kinds of programs they should run. Federal action is needed to ensure that all families — regardless of the state in which they live — are able to receive the cash assistance they need to make ends meet and are afforded the same opportunities as everyone else to improve their education and skills.

Federal policymakers should enact the following changes to move all TANF work programs in an antiracist direction:

- **Make participation in work programs voluntary.** TANF has a role to play in helping families to find resources to address other issues they may be facing, including stabilizing their housing, addressing physical and mental health issues, enrolling in a training or education program, or finding a job. But importantly, moving TANF programs in an antiracist direction means recognizing that families understand their circumstances best and should have the choice of whether to seek services in addition to cash assistance; eligibility for cash assistance should not be contingent on participating in a program.
- **Eliminate and prohibit states from taking benefits away from recipients who are unable to meet a work requirement.** Federal policymakers should eliminate federal requirements that states mandate participation in work activities and impose sanctions on participants who can't comply. To ensure that states don't maintain these policies even without a federal requirement, federal policymakers also should bar states from imposing mandating work as a condition of eligibility for cash assistance and imposing sanctions for non-participation. At a minimum, federal policymakers should bar states from taking all benefits away from families in which the parent does not meet the work requirement.
- **Eliminate the WPR.** As long as the WPR is in place, it will continue to influence the design and implementation of TANF work programs. The WPR has encouraged states to adopt punitive and restrictive policies that disproportionately impact Black recipients. Although states can decide how they will meet the WPR, most have designed their work programs based on what will count toward meeting the rate, even when they have a very low target rate and could support participation in activities that would not count toward meeting the rate with no negative financial consequences. The WPR also gives states incentives to reduce their caseload and to implement restrictive eligibility policies that keep recipients who may be unable to meet the work participation requirements (and who may be most in need of assistance) off the caseload.

---

[member%20Commission%20%28Commission%29,or%20received%20a%20high%20school%20equivalency%20%28HSE%29%20credential.](#)

<sup>61</sup> Department of Human & Health Services, *op. cit.*

- **Reward states that offer programs that promote upward mobility.** TANF has a role to play in help parents working in low-wage jobs the opportunity to improve their employment and earnings. They also have a role to play in helping parents facing personal and family challenges to resolve those challenges. States should be rewarded for creating programs or helping recipients access programs that set them on a path to economic advancement and promote long-term family well-being.

DRAFT