

**Administration for Children and Families, Office of Family Assistance, Region X  
Tribal TANF Technical Assistance Conference - - Questions & Answers**

**Question 1:** Are the definitions of subsidized employment, work experience, and on-the-job training the same between the TANF Program, the Department of Labor, and the Native Employment Works Programs?

**Answer 1:** We defer to the Department of Labor for an explanation of definitions that apply to their programs. However, we have been in contact with our colleagues at the Department of Labor and will provide additional guidance as we receive it.

The NEW regulations (and statute) do not define subsidized employment, work experience, or on-the-job training for grantees' NEW programs.

The Tribal TANF regulations do not explicitly define subsidized employment, work experience, or on-the-job training; therefore, Tribes may reasonably interpret the meaning of these terms and request further guidance from ACF as needed on a case-by-case basis. Tribes are not required to adhere to the definitions in the State TANF regulations but Tribes may refer to the definitions in the State TANF regulations for examples of what ACF considers reasonable. The following definitions are found at 45 CFR 261.2:

“(c) *Subsidized private sector employment* means employment in the private 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.”

“(d) *Subsidized public sector employment* means employment 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.”

“(e) *Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available* means a work activity, performed in return for welfare, that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized full-time employment. This activity must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less frequently than once in each day in which the individual is scheduled to participate.”

“(f) *On-the-job training* means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.”

ACF considers work experience to be separate from subsidized employment. Work experience participants do not receive wages, but the TANF agency may choose to provide grants, incentives, or stipends to encourage participation. On-the-job training, however, does involve the payment of wages. It is distinguished from subsidized employment in that the purpose of the subsidy is to offset employer-related training costs, as opposed to providing a general subsidy for employment.

All four are countable work activities that can be used to fulfill a TANF participant's work requirements (hours).

**Question 2:** Does participation in subsidized employment count toward the 60 month TANF time limit?

**Answer 2:** Expenditures for subsidized employment constitute a "non-assistance" service. The time limit is triggered by a needy family's receipt of "assistance." If a client is only receiving "non-assistance" services, the period of receipt for such services does not count against the 60 month time limit. However, if the client receives both "assistance" and "non-assistance services" from the TANF agency in a month, then the month counts toward the time limit because the family received "assistance."

**Question 3:** Can a Tribal TANF client receive a cash grant in addition to subsidized employment?

**Answer 3:** Yes, a TANF client may participate in a subsidized employment activity and receive a monthly cash grant (assistance) if this circumstance is permitted in the Tribe's approved TANF plan.

**Question 4:** If subsidized employment wages exceed the monthly cash grant, can a TANF client still receive a Tribal TANF monthly cash "assistance" grant?

**Answer 4:** The answer depends on the eligibility and payment provisions governing the treatment of income as described in the approved Tribal TANF plan and the Tribe's associated policy and procedures documents. The Tribe needs to make a policy choice - - to decide whether the subsidized wages will be treated as income and counted in full or part against the Tribe's payment standard. The Tribe can choose to structure its rules so that families receiving subsidized employment wages continue to receive some amount of "assistance," but that decision is up to the Tribe.

**Question 5:** Can a Tribal TANF program offer a youth work experience?

**Answer 5:** Yes, if the activities, services, and eligibility criteria for work experience are included in the Tribe's approved TANF plan.

**Question 6:** Can a Tribal TANF program offer a youth subsidized employment program?

**Answer 6:** Yes, provided that the subsidized employment for the youth program, including the eligibility criteria, are contained in the Tribe's approved TANF plan.

**Question 7:** What are the age parameters for "youth"?

**Answer 7:** The term "youth" should be defined by the Tribe in its approved TANF plan or in the Tribe's policies and procedures documents for the TANF program.

NEW grantees may define "youth" for their NEW programs if they wish. The NEW regulations (and statute) do not include/prescribe a definition of "youth."

**Question 8:** Are there differences in the definition of youth among TANF, NEW, and DOL?

**Answer 8:** A Tribe can have different definitions for "youth" for different activities, benefits or services in its approved TANF plan, as long as they comport with the intent and purpose of the TANF program. For additional information, please see the TANF Q&A on this topic: [http://www.acf.hhs.gov/programs/ofa/recovery/tanf-faq.htm#\\_servicing\\_older\\_youth](http://www.acf.hhs.gov/programs/ofa/recovery/tanf-faq.htm#_servicing_older_youth).

The NEW regulations (and statute) do not define the term "youth" for grantees' NEW programs. (In the NEW statistical report – Part 2 of grantees' annual NEW program report – "youth" are considered to be persons under age 21, to ensure consistency and comparability among reports. However, if NEW grantees choose to define "youth" under their NEW programs, they may use a different definition if they wish.)

We defer to the Department of Labor with regard to requests for information about their program. However, we have been in contact with our colleagues at the Department of Labor and will provide additional guidance as we receive it.

**Question 9:** Can subsidized employment programs extend past the time a person is receiving assistance?

**Answer 9:** Yes, provided that the Tribe has elected to provide subsidized employment subsequent to the family's loss of assistance.

**Question 10:** Can subsidized employment programs extend past the time a person is receiving TANF non-assistance services?

**Answer 10:** If the TANF plan provides a limitation on eligibility for receipt of non-assistance services, the limitation would apply to subsidized employment.

**Question 11:** Can a Tribal TANF program have a subsidized employment program at both private, for-profit Tribal enterprises, as well as government/non-profit entities (like IHS)?

**Answer 11:** Yes. The Tribal TANF program must comply with the federal regulations at 45 CFR 286.110 on displacement.

**Question 12:** Tribes are concerned that they are out of compliance regarding work experience and/or on-the-job training payments. For those Tribal TANF programs that may have incorrectly called payments to TANF clients' wages, what must a TANF program do to remedy this error?

**Answer 12:** If a Tribe is concerned that it is out of compliance it should contact its ACF Regional Office, and the situation will be evaluated on a case-by-case basis. Plans and program operations may need to be reviewed to ensure consistency with TANF policy. Practices that are not consistent with applicable TANF policy must be corrected. 45 CFR 286.165 provides information on amending Tribal TANF plans; however, please note that changes made to the plan are prospective, not retroactive.

If any expenditures were incorrectly used to qualify as subsidized employment expenditures for a TANF Emergency Fund award, the Tribe must factor out these inappropriate expenditures for the relevant base and request year quarters and resubmit an OFA-100. Work experience programs that do not involve the payment of wages are not subsidized employment and thus any ancillary payments for incentives and stipends would not count. However, on-the-job training programs that involve the payment of wages can also include related incentives and stipends in the determination of subsidized employment costs.