

Washington State Department of Social and Health Services

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Lives

**REPORT TO THE LEGISLATURE**

**WORKFIRST MAINTENANCE OF EFFORT AND WORK PARTICIPATION RATE  
FOURTH QUARTER CALENDAR YEAR 2016**

Chapter 36, Laws of 2016

June 1, 2017

Economic Services Administration  
Community Services Division  
PO Box 45440  
Olympia, WA 98504-5440  
(360) 725-4888

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STATE OF WASHINGTON

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Economic Services Administration ■ Community Services Division ■ P.O. Box 45470 ■ Olympia, Washington 98504-5470

**WorkFirst Maintenance of Effort and Work Participation Rate Report:  
Fourth Quarter Calendar Year 2016  
Data: First Quarter, Federal Fiscal Year 2017**

**Executive Summary**

The 2017 Washington State Legislature mandated that DSHS produce a report each calendar quarter, beginning July 1, 2016, tracking maintenance of effort and participation rates for the Temporary Assistance for Needy Families (TANF) program. This report shall be provided to the Office of Financial Management, appropriate policy and fiscal committees of the state legislature, and the Legislative-Executive WorkFirst Oversight Task Force.

**Statutory Requirement**

[Chapter 36, Laws of 2016](#) Section 207 (1)(g) requires the report on maintenance of effort and work participation rate tracking for TANF include the following details:

1. An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for TANF, and the child care development fund as it pertains to maintenance of effort and participation rates;
2. Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;
3. Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;
4. The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;
5. Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and
6. A two-year projection for meeting federal block grant and contingency fund<sup>1</sup> maintenance of effort, participation targets, and future reportable federal participation rate requirements.

<sup>1</sup>Contingency Funds for State Welfare Programs are additional Federal funds available to States, at their request, when unfavorable economic conditions exist. They are considered provisional payments, according to section 403(b)(3)(A) of the Social Security Act. Unfavorable economic conditions are determined based on calculations using a State's unemployment rate, or calculations using a State's SNAP caseload.

## I. Overview of Federal Rules

When Congress created the Temporary Assistance for Needy Families (TANF) program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, states were required to meet “maintenance of effort” (MOE) and federal Work Participation Rate (WPR) requirements to receive the full federal TANF block grant and avoid penalties. The most recent changes in federal legislative requirements were made via the Deficit Reduction Act of 2005.

### A. Maintenance of Effort

Federal regulations applying to state MOE requirements are outlined in [45 CFR 263.1 through 263.9](#). States generally must spend at least 80 percent of the general fund state amount spent on AFDC-related programs in Federal Fiscal Year (FFY) 1994, which may be reduced to 75 percent if the state had met its WPR targets the year prior. Since ACF does not announce the results for any given period until years later, all planning uses the higher 80% threshold of \$273,125,888.

### B. Excess Maintenance of Effort

Federal regulations outlined in [45 CFR 260.20](#) and [45 CFR 263.2](#) allow states to count as MOE funds expended in addition to the amount spent by the state in direct support of the TANF (WorkFirst) program. Referred to as “third-party” spending, this may include spending by: 1) other state agencies (e.g. Office of the Superintendent of Public Instruction), 2) local governments, and 3) private and non-profit charitable organizations. To be eligible as excess MOE, this third-party spending must be directed toward a TANF-eligible population and advance one of these primary purposes of the TANF program:

- Providing assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- Ending the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- Preventing and reducing the incidence of out of wedlock pregnancies and establishing annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- Encouraging the formation and maintenance of two parent families.

### C. TANF Participation Rates

Work Participation Rate (WPR) requirements are outlined in [45 CFR 261.20 through 261.25](#). States must meet both the All Family (50%) and Two-Parent (90%) participation targets to avoid penalties.

The All Family WPR is calculated by dividing the total number of TANF families with a work-eligible individual who successfully met the requirements outlined in [45 CFR 261.31](#) (numerator = x), by the total number of TANF families subject to work requirements, minus certain families in sanction for refusal to participate or eligible for the 12-month Infant Exemption [denominator = y –(a+b)]. A visual representation of this equation is as follows:

X = All families with a work-eligible individual who are satisfying their work requirements.  
Y = All families with a work-eligible individual (those who are satisfying their requirements as well as those not meeting requirements) minus those sanctioned or exempted.

WPR rate = X/Y

A family is considered engaged in work for the purposes of the All Family participation rate if a work-eligible individual in the family participates in a work activity at least 30 hours per week, provided the following conditions are met:

- At least 20 hours per week must involve participation in one of the following 'core' activities:
  - Unsubsidized employment;
  - Subsidized private-sector employment;
  - Work Experience;
  - On-the-job training;
  - Job search or job readiness assistance;
  - Community service programs;
  - Vocational education training; and
  - Providing child care services to an individual participating in a community service program.
- The remaining 10 hours per week ('non-core') may involve the above noted activities or the following:
  - Job skills training directly related to employment;
  - Education directly related to employment; and
  - Satisfactory attendance at high school or a high school equivalency program.

The Two-Parent WPR is calculated by dividing the total number of TANF families with two work-eligible parents that meet the work activity requirements outlined in [45 CFR 261.32](#) by the number of TANF households that have two work eligible parents, minus certain families in sanction for refusal to participate. Two Parent households are not eligible for the federal Infant Exemption exclusion mentioned above. A family with two work-eligible parents counts as engaged in work activities for the purposes of the Two-Parent participation rate if the parents in the family are participating in work activities for a combined average of at least 35 hours per week and the following conditions are met:

- At least 30 hours per week must involve participation in one of the following 'core' activities:
  - Unsubsidized employment;
  - Subsidized private-sector employment;
  - Work Experience;
  - On-the-job training;
  - Job search or job readiness assistance;
  - Community service programs;
  - Vocational education training; and

- Providing child care services to an individual participating in a community service program.
- The remaining 5 hours per week ('non-core') may involve the above noted activities or the following:
  - Job skills training directly related to employment;
  - Education directly related to employment; and
  - Satisfactory attendance at high school or a high school equivalency program.

### ***Calculating Work Participation Rate Requirements***

In general, states must maintain an All Family work participation rate (WPR) of 50 percent ([45 CFR 261.31](#)) and a Two-Parent WPR of 90 percent ([45 CFR 261.32](#)) to meet WPR requirements. However, the actual WPR targets that the state must meet vary based upon multiple factors.

The caseload reduction credit detailed in [45 CFR 261.40 through 261.44](#) allows states to deduct one percentage point for each percentage point the TANF caseload decreased when compared to the caseload in FY 2005. States may not include caseload reductions associated with changes in federal law or changes the state made to its eligibility criteria compared to the criteria used in 2005.

[45 CFR 261.43](#) also permits states to take a virtual caseload reduction credit if they are investing state and third-party MOE in excess of the minimum requirement. The number of cases that were funded by the excess MOE are deducted from the actual caseload, thereby enhancing the amount of the decline.

The minimum MOE requirement is specified as 80% of the amount the state spent on assistance in 1994. That amount is \$273,125,888 and remains constant in annual calculations. Should the State meet its WPR target the year prior, the requirement is reduced to 75% of the 1994 expenditure. However, the State will not be officially notified by ACF as to having met the WPR prior to the annual calculation being prepared. Therefore, the 80% figure is always referenced.

The number of virtual cases is computed as: the amount of excess MOE that is ascribed to having been spent on 'assistance', divided by the average amount spent on 'assistance' per case during the prior year. Under 45 CFR 260.31 'assistance' is defined as including "cash, payments, vouchers and other forms of benefits designed to meet a family's ongoing basic needs." Non-recurrent short-term benefits (such as emergency assistance) are not considered assistance expenditures.

#### D. Child Care Development Fund

The following child care subsidy expenditures may be counted as TANF MOE, as noted in [45 CFR 263.3](#):

1. State funds used to meet the requirements of the Child Care Development Fund (CCDF) up to the amount the state must expend for quality CCDF matching funds. These dollars can be double-counted as both CCDF match and TANF MOE; and
2. Other child care expenditures that have not been used as matching funds or MOE for any other federal child care.

#### E. MOE Penalties

Consequences for failure to meet the MOE requirement, as outlined in [45 CFR 263.8](#), include a dollar-for-dollar reduction in the TANF block grant the subsequent year and the requirement to expend additional state funds equal to the amount by which the state fell short.

## II. Countable Maintenance of Effort and Excess Maintenance of Effort, by Source, for Previous Federal Fiscal Year

The State of Washington did not successfully meet its Work Participation Rates for the Federal Fiscal Year (FFY) 2015. When a state does not meet its participation rates, qualified State expenditures must equal at least 80 percent of historic State expenditures (FFY 1994 Expenditures are used). Thus, for Federal Fiscal Year 2016, Washington's requirement is as follows:

FFY1994 expenditures \$362,747,900 x 0.80 = \$290,198,320 required for FFY2016.

<b>FFY 2015 MAINTENANCE OF EFFORT (MOE) EXPENDITURES for FFY 2016 TARGETS</b>	
DSHS – Budgets	\$51,612,123
CCDF Double Count	\$70,926,409
Department of Labor and Industries (L&I) – Medical Assistance Fund	\$112,679,191
Office of Public School Instruction (OSPI) – Learning Assistance Program	\$120,627,233
Office of Public School Instruction (OSPI) – Full-Day Kindergarten	\$68,132,073
Office of Public School Instruction (OSPI) – K-3 Poverty Funding	\$32,930,086
Washington Student Achievement Council (WSAC) – State Needs Grant, College Bound Scholarships	\$63,698,238

Department of Early Learning (DEL) – ECEAP, ECLIPSE, Home Visiting, Needs Based Grant	\$51,685,205
Department of Corrections (DOC) – CD Treatment	\$2,448,191
Washington Telephone Assistance Program (WTAP)	\$0
Children's Kinship	\$530,492
Commerce Housing Programs	\$13,535,080
Tribal Food Pantry	\$34,227
Second Harvest	\$861,275
Northwest Harvest	\$16,637,241
<b>TOTAL</b>	<b>\$606,337,064</b>

### III. Countable Maintenance of Effort and Excess Maintenance of Effort, by Source, for Current Federal Fiscal Year

The State of Washington successfully meet its Work Participation Rates for the Federal Fiscal Year (FFY) 2016. When a state meets its participation rates, qualified State expenditures must equal at least 75 percent of historic State expenditures (FFY 1994 Expenditures are used). Thus, for Federal Fiscal Year 2017, Washington's requirement is as follows:

FFY1994 expenditures \$362,747,900 x 0.75 = \$272,060,925 required for FFY2017.

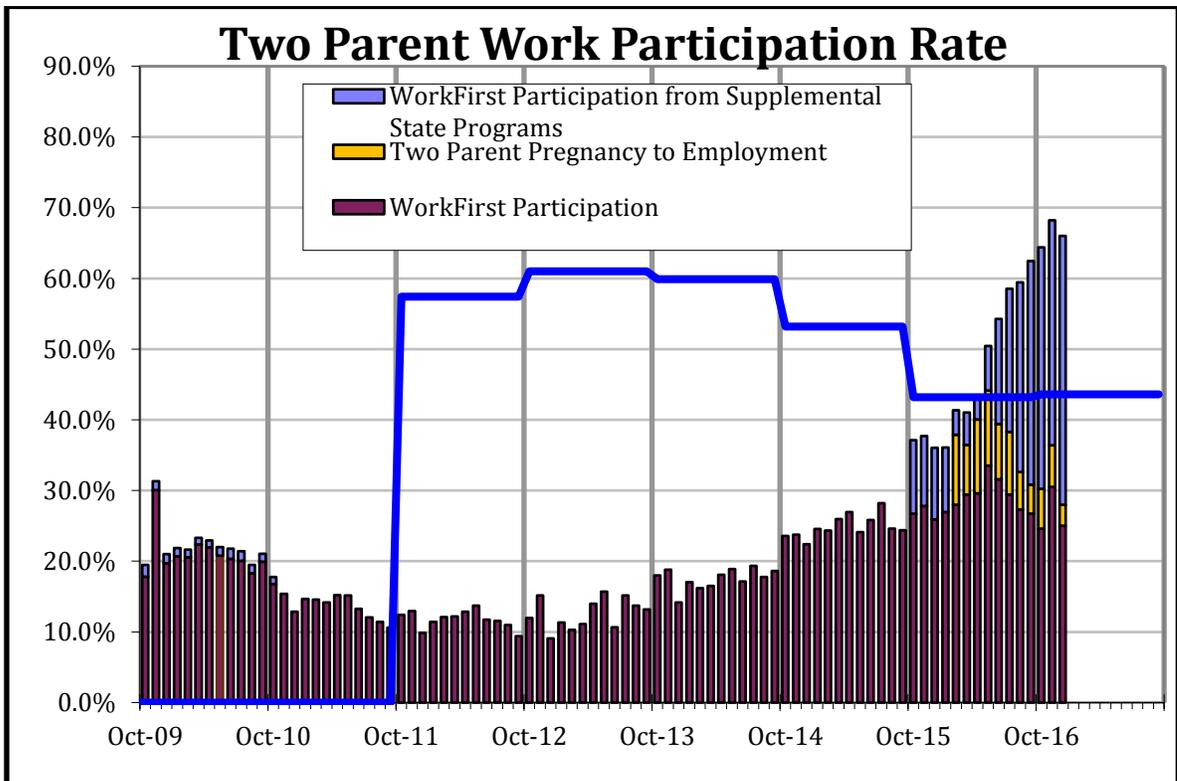
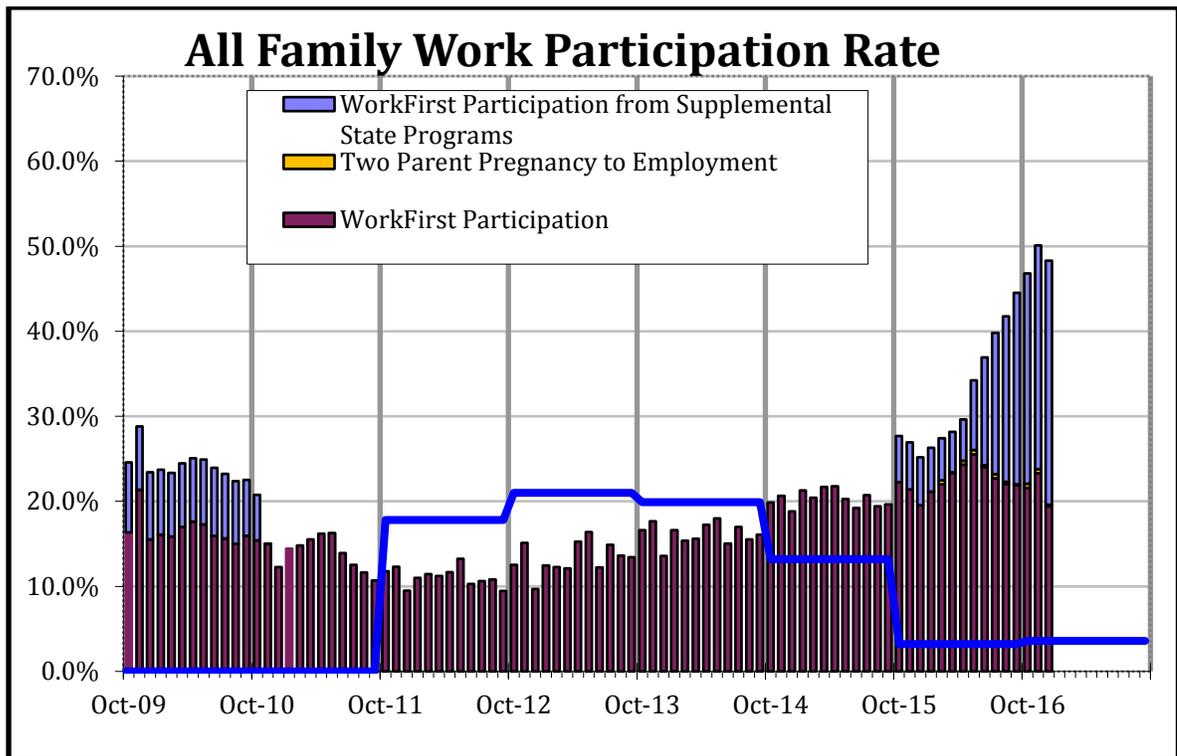
FFY 2016 MAINTENANCE OF EFFORT (MOE) EXPENDITURES for FFY 2017 TARGETS		Variance from FFY2015
DSHS – Budgets	\$94,953,406	\$43,341,283
CCDF Double Count	\$62,411,855	(\$8,514,554)
Department of Labor and Industries (L&I) – Medical Assistance Fund	\$117,732,376	\$5,053,185
Office of Public School Instruction (OSPI) – Learning Assistance Program	\$116,938,289	(\$3,688,944)
Office of Public School Instruction (OSPI) – Full-Day Kindergarten	\$0	(\$68,132,073)
Office of Public School Instruction (OSPI) – K-3 Poverty Funding	\$40,892,775	\$7,962,689
Washington Student Achievement Council (WSAC) – State Needs Grant, College Bound Scholarships	\$53,821,532	(\$9,876,706)
Department of Early Learning (DEL) – ECEAP, ECLIPSE, Home Visiting, Needs Based Grant	\$63,056,936	\$11,371,731
Department of Corrections (DOC) – CD Treatment	\$142,382	(\$2,305,809)
Washington Telephone Assistance Program (WTAP)	\$0	\$0
Children's Kinship	\$1,490,780	\$960,288

Commerce Housing Programs	\$16,897,801	\$3,362,721
Tribal Food Pantry	\$330,509	\$296,282
Second Harvest	\$1,474,219	\$612,944
Northwest Harvest	\$30,978,152	\$14,340,911
<b>TOTAL</b>	<b>\$601,121,012</b>	<b>(\$5,216,052)</b>

#### IV. Status of Reportable Federal Participation Rate Requirements

(Including impact of excess Maintenance of Effort on participation targets)

Source: WorkFirst Performance Chartbook as of September 2016



See section V. for information on Supplemental State Programs

## V. Potential New Sources of Maintenance of Effort and Progress Obtaining Additional Maintenance of Effort

Since the last report the agency has established a weekly meeting schedule for the TANF MOE Team, led by the Community Services Division, and consisting of members from the Division of Financial Recovery and the Research and Data Analysis Division. The Team has finalized its 2017 MOE Packet, a guide assisting MOE sources by establishing reporting protocols and timelines, as well as assisting MOE sources by outlining expectations for the current FFY. The Team has finalized its list of 2017 MOE sources, and is currently in the process of collaborating with the Department of Commerce regarding its contribution to the 2017 MOE claim. The Team has identified both new sources of MOE within existing partner agencies, as well as new Third-Party (NGOs/Private Organizations) MOE sources to be incorporated into its annual ACF-204 TANF MOE report.

Two-year Projection for Meeting Federal Block Grant and Contingency Fund Maintenance of Effort, Participation Targets, and Future Reportable Federal Participation Rate Requirements

<b>FFY 2017 MAINTENANCE OF EFFORT (MOE) EXPENDITURES for FFY 2018 TARGETS</b>	
DSHS - Budgets	\$126,821,000
CCDF Double Count	\$38,707,605
Department of Labor and Industries (L&I) - Medical Assistance Fund	\$112,434,419
Office of Public School Instruction (OSPI) - Learning Assistance Program	\$116,938,289
Office of Public School Instruction (OSPI) - Full-Day Kindergarten	\$ 0 <sup>a</sup>
Office of Public School Instruction (OSPI) - K-3 Supplemental Funding	\$ 0 <sup>a</sup>
Washington Student Achievement Council (WSAC) - State Needs Grant	\$53,513,057
Washington Student Achievement Council (WSAC) - College Bound Scholarships	\$308,475
Department of Early Learning (DEL) - ECEAP, Home Visiting, Eclipse, Seasonal Child Care, Barrier Reduction, Needs Based Grant	\$63,056,936
Department of Corrections (DOC) - CD Treatment	\$0 <sup>b</sup>
Commerce Housing Programs	\$16,897,801
Children's Administration - Kinship Emergent Relative Placement	\$1,590,780
Department of Agriculture - Tribal Food Pantries	\$330,509
Northwest Harvest	\$30,978,152
Second Harvest of Inland Northwest	\$1,474,219
<b>Annual Total</b>	<b>\$563,051,242</b>

a - lost due benefit becoming generally available to the public

b - partial year due to loss of funding for this activity

<b>Projected FFY 2018 MAINTENANCE OF EFFORT (MOE) ESTIMATES for FFY 2019 TARGETS</b>	
DSHS – Budgets	\$95,107,471
CCDF Double Count	\$38,707,605
Department of Labor and Industries (L&I) – Medical Assistance Fund	\$112,434,419
Office of Public School Instruction (OSPI) – Learning Assistance Program	\$116,938,289
Office of Public School Instruction (OSPI) – Full-Day Kindergarten	\$ 0 <sup>a</sup>
Office of Public School Instruction (OSPI) – K-3 Supplemental Funding	\$ 0 <sup>a</sup>
Washington Student Achievement Council (WSAC) – State Needs Grant	\$53,513,057
Washington Student Achievement Council (WSAC) – College Bound Scholarships	\$308,475
Department of Early Learning (DEL) – ECEAP, Home Visiting, Eclipse, Seasonal Child Care, Barrier Reduction, Needs Based Grant	\$63,056,936
Department of Corrections (DOC) – CD Treatment	\$0 <sup>b</sup>
Commerce Housing Programs	\$16,897,801
Children’s Administration – Kinship Emergent Relative Placement	\$1,590,780
Department of Agriculture – Tribal Food Pantries	\$330,509
Northwest Harvest	\$30,978,152
Second Harvest of Inland Northwest	\$1,474,219
<b>Annual Total</b>	<b>\$531,337,713</b>

a - lost due to benefit becoming generally available to the public

b - lost due to lack of funding for this activity

<b>Projections of Target and Achieved WPR</b>				
<b>Report Year</b>	<b>All Family Target</b>	<b>All Family Achieved</b>	<b>Two Parent Target</b>	<b>Two Parent Achieved</b>
2016	3.2%	32.4%	43.2%	46.4%
2017	3.6%	46.4%	43.6%	66.4%
2018	24.1%	46.4%	64.1%	66.4%