

**CHOOSING EDUCATION
AS YOUR WORK ACTIVITY UNDER
NEBRASKA'S EMPLOYMENT FIRST PROGRAM**

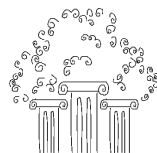


**A Handbook for Families, Educators,
and Community Organizations**

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NEBRASKA
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The surest path to sustainable economic self-sufficiency is higher education. Higher education leads to more stable employment and higher earnings. The more education a person has, the higher her earning potential.

Why should welfare recipients in Nebraska focus on post-secondary education? According to the Nebraska Department of Labor, the fifteen jobs in Nebraska with the highest earning potential all require at least a Bachelors' degree. Also, the three jobs with the highest growth rate in Nebraska all require at least an Associates degree. In addition, the unemployment rate decreases as the level of education increases.

Low-income parents in Nebraska doing their "work activity" planning in the welfare program are often steered away from higher education and into the first low-wage job that comes along. This typically leaves them moving from one low-wage job to another, never truly securing a future for their family. The purpose of Nebraska's welfare program is to help families become self-sufficient (able to meet their families' basic needs without public assistance). Fortunately, Nebraska lawmakers have included in state law the right of recipients of "ADC cash assistance" to pursue post-secondary education as an important part of their journey to economic self-sufficiency. Unfortunately, this option to pursue higher education is dramatically underused, leaving hundreds of low-income parents in Nebraska off the surest road to self-sufficiency.

Over the past decade, Nebraska Appleseed has worked to protect, defend, and further this right. In our experience, when people know about it, they pursue it. Unfortunately, among low-income families whose priorities are meeting their day-to-day needs, this right is not well known and not addressed in their planning process. Further, this right is often unknown among community organizations providing support services to low-income families. They simply do not know how they can help direct low-income families down this path. In addition, institutions of higher education are either unaware of this option or do not know how to assist prospective students in taking advantage of the opportunity.

We want to help more people pursue higher education while their family receives welfare assistance, and this handbook is one way we are doing it. It will help welfare recipients, community organizations, and institutions of higher education to become fully aware of the higher education option, and will help people get on this path to self-sufficiency. It will help lead to more success stories of families who gained higher education, went on to well-paying jobs, and became self-sufficient members of our Nebraska community.

TABLE OF CONTENTS

Introduction to the Employment First Program 2

5 Steps to Getting Post-Secondary Education in a Self-Sufficiency Contract 5

- 1. Applying for Benefits
- 2. Selecting an Educational Program
- 3. The Comprehensive Assets Assessment
- 4. The Contract Negotiation Period
- 5. The Contract Has Been Approved. What's Next?

Troubleshooting 11
Provides answers to common problems people encounter when trying to use the post-secondary education option.

Glossary of Terms 15
If you are not familiar with the ADC or EF programs, there is a Glossary of terms at the end of the handbook to help you understand some of the terms that are used by caseworkers and the Nebraska Department of Health and Human Services.

Sample Self-Sufficiency Plan 17

WHO SHOULD USE THIS HANDBOOK?

This handbook is a tool to help adults receiving Aid to Dependent Children (ADC) exercise their right to participate in post-secondary education as their work activity under Nebraska's Employment First (EF) program. "Post-secondary education" is any education after high school, usually an associate's or bachelor's degree program. Many adults receiving ADC are not aware of this option or do not know how to get post-secondary education included in their contract.

This handbook is designed to help families or people working with families who are eligible to receive ADC cash assistance benefits or who are already receiving ADC benefits. ADC benefits are available to families with minor children who have a total household income of below approximately 47% of the federal poverty level. This handbook will talk about eligibility for ADC only in the context of including post-secondary education in an Employment First Self-Sufficiency Contract. For more information on eligibility guidelines or other issues not covered by this handbook, contact your local Health and Human Services office.

INTRODUCTION TO THE EMPLOYMENT FIRST PROGRAM

What is the Employment First program? The Employment First (EF) program is Nebraska's welfare to work program. It is part of Nebraska's ADC cash assistance program. The ADC program gives cash grants to low-income families to temporarily help them meet basic needs. To get a cash grant, most adults must participate in the EF program. The goal of the EF program is to help families reach economic self-sufficiency within a five year time limit.¹ Adults in the EF program will be asked to set goals and create a plan for how they can get a job that will pay enough money that they are no longer eligible for ADC. EF participants will go through the following process:

1. Apply for ADC;
2. Complete a Comprehensive Assets Assessment;
3. Negotiate, develop, and sign a self-sufficiency contract, employment plan and service plan;
4. Participate in the activities included in the contract.

What is economic self-sufficiency? Economic self-sufficiency means having a job that pays enough money to cover the costs of a family's basic needs, including things like rent, utilities, food, child care, health care, clothing, and transportation. When the EF program talks about economic self-sufficiency they mean making enough money to take you off of ADC.

Who has to be in the EF program? All able-bodied adults who get an ADC grant must be in the EF program.²

Who does not have to be in the EF program? The following people do not have to be in the EF program³.

- A child who is age 15 or younger, even if s/he is emancipated or living independently.
- A child age 16, 17, or 18 who is going to school (elementary, secondary, vocational, technical, or college) full time and is living with a parent or guardian.
- A person who is sick or injured and as a result cannot participate in employment, education, or training.
- A person who is disabled.
- A person who is age 65 or older.
- A person who needs to stay at home on an ongoing basis to care for a sick or disabled person in the household.
- A parent or guardian of a child under the age of 12 weeks.
- A pregnant woman starting the first of the month before the month of the due date. (For example, if the due date is January 24, the exemption would start December 1.)
- A person who is unable to find child care for his/her child age 5 or under.
- A person who has been a victim of domestic violence for whom participating in the EF program would make it more difficult to leave the abusive situation, would penalize the individual, or would place the person or family at risk of more abuse.

What is the EF work requirement? The EF program has rules that come from both the federal government and the state legislature. One of these rules is that in order to receive an ADC grant, all able-bodied adults must do a “work activity” for at least 30 hours a week.⁴ Single parents with a child under six years of age are only required to 20 hours a week. There are some special rules that apply to minors parents, two parent families, and single parents of children under the age of 6 months. At least 20 hours of the 30 hours per week must come from “core” activities. Core activities include:

- **Unsubsidized Employment:** Work for pay and the pay must be at least minimum wage. It also includes Microbusiness Enterprise and Apprenticeship programs.
- **Subsidized Employment:** Work for pay in either the public or private sector where the employer receives a subsidy from TANF and/or other public funds to cover some or all of the costs of employing the individual.
- **Work Experience:** Unpaid work in a public, private, for-profit, or non-profit business or organization. This can last only for 6 months.
- **On-the-Job Training (OJT):** Full time work in the public or private sector that trains the individual for permanent employment with the employer. OJT may include classroom training in job-related basic skills, literacy, English as a Second Language (ESL) and/or occupational skills training.
- **Job Readiness/Job Search:** Help preparing to search for a job and then assistance in the job search process. Job readiness activities can include: life skills training, substance abuse treatment, mental health treatment or rehabilitation services. Job search activities include help finding a job for people who have enough education, training, and skills to get a job that will pay them enough money to take them off welfare. An individual cannot do Job Readiness/Job Search activities for more than 12 months each year and no more than 4 consecutive weeks at a time.
- **Community Service:** Unpaid work for public or non-profit organizations that improve the employability of the individual. This can include volunteering with a church, school, or community organization.
- **Vocational Training:** Educational programs the prepare individuals for jobs that require training other than a bachelor’s degree or advanced degree and result in a certificate, diploma, or associates degree. It can include both academic and occupational course work. General education and language courses can be included if they are part of the overall vocational training program. Only 12 months of vocational training in a lifetime can be counted toward a person’s core work activity requirement.
- **Providing Child Care Services to a Community Services Participant:** Providing child care services to another EF participant who is engaging in Community Service. Child care services may be paid or unpaid and should be helping move the individual closer to employment as a child care provider.
- **Post-Secondary Education:** A specific educational program at a college or university that leads to a bachelor’s degree.

The remaining 10 hours of the 30 hour work requirement can come from the following “non-core” work activities:

- **Job Skills Training Directly Related to Employment:** Training and education required by an employer for the person to obtain employment, advance in their field, or adapt to changing demands of the workplace. This can include literacy or language instruction or other barrier removal activities when it is focused on skills needed for employment or combined with job training.
- **Education Directly Related to Employment:** This includes Adult Basic Education, English as a Second Language (ESL), and other courses designed to provide knowledge and skills for specific occupations or work settings. General Educational Development (GED) programs can be counted when it is required as a prerequisite for employers or an occupation.

- Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence: Secondary education that leads to a high school diploma or General Educational Development (GED) that leads to a State of Nebraska High School Diploma.

An adult can select one or more of these activities as long as the activity will lead to self-sufficiency within the time limit.

What is a self-sufficiency contract? The self-sufficiency contract is a deal between the family getting ADC and the State of Nebraska. Each contract is unique and focuses on the individual needs and goals of the family. The contract will have a list of things that the family agrees to do while they are participating in the EF program and a list of things that the caseworker agrees to do to help the family achieve their goals.⁶ This contract will list what work activity the adults in the household will do to meet the EF work requirement. The main goal of the contract is to create a plan that will help the adults in the household get a job that will pay enough money so that the family is no longer eligible for ADC. A family will not receive any ADC payments until they have signed a self-sufficiency contract. This period between when a family is found eligible and when a contract is signed is called the contract negotiation period.

What are the time limits for the EF program? In 2007, the Nebraska Legislature changed Nebraska's ADC time limit from 24 months in a 48 month period to 60 months. This means that a family can get an ADC cash grant for up to 60 months.⁸ The new 60 month limit is a lifetime limit. This means that once a family has received 60 ADC grants that apply to the time limit, they can no longer receive an ADC assistance unless they can show they are in an extreme hardship. A family does not have to use all of their 60 months in a row. For example, if a parent who has been on EF for 10 months gets a job that takes them off of the EF program, but loses that job a few months later, they can go back on the EF program for up to 50 more months.

When do they start counting months? The 60 month time limit starts the month you receive your first ADC grant.⁹

Footnotes

¹ Neb. Rev. Stat. § 68-1709.

² Neb. Rev. Stat. § 68-1723.

³ 468 NAC 2-020.01 (effective December 2, 2006) and 468 NAC 2-020.02 (effective December 2, 2006).

⁴ Neb. Rev. Stat. § 68-1723 and 468 NAC 2-020.01A1 (effective December 2, 2006).

⁶ Neb. Rev. Stat. § 68-1720.

⁸ Neb. Rev. Stat. § 68-1724(1).

⁹ Neb. Rev. Stat. § 68-1724(1)(b).

5 STEPS TO GETTING POST-SECONDARY EDUCATION IN YOUR SELF-SUFFICIENCY CONTRACT

STEP 1: APPLYING FOR BENEFITS

The best time to start thinking about including an educational program in an EF contract is at the time you apply for benefits. Once an application for benefits is filed, you will be asked to make a lot of decisions that will shape what you will do while on the ADC program. Once you are found eligible and receive your first grant, your 60 month time limit begins. Because you will only have a limited number of months of assistance, it is important to get a good plan in place as soon as possible. Once you are found eligible you will not receive any ADC until you negotiate and sign your contract.¹ You will be in a better position to make the most out of your time on ADC if you have thought about whether you want to pursue an educational program and what that program might be. To apply for ADC, you need to fill out an application with your local Department of Health and Human Services office.

STEP 2: SELECTING AN EDUCATIONAL PROGRAM

There are a wide range of educational programs available to EF participants. Some will be easier to work into a contract than others. As a starting point, at the time you are applying for benefits, you should consider the following questions:

What are my career goals? The Employment First program is designed to focus on what you want to do. Your caseworker will be asking you about long-term and short-term goals and it will be helpful if you have thought about them in advance. Specifically, you will want to think about whether you need additional education to reach your career goals.

Am I capable of doing that job? It is important to think about what skills you have right now and what skills you might need to develop to reach your career goals. It is also important to think about whether there are things that might make reaching your goals more difficult. These things are sometimes called “barriers.” Are there family situations, such as the need to care for a disabled child, that will make reaching your goals more difficult? Do you have a health condition that will make reaching your goals more difficult? If you have some kind of special obstacle or barrier, it does not mean that education is not an option. It simply means that you may need to ask for specific help from your caseworker or additional help from the school you will be attending.

Will that job pay me enough to take me off public assistance? Nebraska law requires that you have a plan that will lead to a job that will pay enough so that your family is no longer eligible for ADC benefits.² When selecting your career you should think about what the present hourly wage is for that job. Also, you should think about whether there is the possibility of receiving a promotion or moving up in the pay scale if you stay at the job for a period of time. Nebraska law asks each family to reach for its highest level of economic self-sufficiency.³ This means you should pick a career that will lead to the highest paying job that fits with your interests as well as the ADC guidelines.

Are there jobs available in that field right now? The caseworker will ask you if there are jobs available in that field right now. You should think about the job market in your area. You may also want to look at what the future demand or growth rate is for your chosen career. Many times the school offering the educational program will

have this kind of information. You can also contact Nebraska's Labor Market Information Center at (402) 471-2600 or get labor market information online at www.dol.state.ne.us.

What kind of education or training would I need to do that job? You will also need to think about what education and training you have right now and what kinds of additional education and training you will need to reach your goals. Will you need an associate's degree or bachelor's degree? Will you need computer classes? Will you need any kind of certificate?

How long will it take me to get the education or training that I need? Under Nebraska law, you can only receive 60 months of ADC in your lifetime.⁴ Because of this requirement, the goal is for you to be employed in a job that will pay enough to take your family off of ADC as quickly as possible and before you reach your 60th month of assistance.⁵ For this reason, it is important that you think about how long it will take to get the education or training that you need. If your educational program is going to last longer than the months you have left before reaching your 60 month limit, it does not mean that education is not an option. But, it does mean you will need to show that by the time you reach your time limit, you will be able to get a job that will take your family off of ADC. For example, you might be able to do work study, work part time, or get a paid internship while you are completing your education.

What places offer the education or training I need and are they in my area? Once you select a career and determine what kind of education you need, you will need to think about where you can get the education or training. It is important to think about what kinds of programs are in your area. Is there a university, college, or community college in your area? Caseworkers are only going to approve an educational program that is available in your area. Many schools offer programs such as distance learning that allow an individual to take classes over the internet if they live too far away to attend classes in person. You may want to contact the school to find out what they offer.

Do I have any certifications or existing college credits I can use to reach my goal? It is important to think about what skills and training you have and how you might be able to build on that to get a better job than what is available to you right now. For example, do you have any existing college credits to build on? This may allow you to get a degree in a shorter period of time than if you are starting from the beginning.

Can I get financial aid to cover the costs of the education or training program? The Employment First program will not pay for tuition unless there are special circumstances.⁶ It is your responsibility to get financial aid to pay the costs of your education. Financial aid includes things like loans, grants, and scholarships. Most schools have a financial aid office that can help you figure out what kind of financial aid might be available and how to apply for it. Any financial aid you receive will not be counted as income under the ADC program.⁷

If you would like help in accessing financial aid and planning for college, contact the EducationQuest Foundation. EducationQuest offers free tools and resources for college-bound Nebraskans, including completing and filing the Free Application for Federal Student Aid, scholarship searching, and information on student loans. Outreach staff will sit down with you one-on-one to help you financially plan for college. Visit www.educationquest.org, or contact EducationQuest toll free at 1-800-303-3745.

What kind of help will I need to participate in the educational program? Under Nebraska law, the caseworker is required to help you meet your goals.⁸ This help can come in a number of different forms. For example, a caseworker can help get information about what the job market is like for a specific career or what wages are for people doing that job. You can also ask your caseworker for things like child care assistance and help with transportation.

You do not need to have answers to all of these questions right away, but they will help you start to think about what you want to do and what is possible in your current situation.

STEP 3: THE COMPREHENSIVE ASSETS ASSESSMENT

After you have been found eligible for ADC benefits, your caseworker will have you complete what's called a Comprehensive Assets Assessment. The assessment is an interview process where the caseworker helps you answer questions about your skills, abilities, resources, and past and present situations. The goal of the assessment is to find out what things you are doing well and where you are running into problems. The results of the assessment will be used to develop a self-sufficiency contract.⁹

Part of the assessment process is to identify long-term and short-term goals. This will be the first opportunity to let your caseworker know that you would like to include an educational program in your contract. It is important for you to bring this up with your caseworker at this point so that you can take full advantage of the contract negotiation period and to allow you to start receiving ADC benefits as soon as possible.

STEP 4: THE CONTRACT NEGOTIATION PERIOD

As you know from the previous section, most families that receive ADC benefits are required to participate in the EF program. The EF program is Nebraska's welfare to work program and requires most participants to do at least 30 hours a week of work activities. Post-secondary education does count as a core work activity and can be included in a contract.¹⁰

How long is the contract negotiation period? After you complete the assessment, you and your caseworker will begin developing the self-sufficiency contract. Under Nebraska regulations, you will not receive any ADC benefits until you have signed your self-sufficiency contract.¹¹ This period between when you are found eligible and when you sign your contract is called the contract negotiation period.

What do I need to know as I start the negotiation? When the contract negotiation process begins, your caseworker will be focused on the following things:

1. What do you want to do?
2. Can it be done within the months you have left in your time limit?
3. Will it lead to a job that will pay you enough to take your family off ADC?

You will be in a better position to get the program you want in your contract if you have gone through the questions in Step 2 and can explain to your caseworker how completing certain classes or obtaining a degree will take your family off of ADC within your time limit.

What if my educational program can be completed within my time limit? It will be easier to get approval for post-secondary educational programs that can be completed within your time limit. It is easier for caseworkers to evaluate programs that will lead to a degree or certificate within the time limit. For example, most community college programs and bachelor's degree programs can be completed within 24 months or less and are generally approved by caseworkers.

What if my educational program lasts longer than the months I have left in my time limit? It may be more difficult to get approval from your caseworker for an educational program that will last beyond your 60 month time limit. As you know, the goal of the Employment First Program is for you to find a job that will take you off of the ADC program as quickly as possible and within your time limit. In order to get your caseworker to approve an educational program that lasts longer than your time limit, you will need to create a plan that shows how starting a program or finishing part of a program will help you get a better job than you can get right now.¹² It is helpful to put

your plan down in writing and to make sure that your caseworker puts a copy of it in your file. A sample plan can be found in the Appendix to this handbook. Your caseworker should help you explore options and develop your plan, but you should be prepared to collect most of this information on your own. Here are some examples:

Example 1: Your goal is to become a certified substance abuse counselor. You will need to complete a bachelor's degree and meet other certification requirements. This process will take longer than the 24 months you have remaining in your 60 month time limit. However, after two years of a bachelor's in psychology program you could get a job working at a drug treatment facility working with clients but not as a certified counselor. In this situation, your plan might be that during your 59th month of ADC assistance you would begin applying to treatment facilities to get a job that would pay you enough to take you off of ADC. As part of your contract negotiation, you would need to show your caseworker that there is a bachelor's degree program in your area, that you are capable of handling college coursework, and that you have been accepted and have financial aid or that you are in the process of applying and looking into financial aid. You will also need to show that treatment facilities will not hire someone without any college classes and will hire someone in the process of completing their degree. Finally, you would need to show that these jobs are available in your community and that they will pay you enough to take you off of ADC.

Example 2: Your goal is to be an accountant. You will need to complete a bachelor's degree and take a certification test. This process will take longer than the 24 months you have remaining in your 60 month time limit. However, after two years of accounting classes you could get a job as a book keeper for a small business. In this situation, your plan might be that during your 59th month of ADC you would begin applying for book keeping positions that would pay enough to take you off of ADC. As part of your contract negotiation, you would need to show that there is a bachelor's degree program in your area, that you are capable of handling college coursework, and that you have been accepted and have financial aid or that you are in the process of applying and looking into financial aid. You will also need to show that book keeping positions in your area require as least some coursework in accounting. Finally, you would need to show that book keeping positions are available in your community and that they will pay you enough money to take you off of ADC.

Are there special rules about associate's degree programs? HHS has recently adopted a new rule that only allows ADC recipients to do an associate's degree program for 12 months as a "core" work activity. You must participate in a "core" activity for at least 20 hours a week. The new rule means that you can only count your associate's degree program classes toward your 20 hours of "core" work for up to 12 months. After 12 months, you can still count associate's degree classes, but only as a "non-core" activity. This means that you will have to find another work activity to fill your 20 hours of "core" work and then you can use your associate's degree classes to count toward your remaining 10 hours of your 30 hour work requirement.

Are there any other limitations on what kind of educational program can be in a contract? Yes. Post-graduate work, such as a masters degree or doctoral degree, cannot be included in a contract, even if it meets all the other EF requirements.¹³

What happens after we reach agreement on the contract? Once you and your caseworker reach an agreement about your plan, your caseworker will put the plan in the form of a contract and will ask you to sign it. Make sure to carefully read all the documents you are asked to sign and make sure you understand them. There are three documents you will be asked to sign, a Self-Sufficiency Contract, Employment Plan, and Service Plan.

The Self-Sufficiency Contract: The Self-Sufficiency Contract is a form that contains the non-negotiable parts of your contract. You should read this document carefully and ask your caseworker to clarify anything you don't understand.

The Employment Plan: The Employment Plan is considered part of the Self-Sufficiency Contract even though it is a separate form that you will sign. The Employment Plan lists your long-term employment goals

and the short-term goals that you will use to reach your long-term goals. For example, if your long-term goal is to be a book keeper, your short-term goal may be to take accounting classes full time at the local college.

The Service Plan: The Service Plan is also considered part of the Self-Sufficiency Contract. A Service Plan will be prepared for each short-term goal listed on your Employment Plan. The Service Plan contains the following: 1) each step you will need to take to reach your short-term goal; 2) the specific activities you will do to complete each step; 3) the time frame for completing each step; and 4) any people that will be involved in helping you complete the step, including service providers and your caseworker. The caseworker will also use the Service Plan to chart your progress.

Once you sign your contract you will begin receiving ADC. If you have cooperated with your caseworker at all times during the contract negotiation period your eligibility will go back to the date of your application.

Do I need other things in my contract? Yes, you will need to include supportive services in your contract and you may need to include other work activities.

Supportive Services: Your caseworker is required by Nebraska law to help you meet the goals in your contract.¹⁵ This help is often called “supportive services.”¹⁶ If you need child care while you are in school or help with transportation, etc., you need to make sure those needs are included in your contract.

Other Work Activities: If you are going to school full time, you may still need to include other work activities in your contract. You can only count the actual hours you are in class toward your 30 hour a week work requirement. If you are taking 12 credit hours, you will only be in class 12 hours a week and will still need to add other work activities to reach the 30 hour requirement.

Supervised Study Time: Supervised study time can be counted as a “core” activity if it is being done as part of another “core” activity. Since post-secondary education and vocational education are both “core” activities, supervised study time related to your coursework will count as a “core” activity. This study time will have to be supervised by someone authorized to supervise this activity. Some schools have made arrangements for places and times where students can do supervised study. If the school does not have a place available, ask your caseworker to help you make other arrangements. You will have to have the supervisor sign a sheet verifying your time spent studying. These sheets will need to be submitted to your caseworker weekly unless other arrangements have been made. There is no limit on the number of hours you can engage in supervised study time. If supervised study time is included in your contract, you will get child care while you are studying.

Community Service: Community Service may be one of the easier work activities to add to a self-sufficiency plan to help meet the 30 hour work requirement. If you do any volunteer work at your church, your child’s school, in the community, or at the college you are attending, those hours can count as community service hours. You will need to get the person or organization supervising the community service to fill out an agreement provided by your caseworker and they will have to sign a sheet verifying your participation that will be turned in weekly.

Can I change my mind? Yes. The contract, including the Employment Plan and Service Plan, can be changed at any time.¹⁷ You simply need to let your caseworker know that you want to change your plan. However, any changes you make will still have to fit within the EF guidelines.

What if I can’t reach an agreement with my caseworker? If you can’t reach an agreement with your caseworker, see the section of this handbook called “Troubleshooting.”

What if I already have a contract and I want to change it? See the “Troubleshooting” section of this handbook.

STEP 5: THE CONTRACT HAS BEEN APPROVED. WHAT'S NEXT?

Once your contract is approved, you will be required to start doing the activities included in it. This means enrolling in and attending classes. Your caseworker will want a copy of your class schedule to verify you are taking classes full-time. You will also be required to have your professors sign a sheet after each class to verify your participation. This is part of a federal requirement that participation in work activities be monitored daily. You will also have to have someone sign your sheet if you are doing supervised study time or community service activities in addition to your classes. Most caseworkers ask that you turn in your sheets signed by your professors and supervisors at the end of each week. However, you can ask to make other arrangements such as sending them every two weeks, faxing, or emailing them to your worker.

At the end of the semester, your caseworker will ask for a copy of your grade report. In order to continue participating in your educational program you will have to be in good standing (be passing your classes) and be making progress toward your degree or other educational goal.¹⁸

Footnotes

¹ 468 NAC 1-005.02B (effective October 10, 2007) and 468 NAC 2-010 (effective October 10, 2007).

² Neb. Rev. Stat. § 68-1709; *See also Kosmicki v. State*, 264 Neb. 887 (2002); *Keith v. HHS*, CI04-3591, Lancaster Co. Dist. Ct. (2005) order accessible on the web at www.neappleseed.org.

³ Neb. Rev. Stat. § 68-1726.

⁴ Neb. Rev. Stat. § 68-1724.

⁵ Neb. Rev. Stat. § 68-1709.

⁶ 468 NAC 2-020.07L (effective December 2, 2006).

⁷ Neb. Rev. Stat. § 68-1726 and § 68-1713(1)(t).

⁸ Neb. Rev. Stat. § 68-1722.

⁹ Neb. Rev. Stat. § 68-1718.

¹⁰ Neb. Rev. Stat. § 68-1721 and 468 NAC 2-020.07L (effective December 2, 2006).

¹¹ Neb. Rev. Stat. § 68-1724, 468 NAC 1-005.02B (effective October 10, 2007) and 468 NAC 2-010 (effective October 10, 2007).

¹² *See Kosmicki v. State*, 264 Neb. 887 (2002).

¹³ 468 NAC 2-020.07L (effective December 2, 2006).

¹⁴ 468 NAC 2-020.06 (effective December 2, 2006).

¹⁵ Neb. Rev. Stat. § 68-1722.

¹⁶ 468 NAC 2-020.08 (effective December 2, 2006).

¹⁷ 468 NAC 2-020.06 (effective December 2, 2006).

¹⁸ 468 NAC 2-020.07L (effective December 2, 2006).

TROUBLESHOOTING

As you go through the contract negotiation process you may encounter some problems. This section describes some common problems and possible solutions to these problems.

PROBLEM 1: **MY CASEWORKER WILL NOT APPROVE MY EDUCATIONAL PROGRAM**

If your caseworker will not approve your educational program, you have a number of options:

1. Mediation
2. Appeal
3. Change your plan
4. Add a work activity
5. Waive your ADC grant

Mediation

What is mediation? If your caseworker will not approve your plan you can go to mediation.¹ Mediation is a meeting between you, your caseworker, and a trained mediator. The goal of mediation is to talk about and try to solve problems between you and your caseworker. Your caseworker can give you information on how to set up mediation. You will be able to keep your present benefits during the mediation process if you request mediation within 10 days of the date of your caseworker's decision.² If you are not happy with the way the mediation turns out, you can still file an appeal.

When is mediation a good option? Mediation can be used on any type of disagreement with your caseworker and is a great option when it is possible to work out the disagreement. For example, if your caseworker has agreed that you can do an educational program, but has a problem with the program you have chosen, you may be able to work out the problem in a mediation session.

What happens after mediation is complete? At the end of the mediation, the mediator will explain what happens next. If you and your caseworker have reached an agreement, the mediator will put the agreement in writing and send it to both of you to sign. If you and your caseworker cannot reach an agreement, you can still file an appeal challenging the caseworker's decision. An appeal must be filed within 5 days of getting a notice that the mediation has ended if you want to continue to receive your benefits during the appeal.

Appeal

An appeal is a process you can go through if you disagree with a decision made by your caseworker.³ An appeal is sometimes called a "fair hearing." If you feel that your plan meets the guidelines of the EF program, but your caseworker will not allow your plan to be included in your contract you can file an appeal. Appeals must be filed within 90 days of your caseworker's decision.⁴ It is a good idea to ask for something in writing from your caseworker explaining the reasons behind the decision. If your appeal is filed within 10 days of your caseworker's decision, you can continue to receive benefits during the appeal process.⁵

Do I need a lawyer to file an appeal? No. You do not need a lawyer to file an appeal. The appeals process is designed so that anyone can go through the appeals process without the help of a lawyer. However, if your case is complicated or you need help, you can try the following resources:

1. Legal Aid of Nebraska. Legal Aid provides free legal representation to people below 185% of the federal poverty level. They cannot take every case, but anyone can go through their intake process. Legal Aid can be reached at 1-877-250-2016 Monday - Thursday from 9:00 a.m.-3:00 p.m. and Friday and Saturday from 9:00 a.m.-12:00 p.m. central standard time.
2. Volunteer Lawyers Project. The Volunteer Lawyers Project is run through the state bar association. It provides free legal representation to people below 185% of the federal poverty level. They will try to pair up participants with a lawyer in their area who has agreed to take cases pro bono or free of charge. The Volunteer Lawyers Project can be reached at (402) 475-7091.
3. University of Nebraska College of Law. The UNL College of Law has a legal clinic that provides free legal representation to clients in the Lincoln area. The legal clinic can be reached at (402) 472-3271.
4. Creighton University Legal Clinic. Creighton University also has a legal clinic that provides free legal representation to clients in the Omaha area. The legal clinic can be reached at (402) 280-2874.
5. Nebraska Appleseed Center for Law in the Public Interest. Nebraska Appleseed (creator of this handbook) can provide free advice and in some cases legal representation on issues related to the ADC program. Nebraska Appleseed also has a brochure on appeals and mediation in the EF program. The Nebraska Appleseed Center can be reached at 1-800-845-3746 and the brochure is available online at www.neappleseed.org.

How is an appeal filed? You start the appeals process by filing an appeal form with the local Health and Human Services office. The form is one page and asks you to explain what decision you disagree with and why it was not the correct decision. If you cannot get to your local office, you can use a blank sheet of paper and write out the following: 1) your name and contact information; 2) that you want to appeal a decision; 3) what decision you want to appeal; and 4) why you want to appeal the decision. After the form is filled out, it needs to be returned to the local office either by mail or in person. If you turn in the form in person, you should have the desk worker date stamp the form and give you a copy with the date stamp on it. It is important for you to keep a dated copy of the appeal form to prove when you filed your appeal.

How can a participant continue benefits during the appeals process? On the appeal form there is a box that says “Check here if you do not want to continue your benefits.” If the box is left unchecked and your appeal was filed within 10 days of your caseworker’s decision, your caseworker will automatically continue to issue your benefits until the appeal process is over.⁶

When should I continue my benefits? If you chose to continue your benefits and you lose your appeal, you will have to repay the ADC benefits you received during the appeal process.⁷ It is important for you to think about the likelihood of winning your appeal and your present needs. If you are required to pay back benefits, you will be given the option of having the money taken out of your future ADC checks. This is generally done by reducing your ADC check by 10% each month until the amount is paid off.

Change Your Plan

When should I change my plan? Before you give up on a plan, it is important to think about why your caseworker would not accept your plan and if it could be changed to take care of the problem. For example, if your caseworker says that the plan cannot be approved because the educational program is not available in your area, it may be possible to make arrangements with the school offering the program to do the program through independent study or distance learning. If there is no way to modify your plan to work within the EF guidelines then you will have to change plans.

What should I think about if I decide to change plans? You should think about whether there is a similar career that would meet the EF guidelines or if there are preliminary degrees or certification programs that would fall within the guidelines and get you started toward your career goal. You may want to talk to a career counselor at the school you have chosen to see if they can help you find a way to make your goals work within the EF guidelines. You should also go back through the questions in Step 2 as you make your decisions about a new plan.

Add A Work Activity

When should I think about adding another work activity? If there is no way to change your plan to fall within the EF guidelines, and no other educational plan interests you, you could consider adding another work activity to your contract. For example, if your educational program is offered in the evenings, you could do job search or other “core” and “non-core work activities during the day to meet the 30 hour EF work requirement and attend classes in the evening. This option will not work for everyone. It is important to keep in mind that you can only receive supportive services for work activities that are included in your self-sufficiency contract. So if your classes are not included in your contract, you would not be able to receive transportation assistance to get to and from class.

Waive An ADC Grant

What does it mean to waive an ADC grant? Receiving an ADC grant is a choice. You always have the option of choosing not to receive an ADC grant but keeping your Medicaid. If you waive your ADC grant, no months are counted toward the ADC time limit.

When should I waive my ADC grant? If you have enough financial aid to cover your expenses you may want waive your ADC grant. When you apply for financial aid, you may be able to get housing, meals, and books covered through your school or through scholarships. It is important to ask your school’s financial aid office about what kinds of assistance are available. Also, if you get enough child support to cover your expenses you may want to waive your ADC grant. While you are receiving ADC, the Department of Health and Human Services collects and keeps any child support collected up to the amount of the ADC grant.⁹ If you waive your ADC grant your child support will come directly to you. However, if you are going to rely on child support to cover expenses, it is important to think about how stable and reliable those payments have been and are likely to be in the future.

What if I change my mind about waiving my grant? At any point you can decide to start receiving ADC benefits again. However, once back on ADC, you will be required to meet the EF work requirement again.

PROBLEM 2: **I ALREADY SIGNED A CONTRACT BUT NOW I WANT TO CHANGE IT TO INCLUDE POST-SECONDARY EDUCATION**

If you have already signed a self-sufficiency contract but you want to change your work activity to include an educational program, you should first go through the questions in Step 2 and figure out what kind of program you want to do. The other thing you will need to do is to find out how many months of ADC you have left.

How do I know how many months I have left? You have the right to ask your caseworker at any time how many months are left in your 60 month lifetime limit. You can also ask your caseworker for a copy of your “time-limited tracking sheet.” This is a form where your caseworker marks down how many months you have used.

Once you know what you want to do and how much time you have to work with you will want to come up with a plan that will fit within the EF guidelines and time limits. After you have developed your plan, you will want to set up a meeting with your caseworker to renegotiate your contract. To renegotiate your contract you will want to follow the process found in Step 4.

PROBLEM 3:
WHAT IF MY CASEWORKER AND I DON'T REACH AN AGREEMENT?

As long as you are cooperating with your caseworker, there is no minimum number of days you can spend trying to negotiate your contract. However, you will not get any ADC payments until you have signed your contract. If an agreement is not reached within a reasonable amount of time, your caseworker will close your family's ADC case. Even if your ADC case is closed, you and your children will still receive Medicaid. Once your case has been closed, you can reapply for assistance at any time and start the negotiation process again.

Footnotes

¹ Neb. Rev. Stat. § 68-1723(3) and 468 NAC 2-020.09B (effective December 2, 2006).

² 468 NAC 2-020.09C1 (effective December 2, 2006).

³ Neb. Rev. Stat. § 68-1723 and 468 NAC 2-020.09C (effective December 2, 2006).

⁴ 465 NAC 2-001.02A (effective August 21, 1995).

⁵ 465 NAC 2-001.02A (effective August 21, 1995) and 468 NAC 2-020.09C (effective December 2, 2006).

⁶ 465 NAC 2-001.02A (effective August 21, 1995) and 468 NAC 2-020.09C (effective December 2, 2006).

⁷ 468 NAC 1-009.03F (effective October 7, 1998).

⁹ 468 NAC 2-019.05 (effective December 27, 1997).

GLOSSARY OF TERMS

Aid to Dependent Children (ADC): Aid to Dependant Children is Nebraska’s cash assistance welfare program. It provides a monthly check to families who have a child under the age of 18 and who have income at or below approximately 47% of the federal poverty level. The ADC program is funded in large part through federal funds under the Temporary Assistance to Needy Families (TANF) block grant.

Appeal: An appeal is a process you can go through if you disagree with a decision made by your caseworker. An appeal is sometimes called a “fair hearing.” Appeals must be filed within 90 days of the caseworker’s decision. If you file an appeal within 10 days of the caseworker’s decision you can continue to receive benefits during the appeal process. You do not need a lawyer to file an appeal.

Barriers: Things that might make reaching your Employment First goal more difficult, such as, lack of transportation or child care, poor health, the need to care for a disabled child or parent, etc.

Comprehensive Assets Assessment: The comprehensive assets assessment is an interview process where the caseworker helps you answer questions about your past and present situations. The goal of the comprehensive assets assessment is to find out what things your family is doing well, and where your family is running into problems. The results of the assessment will be used to develop your family’s self-sufficiency contract.

Economic Self-Sufficiency: Economic Self-Sufficiency means having a job that pays enough money to cover the costs of a family’s basic needs, including things like rent, utilities, food, child care, health care, clothing, and transportation. When the Employment First program talks about economic self-sufficiency they mean making enough money to take you off of ADC.

Employment First Program: The Employment First program is Nebraska’s welfare-to-work program. It is part of Nebraska’s Aid to Dependent Children (ADC) cash assistance program. The goal of the Employment First program is to help families reach economic self-sufficiency within a two-year time limit. Adults in the Employment First program will be asked to set goals and create a plan for how they can get a job that will pay enough money so that they are no longer eligible for ADC.

Employment Plan: The Employment Plan is considered part of the Self-Sufficiency Contract even though it is a separate form that you will sign. On the Employment Plan you will list your long-term employment goal and the short-term goals you will use to reach that goal.

Mediation: Mediation is a meeting between you, your caseworker, and a trained mediator. The goal of mediation is to talk about and try to solve problems between you and your caseworker.

Self-Sufficiency Contract: The Self-Sufficiency Contract is an agreement between the family getting ADC and the State of Nebraska. Each contract is unique and focuses on the individual needs and goals of the family. The contract will have a list of things that the family agrees to do while they are participating in the Employment First program and a list of things that the caseworker agrees to do to help the family achieve their goals. This contract will list what work activity the adults in the household will do to meet the Employment First work requirement. The main goal of the Self-Sufficiency Contract is to create a plan that will help the adults in the household get a job that will pay enough money so that the family is no longer eligible for ADC.

Service Plan: The Service Plan is considered part of the Self-Sufficiency Contract. A Service Plan will be prepared for each short-term goal on your Employment Plan. The Service Plan contains each step that you will need to take to reach your short-term goal, the specific activities you will do to complete each step, the time frame for

completing each step, and the person who will be involved in completing the step, including service providers and your caseworker. Your caseworker will also use the Service Plan to chart your progress.

Supportive Services: Services provided by your caseworker to help you reach your goals. These services can include gas vouchers, bus vouchers, car repairs, clothing vouchers, child care assistance, etc.

Time Limit: The Employment First Program has a 60 month lifetime limit. At the end of 60 months a family can only receive an ADC grant if they are facing an extreme hardship. A family does not have to use all of their 60 months in a row.

Work Activity: In order to receive an ADC grant, all able-bodied adults must do a work activity for at least 30 hours a week. The kinds of activities that count as work activities are set by Nebraska law and regulation. Adults can engage in one or more work activities to meet the work requirement. See pg. 3 for the list of allowable work activities.

SAMPLE PLANS

How to Use the Sample Plans

Putting a self-sufficiency plan in writing will help both you and your caseworker during the contract negotiation stage. Your caseworker should help you find information for the plan, but you should be prepared to collect this information on your own. Below are two sample plans. One is for someone who wants to participate in a Registered Nursing degree program at a college or university as their work activity. In this example, the educational program will last longer than the time left in the participant's 60 month time limit. The second plan is for someone who wants to participate in a Respiratory Therapy associates degree program at a community college. These plans are just a samples. You may or may not be able to get all of the types of information contained in these plans, but they should provide some ideas of the types of information that can help you and your caseworker reach an agreement.

Bachelor's Degree Self-Sufficiency Plan (Sample)

Long Term Goal: I would like my participation as a full-time student in the Nursing Program at the University of Nebraska Medical Center to count as my work activity in my Employment First Self-Sufficiency Contract. My long-term goal is to become self-sufficient through employment as a Registered Nurse.

Participating in the Nursing Program at the University of Nebraska Medical Center Should Be My Primary "Core" Work Activity in My Employment First Self-Sufficiency Contract:

- **The Program allows for Post-Secondary Education.** The Employment First Program allows clients to participate in Post-Secondary Education as a "core" work activity.
- **Lack of A Marketable Job Skill.** I have been a stay-at-home mother for the past two years and I need training for a new career so I can get a job that will make me self-sufficient and allow me to provide for my family. I am physically, mentally, and emotionally capable of working as a Registered Nurse.
- **I Can Be Self-Sufficient as a Registered Nurse.** I have done some research about how much I could make as a Registered Nurse. Registered Nurses are number 2 in the list of the top 20 hottest jobs in the Omaha area. (See Omaha Consortium Statistical Area Review <http://www.dol.state.ne.us/nwd/workserv/jobcareer/pubs/rapubs/2006/Omaha.pdf>). Students who complete a Registered Nursing program earn an average starting wage of \$16.63 an hour in Nebraska. The average wage of Registered Nurses in Nebraska is \$25.26 an hour. (See Nebraska Career Compass, www.dol.state.ne.us). This hourly wage would be enough money to support myself and my two children without ADC.
- **Labor Market Information.** I have done some research on what the job market is like for Registered Nurses. There is a demand for people trained as Registered Nurses here in Omaha.
 1. According to the Nebraska Department of Labor web site, demand for Registered Nurses is growing in Nebraska. The Registered Nurse position has a current statewide growth rate of 23%. (See <ftp://ftp:dol.state.ne.us/>).

2. Out of 40 students completing the Registered Nurse Program at the University of Nebraska Medical Center, all 40 students secured employment upon graduation.

I Can Be Self-Sufficient Within My Time Limit: I realize that I only have 60 months that I can receive ADC cash assistance. I also realize that my 60 months will run out on September 30, 2007. Although I will not graduate from the University of Nebraska Medical Center with my bachelor's degree until December of 2007, I can be self-sufficient by September 30, 2007 by continuing to complete my coursework to become a Registered Nurse.

Full time enrollment in the Registered Nursing program at the University of Nebraska Medical Center includes completing 66 hours of nursing classes as well as 62 non-nursing prerequisite courses for a total of 128 required hours.. I am currently enrolled as a full time student in the Registered Nursing program. I am in good academic standing, and I have never received a grade below a C. I have been participating in academic advising and am on track to graduate from the Registered Nursing program in December of 2007. I am paying for school with a Pell grant and have funding secured to complete my degree at the University of Nebraska Medical Center.

I can be self-sufficient within my time limit by pursuing a Registered Nursing degree. According to Student Services of the University of Nebraska Medical Center, during the final semester of the Nursing Program students are required to take a "Transition to Professional Nursing" course which is a placement or preceptorship for which the student is paid. Preceptorship positions pay between \$9 and \$10 an hour and are in high demand in Nebraska, specifically in Omaha. In July and August, as part of my participation in the Employment First program, I will look for a paid preceptorship position. Classes begin at the end of August 2007 (before my time limit runs out September 30, 2007) and my earnings from the preceptorship position would make me no longer eligible for ADC and I would be considered self-sufficient.

Associate's Degree Self-Sufficiency Plan (Sample)

Long Term Goal: I would like my participation as a full-time student in the Respiratory Care Associate's Degree Program at Southeast Community College (SCC) to count as my "core" work activity in my Employment First Self-Sufficiency Contract. My long-term goal is to become self-sufficient through employment as a Respiratory Therapist.

Participating in the Respiratory Care Program at SCC Should Be My Work Activity in My Employment First Self-Sufficiency Contract:

- **The ADC Program Allows Associate's Degree Programs.** The Employment First Program allows clients to participate in an associate's degree program as a "core" work activity for up to 12 months and then up to 10 hours a week as a "non-core" work activity.
- **Lack of A Marketable Job Skill.** I have been a stay-at-home mother for the past two years and I need training for a new career so I can get a job that will make me self-sufficient and allow me to provide for my family. I am physically, mentally, and emotionally capable of working as a Respiratory Therapist.

· **I Can Be Self-Sufficient as a Respiratory Therapist.** I have done some research about how much I could make as a Respiratory Therapist. The average starting wage of a Respiratory Therapist in Nebraska is \$22.05 an hour. (See <http://neblswages.nwd.ne.gov/eds.php>). The Nebraska Workforce Development Department of Labor (NWDDL) predicts that careers in healthcare will be hot job prospects from 2002 - 2012, and specifically lists Respiratory Therapist as a “hot” job. (See Nebraska Workforce Development Career Compass). Approximately one-half of all Respiratory Therapists earn between \$39,925 and 52,745. per year. Page: 3 (See Nebraska Workforce Development - Office of Workforce Security - Labor Market Information Center). This annual salary would be enough money to support myself and my two children without ADC.

· **Labor Market Information.** I have done some research on what the job market is like for Respiratory Therapists. There is a demand for people trained as Respiratory Therapists here in Lincoln.

1. According to the Nebraska Department of Labor web site, demand for respiratory therapists and respiratory therapy technicians is growing in Nebraska. The respiratory therapist position has a current statewide growth rate of 26.8 % while the respiratory therapy technician position has a current statewide growth rate of 2.22%. (See, www.dol.state.ne.us, accessed March , 2007.)
2. Out of 28 students completing the Respiratory Care Program from SCC in 2006, 24 students secured training-related employment upon graduation. Two students are involved in non-training related employment, and two students are working in other areas (See attached, 2006 Annual Graduate Placement Report of Southeast Community College, pg. 22.)
3. The Human Resource Department at Bryan LGH provided information on November 18, 2006 that there is a high demand for Respiratory Therapists (also called Respiratory Care Practitioners) and Respiratory Care Assistants (RCAs). The RCA position was created specifically for students enrolled in the Respiratory Care Program. After 1 year of successful completion of the Respiratory Care Program, a student is qualified to be an RCA at Bryan LGH, with a current hourly wage of \$10.30 . Upon graduation, the RCA can then move to the Respiratory Therapist position, which currently earns an hourly wage of \$ 17.50 .
4. A Personnel Recruiter for St. Elizabeth Regional Medical Center also stated that the respiratory therapist position is in high demand, noting that the hospital hires between 3 and 6 new Respiratory Therapists each year. St. Elizabeth’s also has an RCA position, which they prefer to fill with current Respiratory Care students.

· **I Can Be Self-Sufficient Within My Time Limit:** I realize that I only have 60 months that I can receive ADC cash assistance. I also realize that I can only count an associates degree program as a “core” work activity for 12 months. During my first 12 months of school, I will meet my 30 hour work requirement with my associate’s degree classes, and supervised study time. I will be taking 15 credit hours, which will fill 15 of my 30 hours a week. I will be doing supervised study for three hours each day, which will fill the remaining 15 hours of my 30 hours.

During the second 12 months of my program, I will be taking 12 credit hours. 10 of these credit hours will count as my 10 hours of “non-core” activity. To fill the rest of my 30 hours, I plan to work

10 hours a week as a Respiratory Therapy Assistant, 3 hours of community service work as a teacher for my church Sunday school program, and 2 hours a week of community service as a volunteer for the local blood bank. Many students work as RCAs during the last quarter of the Respiratory Therapist Program at SCC. According to the Director of the Respiratory Care program at SCC, 10 out of 18 Respiratory Care students in their last quarter are currently employed at St. Elizabeth's or Bryan LGH as an RCA. The information about the job market that I have accumulated illustrates that RCAs are in high demand in Nebraska and specifically in Lincoln. During my 11th month of coursework, I will continue going to school full time, but I will also search for employment as an RCA.



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