



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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June 19, 2018

Principal Chief James Floyd  
Muscogee (Creek) Nation  
P.O.Box 580  
Okmulgee, OK 74447

Dear Principal Chief Floyd:

The proposed amendments to the Muscogee (Creek) Nation's current January 1, 2017 through December 31, 2019 approved Tribal Temporary Assistance for Needy Families (TANF) plan have been reviewed. The amendment proposes to:

- Make monthly TANF cash assistance payments through the use of electronic benefit transfer (EBT) cards
- Require that work participation be paid at federal minimum wage at an approved worksite in order to be counted as paid employment
- Increase the resource limit from \$3,500.00 to \$5,000.00 per assistance unit.

No issues were identified prohibiting approval of the proposed amendment. Therefore, this letter serves as notification that the Muscogee (Creek) Nation's request to amend the current plan is approved effective **July 1, 2018**, consistent with the Tribal TANF regulations at 45 CFR 286.165.

The Office of Family Assistance looks forward to our continued work with the Muscogee (Creek) Nation. Please do not hesitate to contact Larry McDowell, Regional Program Manager at (214) 767-7327, for any questions or concerns pertaining to this approval.

Sincerely,

Stan Koutstaal  
Division Director  
Tribal TANF Management and Regional Operations

cc: Denise Honawa, TANF Director, Muscogee (Creek) Nation  
Larry McDowell, TANF Regional Program Manager, ACF Region VI

# Muscogee (Creek) Nation

## Tribal Family Assistance Plan (TFAP)

### SECTION 1: GENERAL PROVISIONS

#### 1.1 Statutory Authority

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Section 412, authorized Indian tribes to operate Tribal Temporary Assistance for Needy Families (TANF) program.

The Muscogee (Creek) Nation (MCN), in accordance with such authority, implemented a TANF program effective January 1, 2008. This document, in its entirety, constitutes the MCN TANF plan, a three (3) year plan effective January 1, 2017 through December 31, 2019. This plan is being submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, for review and approval.

#### 1.2 Program Administration

The MCN Executive Branch will have overall administrative authority for the MCN Tribal TANF Program. This Program will be administered through the Department of Community and Human Services. Program management responsibilities will be delegated to the MCN Tribal TANF Program. (See Appendix for Organizational Chart)

#### 1.3 Program Purpose

In accordance with the purposes established by Pub.L. 104-193 (42 U.S.C 601 (a)), MCN's key areas of focus are to:

- **Provide** assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.
- **Promote** job readiness and assist participants in increasing their employability and enhancing their marketability.
- **Educate** to prevent and reduce the incidence of out-of-wedlock pregnancies.
- **Encourage** the formation and maintenance of two parent families.

To help adults with the basic living expenses so children may be cared for in their own homes or homes of relatives, monthly financial assistance will be provided.

To promote job readiness, participants' work activity options will include activities specific to enhancing one's marketability. Some services may be mandated to address significant employment barriers (e.g. educational deficiencies, mental health and/or substance abuse issues).

To educate on prevention and reduction of out-of-wedlock pregnancies, the MCN Tribal TANF Program will work with youth in communities throughout the program service area. This may be accomplished through guidance, training, education, mentoring, youth services, and other character building activities.

To encourage the formation and maintenance of two parent households, the MCN Tribal TANF Program will offer services that address those challenges. Such services may include, but are not limited to: counseling, workshops, parenting skills, Diversion and Transitional services, educational/work incentives, and work subsidies.

#### **1.4 Program Mission**

The mission of the MCN Tribal TANF Program is to strengthen American Indian and Alaskan Native families' ability to attain self-sufficiency by providing financial assistance, work experience opportunities, and career coaching in a consultative manner that educates, encourages and promotes self-reliance.

#### **1.5 Program Goal**

The Goal of the MCN Tribal TANF Program is to provide opportunities that will allow families to attain and maintain self-sufficiency.

To meet the goal, MCN Tribal TANF will provide temporary support in meeting basic needs, promote and offer training that will lead to employment, and continue to offer and expand youth services.

The goal will be measured by the number of cash grants awarded, work participation rate, and an increase in youth and 2-parent participation.

#### **1.6 Public Involvement**

The MCN Tribal TANF Program provided a public comment period on the TFAP from September 15, 2016 to October 28, 2016.

#### **1.7 Service Area and Population**

The MCN Tribal TANF Program provides services to American Indian and Alaskan Native families that reside in Creek, Okfuskee, Hughes and Okmulgee counties and only citizens of the Muscogee (Creek) Nation in Tulsa, Wagoner, Mayes, Rogers, Muskogee, Seminole and McIntosh counties who meet the MCN Tribal TANF Program eligibility criteria.

In addition, the MCN Tribal TANF Program has received concurrences to serve three Tribal Towns: Kialegee, Alabama-Quassarte, and Thlopthlocco. (See Appendix for Concurrences)

## **SECTION 2: USE OF TANF FUNDS AS RELATED TO THE PURPOSES OF TANF**

Only needy families may receive: (a) any form of Federally-funded "assistance" (as defined in 45 CFR 286.10); and (b) any benefits or services pursuant to TANF purposes. "Needy" means financially deprived, according to income and resource (if applicable) criteria established in the TANF plan by the Tribe to receive "assistance," benefit or service.

The Tribe may use segregated Federal TANF funds to provide services (and related activities) that do not constitute "assistance" (as defined in 45 CFR 286.10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes 3 or 4. Objective criteria will be established for participation in these programs.

## SECTION 3: CASH GRANT ELIGIBILITY CRITERIA

### 3.1 Non-Financial Eligibility Requirements include:

1. **American Indian and/or Alaskan Native:** At least one person in the assistance unit who is an enrolled member of any federally recognized tribe; exception is given to child(ren) under one year of age.
2. **Residency:** The American Indian and Alaskan Native participant must reside within the service area as defined in section 1.7.
3. **Citizen/Alien Status:** The participant must be a U.S. citizen or have an approved alien status. Client must sign a statement attesting to citizenship or alien status.
4. **Social Security Card:** The participant must supply or apply for all persons in the assistance unit.
5. **Child Support:** Unless the participant meets an exemption or exclusion criteria, all participants must cooperate with either a State or Tribal Child Support Enforcement Division. Cooperation will be defined as completing an application, maintaining continual compliance and actively pursuing with either Child Support Enforcement Division.

MCN Tribal TANF will not condition eligibility for TANF on the assignment of child support to the Tribe. MCN Tribal TANF, to be in compliance with 45 CFR 286.155 and consistent with §286.45 (f), will not retain an assigned child support collections in excess of the amount of Tribal TANF assistance received by a family/families. As a result, no amounts will be utilized to further the Tribe's TANF program.

6. **Dependent Child**
  - a. A dependent child is defined as a person under the age of 18 years of age; or
  - b. Has not attained 19 years of age and is a full-time student in an accredited secondary school (or in the equivalent level of vocation or technical training)
7. **Caretaker relative**
  - a. A caretaker relative is defined as a person, legally responsible, for the care, control and supervision of the dependent child
  - b. A dependent child must live with a parent or caretaker relative
  - c. The caretaker relative is related to the dependent child in one of the following ways:
    - i. The biological parent
    - ii. Blood relative or half-blood relative (sharing one common natural or adoptive parent).  
Including:
      - a. Siblings, aunts, uncles, first cousins, first cousins once removed, nephews or nieces,
      - b. Persons of preceding generations denoted by the prefixes of grand, great, great-great or great-great-great
      - c. Stepfathers, stepmothers, stepbrothers or stepsisters
      - d. The spouse or ex-spouse of anyone listed in this section

### 3.2 Financial Eligibility Requirements

1. **Income Limits:** Countable adjusted income must not exceed 150% of the Federal Poverty Guidelines

2. **Resource Limits:**

- a. \$5,000 per assistance unit
- b. Automobile exemption for one car per adult. Any additional automobiles will have a value assigned (Kelley Blue Book). Any assigned value exceeding the resource limit will count against the \$5,000 limit
- c. Exclude home

### 3.3 MCN TANF Program Assistance Unit

The following persons are included in the assistance unit:

1. Applicants who meet all non-financial eligibility criteria
2. Applicants who are parents or caretaker relatives meeting custody requirements, dependent children, and emancipated minors.
3. Child Only Cases
  - a. A child(ren) residing with non-needy caretaker relative
  - b. The assistance is provided only to and for the benefit of child(ren) and not the caretakers
  - c. The non-needy caretakers income is not counted in determining eligibility
  - d. The caretaker(s) are not required to participate in the work activities
  - e. Participation in activities related to improving the care and development needs of the child(ren) in their custody may be required if recommended by the Case Management Staff
  - f. Support services may be provided for the benefit of the child(ren) when other sources are unavailable
4. All dependent children are included in the assistance unit, unless they do not meet TANF eligibility requirements.

## SECTION 4: PAYMENT OF TRIBAL TANF BENEFITS

### 4.1 Monthly Cash Assistance

The monthly TANF cash assistance payment will be issued once a month. Following the receipt of all earnings documents, the Case Management Staff will process the information for an issuance amount in accordance with the payment standards. The Case Management Supervisor and Program Manager will finalize all payments.

The MCN Tribal TANF Program will implement the use of electronic benefit transfer (EBT) cards to be used for all assistance administered by the MCN Tribal TANF Program with the exception of direct vendor payments. The MCN Tribal TANF Program will ensure EBT cards will not be used in any liquor store, casino, gambling casino, or any gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. The card company has placed codes for restrictions. The MCN Tribal TANF Program provides participants access to their benefits where ever debit cards are accepted. Participants can access their benefits at merchants where they allow cash back during other purchases such as grocery stores for free. Participants will be allowed to withdrawal from ATMs for a fee charged by the ATM or bank. Participants will given a list of possible charges with the card and where to withdrawal cash for free.

## 4.2 Monthly Cash Assistance Standards:

### Payment Standard – With Adult

Number of Persons	Payment Standard
n/a	n/a
2	300
3	367
4	436
5	507
6	578
7	649
8	720
9 or more	791

### Payment Standard – Child Only

Number of Persons	Payment Standard
1	150
2	225
3	300
4	375
5	450
6	525
7	600
8	675
9 or more	750

## 4.3 Underpayment of Benefits

MCN Tribal TANF will authorize restoration payment when an assistance unit receives a monthly cash assistance less than it is entitled to as a result of any of the following:

- a. An administrative error
- b. Failure to take action on information reported by the participant
- c. An incorrect effective date is issued for benefits issuance
- d. Calculation error(s)
- e. Denial, closure or reduction of benefits is applied in error
- f. Appeal decision requires restoration of benefits
- g. The repayment of an overpayment was in excess of amount due

## 4.4 Overpayment of Benefits

Recoupment will occur when an assistance unit receives a monthly cash assistance more than it is entitled to. The following will occur once the discovery of the overpayment is noted:

- a. Date and amount of the overpayment will be determined by the Case Management Staff
- b. First available payment will have the overpayment applied in full, unless recoupment amount is equal to or greater than monthly cash assistance payment. In this event, the recoupment will be applied to consecutive payments until recouped in full
- c. When an administrative error has caused the overpayment, the recoupment will be one third of the monthly cash assistance payment(s) until recouped in full.

# SECTION 5: PROGRAMS AND SERVICES

## 5.1 Incentives for Adults

Educational and work participation incentives will be offered to encourage consistent engagement in activities contributing to job readiness, personal development, and family strengthening. One parent must complete a minimum of 20 hours per week and two parents must complete a minimum of 30 hours per week with each parent completing a minimum of 10 hours per week. Incentives also offered for completion of 2-parent relationship sessions.

## 5.2 Supportive Services

To promote family stability and increase participant's ability to attain and maintain self-sufficiency, supportive services will be offered. Payments may be issued to the TANF program participant (excluding Diversion participants) or directly to their service providers.

### **Eligibility Criteria:**

Participant must be in compliance or demonstrate requested service will result in compliance with work participation requirements. Each participant will be required to complete a: Personal Responsibility Plan noting the approved work participation activities and possible barriers; submit a Supportive Service request; a current budget. MCN TANF is the funding source of last resort.

### **Types of Services:**

1. Job Skills Training Payments
2. Professional License
3. Special Tools or Equipment
4. Driver's License
5. Automobile Insurance
6. Vehicle Service
7. Transportation
8. Professional Clothing

**Issuance Decision:** Case Management Staff will complete a needs assessment to determine participants' situation. Results of the assessment will determine approval of service and amount. Specific limits will be defined in policy as to availability and amount of each service. All supportive services will be subject to the availability of funds.

## 5.3 Nonrecurring short term benefits

Benefits will be offered (excluding Diversion participants) to address specific crisis situation or episode of need consistent with 45 CFR 286.10.

Nonrecurring short term benefits are:

1. Housing Expenses
2. Emergency Shelter Expenses – Homeless
3. Utilities

## 5.4 Children and Youth Services

Services designed to promote academic, social, and emotional growth.

1. Cultural Preservation Activities
  - a. No age limit
  - b. Activities to strengthen tradition and culture
  - c. An incentive will be given to each participant who attends one these activities
2. Teenage Pregnancy Prevention Activities
  - a. Youth age 11-18
  - b. Coordination and collaboration with tribal and non-tribal youth programs promoting abstinence and healthy lifestyles
  - c. An incentive will be given to each participant who attends one of these activities
3. Education and Academic Outreach (Diversion children not eligible)
  - a. Pre-K – 12<sup>th</sup> grade
  - b. Coordination and collaboration with both parent(s) and schools

4. Grade/Attendance Incentives
  - a. K-12<sup>th</sup> grade
  - b. Incentives rewarding an “A” or “B” average and perfect attendance
5. High School Completion Incentive (Diversion children not eligible)
  - a. Completion of a secondary school education
6. Personal Responsibility Plan Incentive (Diversion children not eligible)
  - a. Youth age 11-18
  - b. Plan completion of short and long term goals
7. Healthy Lifestyle Allowance (Diversion children not eligible)
  - a. No age limit
  - b. Activities to encourage development
8. School Clothing Allowance (Diversion children not eligible)
  - a. Pre-K – 12<sup>th</sup> grade
  - b. Coordination and collaboration with tribal school clothing programs to ensure the children and youth have appropriate attire for school (i.e. uniforms and seasonal clothing)
9. Grooming/Hygiene (Diversion children not eligible)
  - a. Pre-K-12<sup>th</sup> grade
  - b. Haircuts and hygiene products
10. School Supplies (Diversion children not eligible)
  - a. Pre-K – 12<sup>th</sup> grade
  - b. Only items required by the school will be allowable purchases
  - c. Coordination and collaboration to ensure eligibility does not exist with either school programs or tribal programs
11. ACT/SAT fees (Diversion children not eligible)
  - a. Youth age 15-18
  - b. Coordination and collaboration to ensure eligibility does not exist with schools, tribal programs, and government assistance
12. Tutoring (Diversion children not eligible)
  - a. K-12<sup>th</sup> grade
  - b. Ensure academic achievement

Specific limits will be defined in policy as to availability and amount of each service. All supportive services will be subject to the availability of funds.

### **5.5 Suspension Services**

When a family’s countable income exceeds the payment standards, the case may remain open for a period of six consecutive months. During this period, the family may remain eligible for other services, but not eligible for monthly cash assistance. After six consecutive months of suspension, a case will close or move to Transition based on the source of income. The family must continue to comply with all cash assistance and eligibility guidelines or case will close.

### **5.6 Transitional Services**

When a family’s countable earned income exceeds the payment standard, the case may move to Transition for a period of six consecutive months following suspension. During this period, the family may remain eligible for other services, but not eligible for monthly cash assistance. After 6 consecutive months of transition the participant will be eligible for a program completion incentive and case will close.



## 5.7 Diversion Assistance

Provided to applicants who have accepted employment or/are currently employed with a barrier to maintaining said employment. Applicants must meet all Diversion eligibility criteria (See Appendix for criteria). The family's countable adjusted income must not exceed 150% of the Federal Poverty Guidelines. Payments will be issued directly to the service provider to enable participant to accept and maintain employment. A family may receive a payment of 3 times the monthly grant for the family size.

## 5.8 Subsidized Employment Program (SEP)

SEP is a program through which a participant is hired in full-time employment with the MCN Tribal TANF Program reimbursing the employer. Public agencies, nonprofit private agencies, private employers, government agencies and tribal agencies are eligible to participate.

- Reimbursement will be provided for up to six months
- 100% of participant's gross wages for the first three months
- 50% of the participant's gross wages for the subsequent three months
- 100% of worker's compensation for six months

SEP allows participants to learn the customs and routines of work, acquire work-task skills, establish an employment record, generate employer references, enhance their competitiveness and increase their opportunity of securing unsubsidized employment. Participants are assigned based on their employability and the availability of participating employers.

The SEP participant must complete 6 consecutive months of maintaining their employment as well as staying in compliance with the MCN TANF requirements to be eligible to receive a one-time SEP award plaque.

## SECTION 6: TIME LIMIT

**Basis for modified time limit:** Under the Temporary Assistance for Needy Families (TANF) block grant program, adults are limited to 60 cumulative months of assistance. MCN will count prior months of TANF assistance provided by any State or Tribe funded by the TANF block grant; exception will be granted for any months exempted or disregarded by statute, regulation, or under any experimental, pilot or demonstration project approved under Section 1115 of the Social Security Act.

Per 45 CFR 286.115 and 120, a month is not counted towards the time limit when:

1. The person is a dependent child living with a caretaker relative who is not in the TANF assistance unit.
2. The person was a dependent child, and is now a minor parent who receives TANF benefits as a caretaker for their own child.
3. When the not employed rate, based on labor force records, is equal to 50% or more within the MCN jurisdictional boundaries in any given month, that month will not be counted toward the 60 month time limit for assistance. However, the month(s) will only be excluded for the participating residents of the county or counties.
4. Hardship Exemption:
  - a. The person is a dependent child in a two-parent family and the principal wage earner dies;
  - b. The adult member of the family required to care for the family member with a serious health problem or physical or mental handicap requiring full time care. Must be verified by a licensed physician or other competent medical authority;
  - c. Both parents are incapacitated or one parent has to care full-time for the other incapacitated parent;

d. Survivors of battery and extreme cruelty. MCN Tribal TANF will coordinate and collaborate with the Muscogee (Creek) Nation Family Violence Program to ensure equitable treatment of members of the service population.

Hardship exemptions will not exceed 20% of the participant population SECTION

## 7: WORK PARTICIPATION REQUIREMENTS

All adult and minor parent TANF participants will be required to complete work activities, unless exempt.

**Participation Rate:** MCN acknowledges the factors which may affect its TANF client population. These factors may range from educational deficiencies to long-term unemployment rates. As a result, the participation rates presented in this Plan are appropriate.

### All Families Minimum Participation Rate

Fiscal Year	Rate
2017	35%
2018	35%
2019	35%

**Minimum Average Participation Hours per Week:** MCN acknowledges its TANF client population may have factors prohibiting the immediate attainment of self-sufficiency. These factors may range from educational deficiencies to long-term unemployment. As a result, the minimum weekly hours presented in this Plan are appropriate. **All Families Minimum Weekly Hours**

Fiscal Year	One Parent	Two Parent
2017	20	30
2018	20	30
2019	20	30

In a two-parent family assistance unit, the hours of each parent are shared to satisfy the hour requirement. Each parent will be required to complete a minimum average of ten (10) hours per week.

## SECTION 8: COUNTABLE WORK ACTIVITIES FOR PARTICIPATION RATE:

Work participation activities will be categorized as:

- Organizational
  - Activities for the preparation of work readiness
- Family Strengthening
  - Activities which are family focused, including, but not limited to: wellness, cultural and the enhancement of family/participant
- Employment and Education & Training
  - Activities to increase employability by developing marketable skills, including, but not limited to: education, job search, work experience, and job skills training.
  - Must be paid at federal minimum wage to be counted as paid employment at an approved worksite.

- As provided in 45 CFR 286.105, limitations concerning job search and job readiness are:
  - Only count for six (6) weeks in any fiscal year
  - If the unemployment rate in the Tribal TANF service area is at least 50% greater than the United States total unemployment rate for that fiscal year, then an increase to twelve (12) weeks is allowed in that fiscal year.
  - If an ancillary part of other activities, there is no limitation on counting the time spent in this activity.
- Barrier Removal
  - Activities addressing issues of health, wellness and self-sufficiency barriers.
- Other activities that will assist families achieve self-sufficiency

MCN will allow reasonable transportation time due to the lack of alternative transportation, and the distance to participate in countable work activities. Reasonable will be the actual time between home and countable work activities, including travel time to child care. On-line web mapping service will be utilized in determining reasonable travel time.

Requesting flexibility on this criterion demonstrates MCN commitment to promoting self-sufficiency.

Note: An adult of a Child Only case may be required to participate in countable work activities if deemed necessary by the MCN TANF staff. Activities will be related to self-improvement and improving the care and development needs of the child(ren).

## **SECTION 9: EXEMPTION FROM WORK PARTICIPATION REQUIREMENTS**

**Exemption Criteria:** MCN recognizes that some conditions and circumstances may limit or prevent persons from work participation. The following is a list of conditions and circumstances allowed for exemption. Documentation will be required.

1. Pregnant females who are experiencing medical complications
2. Females during the eight weeks after giving birth
3. Persons age 65 or over
4. Person unable to participate in TANF activities due to their individual conditions or circumstances (e.g. care for disabled child(ren), spouse, elder care, physical or mental disability)
5. Adults in a Child Only case
6. Domestic Violence Victims
  - a. Coordination and collaboration with the Muscogee (Creek) Nation Family
  - b. Violence Program in determining the actual victimization, current threat and on-going safety issues
  - c. The following circumstances, but not limited to, would be considered in determining an exemption:
  - d. Physical recovery from an assault/victimization
  - e. Pending criminal charges as a result of victimization requiring the victim's participation and preparation for trial
  - f. Relocation due to safety issues
  - g. Participant temporarily in hiding/shelter due to safety issues
7. Single parent caring for a child under the age of six that has demonstrated an inability to obtain needed child care based on the three below reasons:
  - a. Appropriate child care within a reasonable distance from the person's home or work site is unavailable

- i. Appropriate child care will be defined as: a safe, nurturing child centered learning environment where a child's needs are met as well as the parent/caretaker's needs regarding availability and affordability; care provided by a licensed contracted child care facility; an approved in-home child care facility; a dependable relative who is able and willing to assume responsibility for care and supervision of the child(ren) for a part of the day; a free lower cost facility such as a day care, pre-school, or Head Start program operated by a community actions agency; or informal arrangements made by the parent with a neighbor or friend for occasional care.
    - ii. Reasonable distance will be defined as: within the parent/caretaker's town/city of residence or in route to or within the town/city of the parent/caretaker's place of employment/school/or other work activity; a distance determined and agreed upon by the parent and the worker and is dependent upon the individual needs of the parent and child(ren).
  - b. Informal child care by a relative or under other arrangements is unavailable or unsuitable
    - i. Unsuitability of informal care will be defined as: a child care setting in which the child's needs are not being met; an arrangement that does not afford the child(ren) adequate care and supervision, supervision of a child means the function of observing, overseeing and guiding a child. An arrangement that does not encourage a child's social development or stimulate the child(ren) mental capabilities and afford the child(ren) a safe and stable environment that provides for learning opportunities.
  - c. Appropriate and affordable formal child care is unavailable
    - i. Affordable child care arrangements will be defined as: the rates consistent with those established by the State and/or Tribal Child Care Programs for subsidized child care; not exceeding the maximum child care cost as indicated on OKDHS Appendix C-4, Child Care Eligibility/Co-payment chart.

## **SECTION 10: GOOD CAUSE FOR NON PARTICIPATION**

Participants who fail to participate in assigned activities or fail to accept/maintain employment are subject to penalties unless there is good cause. It is the participant's responsibility to provide verification of good cause.

1. A sudden and temporary situation beyond the family's control
2. The participant must appear in court or serve on a jury
3. Transportation breaks down or becomes unavailable, and the participant lacks a reasonable alternative
4. Extreme weather conditions that prevent safe travel
5. Child care arrangements are unavailable

### **Good Cause Criteria for Failure to Accept/Maintain Employment**

1. The work site violates health and safety standards
2. The wage does not meet minimum wage or piece work standard
3. The job is vacant due to a strike, lock out or other labor dispute
4. Joining a union is required and the participant has religious objection
5. The job conflicts with the participant's current union membership
6. The job referral or employer is discriminatory
7. Required hours of work are in excess of what is customary for the job

## SECTION 11: SANCTIONS

MCN Tribal TANF Program sanction provisions are designed to encourage progress towards self-sufficiency. Unless a participant is allowed an exemption or good cause, a sanction will be imposed for non-compliance. Participants will receive timely written notice of the reason for the sanction and the Appeals Process instruction. Sanctions are as follows:

- First Sanction - \$50 benefit reduction will be imposed.
- Second Sanction - \$100 benefit reduction will be imposed.
- Third Sanction – Warrants case closure for a period of six months. After the six month period, participant may re-apply.

An active participant who has received less than 3 sanctions within a 12 month period will at their 13<sup>th</sup> month be deemed at the beginning of the sanction level.

**Termination Due to Fraud:** Fraud is an action taken by a participant that intentionally misrepresents, conceals, or withholds a material fact for the purpose of establishing or maintaining a family's eligibility for TANF benefits, or for increasing or preventing a reduction in benefits. Fraud may occur with or without a dollar loss.

In cases where there has been a termination for Fraud, the participant may be declared ineligible for a period up to a lifetime.

## SECTION 12: APPEALS PROCESS

Participants will be notified of any action against their case and the right to appeal the action. Each step of the appeal must be followed or the appeal will be dismissed. The appeal process is as follows:

### Stage 1 – Appeal to TANF Appeals Panel

- Appeal must be in writing
- Appeal must be submitted within 10 calendar days from the date of the notification letter
- Supporting documentation verifying program compliancy may be attached
- A decision will be issued within 10 calendar days from the date the appeal is received
- If the participant disagrees with the TANF Appeals Panel, they may further their appeal to the Community and Human Services Appeals Panel

### Stage 2 – Appeal to the Community and Human Services Appeals Panel

- Appeal must be in writing
- Appeal must be submitted within 10 calendar days from the date of the Stage 1 decision letter
- Supporting documentation verifying program compliancy may be attached
- The Human Services Director will select a panel consisting of three directors/managers within the Department of Community & Human Services.
- A date of hearing will be mailed within 10 calendar days from the receipt of the appeal
- The participant will have the opportunity to present their position. TANF staff will also be present and available for discussion/questions from the Appeals Panel.
- A decision will be issued within 10 calendar days from the date of the hearing
- The decision of the hearing is final

## **SECTION 13: EMPLOYMENT OPPORTUNITIES WITHIN SERVICE AREA**

**Population:** The Oklahoma Indian population ranks second only to California in total Indian population (Census 2010). A total of 321,687 Oklahomans identified by race as American Indians and Alaskan Natives (AI/AN) and 482,760 individuals identified as American Indian when given the opportunity to report more than one race. As a percent of total state population, American Indians in Oklahoma represented 12.9 percent – ranking as the fourth highest percentage of all 50 states.

**Employment Trends:** The following are the State of Oklahoma Industries with the greatest employment growth for the period 2006 – 2016 according to the Oklahoma Employment Commission.

Administrative and Support Services; Educational Services; Food Services and Drinking Places; Professional, Scientific, and Technical Services; Local Government, Excluding Education and Hospitals; Specialty Trade Contractors; Hospitals; Self-Employed Workers, Primary Job; Ambulatory Health Care Services; and Nursing and Residential Care Facilities.

**Tribal Economic Development:** MCN offers a diversity of economic development. These range from Tribal government, Gaming and Business Enterprises. Two of the operating divisions are Professional Services and Life Safety Services. Professional Services specializes in three advanced areas: Enterprise Information Technology Services, Project/Program Management, and Scientific and Research Support. Life Safety Services Division specializes in providing surveillance, access control and alert systems to universities, public schools, law enforcement, tribal governments and casinos.

The MCN Tribal TANF Program will partner with private and public sector employers to establish work experience and/or subsidized employment opportunities for participants. These opportunities will allow the participant to enhance their ability to compete for sustainable employment.

## **SECTION 14: CONFIDENTIALITY**

The MCN Tribal TANF Program will take all necessary steps to restrict the use and disclosure of information regarding TANF participants. The MCN Tribal TANF Program will not release or disclose any participant information, except as specifically in administrative rule or as ordered by a court.

Confidential information includes all verbal, written, printed or electronic display of data that can identify any specific participant's name, SSN or address. Confidential data cannot be released in any format, including mailing labels; PC downloads on disk or spreadsheet, or other computer printouts, unless specifically authorized by the Human Services Director.

All verbal information related to a participant's eligibility is documented in the participant's file along with other written documents. The files will be stored in secure cabinets. The file and its contents are accessible to all TANF staff.

Staff members must sign an acknowledgement statement on confidentiality.

## **SECTION 15: INFORMATION ACQUISITION AND EXCHANGE**

**Information exchange with other States and Tribes:** The MCN Tribal TANF Program, the States, and other tribes are authorized to exchange specific data necessary for the administration of MCN programs. This will ensure duplicate benefits are not extended and cumulative months are counted.

**Information Pertaining to Support Enforcement:** The MCN Child Support Enforcement Department has established administrative rules to safeguard all confidential information of participants. The MCN Tribal TANF Program will coordinate with the Child Support Enforcement Department on all Child Support Enforcement issues.

## **SECTION 16: FISCAL ACCOUNTABILITY ASSURANCE**

For each fiscal year during which MCN receives or expends funds pursuant to a block grant under Section 412 of Title I-Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 5(f) (1) 9of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c (f) (1), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code, applies.

## **SECTION 17: DATA COLLECTION AND REPORTING**

The Muscogee (Creek) Nation will comply with all the statutory and regulatory data collection and reporting requirements pertaining to Tribal TANF.

## **SECTION 18: RETROCESSION**

If the Muscogee (Creek) Nation elects to retrocede this program back to the State, it will adhere to all the statutory and regulatory requirements pertaining to retrocession of a Tribal TANF Program.

## APPENDIX

### DIVERSION PROGRAM

#### CRITERIA

1. Complete and Sign Application
2. **State Certified Birth Certificates:** for all member of the assistance unit
3. **Tribal Citizenship:** for all members of the assistance unit
4. **Social Security Cards:** for all members of the assistance unit
5. **Guardianship, Adoption or Custody Documentation:** for each child in the assistance unit
6. **Residence Verification:** must be a current utility bill in the applicant's name
  - Collateral Statement: if applicant(s) does not live in a residence of their own, a statement from a non-relative verifying where and with whom applicant lives must be submitted with current utility bill of that residence.
7. **Income Verification:** for all member of the assistance unit
8. **Employment Verification:** current check stub or statement from employer
9. **Barrier Verification:** vehicle repair quote, past due/eviction notice, professional license renewal notice, etc.
10. **Valid Driver's License** (if applicable)
11. **Car Title & Insurance:** must be in applicant's name (if applicable)
12. **Child Support:** Must cooperate with either a state child support division or a tribal child support enforcement division. Cooperation will be defined as completing an application and maintaining continual compliance with the child support enforcement division.