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**Field Operations Memo 2006-46**  
**October 2, 2006**

**To:** Transitional Assistance Office Staff

**From:**  Cescia Derderian, Assistant Commissioner for Field Operations

**Re:** TAFDC – Community Service and the Fair Labor Standards Act (FLSA) and Special Project

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**Overview**

Currently, TAFDC recipients may meet the total hourly work program requirement through community service. They may also supplement participation in work or another ESP activity with community service.

In order to comply with federal law (Fair Labor Standards Act (FLSA)), the Department must limit the number of hours a recipient may participate in community service. Under FLSA, community service hours are limited based on the total of TAFDC benefits and Food Stamp benefits received divided by Massachusetts' minimum wage. That amount is then divided by 4.333 to determine the recipient's maximum weekly hour total that he or she may participate in community service.

Effective immediately, if a recipient is interested in community service he or she must be informed how many hours he or she may participate in community service. If the hourly total exceeds the recipient's work program requirement, the recipient is only required to perform community service for the number of hours of his or her work program requirement. If the hourly total is less than the recipient's work program requirement, the recipient must fully participate in another ESP activity, work and community service or choose an ESP activity alone that meets the work program requirement. The recipient may continue to use community service to supplement work or another ESP activity to meet the work program requirement. There are no other changes to established procedures to make a community service referral.

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**Purpose of Memo**

This Field Operations Memo informs TAO Staff about:

- how these changes will impact TAFDC APs and AUs;
  - a tool for calculating the FLSA-based community service hours; and
  - a special project to inform the current recipients enrolled in community service about this change.
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**Examples:  
Calculating  
Community  
Service  
Participation  
Hours based on  
FLSA**

The Fair Labor Standards Act requires that community service hours be limited to a certain number of hours per week. The limit of those hours is determined by taking the recipient's grant and food stamp benefits and dividing that number by Massachusetts' minimum wage (\$6.75). The resulting number is then divided by 4.333 to determine the allowable weekly total number of hours (If .50 or more round up to the nearest whole hour. If .49 or less round down to the nearest whole hour).

What follows are examples of FLSA calculations as they affect TAFDC recipients:

**Example 1:** A recipient receives a cash grant of \$731 and **no** food stamps. To determine the number of community service hours the recipient may participate under FLSA her cash grant is divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 24.99 hours per week (or 25 hours per week). A recipient with a 20-hour per week or 24-hour per week work program requirement can meet the work program requirement with community service. A recipient with a 30-hour per week work program requirement should be strongly encouraged to either enroll and participate in another ESP activity or supplement his or her employment or participation in another ESP activity in combination with community service.

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**Examples:  
Calculating  
Community  
Service  
Participation  
Hours based on  
FLSA  
(continued)**

**Example 2:** A recipient receives a cash grant of \$936 and food stamps of \$214. To determine the number of community service hours the recipient may participate under FLSA her cash grant and food stamps are totaled ( $\$936 + \$214 = \$1150$ ) and divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 39.32 hours per week (or 39 hours per week). The **maximum** that this recipient would be required to participate to meet the work program requirement is either 20 hours per week, 24 hours per week or 30 hours per week based on his or her work program requirement.

**Example 3:** A recipient receives a cash grant of \$531 and food stamps of \$174. To determine the number of community service hours the recipient may participate under FLSA her cash grant and food stamps are totaled ( $\$531 + \$174 = \$705$ ) and divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 24.10 hours per week (or 24 hours per week). A recipient with a 20-hour per week or 24-hour per week work program requirement can meet the requirement with community service. A recipient with a 30-hour per week work program requirement should be strongly encouraged to either enroll and participate in another ESP activity or supplement his or her employment or participation in another ESP activity in combination with community service.

**Example 4:** A recipient receives a grant of \$478 and **no** food stamps. To determine the number of community service hours the recipient may participate under FLSA her cash grant is divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 16.34 hours per week. This figure would be rounded down to 16 hours per week. This recipient should be strongly encouraged to either enroll and participate in another ESP activity or supplement his or her employment or participation in another ESP activity in combination with community service.

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**Examples:  
Calculating  
Community  
Service  
Participation  
Hours based on  
FLSA  
(continued)**

**Example 5:** An applicant has already used his or her 60 day work search period, was sanctioned and must do community service for two weeks to reopen his or her AU. The AU Manager does a “What If...” calculation on BEACON and determines that the recipient’s grant would be \$731 and food stamps of \$311. To determine the number of community service hours the recipient may participate under FLSA her cash grant and food stamps are totaled ( $\$731 + \$311 = \$1042$ ) and divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 35.62 hours per week. This figure would be rounded up to 36 hours per week. The **maximum** that this recipient would be required to participate to meet the work program requirement is either 20 hours per week, 24 hours per week or 30 hours per week based on his or her work program requirement.

**Note:** This example also applies to an applicant who has used his or her 60 day work search period and was not sanctioned.

**Example 6:** A recipient’s grant is reduced to \$0. The food stamp benefit is now \$587. To determine the number of community service hours the recipient may participate under FLSA her cash grant and food stamps are totaled and divided by \$6.75. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 20.06 hours. This figure would be rounded down to 20 hours per week. A recipient with a 20-hour per week work program requirement can meet the work program requirement with community service. A recipient with a 24- or 30-hour per week work program requirement should be strongly encouraged to either enroll and participate in another ESP activity or supplement his or her employment or participation in another ESP activity in combination with community service.

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**FLSA  
Calculation Tool**

To help AU Managers calculate the FLSA-based community service hours, a calculation tool has been developed. This tool will be available on TAO Staff's desk top on October 2, 2006 as an icon titled FLSA\_CALC1.

This calculation *must* be performed when an initial referral is made to a community service site or if the recipient's cash grant and/or Food Stamp benefit change. The calculation must be performed by the AU Manager *as soon as he or she knows of the recipient's cash grant and/or Food Stamp benefit change*. The recipient *must* be told either by phone or in writing about the change of the hourly requirement for the following month based on the FLSA calculation to ensure that he or she is not participating above the FLSA standard. The AU Manager must notify the community service site by phone of the hourly change. This contact must be noted on the Narratives tab on BEACON.

To perform the FLSA-based community service hours calculation, the AU Manager must:

- click on the "FLSA\_CALC1" icon;
- enter the monthly Food Stamp benefit received by the recipient in the "Food Stamp Benefit Amount" blue cell;
- enter the monthly TAFDC benefit received by the recipient in the "Cash Grant Amount" blue cell;
- the amounts will be automatically added together and appear in the "Total Amount" blue cell; and
- the FLSA-based community service hours will be calculated and displayed in the "Maximum Community Service Hours" field.

In a future Increment of BEACON, this calculation will be automatically performed every month for each recipient participating in community service.

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**New Community Service Referrals** Prior to enrolling a recipient in a community service site, the AU Manager must calculate the FLSA-based community service hours following procedures on the previous page.

Once the calculation is done, the AU Manager must tell the recipient:

- if the hours *meet* the recipient's work program requirement, then he or she may meet the work program requirement through community service and the hourly requirement will be calculated when the recipient's cash grant and/or Food Stamp benefit change. The recipient must be told that he or she will be contacted by the AU Manager if the FLSA calculation changes the maximum community service participation hours for the following month.
  - if the hours *do not meet* the recipient's work program requirement, then the recipient must be told that because the hours needed to meet his or her work program requirement exceed the FLSA calculation, he or she must meet the work program requirement by:
    - ✓ working for the **entire** hourly work program requirement;
    - ✓ participating in another ESP activity for the **entire** hourly work program requirement; or
    - ✓ working or participating in another ESP activity in combination with community service to meet his or her work program requirement.
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**New Community Service Referrals (continued)** AU Managers must:

- explain to the recipient that because of federal welfare rules, participating in community service alone will no longer meet his or her work program requirement;
- strongly encourage the recipient to participate in another ESP activity for the **entire** hourly work program requirement since that is the best way for the recipient to reach self-sufficiency through employment. If the recipient elects to participate in community service and it does not meet his or her work program requirement, the recipient may be required to participate fully in another activity and he or she may be participating more hours than required. See Attachment A for a suggested script;  
**Reminder:** Once a recipient has used twelve months of education or training that activity no longer meets the work program requirement and the recipient must meet the work program with another activity.
- work with these recipients to ensure that they are referred to an appropriate ESP activity that meets their work program requirement and helps them achieve self-sufficiency; and
- tell the recipient that he or she must continue to meet the work program requirement unless there is good cause, he or she may be sanctioned.

**Note:** If the recipient chooses to participate in:

- ✓ an ESP activity and supplements the activity with community service and there is no community service slot available; or
  - ✓ community service and supplements the community service with an ESP activity and there is no ESP activity slot available;
- he or she must be given “Good Cause” for the hours he or she would participate in community service or the ESP activity, following established procedures.
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**Special Project**

A report titled *Active TAFDC AP's in Active Community Service* listing the recipients whose FLSA-based community service hours calculation does not meet the work program hours will be e-mailed with this memo. These recipients (as in Examples 1 and 3 of this memo) must be called into the TAO. The AU Manager must schedule an appointment with these recipients to inform them about the change. *Work on this should not begin until all TAO Staff has received Welfare Reform training (October 13, 2006) and should be completed by Friday, December 1, 2006.*

At the appointment, the AU Manager must:

- strongly encourage the recipient to enroll and participate in another ESP activity or inform the recipient that he or she must supplement community service with employment or participation in another ESP activity (see page 7 of this memo for more details);

**Note:** Once the decision has been reached by the recipient, this must be noted on the Narratives tab on BEACON.

- terminate the community service activity that the recipient is currently enrolled in (unless the recipient wishes to continue in the activity in combination with another ESP activity);
- refer the recipient to another ESP activity that meets the work program requirement, giving the recipient 10 days to return the *Referral and Response* form; and
- once accepted, enroll the recipient in the ESP activity.

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**TAOs with No AUs on Report**

The following TAOs have no AUs listed on the report:

- Falmouth;
- Hyannis;
- Milford; and
- North Adams.

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**Questions**

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.

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**Attachment A**

FLSA Community Service Calculation Suggested Script

Because of the Fair Labor Standards Act, the number of hours you can participate in community service has changed.

You can participate for \_\_\_\_\_ hours in community service.

Your work program requirement is \_\_\_\_\_ hours. Because of this change, your participation in community service **alone** no longer meets the work program requirement.

You may meet your work program requirement in one of the following ways:

1. You may get a job for the entire work program required hours I told you about.
2. You may participate in another ESP activity that meets the entire work program required hours I told you about. I can help you decide which activity will help you reach self-sufficiency and get you a job. I can also refer you to that activity today.
3. You may also do community service and fully participate in another ESP activity to meet your work program requirement. You may continue to participate in community service, but only for \_\_\_\_\_ hours per week. We cannot include the time it takes you to get from community service to the ESP activity to count towards your work program requirement.

I can help you decide which of these options is best for you.