

Readopt with amendment Emp 404.03, effective 7-22-20 (Doc. # 13074), to read as follows:

Emp 404.03 Definitions.

- (a) “Beneficiary” means an individual determined eligible and currently receiving:
- (1) Medicaid;
 - (2) Temporary [~~A~~]assistance to [~~N~~]needy [~~F~~]families (TANF); and
 - (3) Supplemental [~~N~~]nutrition [~~A~~]assistance (SNAP).
- (b) “Department” means the New Hampshire department of employment security.
- (c) “Entity” means for - profit businesses which pay contributions per RSA 282-A:69, I or governmental and non-profit organizations, who are described in section 501(c)(3) and exempt under section 501(a) of the internal revenue code, who have elected to pay contributions pursuant to RSA 282-A:69, II.
- (d) “Granite advantage health care program (granite advantage)” means the granite advantage health care program established under RSA 126-AA or any successor law.
- (e) “Grant recipient under WorkInvestNH” means the entity that receives funds from the department to reimburse it for training provided under Emp 404.
- (f) “Grant recipient under WorkNowNH” means a participant who is eligible to receive funds from the department for technical education, training, and related supports.
- (g) “Individualized employment plan” means the long term career plan created by the department and the participant in WorkNowNH.
- (h) “NH Medicaid Program” means the Title XIX and Title XXI programs administered by the department, under RSA 167:3-i, RSA 167:4, RSA 167:5, RSA 167:6, I, RSA 167:6, IV, RSA 167:6, VI, RSA 167:6, IX, and RSA 167:68 or any successor law.
- (i) “On-the-job training (OJT)” means a hands-on method of teaching the skills, knowledge, and competencies needed for employees to perform a specific job within the workplace. Employees learn in an environment where they will need to practice the knowledge and skills obtained during their training.
- (j) “Participant” means a beneficiary enrolled in granite advantage, traditional Medicaid, TANF or SNAP and receiving WorkNowNH services under this part.
- (k) “Program year” means the 12 month period of time that a WorkNowNH participant is enrolled in the program starting from their enrollment date.
- (l) “**Supplemental nutrition assistance program (SNAP)**” means the [~~S~~]supplemental [~~N~~]nutrition [~~A~~]assistance program as described in RSA 161 and RSA 167.
- (m) “**Temporary assistance to needy families (TANF)**” means the [~~T~~]temporary [~~A~~]assistance to [~~N~~]needy [~~F~~]families programs as described in RSA 161 and RSA 167.
- (n) “WorkInvestNH” means the public-private partnership whereby NH provides grants to eligible entities in order to train their workers.

(o) “WorkNowNH” means a program whereby NH provides enhanced support services including child care, transportation, and tuition assistance to eligible participants who are determined in need of those services to successfully compete for employment opportunities.

(p) “WorkNowNH representative” means the department or an employee of the department.

Readopt with amendment Emp 404.14, effective 7-22-20 (Doc. # 13074), to read as follows:

Emp 404.14 WorkInvestNH Grant Application. The entity applying for WorkInvestNH grant funds shall complete and submit the WorkInvestNH grant application form (NHES 0354 R-11/21).

Readopt with amendment Emp 404.19, effective 7-22-20 (Doc. # 13074), to read as follows:

Emp 404.19 Reimbursement of Funds.

(a) Grant recipients under WorkInvestNH shall request reimbursement of training funds by completing and submitting the “WorkInvestNH TRAINING REIMBURSEMENT REQUEST” (NHES 0703 R-11/21) form.

(b) The WorkInvestNH grant recipient shall submit the “WorkInvestNH TRAINING REIMBURSEMENT REQUEST” (NHES 0703 R-11/21) form and all attachments by:

- (1) E-mail at jobtrainingfund@nhes.nh.gov;
- (2) Fax at 603-223-2047; or
- (3) Regular mail [~~and~~] or hand delivery to:

NH Employment Security
45 South Fruit Street
Concord, NH 03301-4857
Attn: Operations/JTF

(c) Expenses incurred to secure training prior to the effective date of the grant approval shall be eligible for reimbursement.

Readopt with amendment Emp 404.25, effective 7-22-20 (Doc. # 13074), to read as follows:

Emp 404.25 Participant Eligibility.

- (a) To be eligible to receive WorkNowNH services, a beneficiary shall be:
- (1) Enrolled in the granite advantage health care program established under RSA 126-AA or any successor law;
 - (2) Enrolled in the NH Medicaid Program;
 - (3) Enrolled in the TANF program; or
 - (4) Enrolled in the SNAP program[;].

See **Note to JLCAR** on p. 7.

(b) Eligibility to receive WorkNowNH services based upon the beneficiary being enrolled in either the TANF program or the SNAP program shall terminate twelve (12) months after the **2022** effective date of the [~~amended~~] rule.

(c) The minimum age requirement to participate in WorkNowNH shall be 18 years old or over.

(d) A participant whose earned income increases and causes the household income to exceed the eligibility limits contained in programs described above in Emp 404.25(a) shall continue to receive WorkNowNH for a period of 12 months.

(e) Participants in OJT employment shall continue to be eligible for unused tuition assistance under Emp 404.27(a)(1) and unused financial support under Emp 404.[27]28(b)(2) during their program year.

(f) Participants in OJT employment shall be terminated from receiving WorkNowNH services 6 months following the end of the OJT.

Readopt with amendment Emp 404.27, effective 7-22-20 (Doc. # 13074), to read as follows:

Emp 404.27 Employment Support Services. The department shall offer the following activities and services to participants:

(a) Case management, vocational assessment, career planning, and job readiness services including referral for employment support services and direct job placement consistent with a participant's individualized employment plan, as follows:

(1) Tuition assistance shall be provided for allowable education and training activities as follows:

a. Payment shall be made to the education provider, training provider, or equipment vendor, if applicable, up to \$6500 per participant in a program year. The lifetime maximum payment per participant for training shall be \$13,000;

b. Payment shall be approved only upon submission of the following information by the participant:

1. Name of the institution or business providing the training;

2. Verification of the courses the participant is taking;

3. Verification of the cost of any necessary tuition or equipment; and

4. Invoice from the education provider, training provider and or equipment provider;

c. The department shall review the submitted invoice(s) as required in (a)(1)b., above to confirm that they are consistent with the participant's individualized employment plan and the assessment results; and

d. Once an invoice is submitted for payment the participant shall not change [~~+~~] **or** drop classes unless he or she submits a letter to the department explaining why he or she needs to change [~~+~~] **or** drop classes[~~-~~];

(2) Financial support shall be provided for books, fees, and supplies, subject to the following limitations:

- a. No more than \$500 per participant in a program year with a lifetime maximum payment of \$1000 per participant;
- b. Payment shall be approved to the education or training provider only upon submission of the following information:
 1. Name of the education or training provider;
 2. Verification of the courses the participant is taking;
 3. Verification of the cost of any necessary books, fees, and supplies; and
 4. Invoice from the education or training provider;
- c. If a participant purchases their own books, fees, and supplies then reimbursement shall be approved only upon submission of the following information:
 1. Name of the education or training provider;
 2. Verification of the courses the participant is taking;
 3. Verification of the cost of any necessary books, fees, and supplies; and
 4. Presentation of itemized receipts; and
- d. The department shall review the submitted invoices and receipts to confirm that they are consistent with the participant's individualized employment plan and the assessment results;

(3) Direct payment or reimbursement for child care registration fees shall be paid subject to the following limitations:

- a. No more than \$100 per child in a program year. The lifetime maximum payment per participant for child care registration shall be \$200 per child;
- b. Only be made for registration fees and shall not include other fees associated with the pre-payment of child care services or the holding or securing of child care slots;
- c. Participants shall:
 1. Provide verification or an invoice from the child care provider indicating the child's name and the required child care registration fees due; or
 2. Provide receipt (s) indicating the child's name and the amount paid to the child care provider for the child care registration fee (s); and
- d. The department shall review the submitted invoice(s), receipts, or both, to confirm that they are consistent with the participant's individualized employment plan and the assessment results;

(4) Transportation assistance for eligible participants shall be provided for transportation to and from approved activities subject to the following:

- a. Transportation assistance shall not exceed \$160 per month with a lifetime maximum payment amount per participant of \$1,280;

b. Participants shall not receive transportation assistance for more than 3 months during a program year unless:

1. The participant is in approved training under WorkNowNH in which case they shall receive transportation for one additional month during the applicable program year; or
2. The participant is enrolled in approved WorkNowNH training during a second consecutive year in which case they shall receive 4 additional months of transportation assistance;

c. Participants shall provide the following information to the department for transportation assistance:

1. Mileage to and from the approved WorkNowNH activity; or
2. Verification of the actual cost of transportation to and from the approved WorkNowNH activity and

d. Transportation assistance shall be paid as follows:

1. Participants who are identified as having a transportation barrier shall be provided with a one-time bus pass by the department to the extent such transportation service is available;
2. Participants shall be reimbursed for the actual cost of transportation to and from the approved WorkNowNH activity for the number of miles traveled multiplied by \$0.30; and
3. Participants shall be reimbursed for rides verified by receipt and purchased from a registered common carrier such as:
 - (i) A registered transportation network company, taxi, or bus; or
 - (ii) A public for hire transportation agency under contract with the New Hampshire ~~[D]~~department of ~~[F]~~transportation or the United States Department of Transportation; and

(5) The department shall refer WorkNowNH participants to education and training providers including:

- a. The New Hampshire community college system for training and apprenticeship opportunities;
- b. The department of business and economic affairs for available training funds and support services;
- c. The department of education for education and employment programs for youth;
- d. The department of education for adult basic education, high school equivalency diploma program and English as a second language;
- e. Driver's ~~[E]~~education providers; and
- f. Other available post-secondary educational programs, training programs, and apprenticeship programs.

Readopt with amendment Emp 504.01, effective 8-23-18 (Doc. # 12613), to read as follows:

Emp 504.01 Approved Training.

(a) The purpose of this section shall be to establish selection procedures under RSA 282-A:31, III.

(b) A request to receive unemployment compensation benefits while in approved vocational training shall be considered for approval by the commissioner or his authorized representative only if the claimant's request is communicated to the commissioner at any office of the New Hampshire department of employment security.

(c) Approval shall be granted only if the commissioner finds either:

(1) That the claimant is an eligible dislocated worker as defined at 29 U.S.C. 2801(9) who is participating in training, other than on-the-job training, under the Workforce Innovation and Opportunity Act of 2014, P. L. 113-128, as amended;

(2) That the Claimant is a participant in WorkNowNH; or

(3) That:

a. The program of instruction relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the individual's labor market area or in New Hampshire;

b. Employment opportunities for which the individual is fitted by past training and experience do not exist or have substantially diminished in the individual's labor market due to business or economic conditions in the area, or because of conditions peculiar to the individual, such as age or handicap, to the extent that in the judgment of the commissioner that individual will experience an extended period of unemployment and dependence upon the unemployment compensation program;

c. The applicant for training meets the criteria as to the aptitude, abilities, and education level necessary to satisfactorily enter and complete the training program; and

d. The training is an organized program offering a course or a sequence of courses designed to prepare an individual for gainful employment requiring other than a baccalaureate or higher degree.

(d) An applicant so selected and enrolled in a vocational training program which substantially impairs the applicant's ability to meet the requirements of RSA 282-A:31, I(c) shall not be required to meet the requirements of RSA 282-A:31, I(c) for any week during which the applicant:

(1) Is otherwise entitled to unemployment compensation benefits;

(2) Is in good standing in the training program; and

(3) Has not failed for personal reasons to attend all scheduled training sessions.

(e) The exemption to the requirements of RSA 282-A:31, I(c) stated in (d) above shall apply to a participant during regularly scheduled vacation periods or periods between terms. Benefits paid for weeks in these periods shall be charged as stated in paragraph (f) below except that such exemption and such charging provisions shall not apply to periods longer than 2 consecutive weeks.

(f) Unemployment compensation paid a trainee by reason of employment with a reimbursing employer shall be billed in accordance with Emp 304.02. Unemployment compensation paid a trainee based on all other employment shall be charged in accordance with RSA 282-A:75.

(g) Determination on requests for training, made under this rule, shall be in writing and may be reconsidered or appealed pursuant to RSA 282-A:46 through RSA 282-A:68.

(h) An individual participating in approved training who is not exempted from the provisions of RSA 282-A:31(c) because the scheduled vacation or between terms period exceeded 2 consecutive weeks who accepts unsuitable work as defined in RSA 282-A:32, I(d), shall not be disqualified for leaving that work to resume the course of training.

(i) The employer whose work is left by the individual referred to in (h) above shall not become the most recent employer by reason of having provided work during the scheduled vacation or between terms period.

Note to JLCAR: On the Final Proposal Committee staff had a Lack of Authority comment for Emp 404.25(b) on p. 3. However, after discussion with the agency it is understood by Committee staff that the agency does have the authority to set and change eligibility requirements for this program. It does appear that the statute gives the agency this authority. The agency has indicated that this rule is to set up a pilot program for individuals on TANF and SNAP to be eligible for WorkNowNH for 12 months after the rules become effective. JLCAR may have questions about this program for the agency. Committee staff no longer have any substantive concerns.

Appendix

Rule	Specific State or Federal Statutes the Rule implements
Emp 404.03; Emp 404.14; Emp 404.19; Emp 404.25; Emp 404.27	RSA 282-A:181; RSA 282-A:182
Emp 504.01	RSA 282-A:112; RSA 282-A:31, III; 26 U.S.C. 3304(a)(8); 42 U.S.C. 1320b-7(a) and (b)(3)