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Company: USDA, Food & Consumer Service
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Message:

Attached is Kentucky's request to extend (56 counties, or portions thereof), and modify (add 11 counties, or portions thereof) waiver #970046. The State agency has requested a waiver of FSA Section 6(o) for 64 counties under the "insufficient number of jobs" criterion. As noted in the State's request, 64 of the counties requested are designated as LSAs. In addition, DOL has designated the City of Henderson (less Henderson County), the City of Owensboro (less Daviess County), and Warren County (less the City of Bowling Green) as Labor Surplus Areas. We recommend approval of the waiver request.



CABINET FOR FAMILIES AND CHILDREN
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

DEPARTMENT FOR COMMUNITY BASED SERVICES
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

December 18, 1998

Mr. Virgil Conrad
Regional Administrator
USDA, Food and Nutrition Service
Southeast Regional Office
61 Forsyth Street, S.W., Room 8T36
Atlanta, Georgia 30303

Dear Mr. Conrad:

Enclosed please find our request to extend waiver #970046 for calendar year 1999. The waiver has been modified to conform to the revised labor surplus area list, "Area Trends In Employment and Unemployment," as published by the U.S. Department of Labor in October 1998.

Thank you for your cooperation in this matter. If you have any questions, please contact Cathy Mobley, Director, Division of Policy Development, at (502) 564-3556.

Sincerely,

A handwritten signature in cursive script that reads "Dietra Paris".

Dietra Paris
Commissioner

Enclosure

cc: Patrick Waldron,
Food Stamp Program I-Team Leader

NEW FOOD STAMP PROGRAM

JAN 07 1999

QUALITY CONTROL SECTION

1. **Waiver serial number:** 970046.
2. **Type of request:** Extension/Modification
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended.
4. **Secondary regulation citation:** None
5. **State:** Kentucky
6. **Region:** SERO
7. **Regulatory requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193, mandates that no individual, who is not otherwise exempt, shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual: received food stamp benefits for not less than 3 months (consecutive or otherwise) and was not working 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; did not participate in and comply with the requirements of a program under section 20 or a comparable program established by a State.

Section 6(o) of the Food Stamp Act, as amended, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the state if the Secretary determines that the area in which these individuals reside has an unemployment rate exceeding 10 percent or has insufficient jobs to provide employment for these individuals.

8. **Description of proposed alternative procedures:** Kentucky is requesting to exempt individuals residing in 67 counties from the work requirement provisions of Section 6(o) of the Food Stamp Act. In its annual report on *Area Trends in Employment and Unemployment*, the U.S. Department of Labor (DOL) has identified 64 counties, along with the City of Henderson (less Henderson County), the City of Owensboro (less Daviess County), and Warren County (less the City of Bowling Green) as *Labor Surplus Areas*. The Department of Labor deems these areas to have insufficient jobs to provide the resident population with employment. **Table I** lists these areas. Counties shown in bold print were not exempt in 1998.

Table I

Adair	Casey	Green	Lawrence	Menifee	Taylor
Allen	Clay	Greenup	Leslie	Monroe	Union
Ballard	Clinton	Hancock	Letcher	Morgan	Warren + + +
Bath	Crittenden	Harlan	Lewis	Muhlenberg	Wayne
Bell	Cumberland	Hart	Livingston	Nelson	Webster
Boyd	Edmonson	Henderson City +	Lyon	Ohio	Whitley
Breathitt	Elliott	Hickman	Magoffin	Owensboro City + +	Wolfe
Breckinridge	Fleming	Hopkins	Marion	Perry	
Butler	Floyd	Johnson	Marshall	Pike	
Caldwell	Fulton	Knott	Martin	Powell	
Carlisle	Graves	Knox	McCreary	Rockcastle	
Carter	Grayson	Laurel	McLean	Russell	

Counties in Bold Type were not exempt in 1998

+ Henderson City, less Henderson County

+ + Owensboro City, less Daviess County

+ + + Warren County, less Bowling Green City

9. **Justification for request:** Section 6(o) of the Food Stamp Act, as amended by PRWORA, provides that upon the request of a State agency the Secretary may waive the applicability of paragraph (2) to any group of individuals residing in areas determined by the Secretary to have insufficient jobs. Approval of this waiver would exempt individuals from meeting unrealistic work requirements in order to participate in the Food Stamp Program. It would also allow the State agency to focus its efforts on households living in areas most likely to benefit from Food Stamp Employment and Training Program.
10. **Anticipated impact on households and State agency operations:** The waiver will prevent individuals living in economically depressed areas of the State from being denied access to a nutritious diet because they are unable to comply with the work requirements of Section 6(o) of the Food Stamp Act. Approval of this waiver should result in a more efficient and effective operation of the Food Stamp Program by removing the burden from local offices to development employment and training slots in areas with high unemployment.
11. **Caseload information, including percent, characteristics, and quality control error rate for affected portion:** In September 1998, the last month for which actual figures are available, 157,391 households, or 396,542 individuals, received food stamp benefits. The Kentucky State agency has determined that this waiver would potentially exempt approximately 18,615 individuals, which represents about 4.7% percent of the caseload, who are potentially subject to the above-referenced provision of the Act. This waiver extends the exemption for fifty-six counties, or portions thereof, that were waived during 1998 and would implement the waiver for eleven counties, or portions thereof, that were not waived during 1998. The individuals affected by this waiver are work-registered men and women between the ages of 17 and 50 who have no dependent children and work less than 20 hours per week.
- Out of 1291 quality control cases reviewed during October 1997 through August 1998, no primary errors were coded to ABAWD criteria.
12. **Anticipated implementation date and time period for which the waiver is needed:** The State agency request that the waiver be implemented effective January 1, 1999. The period of time for which the waiver is needed is January 1, 1999 through December 31, 1999.
13. **Proposed quality control review procedures:** The State agency is also requesting a waiver to allow for deviations from the FCS Handbook in order for the quality control reviews to conform to the provisions of this waiver. Individuals residing in areas of the State that are included in this waiver would be eligible to participate in the Food Stamp Program, provided that these individuals meet all other eligibility requirements.

14. **Signature and title of requesting official:**



15. **Date of request:**

December 18, 1998

	COUNTIES	TOTAL ABAWDS	COUNTIES	TOTAL ABAWDS
1	Adair	65	Lewis	365
2	Allen	3	Livingston	4
3	Ballard	23	Lyon	21
4	Bath	160	Magoffin	593
5	Bell	562	Marion	145
6	Boyd	439	Marshall	11
7	Breathitt	529	Martin	522
8	Breckinridge	12	McCreary	355
9	Butler	127	McLean	47
10	Caldwell	67	Menifee	110
11	Carlisle	1	Monroe	4
12	Carter	486	Morgan	335
13	Casey	7	Muhlenberg	195
14	Clay	772	Nelson	54
15	Clinton	168	Ohio	199
16	Crittenden	50	Perry	1010
17	Cumberland	103	Pike	1218
18	Daviess	5	Powell	203
19	Edmonson	90	Rockcastle	189
20	Elliott	169	Russell	174
21	Fleming	7	Taylor	118
22	Floyd	996	Union	96
23	Fulton	78	Warren County, less Bowling Green City	287
24	Graves	172	Wayne	290
25	Grayson	135	Webster	59
26	Green	70	Whitley	513
27	Greenup	285	Wolfe	194
28	Hancock	20	TOTAL	18615
29	Harlan	1143		
30	Hart	9		
31	Henderson City, less Henderson County	141		
32	Hickman	21		
33	Hopkins	339		
34	Johnson	649		
35	Knott	590		
36	Knox	783		
37	Laurel	30		
38	Lawrence	337		
39	Leslie	342		
40	Letcher	919		