



State of Vermont

AGENCY OF HUMAN SERVICES

DEPARTMENT OF SOCIAL WELFARE
COMMISSIONER'S OFFICE
103 South Main Street
Waterbury, Vermont 05671-1201

Telephone: (802) 241-2852
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May 19, 2000

Robert L. Canavan
Director, Food Stamp Program
USDA/FNS/NERO
10 Causeway Street, Room 501
Boston, MA 02222-1604

RE: Extension of waiver #970228, exemption for
ABAWDs in Labor Surplus Areas

Dear Mr. Canavan:

This letter transmits Vermont's request for an extension through January 1, 2002, of the waiver authorizing exemption from the work requirements for ABAWDs residing in labor surplus areas listed by the U.S. Department of Labor. Your agency has granted Vermont waiver authority to exempt such individuals from the work requirement since enactment of PRWORA. It has enabled us to provide needed benefits to people who would otherwise be disqualified due to lack of sufficient jobs in their area.

Please contact Judy Rosenstreich of my staff if you have any questions (802-241-2889; judy@wpgatel.ahs.state.vt.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen I. Elliott".

Eileen I. Elliott
Commissioner

Enclosure

c: Donna E. Jenckes
Judy P. Rosenstreich

MAY 26 2000

FNS Waiver Request
State of Vermont
Department of Social Welfare

1. WAIVER SERIAL NUMBER

970228

2. TYPE OF REQUEST

Extension

3. PRIMARY REGULATION CITATION

Section 6 (o)(4)(A)(ii) of the Food Stamp Act of 1977, as amended ("the Act").

4. SECONDARY REGULATION CITATION

None

5. STATE

Vermont

6. REGION

Northeast

7. REGULATORY REQUIREMENTS

Section 6 (o)(2) of the Act requires compliance with work, work participation, or other comparable program requirements during the preceding 36-month period for an individual to remain eligible for the Food Stamp Program as a member of any household.

Section 6 (o) of the Act also allows the Secretary to waive the applicability of the work requirement in this section for any group of individuals in the state if the Secretary makes a determination that the area in which the individuals reside does not have a sufficient number of jobs to provide employment for the individuals.

8. PROPOSED ALTERNATIVE PROCEDURES

Vermont requests a waiver extension to exempt individuals residing in communities that lack a sufficient number of jobs from the regulatory requirements of § 6 (o)(2) of the Act. The Newport service district includes towns in Essex and Orleans counties, classified as labor surplus areas by the U.S. Department of Labor. The waiver will apply to the Newport service district.

9. JUSTIFICATION FOR REQUEST

Labor surplus areas are classified on the basis of civil jurisdictions. The Department of Labor lists qualifying areas on a fiscal year basis. The listing becomes effective each October 1 and remains in effect through the following September 30. The counties of Essex and Orleans in Vermont are on the current list, indicating an average unemployment rate of 6.0 percent or above during the reference period.

The classification of Essex and Orleans counties by the Employment and Training Administration of the U.S. Department of Labor as Labor Surplus Areas qualifies the Newport service area for an exemption from the work requirements of § 6 (o)(2) of the Act. There are no towns in this service district outside Essex and Orleans counties.

10. ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY OPERATIONS

Extension of this waiver will have a continuing, positive impact on participation in the Food Stamp Program in the counties of Essex and Orleans, the only areas of Vermont classified by the U.S. Department of Labor as Labor Surplus Areas.

Procedures and computer system requirements to implement this waiver are in place.

11. CASELOAD INFORMATION

Individuals residing in the counties of Essex and Orleans, served by the Newport district office, who would otherwise be required to comply with the work requirements of § 6 (o)(2), are exempt under the authority of this waiver.

12. ANTICIPATED IMPLEMENTATION DATE AND TIME PERIOD FOR WHICH WAIVER IS NEEDED

Vermont requests that this waiver be extended without interruption in its force and effect through January 1, 2002. An extension through this date will establish a new cycle for submission of future requests following the annual notice in the Federal Register of areas classified as Labor Surplus Areas (LSA) by the U.S. Department of Labor (DOL). Pursuant to 20 C.F.R. § 654.5(b) [48 FR 15615 April 12, 1983], the Department of Labor is required to publish its annual list of Labor Surplus Areas, effective October 1, the start of the federal fiscal year. The current list of eligible areas will be in effect through September 30, 2000. DOL published this list on October 15, 1999.

Given this publication schedule, it makes more sense for Vermont to submit its waiver request in November of each year, requesting an implementation date of January 1. This cycle has two advantages: It relies on current information and it allows the waiver authority to be modified more responsively to changing labor market conditions. Vermont is on an April 30 cycle due to delayed implementation of the ABAWD provision following enactment of PRWORA and the timing of its initial waiver.

Vermont requests extension of the waiver in this instance through January 1, 2002, a period of twenty months from the expiration date of April 30, 2000. If the counties of Essex and Orleans remain classified as Labor Surplus Areas when DOL publishes its notice on or about October 1, 2001, Vermont expects to request a one-year waiver extension at that time. To begin the proposed cycle on January 1, 2001, would unnecessarily limit the waiver to eight months and incur administrative costs for submission and review of the request. Vermont does not expect the classification of Essex and Orleans counties to change during the next few months. The proposed new cycle and effective period of the waiver through January 1, 2002, is a positive change that will benefit administration of the Food Stamp Program in Vermont.

13. PROPOSED QC REVIEW PROCEDURES

The department will not be required to initiate any new quality control review procedures as a result of this waiver.

14. SIGNATURE AND TITLE OF REQUESTING OFFICIAL



**Eileen I. Elliott, Commissioner
Department of Social Welfare**

15. DATE OF REQUEST

May 19, 2000