



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR COMMUNITY BASED SERVICES
Commissioner's Office
COA ACCREDITED AGENCY**

Steven L. Beshear
Governor

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Janie Miller
Secretary

October 20, 2008

Peggy Fouts
Regional Director
USDA, Food and Nutrition Service
Southeast Regional Office
61 Forsyth Street, S. W. Room 8T36
Atlanta, Georgia 30303

Dear Ms. Fouts:

Enclosed please find our request to extend and modify our existing Employment and Training, ABAWD waiver. We are making the request to our existing waiver to exempt residents residing in the entire State from the work requirements of 7 C.F.R. 273.24 due to having insufficient jobs based on U.S. Department of Labor data.

If there are questions regarding this submittal, please contact Linda Harshbarger, Division of Family Support, at (502) 564-3440 ext. 4281.

Sincerely,

Patricia R. Wilson
Commissioner

Enclosures

PW/DFS/PDOB/LH

WAIVER REQUEST

1. **Waiver serial number:** 970046
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:**
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.
4. **Secondary regulation citation:**
7 CFR 273.24 (f)(2)(ii)
5. **State:** Kentucky
6. **Region:** Southeast Region
7. **Regulatory Requirements:** Under 7 CFR 273.24(b) individuals are not 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), during which the individual did not work 20 hours or more per week, averaged monthly; participate in and comply with the requirements of a work program for 20 hours or more per week; or participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
8. **Description of the proposed alternative procedures:**
Kentucky is requesting a modification and extension of its existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data that the State qualifies for extended unemployment benefits.

26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110

percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years.

The Department of Labor's Trigger Notice No. 2008-37¹ shows the State's 3-month average total unemployment rate (TUR) was: (1) 6.6 percent and (2) 120 percent of the 3-month average for the corresponding period in the first year and 113 percent of the 3-month average for the corresponding period in the second year, making the State eligible for extended unemployment benefits.

9. Justification for request:

This request to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs is based on the State qualifying for extended unemployment benefits within the past 12 months.

10. Anticipated implementation date and time period for which waiver is needed: The State is requesting a one-year waiver from March 1, 2009 through February 28, 2010.

11. Proposed quality control review procedures: There is no special quality control procedures needed in conjunction with this waiver.

12. Signature and title of requesting official:

Patricia R. Nelson, Commissioner

13. Date of request:

10-20-08

¹ Extended Benefits Trigger Notices can be found at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp. Trigger notice 2008-37 was issued the week of September 28, 2008.

TRIGGER NOTICE NO. 2008 - 37
STATE EXTENDED BENEFIT (E.B.) INDICATORS UNDER P.L. 102-318
Effective September 28, 2008

			INDICATORS					STATUS	
			13 Weeks Insured Unemployment Rate	Percent of Prior 2 Years	3 months S.A. T.U.R.	Percent of prior			Periods
						Year	Second Year	Available Weeks	Begin Date(B) End Date(E)
@	&	Alabama	1.92	125	4.9	136	140		E 06-04-1983
		Alaska	2.76	104	6.8	109	106	WILL	E 10-11-2008
	&	Arizona	1.97	156	5.2	140	130		E 10-23-1982
	&	Arkansas	2.75	114	4.8	87	90		E 03-26-1983
	&	California	3.09	145	7.3	135	148		E 07-09-1983
	&	Colorado	1.19	123	5.2	136	118		E 01-24-1981
		Connecticut	2.85	121	5.9	131	134		E 01-24-1981
	*	&	Delaware	2.37	124	4.5	136	128	E 07-17-1982
		&	District of Col	1.04	118	6.7	117	115	E 01-24-1981
	*	&	Florida	2.40	177	6.1	148	179	E 01-24-1981
	*	&	Georgia	2.04	144	6.0	136	133	E 01-24-1981
		&	Hawaii	2.04	180	4.0	153	160	E 01-24-1981
		&	Idaho	2.00	160	4.2	155	135	E 06-22-2002
		&	Illinois	2.38	122	7.1	139	157	E 06-25-1983
		&	Indiana	2.27	135	6.2	137	124	E 04-30-1983
	*	&	Iowa	1.57	124	4.3	113	116	E 06-04-1983
			Kansas	1.48	117	4.5	112	102	E 11-06-1982
	*	&	Kentucky	2.10	129	6.6	120	113	E 03-19-1983
		&	Louisiana	1.48	121	4.2	113	120	E 02-25-2006
		&	Maine	1.61	127	5.4	112	114	E 06-25-1994
		&	Maryland	1.97	137	4.3	119	110	E 07-31-1982
	*	&	Massachusetts	2.90	122	5.2	118	108	E 06-29-1991
		&	Michigan	3.39	116	8.6	121	124	E 01-17-2004
		&	Minnesota	1.52	116	5.8	128	152	E 06-18-1983
		&	Mississippi	2.40	127	7.5	119	113	E 07-16-1983
		&	Missouri	2.04	116	6.2	121	129	E 06-19-1982
		&	Montana	1.64	128	4.2	135	131	E 06-04-1983
		&	Nebraska	1.04	104	3.4	109	109	E 01-24-1981
		&	Nevada	2.98	173	6.7	139	159	E 04-23-1983
	*		New Hampshire	1.44	141	4.0	114	114	E 01-24-1981
			New Jersey	3.32	116	5.5	130	117	E 06-19-1982
			New Mexico	1.72	117	4.2	120	100	E 11-27-1982
		&	New York	2.33	114	5.4	117	117	E 01-24-1981
			North Carolina	2.54	134	6.5	138	135	13WILL B 10-05-2008
	*	&	North Dakota	0.74	112	3.4	106	106	E 06-11-1983
		&	Ohio	2.18	135	7.1	124	129	E 05-14-1983
		&	Oklahoma	1.13	115	4.0	90	97	E 01-24-1981
			Oregon	3.14	141	6.0	115	111	E 01-10-2004
		&	Pennsylvania	3.25	116	5.5	127	119	E 08-06-1983
		&	Puerto Rico	4.90	138	11.4	100	106	E 01-01-2000
	@		Rhode Island	3.23	122	7.9	158	154	13 B 07-06-2008
		&	South Carolina	2.92	139	6.9	118	109	E 03-19-1983
	*	&	South Dakota	0.40	97	3.0	103	96	E 01-24-1981
		&	Tennessee	1.91	124	6.6	143	126	E 09-25-1982
		&	Texas	1.24	114	4.7	109	95	E 01-24-1981
	*	&	Utah	1.08	168	3.5	129	120	E 06-25-1983
			Vermont	2.06	126	4.8	126	126	E 07-13-1991
		&	Virgin Islands	1.59	130	4.2	127	175	E 08-06-1983
		&	Virginia	1.12	129	4.4	141	141	E 01-24-1981
	*		Washington	1.96	130	5.7	126	116	E 01-10-2004
		&	West Virginia	1.84	109	4.6	100	93	E 07-13-1991
		&	Wisconsin	2.76	125	4.9	100	104	E 06-18-1983
	*	&	Wyoming	0.76	111	3.6	116	116	E 06-13-1987

Total Number "ON": 2

0

2

* - State does not have 6 % I.U.R option in law

& - State does not have T.U.R option in law

September 25, 2008

@ - State "ON" by 3-month average T.U.R

I.U.R reflects 13-week period ending September 13, 2008

T.U.R reflects avg. seasonally adjusted T.U.R for 3-month period end August 2008