

970087 & 970088

SUBJECT: FSP - Request to Extend and Modify Existing Waivers to Section 6(o) of the Food Stamp Act - Georgia

TO: Virgil Conrad, Regional Administrator
Food and Consumer Service
Southeast Region

This is in response to the October 31, 1997, request from the Georgia State Agency to extend waiver numbers 970087 and 970088 until October 31, 1998. Those waivers exempt individuals residing in certain areas from the work requirement provisions of Section 6(o) of the Food Stamp Act. The exemption is based on one of two criteria—unemployment in the area exceeds 10 percent or there are insufficient jobs in the area. Areas identified as Labor Surplus Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor currently qualify for exemption under the insufficient jobs category.

The current waivers expire on February 28, 1998. The State agency is requesting an extension of the waivers so the waiver period coincides with the time annual unemployment data become available. As part of this extension request, the State agency also wants to change the basis under which some of the counties were originally approved and to include additional counties and/or cities.

Under waiver no. 970087, the State agency is approved to exempt individuals residing in 8 counties from Section 6(o) of the Food Stamp Act. An exemption is based on unemployment exceeding 10 percent in these areas. Under the extension request for waiver no. 970087, the State agency is requesting approval to exempt individuals only for Wilcox County and Americus City. The 8 counties originally approved for exemption under waiver no. 970087 have been identified as LSAs for FY 1998 by the ETA. The State agency now wants these 8 counties exempt based on LSA designation, even though all 8 counties continue to have unemployment exceeding 10 percent. We are extending waiver no. 970087 and have modified it to include only Wilcox County and Americus City.

Under waiver no. 970088, the State agency is approved to exempt individuals residing in 28 counties and 6 cities from Section 6(o) of the Food Stamp Act. An exemption is based on these areas being identified as LSAs by the ETA for FY 1997. Under the extension request for waiver no. 970088, the State agency is requesting

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exemption, until October 31, 1998, for individuals residing in 43 counties and 7 cities, all of which have been identified as LSAs for FY 1998 by ETA. The 43 counties include 25 of the counties approved under the original waiver, the 8 counties discussed in the previous paragraph which were originally approved under waiver no. 970087, and 7 new counties . The 7 cities include the 6 cities approved under the original waiver and one additional city. We are extending the waiver but have modified it to exclude Macon City. Approval cannot be extended to Macon City as it has not been designated as an LSA for FY 1998.

Our separate responses to the State agency's request are attached. Our responses provide for a waiver period through December 31, 1998, even though the State agency only requested an extension through October 1998. We prefer a waiver period of at least 1 year from the date of approval so that waiver extensions will be staggered allowing all parties involved sufficient time to process extension requests. Our responses also clarify that 3 counties (Decatur, Evans and Meriwether) and 1 city (Macon) do not qualify for an exemption after February 28, 1998 and will expire on that date.

If you have any questions, please contact Peggy Hickman of my staff at 703-305-2695.

/s/

Arthur T. Foley,
Director
Program Development Division

Attachments

cc: Joseph Pinto, Retha Oliver, Joe Shea, Maurice Tracy, Mike Depiro (OAE)
All Regions (except SERO), Civil Rights, CPB (circulate)

FCS:FSP:PDD:CPB-II:PHICKMAN:DRAFT:11/24/97:FINAL:12/02/97:va

File: ABAWD Waivers - Georgia

DIR: memo I:/data/shared/cp/wp/waivers/970087 & 970088 - extension - memo

DIR: waiver I:/data/shared/cp/wp/waivers/970087 - GA - mod. & ext.

DIR: waiver I:/data/shared/cp/wp/waivers/970088 - GA - mod & ext.

WAIVER RESPONSE

1. **Waiver Serial Number:** 970087
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 (PROWRA) of 1996, P. L. 104-193
4. **Secondary regulation citation:** N/A
5. **State:** Georgia
6. **Region:** Southeast
7. **Regulatory Requirement:** Section 6(o) of the Food Stamp Act, as amended, by Section 824 of the PROWA, provides that no individual 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), during which the individual did not work 20 hours or more per week, average 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 requirements of a program under section 20 or a comparable program established by the State; or received benefits because they were exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PROWRA, 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 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 proposed alternative procedures.** Under the current waiver, the State agency is approved until February 28, 1998, to exempt individuals from the requirements of Section 6(o) of the PROWRA for 8 counties (Burke, Hancock, Jefferson, Macon, Randolph, Terrell, Telfair and Wheeler) based on annual unemployment exceeding 10 percent. Based on recent data generated by the Georgia Department of Labor for the period of September 1996 to August 1997, the State agency wants to extend the waiver for these 8 counties and two other areas--Wilcox County and the City of Americus (located in Sumter County). Even though the original 8 counties continue to have unemployment exceeding 10 percent, the State agency is requesting that the 8 areas be approved for extension, until October 1998, based on the fact that these areas have all been recently designated as Labor Surplus

Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor. Therefore, only Wilcox County and Americus City (located in Sumter County) would be exempt based on unemployment exceeding 10 percent from October 1, 1997 to October 1998.

9. **Action and reason for approval or denial.** Based on information provided by the State agency and our review of recent Bureau of Labor Statistics (BLS) data, we are modifying waiver no. 970087 to exempt individuals who reside in the County of Wilcox and the City of Americus from the work requirement provisions of Section 6(o)(2) of Food Stamp Act, as amended by Section 824 of the PROWRA. An exemption is based on annual unemployment exceeding 10 percent.

Waiver no. 970088 lists those areas in Georgia that have been approved until February 28, 1998, for exemption as designated LSA areas. Approval/disapproval of the State agency's waiver request to extend the exemption for the counties of Burke, Hancock, Jefferson, Macon, Randolph, Terrell, Telfair and Wheeler as designated LSA areas is being treated as a modification of waiver no. 970088 and is not being addressed in this waiver response.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PROWRA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary 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 individuals residing in the area.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide data using BLS methodology indicating that the unemployment rate of the affected areas is above 10 percent.
13. **Expiration date:** This waiver is effective retroactive to October 1, 1997 for Wilcox County and the City of Americus only, and will expire on December 31, 1998.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Georgia State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:**

17. **Date of State agency's request:** October 31, 1997.
18. **Date of regional office transmittal of request to national office:**
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**