

INTERGOVERNMENTAL AGREEMENT
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
BETWEEN
LUMMI NATION AND THE WASHINGTON STATE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

1. AUTHORITY

THIS AGREEMENT is entered into between the Lummi Nation (hereinafter the Tribe) and the Washington State Department of Social and Health Services (hereinafter the Department), pursuant to their respective governmental authorities. The Tribe is authorized to enter into this Agreement under the Tribe's Constitution. The Interlocal Cooperation Act, RCW 39.34, permits any State agency to enter into a cooperative agreement with an Indian tribe for their mutual advantage and cooperation. RCW 74.08A.040 requires the Department to coordinate and cooperate with eligible Indian tribes that elect to operate a Tribal Temporary Assistance for Needy Families (TANF) Program as provided for in Pub. L. 104-193 and 109-171 and to transfer a fair and equitable share of Maintenance of Effort funds (MOE) to the eligible Indian tribe. The Department and the Tribe desire to enter into this Agreement pursuant to their respective authorities, which include financial assistance and employment and training services to eligible, needy families in order to fulfill the purpose set out herein. It is the intention of the parties that this Agreement be liberally construed to effectuate its intent and purposes.

The Department and the Tribe each have jurisdiction over domestic relations, including providing comprehensive welfare reform services and additional supportive services.

The Department and the Tribe recognize that the Tribe has a compelling interest as a sovereign nation in promoting and maintaining the governmental and cultural integrity of the Tribe. The parties recognize their respective sovereignty and enter into this Agreement consistent with the government-to-government relationships affirmed by the Centennial Accord of 1989 and RCW 43.376.

Section 412 of the Social Security Act requires payment of federal TANF funds to Indian tribes with approved TANF plans. The Tribe will provide services under its approved TANF plan in a manner that best serves the needs of its service area and population.

2. PURPOSE

The Department and the Tribe enter into this Agreement to transfer a fair and equitable amount of state maintenance of effort funds (MOE funds) to the Tribe and to work in partnership to coordinate state and tribal benefits and services.

This Agreement is consistent with, and is intended to further, the declared national policy of helping needy families achieve self-sufficiency. At the same time, this Agreement also protects the best interest of families and children by providing an effective and efficient way by which these families and children receive resources available to both the Department and the Tribe.

This agreement honors the tribe's inherent right to design and operate culturally relevant and appropriate programs on behalf of the population served.

TANF programs help needy families achieve self-sufficiency. Families will be given access and input into all programs and services needed to reach the goal of self-sufficiency. During the transition from TANF to work, the personal dignity, pride and cultural identity of recipients will be protected through their opportunity to make life-changing choices.

3. DEFINITIONS

The Department and the Tribe agree for the purposes of this Agreement to the following definitions:

1. Federal and State MOE Requirements (MOE Requirement): All federal and state laws and regulations that pertain to a State's ability to classify funds as Maintenance of Effort (MOE). These requirements include, but are not limited to: 42 USC 601(a), 45 CFR 260.20, 42 USC 609(a)(7), 45 CFR 263, RCW 74.08A.040, WAC 388-315, OMB Circulars A-87 and A-133, and 45 CFR 92.
2. IGA: Intergovernmental Agreement
3. Retrocession: The process by which an Indian tribe or a state voluntarily terminates and cedes back (or returns) a TANF program to the other, consistent with federal regulations. Retrocession includes the voluntary relinquishment of the authority to obligate or spend previously awarded state and federal funds before that authority otherwise expires.
4. State Maintenance of Effort Funds (MOE): Per WAC 388-315-1050, state maintenance of effort is a federal TANF requirement that a state shall spend at least a specified amount, as required by 45 CFR 263.1, of state funds for benefits and services for members of needy families each year. A broad, but not unlimited, array of benefits and services for low-income families with children can count toward satisfying a state's maintenance of effort obligation
5. Temporary Assistance for Needy Families (TANF): A program authorized by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (Pub. L. 104-193), reauthorized under the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109-171), and codified in title IV-A of the Social Security Act, operated by states and Indian tribes to provide financial assistance and employment and training services to eligible, needy families.

6. TFAP (Tribal Family Assistance Plan): The plan for implementation of the Tribal TANF program under Section 412(b) of the Social Security Act.
7. Tribal TANF Program: A TANF program developed by an eligible Indian tribe, or consortium of tribes, and approved by the Administration for Children and Families under Section 412 of the Social Security Act.
8. WorkFirst: The state's welfare reform program, which provides support services and activities to TANF recipients and low-income families so they can find jobs, keep jobs, and become self-sufficient.
9. Annual Report A report consisting of all information, including operational and financial information, required by federal and/or state law for the contracted services and funds included in this Agreement or in subsequent amendments to this Agreement.
10. Single Point of Contact: The DSHS office designated by the Department and the tribal office designated by the Tribe to facilitate the flow of operational information, about this Agreement, between the Tribe and the Department.

4. THE DEPARTMENT AND THE TRIBE AGREE TO THE FOLLOWING

The Department and the Tribe engaged in negotiations to determine the:

1. Amount of State MOE funds and other monetary and non-monetary enhancement that would be provided by the Department to assist the Tribe's TANF program.
2. Requirements for the use and reporting on state MOE funds, terms of a data share agreement, and measures of success for the Tribe's TANF program.
3. IGA Amendment Form (See attached and incorporated Exhibit E): A tribe must provide detailed information to the DSHS Economic Services Administration (ESA) for each statutory or regulatory waiver it seeks. This includes the exact citation, the reason for the waiver request, and a detailed description of the tribe's proposed alternative to the statute or regulation.

a. Federal Waivers

DSHS will support a tribe in its efforts to petition the federal government to waive program requirements a tribe finds burdensome, unless DSHS finds that such a waiver is in direct conflict with federal statutes or inconsistent with the purposes of the program or the statute from which the program derives its authority. See 45 CFR 95, Title 25, Chapter V, Part 900, Subpart K, Waiver Procedures, for guidance.

b. State Amendments

DSHS will support a tribe in its efforts to petition the state legislature to amend statutory provisions that a tribe finds burdensome unless DSHS finds that the provisions are inconsistent with the purposes of the program, or in conflict with program goals.

c. State Waivers

DSHS will support a tribe in its efforts to obtain waivers to departmental regulations in accordance with WAC 388-440-0001. See Exhibit E.

- i. To petition for a regulatory waiver, the Tribe will submit a written waiver request to the DSHS Economic Services Administration (ESA). The request must identify the regulation to be waived and the basis for the request. The request must explain the intended effect of the waiver, the impact upon the Tribe if the waiver is not granted, and the specific programs(s) to which the waiver will apply. It must also describe the policy, if any, the Tribe is adopting to replace the specific regulation to be waived.
- ii. The Secretary of DSHS or designee will make the final decision on all requests for exceptions to rules within ninety (90) days after the Secretary receives a written waiver request. The Secretary's decision will be in writing. Appeals may be conducted through the dispute mechanism in effect between the Tribe and DSHS.

d. Single Point of Contact:

Adele Kinley
Tribal TANF program
Lummi Nation
2665 Kwina Rd.
Bellingham, WA 98226
(360)312-2000, TopsyK@lummi-nsn.gov

Martin Bohl
Tribal Relations – TANF
DSHS –ESA
Community Services Division
PO BOX 45857
Olympia, WA 98504-5857
(360) 725-4656, BohlMC@dshs.wa.gov

- e. **Technical Assistance:** The ESA and the Office of Indian Policy (OIP) are responsible for providing technical assistance to tribes relating to the elements included in this agreement. Routine program related communications may continue among DSHS and tribal program staff and need not go through OIP; however, it is advisable to inform OIP of significant issues, should they arise.

5. TFAP AND SERVICE POPULATION

The Tribe has a United States Health and Human Services approved Tribal Family Assistance Plan (TFAP), which is incorporated by reference. The TFAP is effective from July 1, 2019 through June 30, 2022.

There have been no changes in the Tribe's service area and the scope of the TANF plan will not be substantially changed in its TFAP. The effective date of the Tribe's TFAP is July 1, 2019. Consistent with its federally approved TFAP, Lummi Nation agrees to continue to serve all eligible, enrolled American Indians / Alaska Natives (AI/AN) residing in Whatcom County, except for those on the Nooksack Reservation. In addition, the Tribe will serve "Other" AI/AN families, excluding Nooksack tribal members, west of the boundary line as agreed to in the Lummi / Nooksack Memorandum of Understanding (MOU) signed March 10, 2005 consistent with its federally-approved TFAP.

The Department and the Tribe determined that there were 423.8 tribal families receiving public assistance benefits in 1994, based on the Tribe's identified service area and population as identified in their TFAP.

The Tribe has received federal approval of their TFAP indicating that they have complied with the requirements of the federal policy (TANF-ACF-PI-2018-02, December 21, 2018 Program Instruction) relating to serving Indian families on or near the reservation service areas, including the policy provisions relating to notification of other tribes with overlapping near reservation areas. If there is a change to the Tribe's service population under their federal TFAP and associated federal funding, the Tribe will notify the Department. The Department will adjust the State funds and the Intergovernmental Agreement with the Tribe accordingly to reflect these changes.

6. TRANSFER OF STATE FUNDING

- 1) For purposes of this Agreement, the state fiscal year (SFY) is July 1 to June 30.
- 2) Subject to availability of state MOE funds, and the provision of subsection 6 below, the Department agrees to transfer to the Tribe for the period July 1, 2019 to June 30, 2022 up to the amount of \$4,095,150 in State MOE funds.

Payments will be made in accordance with the State MOE Payment Schedule, Exhibit "B", attached hereto and incorporated herein.

- 3) The Department agrees to pay the annual MOE amounts to the Tribe in State Fiscal Year lump sum annual payments, after the receipt and acceptance by the Department of the completed A 19-1A Invoice Voucher and receipt and acceptance of the reports required under Section 8 of the IGA. Payment shall be considered timely if made by the Department within thirty (30) calendar days after receipt of properly completed A 19-1A and reports.
- 4) The Department agrees to review submitted reports within twenty (20) days and immediately contact the Tribe regarding any missing information or documentation.
- 5) For each SFY's payment, the Tribe may submit an A 19-1A invoice voucher and required reports as early as July 1 of the SFY for which the Tribe is requesting payment. However, each annual A 19-1A must be submitted to the State TANF point of contact no later than thirty (30) days after the end of the requested reimbursement state fiscal year. Annual A 19-1As submitted to the Department after these dates shall not be paid, unless authorized by the Secretary of the Department.
- 6) For each state fiscal year (SFY), if the Tribe does not spend MOE funds in an amount equal to the MOE funding awarded under this IGA for this annual period, the Tribe will return unspent funds to DSHS.
- 7) If there are any legislative changes impacting either Party, each reserves the right to renegotiate this Agreement.
- 8) Payments are subject to availability of state legislatively appropriated funds.
- 9) In addition to formal Tribal consultation, the Department will notify the Tribe of any projected or anticipated budget increase or decrease that affects any program or service contained in its TFAP as soon as they are informed of the projected or anticipated change. This includes one-time surplus funding that could be obligated for unmet needs in services and program development.
- 10) The Tribe will not charge the Department for services if the Tribe has charged or will charge the State of Washington or any other party, under any other contract or agreement, for the same services.

7. EXPENDITURE OF STATE MOE FUNDS

The Tribe agrees to spend all funds received under this Agreement consistent with federal and state MOE requirements. The Tribe shall comply with all applicable federal and state laws and regulations and OMB circulars governing the use of state MOE funds. MOE funds must be spent on eligible families and for the four (4) allowable TANF purposes. The four (4) TANF purposes are listed in law at 42 USC 601(a) and regulation at 45 CFR 260.20.

The law and regulations defining federal and state MOE requirements are 42 USC Section 609(a)(7), 45 CFR 263, RCW 74.08A.040, and WAC 388-315. In addition to following these provisions, the Tribe must also comply with the federal Office of Management and Budget (OMB) Circulars A-87, A-133 and 45 CFR 92.

8. REPORTING ON THE USE OF STATE MOE FUNDS AND CASELOAD

The Tribe agrees to provide reports regarding its expenditure of State MOE funds to the Department according to the State MOE Payment Schedule, Exhibit "B". Reports from the Tribe are mandatory to meet State reporting requirements regarding the use of state MOE funds, as outlined in the November 27, 2000 TANF Policy Announcement (TANF-ACF-PA-2000-04) issued by the United States HHS, WAC 388-315-3000, and incorporated by reference.

To report the State MOE funds expended and the number of families served, as well as performance measure data and fiscal data, the Tribe will complete and submit quarterly reports to the Department. Exhibit C (Caseload and Performance Reports) must be submitted to the State TANF contact no later than forty (40) days from the end of the quarter – i.e., by November 9th, February 9th, May 10th and August 9th. The Fiscal Report ACF-196T (Exhibit D) is due at the same time as required by ACF: within 45 days after the end of each quarter of the federal fiscal year – i.e., by February 14th, May 15th, August 14th and November 14th.

Any funds received by the Tribe under this Agreement shall remain subject to the reporting requirements of this section at all times, notwithstanding the termination or conclusion of the funding period provided under this Agreement.

To the extent that the Tribe retains and spends any funds subsequent to the termination or conclusion of the funding period under this Agreement, the Tribe shall submit all required reports no later than forty (40) days after the end of the calendar quarter in which State MOE funds are expended.

The reports will include the following:

1. Caseload Report: A caseload report will enable DSHS to know the number of eligible families served with the funds.
 - a. The Tribe will use the WA-TT-CR-01 Tribal TANF Caseload Quarterly Report form. See Exhibit C.
2. Performance Report: A performance measure report will enable DSHS to know the number or rate of participants meeting goals under the Tribal Family Assistance Plan.
 - a. The Tribe will use the TANF WA TT-04 Performance Measure Report form. See Exhibit C, page 2.

3. Fiscal Report: A fiscal report will enable DSHS to know how the Tribe has used the provided MOE funds.
 - a. The Tribe will use the ACF-196T Tribal TANF Financial Report Form. See Exhibit D.
 - b. The Tribe will report on only State MOE funds utilizing the ACF-196T Tribal TANF Financial Report Form.

9. INCORPORATION OF GENERAL TERMS AND CONDITIONS

This Agreement incorporates the current and future Indian Tribe and DSHS Agreement on General Terms and Conditions entered into by the Department and the Tribe by reference. To the extent that this Agreement may conflict with the terms contained within the Indian Nation and DSHS Agreement on General Terms and Conditions, the terms contained within this Agreement control.

10. COMPLIANCE AND AUDITS

The Tribe shall comply with all applicable federal and state laws and regulations governing the use of federal and state MOE funds and document and report that MOE funds are spent appropriately. The Tribe shall provide TANF services as described in its federally approved TFAP.

The Department and the Tribe agree the Tribe will provide a copy of the Tribal TANF Program's section of the most recent federally-required A-133 Single Audit Report to the Department, within thirty (30) calendar days of the Tribe's submission of the report to the federal government.

11. SERVICES PROVIDED UNDER THE PLAN (TFAP)

Consistent with its federally approved TFAP, the Tribe shall make the final determination of tribal membership of families applying for Tribal TANF services. The Tribe shall also determine whether such families meet the eligibility criteria for Tribal TANF services.

Included in the TFAP, the Tribe shall provide the Department with a list and description of the current eligibility criteria for Tribal TANF services. If changes or revisions of such eligibility occur, the Tribe shall promptly inform the Department of these changes or revisions.

If the Tribe requests an amendment to its TFAP which would have a significant financial impact on the Department, the Tribe shall also notify the Department of such request and provide a copy of the proposed amendment.

The Department and the Tribe shall negotiate and reach agreement regarding any amendments to the TFAP, which would have an impact on this Agreement before the Tribe implements the amendment. The Tribe agrees to give the Department notice when such amendments are approved.

12. IMPLEMENTATION AGREEMENTS

The Department and the Tribe shall update an Operating Agreement describing the working relationship between the Department's local Region and the Tribe, including procedures for the effective transfer of cases and coordination of services that shall be performed by each party. This Operating Agreement shall also include provisions to ensure that a family receiving assistance under the Tribe's plan may not receive assistance from other state or Tribal TANF programs.

The Department shall work in cooperation with the Tribe to provide Tribal TANF recipients with access to Basic Food (Food Stamps), and Medical Assistance.

As applicable, the Tribe shall work with the Division of Child Support to address child support.

As a condition of receiving State MOE funds under this Agreement, and to provide for the transfer of information on Tribal TANF cases and for the ongoing coordination of services for these families, the Department and the Tribe will ensure that a current data share agreement is in place.

13. LIABILITY OF TRIBE FOR FAILURE TO COMPLY WITH FEDERAL AND STATE MOE REQUIREMENTS

Where the Tribe expends funds in a manner inconsistent with federal and state MOE requirements or cannot demonstrate that it spent funds consistent with State MOE requirements, the Tribe shall be liable to the Department in an amount equal to such funds as were improperly expended or unaccounted.

14. FUNDING REMEDIES

The Department may withhold funding under this Agreement for any of the following reasons:

1. The Tribe does not provide the Department with reports required under this Agreement in a timely fashion.
2. Reports provided by the Tribe lack required information.

3. The Department has a reasonable basis to believe that the Tribe is spending or has spent funds provided under this Agreement inconsistent with federal and state MOE requirements. Prior to withholding funding, the Department shall provide the Tribe with forty-five (45) days advance written notice.
4. The Tribe is unable to timely demonstrate that it spent funds under this agreement consistent with federal and state MOE requirements.
5. An A-133 audit or federal site visit concludes that the Tribe is either misusing federal funds, cannot properly document that expenditures were proper, or is out of compliance with federal TANF requirements.
6. The Tribe otherwise does not comply with the terms and conditions of this Agreement.

The Department must first notify the Tribe in writing of the compliance issue and give the Tribe ninety (90) days in which to cure the noncompliance.

In the event that the dispute is not resolved, the Tribe may utilize the dispute resolution process described in Section 15. Action taken under this section shall be suspended pending the outcome of any dispute resolution process.

15. DISPUTE RESOLUTION

The Department and the Tribe agree to resolve disputes that arise as follows:

1. The Department and the Tribe shall first attempt to resolve the matter through informal discussions and negotiations.
2. If informal discussions prove unsuccessful, the Department and the Tribe agree to refer the matter to non-binding mediation. Either party may request that a matter be submitted to a mediator to assist in resolving a dispute. The mediator shall be jointly selected and shall be approved by the Department and the Tribe. The cost shall be born equally by the Department and the Tribe.
3. If mediation does not resolve the dispute, then the parties agree to submit their dispute to arbitration before a Dispute Resolution Board. The Dispute Resolution Board shall consist of three (3) individuals, one (1) selected by the Department, one (1) selected by the Tribe and a third party to be chosen by the first two. The Dispute Resolution Board shall review all issues, concerns and conflicts with a goal to determine acceptable solutions for both parties. The decisions of the Dispute Resolution Board shall be final and binding on both parties.

4. Nothing in this section is, or shall be deemed to be, a waiver of the Tribe's sovereignty immunity to an action in any administrative or legal forum or to the payment to the state of any funds owned, held, or administered by the Tribe, other than State MOE funds transferred under this agreement.

16. AMENDMENT, WAIVER AND TERMINATION

This Agreement or any provision may be altered, amended, or waived by written agreement signed by both parties. The parties may use the amendment form attached as Exhibit "E".

The funding under this Agreement is for the period July 1, 2019 to June 30, 2022 but is subject to any additional restrictions, limitations, or conditions imposed by state or federal laws or regulations during this time. Payments are subject to the availability of adequate federal and state MOE funds.

If there are changes to the federal or state TANF legislation, regulation, or funding structure that impacts either party, each reserves the right to terminate the funding and renegotiate this Agreement. The Department agrees to notify the Tribe in writing as early as possible of any potential funding or other issues that may require termination of this Agreement.

Either party may terminate the Agreement by giving the other party forty-five (45) calendar days' written notice.

Termination under this Agreement is the termination of funding, which means the Department's obligation to provide future payments of state MOE funds under Exhibit B ends, as does the Tribe's obligation to provide services with the future MOE funds.

This Agreement shall remain enforceable until the last A-133 audit of the funding provided under this Agreement either has no findings or all findings are satisfactorily resolved.

17. RETROCESSION

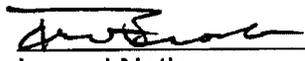
If the Tribe chooses to retrocede its Tribal TANF program prior to the end of its three-year plan, it agrees to provide the Department with notification at the same time that it notifies the Secretary of HHS. All future scheduled State funded payments shall be discontinued and any State MOE funds not expended or obligated on Tribal TANF activities as of the retrocession date shall be returned to the Department within forty-five (45) calendar days of the retrocession date.

18. PERIOD OF FUNDING AND ENFORCEMENT

The funding period under this Agreement shall be from July 1, 2019 to June 30, 2022 unless otherwise extended or terminated under this Agreement.

19. EXECUTION

The following in their representative capacities hereby approve this Agreement.



Lummi Nation

Date 7/1/19



Secretary
Department of Social & Health Services

Date 7/8/19



Assistant Secretary
Economic Services Administration

Date 7/3/2019

Exhibits:

- A -Lummi Nation Tribal TANF Plan
- B - State MOE Payment Schedule
- C - WA-TT-CR-01 Tribal TANF Quarterly Caseload Report and TANF WA-TT-04 Performance Measure Report
- D - ACF 196T Tribal TANF Financial Report
- E - IGA Amendment

Exhibit A

IGA Performance Plan & Budget or Lummi Nation Tribal TANF Plan

**LUMMI NATION
TEMPORARY ASSISTANCE FOR NEEDY
FAMILIES PROGRAM PLAN**

**APPROVED BY LUMMI INDIAN BUSINESS COUNCIL
RESOLUTION**

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GENERAL PROVISIONS

Statutory Authority

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Section 412 of Title IV-A of the Social Security Act, authorizes Indian tribes to operate Tribal Temporary Assistance to Needy Families programs.

The Lummi Nation in accordance with Section 412 of the Personal Responsibility Act of 1996 intends to continue assuming the responsibility of operating a Tribal Family Assistance program that came into effect July 1, 2007. The Lummi Nation provided a 45 day public comment period on the Tribal TANF Plan. The following sections describe the essential features of the program, hereafter referred to as the Lummi Nation TANF program.

This document, in its entirety, constitutes the Lummi Nation TANF plan, a three (3) year plan starting July 1, 2019, ending June 30, 2022, and is being submitted to the U.S. Department of Health and Human Services, Administration for Children and Families (ACF), for their review and approval.

Administrative Authority

The Lummi TANF program will be administered under the Lummi Employment and Training Center programs. The Lummi TANF program manager will be under the administrative authority of the Director of the Lummi Family Services, and this department falls under the direction of the General Manager of the Lummi Nation.

The maintenance of participant and financial information and submission of required reports are the responsibility of the TANF director.

The Grants and Contracts Officer has the responsibility to monitor the compliance of project expenditures with applicable statutory and regulatory requirements and work with the Tribal TANF director in gathering appropriate statistical information.

If the Lummi Nation chooses to terminate or retrocede its Tribal TANF program prior to the end of its three-year plan, it agrees to follow the statutory and regulatory requirements pertaining to retrocession.

Purpose

The purpose of the Lummi Nation TANF program is to provide fair and equitable services to Federally Recognized Tribal members ensuring their path to self-sufficiency.

Mission

The mission of the Lummi Nation TANF program is to provide encouragement and support to Native families through providing financial assistance and services to ensure their path to self-sufficiency.

Lummi TANF Goal

The goal of the Lummi TANF Program is to assist eligible Native Americans and Alaskan Natives living on the Lummi Reservation and Whatcom County gain employment consistent with each individual's strengths. The Lummi Tribe has four primary goals they plan to achieve through the implementation and operation of the Tribal TANF program:

- 1) To provide assistance (or other forms of support) to needy families so that children may be cared for in their own homes or in the homes of relatives;
- 2) To end dependence of needy parents on government benefits by promoting job preparation, work and marriage;
- 3) To prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- 4) To encourage the formation and maintenance of two-parent families.

To measure the achievement or progression toward these overall goals, the Program will track and maintain relevant data in cooperation with other agencies. This data will include the number of persons receiving assistance, duration and type of assistance received, employment data such as placement rates, wages, occupations, educational levels, activity completion status, and participation rates. This information is currently being entered into the Tribal Assistance System (TAS) database.

Program Services Area and Population

The Lummi TANF program intends to serve all enrolled federally recognized tribal members who reside in the Lummi Nation Service Area, and who meet the Lummi Nation TANF program eligibility criteria. The service area has been identified in the MOU established with the Nooksack Indian Tribe, who we are sharing our service area with.

The MOU with the Nooksack Indian Tribe provides that the Lummi Nation TANF program will serve all federally recognized tribal member within the boundaries of the Lummi reservation and west along the Guide Meridian Road from the Canadian Border to the intersection of the Guide Meridian and Interstate 5 within the City of Bellingham. The boundary shall continue following Interstate 5 south to the border of Whatcom County. The Lummi Nation TANF will serve all tribal members living in Whatcom County, but will not serve Nooksack Tribal members west of the Meridian boundary.

Lummi TANF Program Services

The Lummi TANF Program provides basic services to assist eligible recipients and their families in achieving economic self-sufficiency. Services may include cash benefits; counseling, job training, job search, transportation assistance, child care, emergency services, referrals, other barrier reducing services, youth services and employment and training.

The type and amount of services is determined on a case by case basis and is determined after an assessment is completed. Once an applicant is eligible for services, a Family Service Plan (FSP) is written and the type and amount of services is identified in the FSP.

Youth services are offered and provided to eligible TANF youth as described under “Summer Employment Program” of the Lummi Nation TANF plan.

The Lummi TANF program will also be providing informative, educational workshops that fit purposes 3 and 4 to include individuals and families. Although the Lummi TANF participants will have first opportunity to attend these workshops the program will open them up to families and youth who otherwise meet program eligibility whose income is within the 300% poverty level. The Lummi TANF program in collaboration with other Lummi Nation youth programs will offer activities that promote positive peer influence; relevant information to Native youth regarding teen pregnancy, healthy choices, personal responsibility, developing and maintaining healthy relationships, promote participation in drug free family-strengthening activities. These services are offered with the intent of building leadership skills, promoting traditional family values and individual responsibility, and to support the youth while attending school to make sure they remain in school and making progress.

Eligibility for Assistance and Services Based on the Purpose of TANF

Eligibility for TANF assistance and services is as established in the Tribe’s approved TANF plan.

Only needy families, as defined in the TANF plan, may receive: (a) any form of Federally or State MOE funded “assistance” (as defined in 45 CFR 286.10); (b) any benefits or services pursuant to TANF purposes 1 or 2. “Needy” means financially deprived, according to income and resource (if applicable) criteria established in the TANF plan by the Tribe to receive the particular “assistance,” benefit or service.

The Tribe may use segregated Federal TANF funds to provide services (and related activities) that do not constitute “assistance” (as defined in 45 CFR 286.10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes 3 or 4. Objective criteria will be established for participation in these programs in the Lummi TANF policies and procedures manual.

Unless the State instructs otherwise, the Tribe may also use MOE funds to pay for non-assistance pro-family activities for individuals or family members, regardless of financial need.

Duplicate Services

The Lummi Nation TANF program shall implement all reasonable efforts to ensure a Family Assistance Unit (FAU) does not receive duplicate services from either the Bellingham CSO or the Nooksack Indian Tribe's TANF programs. New applicant will be crosschecked with the CSO, Nooksack, and if necessary, the Tribe in their previous residential area. The Lummi Nation Tribal TANF program has developed a process to be used in verifying that the FAU is not receiving benefits, nor has applied for benefits from either the Bellingham CSO or Nooksack Indian Tribe. The Lummi Nation TANF program also makes reasonable search when aware of other tribal affiliation.

Case Management

The Lummi TANF program will employ an integrated case management approach to services delivery. These services will be available (in some cases, mandated i.e. court ordered substance abuse classes, treatment) to address significant employment barriers such as educational deficiencies, mental health disorders, and substance abuse issues. While engaged in such activities and/or receiving such services, participants will be able to receive both family maintenance payments and support services.

The Lummi Tribal TANF Program shall be housed in the Lummi Employment & Training Center, a one-stop service center that has implemented a single application, intake process and team case management approach that has proved quite successful. In addition, the Lummi Nation has many existing programs, which will assist the eligible Lummi Nation TANF Program recipients in achieving their goal:

1. Participants are assessed through self-reporting of skills, needs and barriers coupled with professional mental health/substance abuse, vocational and educational evaluation;
2. Individual self sufficiency plans are developed that take into account both the participant's and his/her family's situation and circumstances;
3. Reassessments are done on a quarterly basis to ensure that participants' information is updated.
4. The Lummi Nation TANF program will expect its Tribal Caseworkers to conduct (at minimum) monthly plan review with their participants.

Lummi Nation Complementary Programs

Employment and Training Services

- Workforce Investment Act (WIA)
- Summer Youth Employment & Training Program (SYETP)
- Native Employment Works (NEW)
- Vocational Rehabilitation Program (VR)

- (also has a contract with Whatcom County Developmental Disabilities)
 - Tribal Employment Rights Office (TERO)
 - Head Start and Early Childhood Services
 - Childcare
 - Youth Education & Social Services (YESS)
 - Youth Recreation Program
 - Youth Safe House
 - Housing
 - Commodity Foods
 - Energy Assistance
 - Lummi Victims of Crime
 - Lummi Clinic
 - Women, Infants, Children (WIC)
 - Fitness Center
 - Substance Abuse Services – Intensive Outpatient Program, Youth Wellness Center
 - Mental Health Services
 - Northwest Indian College
 - Tribal School (K-12)
 - General Education Diploma (GED) Program
 - Higher Education Scholarships
 - Child Support Assignment and Collection
- Youth & Family Services
- Health Services
- Educational Services
- Lummi Child Support

State Programs

The Lummi Tribal TANF Program will coordinate with the State of Washington/Bellingham CSO for Food stamps and Child Care subsidies.

Other Local Organizations with Complementary Services

- WorkSource
- Opportunity Council
- Department of Vocational Rehabilitation, Disability Services

EMPLOYMENT OPPORTUNITIES

Economic Need

Chronic poverty is a daily reality for 38.5% of Lummi Tribal members that live below the federal poverty level (Lummi Nation Ventures Project, 2009). A majority of these families have suffered economic dislocation with the catastrophic collapse of the salmon fishery, which was declared by the Lummi Indian Business Council on October 9, 2007. In Whatcom County the unemployment rate fell from 7.9 percent (revised) in March 2012 to 7.2 percent (preliminary) in April 2012 (Employment Security Department, May 2012). The unemployment rate of Lummi’s workforce is 15.9%. The median monthly

income for employed Lummi tribal members is approximately \$2,000 (Wikipedia November 17, 2012).

Limited education combined with negative views toward education can be barriers to AI/AN employment. Another challenge in training and educating the tribal population is their place-bound nature. Due to family responsibilities, transportation issues, work schedules, childcare needs, and poverty, many reservation based Indians stay in their hometown rather than travel elsewhere for education or employment.

ELIGIBILITY REQUIREMENTS

Program Eligibility

- A. Family Assistance Unit (FAU) includes the following:
- Head of Household (HOH) who meet all eligibility requirements, and
 - The following household members:
 - Minor child must be one of the following:
 1. Has not attained 18 years of age;
 2. Has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).
 - Parent (not HOH) of the minor child who resides with their biological parents, step-parent or an adult acting as a parent.
 - Parents of an unborn, as follows:
 - If there are no other dependent children, only the mother can qualify. The partner is only added to the FAU once the child is born.
 - The partner is included in FAU when they are the parent of another dependent child in the FAU.
 - Minor parents under the age of 18 and not married are allowed to apply separately if they have a minor child(ren) or in the third trimester of pregnancy or if pregnancy is considered high risk as certified by a physician. The minor parent must also meet one of the following criteria:
 - a. Is living in an Lummi TANF approved adult supervised setting
 - b. Has been emancipated by court documents
 - c. Has completed high school or its equivalent or is a full-time student in a secondary school or in the equivalent level of vocational or technical training at application.
 - Caretaker Relative is any person(s) related by blood, marriage, adoption or that has accepted the responsibility for a relative dependent child. A caretaker relative can be either a "Needy Relative" who is part of the FAU or "Non-Needy" and only be receiving services for the child. Caretaker relatives must furnish a

court or legal document stating that they are caring for or have custody of the child(ren). Caretaker relatives which have children from more than one family placed in their homes will have separate open cases for each set of siblings.

Applicants will need to verify they are living in the service area, have family unit that consist of both a parent and a child, have social security numbers, be a U.S. citizen and pursue other benefits or assets. Within 45 days from the date of eligibility determination, all applicants are required to complete a Drug and Alcohol Evaluation, including urinalysis and submit any applicable information from other service providers they may be working with. This information will be used to develop the most comprehensive and applicable Family Service Plan possible. All adult members of the Family Assistance Unit shall be required to sign their FSP. The TANF case manager will sign the FSP on behalf of the Lummi Tribe.

A family's continued eligibility shall be reviewed a minimum of once every six months. The review may include, but is not limited to, renegotiation of the Family Service Plan (FSP) and review of the application. The service provided to each recipient or Family Assistance Unit shall be determined on a case-by-case basis. The Family Service Plan is a working document, agreed upon by the family and the case manager. The FSP shall contain all the requirements and strategies to move the family towards self-sufficiency.

In the interest of promoting healthy families and providing assistance (or other forms of support) to needy families so that children may be cared for in their own homes or in the homes of relatives, Lummi Tribal TANF will continue to serve a parent or parents receiving TANF even if one or more children has been removed from the home by Indian Child Welfare (ICW) or Child Protective Services. The child's amount will be deducted and only the adult portion will be distributed. The child's amount will be reallocated to the caretaker relative assigned by the courts. Lummi TANF will serve adult HOHs and their spouse, or person living as spouse, for a period not to exceed six months, provided they are in compliance with their court-approved reunification plan determined by ICW or Child Protective Services (CPS). Non-custodial parents without children in their household are ineligible for TANF cash assistance, unless they have paperwork stating they are within six months of re-unification otherwise they may be eligible for subsidized employment placement and non-recurrent short-term benefits that align specifically with a court approved reunification plan or fulfillment of their child support obligation.

All applicants must cooperate with the Lummi Child Support Program, and assign child support to the Tribe, unless there is good cause. In order to encourage families to utilize child support services to improve the lives of their children, the Lummi TANF Program authorizes 100 percent pass-through of child support with a limited amount that will not count as income as noted in the Lummi TANF policies and procedures manual. The Lummi TANF program will verify the amount received by a household monthly and calculate amount against TANF grant and when amount received is in excess of the TANF grant the FAU will be closed.

FAU must have at least one person who is an enrolled member of a federally recognized Tribe, including dependant children who are enrolled members even though the custodial parent is not an enrolled member. Participants must provide proof of tribal enrollment.

Good Cause for Non Cooperation with Child Support

Child support cooperation and assignments will be waived in the case of rape, incest, and/or in a domestic violence case where there is potential for further risk of domestic violence for the adult and/or child(ren).

Financial Eligibility

Income limits: Countable income will not exceed the Tribe's TANF Maximum Earned Income Limit. Income limits can be found in the Tribes' TANF Policies and Procedures Manual.

All income both earned and unearned is reportable as monthly income. Earned income shall be defined as any legal income that is taxable under the United States Tax Code or respective Tribal Tax Code. Unearned income includes, but is not limited to, unemployment benefits or per capita payments. Policies, eligibility requirements and monetary standards for income are outlined in the Lummi TANF Policy and Procedure Manual.

Resource Limit for Eligibility

The resource limit is:

\$2,000 in savings at the time of application:

\$100,000 for tools and equipment needed to perform their trade; including a fishing vessel with a commercial value of \$100,000 or less

Asset resources exempted from this list will be: the house the family resides in, and vehicle (one vehicle for single head of households, two vehicles for two-parent households), and equipment needed to maintain (or obtain) employment (i.e. boat[s], trailer etc.).

Child Only Case

A minor child living with a non-needy caretaker relative.

WORK PARTICIPATION REQUIREMENTS

Work Participation Rate Standards

All families receiving Tribal TANF assistance will be required to participate in work and/or employment barrier removal activities, unless such persons are exempted by the hardship criteria specified in the Lummi Nation TANF program policies and procedures.

It will be expected that one-parent families will participate 20 hrs per week in work activities and two-parent families will be expected to complete a combination of 30 hours per week in work activities. Eligible teen parents who do not have a GED or high school diploma will be required to attend school as their work participation. In "Child Only" cases, the adult caring for the child will not be required to participate in Work Participation but they will be informed of any activities that are a benefit to the child.

A family may be allowed a good cause exemption from applicable work participation requirements (WPR) due to hardship as defined below:

- Single and two parent households will be exempt for first two month to attend orientation and meet with case manager to enter into their Family Service Plan.
- Single Parent household will be exempt from WPR until the youngest child reaches the age of one.
- Single custodial parent with a child under 6 who is unable to obtain suitable affordable child care within a reasonable distance of the home
- Two parent household will be exempt from WPR until the youngest child reaches the age of six months.
- Pregnant women in their last trimester
- Pregnant women with physician verified high risk pregnancy
- Physical abuse or acts that result in injury;
- Sexual abuse,
- Forced, non-consensual, sexual acts;
- Threats of, or attempted physical or sexual abuse;
- Mental abuse;
- Documented mental or physical health issues
- Individuals with documented disabilities
- Schedule conflicts with required court appearances or incarceration
- Elder, over the age of 55
- Environmental emergencies, such as flood, fire, violent storm, earthquake or tsunami
- Special circumstances, such as care for disabled dependant or elder with verified documentation, court requirements, or such other extraordinary circumstances as approved by the Lummi TANF program manager.

If a parent wishes to claim exemption from work participation based on lack of available, affordable and appropriate child care they must submit a written documentation that at least one of the following statements is true:

- Appropriate childcare within a reasonable distance from the home or worksite is unavailable;
 1. **Appropriate childcare** is defined as facilities and home licensed by the State of Washington
 2. **Reasonable Distance** to access childcare is a 30 minute commute time, one way.

- Informal childcare by a relative or under other arrangements is unavailable or unsuitable; or
 1. **Suitable Informal care** is defined as in-home providers who qualify through the State of Washington for compensation, meeting the standard qualifications set forth by the State of Washington to include passing a background check.
- Appropriate and affordable formal childcare arrangements are unavailable;
 1. **Affordable child care** is defined as child care not above the reimbursement rate set by the State of Washington

Such documentation must be submitted to the client's assigned caseworkers. The request will be staffed with the TANF Program Manager to determine if it meets the criteria for work participation exemption.

The Lummi TANF exemption determination will include a review of the programs capacity to exempt the family without exceeding the 25% limit.

The Lummi Nation believes that the following participation rate represent realistic and appropriate standards in light of such factors as a high rate of education/training deficiencies, a prevalence of mental health/substance abuse issues, and a substantial long term unemployment rate among its TANF participant population.

All Families Participation Rate	Minimum Participation Rate
FY 2019	28%
FY 2020	28%
FY 2021	30%
FY 2022	30%

Suspension

Work Participation Activities

The Lummi TANF program is committed to helping families obtain self-sufficiency.

Work activities for the Lummi Nation TANF program are:

- Job search/Job readiness training, as per 45 CFR 286.105 (b) and (c)
- Work Experience or job sampling
- Subsidized public and private employment
- Job Skills Training
- Vocational Education (without time limit)
- Education directly related to employment
- Barrier removal, including counseling and/or chemical dependency treatment, and violence prevention counseling
- Work involved in or supporting traditional cultural activities (hunting fishing for religious activities)

- Credit for reasonable transportation needs (time spent commuting to and from work or training)
- Teen Parents in school
- GED program participation
- Community service
- Internships
- OJT
- Traditional Cultural activities aimed at removing barriers to employment

Transportation

Reasonable transportation time will be included in an adult's weekly hours in accordance with CFR 286.80 (b) (2) (i). Reasonable is defined as the realistic length of time that it would take an individual to travel from their home to their work site, including any necessary stops along the way (i.e. childcare). Travel time will be calculated on a case by case basis. When calculating additional time the program will take into consideration where the individual resides, what and where the work participation is to take place, whether they are utilizing public transportation or own a vehicle. It is only reasonable to credit clients who have the motivation to overcome the hurdle of travel time.

Experiencing and enduring a commute is a large step towards understanding what a job will be like and becoming self-sufficient.

School Participation

Lummi TANF program has identified its youth as one of its highest priorities. The Lummi Nation also recognizes that education is a key component to the success of the future of the nation's youth. A dependant child under the age 19 or a minor head of household must be enrolled in and attending school full time, or participating in the equivalent level of vocational, apprentice or technical training. Failure of parents to send children to school or the failure of children to attend school contrary to applicable law will result in referral to appropriate programs as mandated by law. Eligibility and standards for school participation are outlined in the Lummi TANF Policy and Procedure Manual.

TIME LIMITS

Time Limit for Receiving Cash Benefits

The Lummi Nation TANF program will have a life-time limit on cash assistance benefits under this plan of 60 months. When an adult reaches the 60 months limit, cash assistance to the family will end. As provided at 45 CFR 286.125, in calculating the 60 months, the

Lummi TANF Program will count all prior months of TANF assistance provided by a Tribe or State funded with TANF block grant funds, except for any month that was disregarded by statute, regulation, or provided under any experimental, pilot, or demonstration project under section 1115 of the Act.

Time Limit Exemptions

The 60-month time limit applies only to those adults receiving TANF cash assistance. A month does not count toward the 60-month limitation when any of the following are true:

- Any month of receipt of assistance to a family that does not include an adult head of household
- A family that does not include a pregnant minor head of household, minor parent head of household, or spouse of such a head of household;
- Any month of receipt of assistance by an adult during which the adult lived in Indian Country or in an Alaskan Native Village in which at least 50% of the adults were not employed.

Family Violence Option

Pursuant to 45 CFR Section 286.140 the Lummi Tribe hereby elects the Family Violence Option as a part of its TANF Plan. The Family Violence Option may result in the exemption from time limits of individuals receiving FVO waivers.

Adult household or minor parent household members that are a victim of domestic violence, may be granted waivers for work participation requirements and for child support assignment/establishing paternity in cases where compliance would make it more difficult for such individuals to escape domestic violence, unfairly penalize those who are or have been victimized by domestic violence, or put the individual at risk of further domestic violence. There is no limit on length of time that a participant may be granted a waiver under the FVO, however, a redetermination will be done no less than every six months.

The word of the individual, records from agencies, or the Family Violence Screening Tool can be used to determine whether an individual is a victim of domestic violence.

Individuals receiving TANF assistance who are identified through the screening process to have a history of domestic violence will be referred for services and monitored to ensure progress, as follows:

1. Meet with and follow through with conditions of a domestic violence agency
2. When available, meet with and follow through with Mental Health counseling for self and family members that have been impacted by the violence.

The TANF Program will ensure:

1. The FVO and support service are known to all TANF recipients through the orientation process. The orientation process includes a domestic violence

- screening tool. Support services include the option of financial assistance to relocate out of the area due to safety reasons.
2. Participants under the FVO have an FSP that outlines the treatment plan as set forth by the domestic violence agency.
 3. As with all cases, confidentiality will be upheld for the individuals that are receiving services under the FVO.

Hardship Exemption

In addition to the above exemptions to the TANF time limits, the Lummi TANF program will grant time limits exemptions to families that have suffered an extreme hardship, as defined by the Lummi TANF policies and procedures. Time limit exemptions will not exceed 20% of the total caseload and will include (but not be limited to) families that include member(s) who have been subject to and have documentation of:

1. Physical abuse or physical acts that resulted in physical injury;
2. Sexual abuse, or being forced to engage in non-consensual sexual acts or activities;
3. Threats of, or attempted, physical or sexual abuse;
4. Mental abuse;
5. Neglect or deprivation of medical care.

For participants dealing with domestic violence issues they will need to:

- Have an individualized assessment by person trained in domestic violence
- Provide documentation of progress in the DV plan
- Have a redetermination of waiver every six months
- The maximum time limit waiver will be 24 months.

Those in a time limit exemption who refuse to participate in work activities (without good cause), follow program requirements or make satisfactory progress will not be eligible for Lummi TANF services for a minimum of 60 days, at the end of which they must re-apply for services.

CASH GRANT BENEFITS

Tribal TANF Payment Schedule

Tribal TANF benefit issuance is done once a month. The benefit voucher/cash is issued after the Tribal Caseworker receives and processes the information from the participant's earnings report. Vouchers or cash payments are issued the first (1st) of each month. For new participants services will be provided within ten (10) working days.

The amount of the LUMMI TANF grant benefits are provided as attachment "Table I and Table II".

Types of Assistance

- Voucher Assistance will be provided to families initially when they begin TANF benefits. Once they complete financial literacy training will have the option to receive a cash grant on an EBT card. Vouchers will also be used in instances when a family is in a specific level of sanction and for some cases of support services.
- Cash Assistance is cash grant that will be provided to eligible families. The cash grant is loaded onto an EBT (Electronic Banking Transaction) card once payment has been approved and submitted.

Underpayment of Benefits

The Lummi TANF Program authorizes restoration or supplemental payment of Lummi TANF cash benefits if it is determined that a recipient received a lesser amount than he or she was eligible to receive, for the following reasons:

1. A change that would cause an increase in cash benefits was reported too late for adjustment to the applicable payment period.
2. An administrative underpayment occurred due to an error by the Lummi TANF Program
3. A hearing decision ordered restoration of cash benefits.
4. The repayment by the recipient of a cash benefit overpayment was in excess of the amount due.

The amount restored will be in addition to the cash benefits the recipient is entitled to receive for the applicable month.

Overpayment of Benefits

The Lummi TANF Program authorizes a reduction in payment of cash benefits if it is determined that a recipient received a higher amount than he or she was eligible to receive. An adjustment in the recipient's monthly cash benefit will be made to allow Lummi TANF program to recover any overpayment.

The recipient shall have the opportunity to discuss the recovery with Lummi TANF personnel prior to any adjustment to benefits. The adjustment or recovery will be made in the following manner:

The recipient's cash benefit payment will be corrected by an adjustment to the regular monthly payments following the discovery and verification of the overpayment and after discussion with the recipient. Recovery shall take into consideration undue hardship on the recipient. Future payments will be reduced until the total overpayment has been recovered. In no case shall the reduction exceed twenty-five percent (25%) of the total cash benefit in any given month.

The Lummi TANF Program and the participant will develop a plan to collect any over payment of cash benefits after a recipient is no longer receiving cash benefits.

SUPPORT SERVICES

Support Services

Support services payments will be issued to the Lummi Nation TANF program participants, or directly to a service provider, to enable them to engage in assigned TANF activities and/or accept and maintain employment. Support Service limits are listed in Section 118 of the Lummi TANF Policies and Procedures Manual.

A person who is otherwise eligible for TANF Cash payment may opt to participate in the support services portion of the program for period of up to ninety (90) days, in lieu of receiving a grant.

Support services are provided to eligible TANF adults as needed and to provide assistance when they begin or to help maintain employment and are fully engaged in TANF participation requirement

These support services will include:

- Job referral and placement services
- Work subsidies
- Job search assistance
- Job counseling
- Personal and family counseling, including: a) domestic violence prevention - child, elder, and spousal abuse prevention; b) financial; c) health and hygiene; and etc.
- Substance abuse counseling
- Substance abuse treatment
- Transportation
- Child Care
- Elder Care
- Initial screening for qualification for other related programs and services, (i.e. WIA, NEW, Food Stamps, GA, TWEP, AVT, etc.)
- Referrals to other tribal, state, and local support services and related employment and training programs
- Health service systems referrals
- Housing referrals and assistance
- Clothing, tools, and equipment needed for training or to get or retain for a job
- Books and supplies for job-related educational activities

- Educational counseling and services
- Educational programs, including, Adult Basic Education, GED, and stay in school initiatives
- Youth services and activities related to TANF goals
- Traditional cultural support activities
- Nonrecurring, short-term benefits (emergency assistance)

The Lummi Nation TANF Program will continue to work with the local CSO to provide childcare, medical and food stamps.

SPECIAL SUPPORT SERVICES

Transitional Services

- Transitional Services are support services provided to a former TANF participant to aid in the transition to employment. The participant is eligible for the first six months; after that, they remain eligible until the family income reaches 250% of the federal poverty level, or 3 years after exiting TANF, whichever comes first.
- Transitional Services support amounts are limited to \$2,500.00 unless reviewed and approved by TANF Program Manager and are limited to support services types and amounts.

Diversion Services for Non TANF Families

- Diversion Services are support services available to family units that meet the program eligibility criteria whose income is within 200% of the Federal Poverty Level and otherwise eligible for TANF (meet non-financial program eligibility criteria) but do not want to become a TANF client and can overcome their financial emergency with one time support. The amount approved will be the minimum amount necessary to assist the family through a crisis situation or to facilitate relocation fees, equipment or short-term training costs necessary for employment and keep them from becoming dependant upon TANF. Diversion services cannot exceed four months in a one year period. Participants receiving Diversion services who apply for TANF assistance prior to the end of the one year period (12 full months from the end of the final month of diversion services) will be required to pay back a prorated amount of the benefits previously received. Diversion Service support amounts are provided in the Lummi TANF policies and procedures manual.

Emergency Assistance

- Emergency assistance is short-term, nonrecurring benefits that will be provided to eligible families who are otherwise in compliance and can provide documentation of an emergency situation that necessitates services above and beyond support service limits.

- As defined in 45 CFR 286.10 (b) (1) Nonrecurring Short-term Benefits must meet three basic criteria:
 1. Designed to deal with a specific crisis situation or episode of need
 2. Are not intended to meet recurrent or ongoing needs, and
 3. Will not extend beyond four months

This emergency assistance can be provided to TANF participants to meet extraordinary needs in addition to any monthly assistance and support services received. An example of an emergency would be the need to replace an item due to loss from fire, electrical, plumbing or natural disaster and in some cases theft. In the case of theft an individual would need to produce a police report and the item needs to be used for employment. Emergency Assistance cannot exceed \$1500.00 in a 12 month cycle.

Incentives

- Will be provided to eligible participants who are in compliance and have accomplished a positive milestone towards self-sufficiency. Incentive payments can be done as a voucher or added to the family EBT card or payments to youth will be in check form. Incentive payments are addressed in the Lummi TANF policies and procedures manual.

Cultural, Training, Education and Other Activities

Lummi TANF Program will provide a variety of cultural activities, training and education services, and other activities to eligible Native American families. These activities/services are allowable and are considered an integral part of the Plan. Cultural activities, trainings and education services will be tied to the purposes of TANF, be reasonable and have established objective criteria.

Lummi TANF Program may provide the following:

A. Work Experience (WEX)

1. WEX is a short-term, full or part-time work assignment with an employer that allows the participant an opportunity to practice their current job skills, learn new skills, create a current work history, and explore occupations.
2. Adults & youth receiving a TANF grant, who are determined work ready, may participate in a work experience.
3. There may a small stipend available for participants.
4. Policies, eligibility requirements and monetary standards for WEX are contained in the Lummi TANF Policy and Procedure Manual.

B. Subsidized Employment

1. Adult or youth receiving a TANF grant, who are determined work ready, may participate in subsidized employment, in a training program to gain and/or improve the knowledge and skills necessary to perform work requirements. Youth in this category must be part of a FAU, attending school, maintaining at least a "C" average.
2. Wages will be paid to the participant directly by the employer or a third party. TANF will subsidize the wages with payments to the employer.
3. Subsidized employment may be full or part-time in the tribal, public or private sector.
4. Policies, eligibility requirements and monetary standards for Subsidized Employment are contained in the Lummi TANF Policy and Procedure Manual.

C. On the Job Training (OJT)

1. The OJT Program provides reimbursement to employers for the costs of training a TANF participant.
2. TANF participants, including youth, who are determined work-ready, may participate in OJT (private, tribal and public sector) opportunities.
3. Policies, eligibility requirements and monetary standards for OJT are contained in the Lummi TANF Policy and Procedure Manual.

D. Summer Employment Programs

1. The Summer Employment Program is for youth between the ages of 14 and 24. The program provides subsidized employment for youth who are part of a TANF Assistance Unit and/or members of a Lummi TANF tribal community, and whose income does not exceed 300% of the Federal Poverty level.
2. The summer employment program will provide job skills and experience for youth.
3. Wages will be paid to the participant directly by the employer or a third party. TANF will subsidize the wages with payments to the employer.
4. For the Summer Employment Program the subsidy rate (wages and fringe benefits) paid will be 100%.

Policies, eligibility requirements and monetary standards for Summer Employment Programs are contained in the Lummi TANF Policy and Procedure Manual.

SANCTIONS, PENALTIES, FRAUD

Sanctions

Sanctions are intended to induce cooperation with Tribal TANF program requirements on the part of the families who, without sanctions or the threat of sanctions, would fail to do so. It is the intent of the Lummi Nation to operate a Tribal TANF program that is not a program of entitlements and is within the parameters of the Lummi Nation Tribal Council goals and objectives for the employment of Lummi Nation tribal members.

Currently, all Lummi Nation/Federally enrolled tribal members who receive monthly cash assistance are required to meet and/or exceed all of the equivalent provisions set forth in this proposal. In an effort to create a level of consistency within the program, all participants and families will be asked to comply with the same rules and sanctions. The sanction process is progressive in the sense that it has graduated levels of response to program violations. All sanctions are created to be a fair and equitable means of gaining compliance from participants.

Failure to comply will result in entering a level of sanction. If the participant complies with the corrective action plan they will return to full benefits status but documentation of the last level of sanction will remain on record for twenty-four (24) months. At such time a participant becomes out of compliance again they return to the last documented level of sanction they were in and must again complete corrective action plan. If a participant remains off sanction for 24 consecutive months they will start at the first level of sanction. Listed below are the varying levels of our sanction process.

First Level Sanction: Verbal Warning and Corrective Action

Verbal Warning/Corrective Action Plan: Verbal warnings along with a corrective action plan will be issued by the Tribal Caseworker to participants for non participation according to their Family Service Plan. The warning informs participants of their non-compliance and of the consequences if they do not become compliant. It is documented in the participant record and a written confirmation is handed or sent to the participant.

The corrective action plan will contain the specific(s) for the reprimand and, specified corrective actions the participant is required to complete. The participant will have fifteen (15) day to complete all corrective actions in order to remain eligible for full TANF services. Documentation of the reprimand remains in the participant record for at least 24 months. If no additional sanction occurs within the 24 month period, the reprimand may be expunged from the participant's record upon approval from the Programs Manager.

Second-Level Sanctions: Monetary Sanctions

\$100 Grant Reduction: A \$100 grant reduction will be imposed by the Tribal TANF Caseworker when a participant who has experienced a First-Level sanction fails to complete the corrective action plan within the fifteen (15) days. The participant has 30 days to comply with corrective action plan in order to return to full grant status. Documentation of the reprimand is maintained in the participant record for at least 24 months.

After 24 months, the reprimand can be removed from the participant file upon approval of the Programs Manager. This sanction level can be imposed for a maximum of two (2) months. The participant can end the sanction at anytime during the sanction period by demonstrating cooperation with Tribal TANF program requirements.

Third-Level Sanctions: Suspension and Termination

Suspension: Participants who fail to correct their Second-Level sanction within two (2) months or who commit a flagrant program violation (as defined in the Lummi TANF policies and procedures manual) may cause the suspension of their families' monthly cash grant.

Before this action is implemented, the Lummi TANF caseworker will assess its potential impact on the affected family. If children are placed at-risk, the sanction may be modified to allow for direct provider payments for basic need (e.g., shelter, utilities). The maximum duration for this sanction is two (2) months. Participants can end the sanction at anytime by demonstrating to the satisfaction of the Lummi TANF caseworker that they intend to begin, and will continue, cooperating with the Lummi Nation TANF program requirements.

Termination: Participants who have been subject to a suspension sanction for two (2) months and fail to comply with their Corrective Action Plan or who commit an extreme program violation (as defined in the Lummi TANF policies and procedures manual) will result in immediate case closure. The termination remains in effect for a minimum period of six (6) months. After a six (6) month termination the participants may re-apply for Lummi Nation TANF program benefits and services. Participants will return in same level sanction they terminated in and will have 30 days to comply with last Corrective Action Plan.

Termination Due to Fraud: Lummi TANF applicants who make fraudulent misrepresentations in order to receive benefits or other program related services shall be denied benefits and other related services for a period of two (2) years. The program shall attempt to recoup the total amount of any benefits received by a participant through fraudulent misrepresentation. Upon return a participant who owes the program money due to fraudulences will enter into an agreement with the Lummi TANF program to repay not to exceed 25% of their monthly grant until back debt is paid in full. This will occur even when a participant leaves of their own accord and returns at a later time.

APPEAL, RIGHTS, AND CONFIDENTIALITY

Appeal Process

Notice and Hearing Rights: The Lummi Nation TANF program will send a notice to the participant by certified mail at least 10 days before taking any adverse action on their

case. A participant may request a hearing on a case decision if any of the following applies:

- The Lummi Nation TANF Program claims that an earlier TANF payment was an overpayment;
- The participant is protesting the Lummi Nation TANF program decision to deny, reduce or close benefits.

The participant has ten (10) working days from the date on the signed return receipt from the letter sent by the Lummi TANF program to request a hearing regarding the adverse action.

A request for hearing must be done in writing and brought to the Lummi TANF department, the front desk will date stamp the request and a hearing will be set up within 10 working days of the date stamp.

A claimant has the right to an expedited hearing under the following circumstances:

- If the participant disagrees with the denial of continued benefits pending requested hearing;
- Or in the case of an individual or family emergency that requires the need to expedite the hearing process (i.e. loss of housing, medical emergency)

An expedited hearing is held within five (5) working days of the Programs Department receipt of the written hearing request, unless the participant requests more time. Notice of this hearing shall be provided to the participant either personally or by certified mail. The Programs Department will issue a Final Order within three working days from the date of the hearing.

Disputes involving the Lummi Nation TANF participants will be resolved fairly, quickly, and at the lowest level possible.

Grievance Procedures for Displacements

Employees of companies that hire TANF participants via OJT, Work Experience or Subsidized Employment can request a hearing if they think the Lummi Nation TANF placement has harmed their employment (e.g., less chance for overtime or promotions).

The aggrieved employee must first attempt to resolve grievance through the grievance resolution process with their Employer before a hearings request is approved. At the conclusion of the grievance resolution process, the Employer will issue written notice to the aggrieved employee containing the grievance decision, the right to appeal the decision and the procedure for requesting a hearing. The appeal is through the Employer's hearing process.

If an aggrieved employee is dissatisfied with the outcome of the Employer grievance resolution, they can request a hearing following the Lummi Nation TANF Appeal process. If the Employer does not have a hearings process, the employee can submit their request for a hearing directly to the Lummi Nation TANF program.

If the Lummi Nation TANF program is to conduct the hearing, the hearings request must be in writing, specifying the grievance and giving the aggrieved employee's name, address and daytime phone number (if available).

The Lummi Nation TANF Program is responsible for processing the hearing request, including contacting the aggrieved employee and other relevant parties, completing a Pre-Hearing Summary and representing TANF program at the hearing. Hearings decisions, issued by the Lummi Nation TANF Program, can be appealed following the process as written in the Lummi TANF policies and procedures manual.

Confidentiality

All personally identifiable information about Lummi Nation's TANF recipients is confidential. The Lummi Nation will take such steps it deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the federal and state governments.

These steps will include the following:

1. Identify a single definition of confidentiality, based on the Family Privacy Act of 1974, 5 U.S.C section 552a and the applicable portions of Health Insurance Portability and Accountability Act of 1996 (HIPAA)
2. Provide staff training on the central definition as adopted by the Council.
3. Change all programs level documents consistent with central definition.
4. All Lummi Nation Employees are required to sign a confidentiality form.

The Lummi Nation will not release or disclose participant information, except as specifically authorized in administrative rule, or as ordered by a court.

FUNDING AND FISCAL ACCOUNTABILITY

Funding

Funding for Lummi TANF shall be received by the Lummi Nation from the Federal Government quarterly.

Fiscal Accountability

For each year in which the Lummi Nation receives or expends TANF funds, the Lummi Nation will comply with the fiscal accountability provisions of Section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

DATA COLLECTION AND REPORTING

Information Exchange

All Tribal employees are given training on keeping participant information confidential. Each employee is asked to sign a statement that they have read and understood the importance of confidentiality. These procedures are also extended to our partners to ensure they uphold similar standards as the agency does on participant information.

Data Collection and Reporting

The Lummi Nation will comply with all the statutory and regulatory data collection and reporting requirements pertaining to the Tribal TANF program.

RETROCESSION

Retrocession

If the Lummi Nation elects to retrocede the TANF program, it will comply with all the statutory and regulatory requirements pertaining to retrocession.

Table I		
Lummi TANF Payment Standards and Earned Income Limits		
Family Unit Size	Payment Standard	Gross Monthly Earned Income Limit*
1	\$350.00	\$700.00
2	\$453.00	\$906.00
3	\$556.00	\$1112.00
4	\$659.00	\$1318.00
5	\$762.00	\$1524.00
6	\$865.00	\$1730.00
7	\$968.00	\$1936.00
8	\$1071.00	\$2142.00
9	\$1174.00	\$2348.00
10	\$1277.00	\$2554.00
For each additional household member above 10 will add an additional \$103 per individual		
*The earned income limit is used when determining eligibility.		

Table II		
Lummi Child Only TANF Payment Standards		
Family Unit Size	Payment Standard	Gross Monthly Earned Income Limit*
1	\$399.00	\$901.00
2	\$502.00	\$1184.00
3	\$605.00	\$1467.00
4	\$708.00	\$1750.00
5	\$811.00	\$2033.00
6	\$914.00	\$2316.00
7	\$1017.00	\$2599.00
8	\$1120.00	\$2882.00
9	\$1223.00	\$3165.00
10	\$1326.00	\$3448.00

Projected Budget* TANF thru

*The following is a template example of a projected budget with required expenditures categories.

Tribal TANF Expenditure Category	Cash Assistance Payments	Other Assistance Expenditures	Administration	Systems	Other Non-Assistance Expenditures
Expenditure Details					
1. Includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e. for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses)	\$566,352.00				
2. Expenditures for families that are not employed but need transportation services to participate in other work activities as provided under the Tribe's TANF plan. Do not include transportation supports provided as a nonrecurring, short-term benefit (for example, during applicant job search). Child care expenditures for families that are not employed, but need child care to participate in other work activities as provided under the Tribe's TANF plan. Do not include child care provided as a nonrecurring, short-term benefit (for example, during applicant job search or to recently employed families who need child care extended during a temporary period of unemployment in order to maintain continuity of care). Do not include expenditures on pre-K activities or other programs designed to provide early childhood development or educational services (e.g., following the Head Start model).		\$10,000.00			
3. It includes the costs for general administration and coordination of this program, including contract costs for these functions and indirect (or overhead) costs. Some examples of administrative costs include, but are not limited to:			\$396,308.00		

<ol style="list-style-type: none"> 1. Salaries and benefits and all other direct costs not associated with providing program services to individuals, including staff performing administrative and coordination functions; 2. Costs for the good and services required for administration of the program such as the costs for supplies, equipment, travel, postage, utilities, and rental of office space and maintenance of office space; 3. Travel costs incurred for official business; 4. Management information systems not related to the tracking and monitoring of TANF requirements; 					
<ol style="list-style-type: none"> 4. System costs related to monitoring and tracking under the program for the period the report is being submitted. 				\$20,000.00	
<ol style="list-style-type: none"> 5. Include as "other" costs on general family preservation activities and parenting training. Include costs on activities such as substance abuse treatment, domestic violence services, and case management to the extent that such costs are not directed at the second goal of TANF and included as work-related costs above. Costs may include: <ol style="list-style-type: none"> 1. Work subsidies payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, or training. Do not include expenditures related to payments to or on behalf of participants in community service and work experience activities as provided or allowed under the Tribe's TANF plan that are within the definition of assistance. 2. Include costs related to educational and training activities. Include secondary education (including alternative programs); adult education, GED, and ESL classes; education directly related to employment; education provided as vocational 					\$372,390

<p>educational training, and post-secondary education. Do not include costs of early childhood education or after-school or summer enrichment programs for children in elementary or junior high school.</p> <p>3. Include expenditures on work activities or work expenses that have not been reported as education or work subsidies (including staff costs related to providing work experience and community service activities, on-the-job training, job search and job readiness, job skills training, and training provided as vocational educational training), related services (such as employment counseling, coaching, job development, information and referral, and outreach to business and non-profit community groups), and other work-related expenses such as costs for work clothes and equipment). Include such costs when provided as part of a diversion program or as transitional services to individuals who ceased to receive assistance due to employment.</p>					
<p>4. Expenditures for child care that does not meet the definition of assistance. Include child care provided to employed families (related either to their work or related job retention and advancement activities) and child care provided as a nonrecurrent, short-term benefit (e.g., during applicant job search or to a recently employed family during a temporary period of unemployment).</p>					
<p>5. Expenditures for transportation activities that do not meet the definition of assistance. Include the value of transportation benefits (such as allowances, bus tokens, car payments, auto insurance reimbursement, and van services) provided to employed families (related either to</p>					

<p>their work or related job retention and advancement activities) and provided as a nonrecurring, short-term benefit (e.g., during applicant job search or to a recently employed family during a temporary period of unemployment).</p>					
<p>Total Expenses</p>	<p>\$566,352.00</p>	<p>\$10,000.00</p>	<p>\$396,308.00</p>	<p>\$20,000.00</p>	<p>\$372,390.00</p>

Exhibit B
State MOE Payment Schedule

State Fiscal Year July 1 – June 30	Tribal TANF funding period	MOE Funding
<u>2020</u>	7/01/2019 to 6/30/2020	\$ 1,365,050
<u>2021</u>	7/01/2020 to 6/30/2021	\$ 1,365,050
<u>2022</u>	7/01/2021 to 6/30/2022	\$ 1,365,050
<u>TOTAL 2020-2022</u>	7/01/2019 to 6/30/2022	\$ 4,095,150

IGA Section 6.(3): Payment shall be considered timely if made by the Department within thirty (30) calendar days after receipt of properly completed A 19-1A and reports.

IGA Section 8. Reports will be submitted to the State TANF contact no later than forty (40) days from the end of the quarter.

**Exhibit C
State of WA Tribal TANF Quarterly Report – Page 1 of 2**

**TRIBAL TANF
STATE OF WASHINGTON TRIBAL CASELOAD & EXPENDITURE
QUARTERLY REPORT**

NAME OF TRIBE:

CURRENT QUARTER ENDING DATE:

CASELOAD COUNT FOR THIS QUARTER:

	1 ST Month of the Quarter	2 ND Month of the Quarter	3 RD Month of the Quarter
All Cases: Unduplicated Case Count			
Child Only Cases: Unduplicated Case Count			
Single Parent Case: Unduplicated Case Count			
Two Parent Cases: Unduplicated Case Count			

STATE MOE EXPENDITURE DATA FOR THIS CURRENT QUARTER

State Funds Expended by Tribe: \$ _____

SINCE INCEPTION OF THE TRIBAL TANF PROGRAM

Total Unspent State Funds: \$ _____

THIS IS TO CERTIFY THAT THE INFORMATION REPORTED ON BOTH PAGES OF THESE FORMS IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

SIGNATURE: TRIBAL OFFICIAL _____ TYPED NAME, TITLE _____

DATE: _____ PHONE NUMBER: _____

Exhibit C

State of WA Tribal TANF Quarterly Report – Page 2 of 2

TANF WA-TT-04 Performance Measure Report

TANF WA-TT-04 Performance Measure Report			
Reporting Year:		Reporting Quarter:	
	First Month of the Quarter	Second Month of the Quarter	Third Month of the Quarter
1. Work Participation: Monthly work participation percentage rate as referenced in the Tribal Family Assistance Plan TFAP.			
2. Work Experience and Subsidized Employment Participation: Percentage of clients required to work who are participating in the WEX or Subsidized Employment Programs.			
3. Engaged in TANF Employment & Training (E&T) Program: To include Job Readiness, On the Job Training, Classroom Training, and Life skill courses.			
4. Unsubsidized Employment Participation: Percentage of clients required to work who are employed in some capacity.			

Exhibit D

**U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES**

TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) ACF - 196T FINANCIAL REPORT

TRIBE NAME:	GRANT AWARD YEAR:	SUBMISSION:
EMPLOYER ID NUMBER (EIN):	REPORT PERIOD:	ORIGINAL [] or REVISED []
	From:	QUARTERLY [] or FINAL []

REPORTING ITEMS	COLUMN (A) FEDERAL TFAG FUNDS	COLUMN (B) STATE CONTRIBUTED MIE FUNDS	COLUMN (C) TRIBAL FUNDS
1. TOTAL FEDERAL FUNDS AWARDED	\$		

EXPENDITURES ON ASSISTANCE

2a. Cash Assistance Payments	\$		
2b. Other Assistance Expenditures	\$		
2c. TOTAL ASSISTANCE EXPENDITURES	\$		

EXPENDITURES ON NON-ASSISTANCE

3a. Administration	\$		
3b. Systems	\$		
3c. Other Non-Assistance Expenditures	\$		
3d. TOTAL NON-ASSISTANCE EXPENDITURES	\$		

TOTALS

4. Total Expenditures	\$		
5. Unliquidated Balance	\$		
6. Unobligated Balance	\$		
7. Tribal Replacement Funds	\$		

THIS IS TO CERTIFY THAT THE INFORMATION REPORTED ON ALL PARTS OF THIS FORM IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

SIGNATURE: TRIBAL OFFICIAL	TYPED NAME, TITLE
DATE SUBMITTED:	PHONE NUMBER:
CONTROL NO. 0670-0345	EMAIL ADDRESS:
FORM ACE-196T PAGE 1 OF 1	EXPIRATION DATE: 02/28/2020