

INTERGOVERNMENTAL AGREEMENT
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
BETWEEN
THE UPPER SKAGIT INDIAN TRIBE
AND
THE WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

1. AUTHORITY

THIS AGREEMENT is entered into between the Upper Skagit Indian Tribe (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

It is the intention of the parties that this Agreement be liberally construed to effectuate

its intent and purposes. 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

6. 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.
7. TFAP (Tribal Family Assistance Plan): The plan for implementation of the Tribal TANF program under Section 412(b) of the Social Security Act.
8. 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.
9. 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.
10. 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.
11. 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, Subtitle A, Subchapter A and 25 CFR 900 Chapter V, 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:

Ryan Mills
Tribal Attorney
Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro Woolley, WA 98284
(360)854-7144, RyanM@UPPERSKAGIT.com

Mary Anderson
Tribal Relations Program Administrator– TANF
DSHS ESA Community Services Division
PO BOX 45857
Olympia, WA 98504-5857
(360) 628-6442, Mary.Anderson@dshs.wa.gov

- e. Technical Assistance: ESA is 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, 2022 through June 30, 2025.

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, 2022. Consistent with its federally approved TFAP, the Tribe agrees to continue to serve all American Indians and Alaska Natives who are members of federally-recognized tribes residing on the Upper Skagit Indian Reservation and Upper Skagit tribal members residing in Skagit County, including those living on the Swinomish Reservation, in the Mount Vernon Community Services Office service area.

The Department and the Tribe determined that there were 32.4 tribal families receiving public assistance benefits in 1994, based on the Tribe's identified service 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, 2022– June 30, 2025, up to the amount of \$1,328,352 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, 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 difference between the amount awarded and the amount spent will be subtracted from the MOE funding awarded to the Tribe for the next SFY.
- 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, which are mandatory to meet State reporting requirements regarding the use of State MOE funds, as outlined and incorporated by reference 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 by the following dates:

1. Caseload & Expenditure Report (Exhibit C, Page 1) and Performance Report (Exhibit C, Page 2): Must be received by the State TANF contact no later than forty (40) days from the end of the quarter. (Due dates: November 9th, February 9th, May 10th and August 9th).
2. Fiscal Report (Exhibit D): The Tribe will report on only State MOE funds utilizing the ACF-196T Tribal TANF Financial Report Form. This form is due at the same time as required by ACF: within 45 days after the end of each quarter of the federal fiscal year (Due Dates: 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.

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 and when 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 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 are unaccounted for.

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 by their respective due dates.
2. Reports provided by the Tribe lack required information.
3. The Department has a credible 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 Single Audit Report 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 Upper Skagit Indian 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 Upper Skagit Indian 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, 2022 to June 30, 2025, 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 Single Audit Report 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, 2022 to June 30, 2025 unless otherwise extended or terminated under this Agreement.

20. EXECUTION

The following in their representative capacities hereby approve this Agreement.


Upper Skagit Indian Tribe

6/24/2022
Date


Secretary
Department of Social & Health Services

7/1/2022
Date


Assistant Secretary
Economic Services Administration

6/30/2022
Date

Exhibits:

A – Upper Skagit Indian Tribe Tribal TANF Plan

B - State MOE Payment Schedule

C - Tribal TANF Caseload and Expenditure Report and Performance Measure Report

D - ACF 196T Tribal TANF Financial Report

E – IGA Amendment

Exhibit A

**IGA Performance Plan & Budget or
Upper Skagit Indian Tribe Tribal TANF Plan**

UPPER SKAGIT INDIAN TRIBE AMENDED
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM PLAN 2022-2025
APPROVED BY UPPER SKAGIT TRIBAL COUNCIL RESOLUTION #2022-020

Section 1.0: General Provisions

1.1 USIT TANF Statutory Authority: Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) authorizes Indian Tribes to manage, administer and operate a Temporary Assistance for Needy Families (TANF) program. The Upper Skagit Tribal Council is the recognized governing body of the Upper Skagit Indian Tribe under the authority of the Upper Skagit Indian Tribe's constitution adopted pursuant to the Indian Reorganization Act of 1934. The Upper Skagit Tribal Council authorized an additional three (3) year extension of the TANF Program for the program years 2022 through 2025.

1.2 USIT TANF Purpose: It is the intention of the Upper Skagit Indian Tribe that this plan be liberally construed to effectuate the intent and purposes and to assist as many families as possible.

The purpose of the TANF Program is to help clients remove their individual barriers to self-sufficiency by providing assistance for needy families with children through and creating individualized Self Sufficiency Plans, including reasonable timeframes, based on the following priorities:

1. Identifying potential barriers to self-sufficiency including barriers to healthy families, work, and education;
2. Identify barriers to life skills that promote family self-sufficiency;
3. Creating reasonably attainable goals with regard to job readiness, work skills training, life skills training, and long-term gainful employment based on the identified barriers;
4. Provide assistance in accessing other Tribal, State, and Federal programs that will assist in gaining self-sufficiency;
5. Work with clients to achieve the ability to obtain long term gainful employment.

The TANF program caseworkers must recognize the individualness of each client and accordingly, not set universal benchmarks that are the same for each client. Benchmarks must take into account client's education, family, and work history in creating individualized client goals. The intent of the TANF Program is to assist needy families in becoming economically self-sufficient and not dependent upon public financial assistance. TANF Program caseworkers shall be responsible for engaging and assisting the TANF clients in obtaining the hands-on training, the necessary supplemental support, the necessary assistance, and through individual attention, the necessary help in completing applications and securing any and all necessary documents needed to ensure maximum success progressing toward long term self-sufficiency. Caseworkers are to provide both individual assistance and family assistance in a more wholistic approach that encompasses providing the TANF families with attaining wrap around services that aid them in progressing in their self-sufficiency goals.

The Upper Skagit Tribal TANF Program is placing a renewed emphasis on preparing the participant families, and especially the children, for long term self-sufficiency. It is imperative to prepare the Tribe's younger generations to advance their education, skills, and employment opportunities. TANF Program caseworkers shall be responsible for engaging with the TANF families to ensure that not only are the adult clients getting the necessary support, but that the Tribal Youth are also set up with necessary support services to ensure they are set up for long term self-sufficiency once they reach adulthood.

1.3 USIT TANF Administration: The Social and Employment Services Manager, under the Supervision of the Tribe's General Manager or designee, of the Upper Skagit Indian Tribe will have overall administrative and contractual and program oversight responsibility.. The Social Services Manager, with the assistance of the Behavioral Health Program Manager will coordinate effective wrap around services for the TANF families to ensure they are progressing towards healthy self-sufficiency. The authority to create substantive Program Policy and Guidance is retained by the Tribal Council.

1.4 Program Goals and Means of Measuring Progress: The purpose of the TANF program is to assist families by removing the barriers to self-sufficiency and strengthening the families to become economically self-sufficient and not totally reliant upon public financial assistance. The TANF program will provide pro-active case management, and client outreach to provide the necessary support and services to ensure that clients are successful in their self-sufficiency plan goals.

The Upper Skagit TANF caseworker has the responsibility of identifying and assisting the TANF families with services that befit the client's education, skill levels, and work experience. The TANF program measures the success of the program by using the following performance measures:

1. Number of families progressing toward the life skills necessary for long term family self-sufficiency
2. Number of clients successfully progressing toward the removal of their barriers to self-sufficiency by achieving their goals set out in their Self-Sufficiency Plans.
3. Number of families leaving TANF as a result of attaining part-time or full-time employment due to increasing their job readiness and work skills.
4. Number of eligible youths attaining part-time jobs that provide work experience.
5. Number of clients enrolled in, and progressing in, their General Education Degree (GED) program, vocational programs, or job training programs.

1.5 Public Input: Input from Tribal members was solicited in a poll at the Tribe's 2004 Community Services Fair prior to the start of the initial TANF Plan development. In a series of meetings, a committee of Tribal members and program managers reviewed rough drafts of the plan and provided input into its final development. In addition, the basic components of the TANF program have been shared with Tribal Members at various Tribal events and meetings. The proposed 2022-2025 TANF Plan will be made available for review and comment at the Tribal Offices, from April 01, 2022 through May 31, 2022.

1.6 TANF Time Frame & Effective Date: Pursuant to the Social Security Act, Sec. 412. [42 U.S.C. 612], the Upper Skagit Indian Tribe approved an initial three year TANF Plan that went into effect from July 1, 2007 through June 30, 2010, and was subsequently renewed four times to extend the program for the period of June 30, 2022. This current three-year TANF Renewal Plan will be in effect for the period of July 1, 2022 through June 30, 2025.

1.7 TANF Designated Service Area: As defined by the Upper Skagit Tribal Council, for the purposes of the Tribal TANF Program, the designated service area of the Upper Skagit TANF Program is all of Skagit County, Washington.

1.8 TANF Service Population: The TANF service population will include all Upper Skagit Tribal Member Families residing within the boundaries of Skagit County, Washington, including those Upper Skagit Tribal Member Families residing on the Swinomish Tribal Community's Reservation, and all enrolled members of Federally Recognized Tribes who are residing on the Upper Skagit Indian Reservation.

A TANF family shall include any of the following:

1. An enrolled Upper Skagit Tribal Member Parent and their legal dependents;
2. The Significant Other of an enrolled Tribal Member Parent when that significant other is the legal parent of enrolled Upper Skagit Tribal Member minor dependents;
3. Upper Skagit Tribal Member Descendants of at least 1/16th Upper Skagit Blood Quantum and their legal parents and/or guardians. 1/16th Descendants shall be defined as under the Tribe's Health Clinic Policy and eligibility shall not extend beyond the Tribe's TANF Program.

Section 2.0: Eligibility Requirements and Program Services

2.1 Eligibility Requirements: To be eligible for TANF Assistance and Services, a family must meet the needy family criteria. A needy family is one whose income falls at or below 200 percent of the currently published federal poverty level. A family includes all eligible adults and eligible children living in the household.

In addition, all clients must comply with the following Upper Skagit TANF policies:

- 1. Work Participation:** The purpose of work participation is to ensure that caseworkers and the clients receiving assistance through TANF are actively working together to

maximize progress in the client's self-sufficiency plan in furtherance of the elimination of dependence on public financial assistance.

2. Substance Abuse Testing: The Upper Skagit Indian Tribe recognizes that drugs and alcohol may be a barrier to employment for TANF clients. Removal of this barrier is paramount to the client's success in obtaining self-sufficiency. Therefore, testing shall be required if reasonable suspicion of drug or alcohol usage exists. Non-Needy Caregivers (Child Only) recipients are only subject to the testing in cases of reasonable suspicion of drug or alcohol abuse.

Clients that test positive will be referred to the appropriate service providers to participate in the necessary evaluations and treatment in order to remove these barriers.

3. School Attendance and Basic Education Skills Progress: The purpose of this guidance is to ensure That TANF client parents of school aged children are meeting their parental obligation in attaining good school attendance and their parental obligation in assisting with the child's homework/home study requirements sufficient to receive credit and progress in educational skills consistent with their grade level bench marks. School aged children and their parents, not meeting the requirement of school attendance and basic education skills progress will be referred to the Tribe's Education Department for the development of a Child/Family Education Plan to meet the child's grade level public education standards within a reasonable time frame.

4. Employment and Education Assessments: All adult members in the Assistance Unit (AU), excluding Non-Needy Caregivers (Child Only), will participate in attaining their information necessary for any employment and education assessments, if determined to be a barrier, and participate in the development of the family's Self Sufficiency Plan (SSP). These assessments will determine the individual's baseline employment and education related skill level and any barriers that need to be addressed. These baselines and barrier removal needs will provide a starting point for the development of the client's SSP as it relates to employment, education, work skills, and life skills.

2.2 TANF Cash Assistance: Cash assistance will be provided to USIT TANF eligible Family Assistance Units (AU's) who reside in the USIT Service Area and meet the definition of needy family as established in this plan. A cash grant will be given to eligible families while the parents are complying with their established Self-Sufficiency Plan.

All earned and unearned income unless otherwise excluded by law, after any applicable exclusions and deductions, of the AU shall be counted toward the TANF income guidelines. The types of Earned and Unearned Income which count and the types of income which are disregarded are listed in the *TANF Programmatic and Assistance Guidance*. Cash assistance amounts shall consider cost of living, housing costs and inflation rates when determining amounts.

Temporary short-term positions (not exceeding six-months), including seasonal work, for the purpose of obtaining job skills and experience to prepare a client for long-term permanent employment will not be calculated against the client's program eligibility or amount of cash grant, such as TANF, WEX, NEW, and OJT positions.

A family's cash grant will be terminated when income (not generated due to a short-term position), as calculated by the provisions of this plan, exceeds TANF eligibility requirements for three (3) consecutive months. A participant who is terminated due to excess income may re-apply at any time if there is a documented reduction in income. Participants who voluntarily terminate a TANF grant are not eligible to re-apply for forty-five (45) days from the date of termination. Participants terminated due to non-participation or other sanction, may not re-apply for a period of two (2) months from date of termination. Timelines may be adjusted if extenuating circumstances, beyond the control of the participants, have occurred as determined by the Program Manager in consultation with the Tribe's General Manager

2.3 Eligibility as Related to the Purposes 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:

1. Any form of federally or State MOE funded "assistance" including cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (as defined in 45 CFR 286.10); or
2. Any benefits or services pursuant to TANF purposes 1 or 2. "Needy" means financially deprived, according to income criteria established in the TANF plan by the Tribe to receive the particular "assistance."

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. 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.

The four TANF Purposes are (45 CFR 260.20):

1. Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
3. 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. Encourage the formation and maintenance of two-parent families

2.4 TANF Assistance Unit: An eligible TANF Assistance Unit (AU) includes the following:

1. An enrolled Upper Skagit Tribal Member Parent and their legal dependents;
2. The Significant Other of an enrolled Tribal Member Parent when that significant other is the legal parent of enrolled Upper Skagit Tribal Member minor dependents;
3. Upper Skagit Tribal Member Descendants of at least 1/16th Upper Skagit Blood Quantum and their legal parents and/or guardians.
4. A non-enrolled member in the second trimester of her pregnancy shall be considered if the enrolled significant other has file with the department an acknowledgement of paternity. (The AU is considered to be the mother and the unborn child only. If the second parent is present in the household, they may also be added to the grant).
5. A relative or non-relative caretaker and enrolled Tribal Member children or descendants.

2.5 Parents Less than Eighteen (18) Years of Age: Parents less than 18 years of age who do not live in their own parent's household, that are legally emancipated, are eligible to apply as a Family Assistance Unit. Parents less than 18 years of age who live in their own parent's household will have their parents' income included when calculating eligibility unless they can show that they are a separate economic unit to be counted as their own household under the Tribe's Program Policy guidance for determining Household Makeup for Upper Skagit Indian Tribe's Social Services, Employment, and Housing Programs.

2.6 Child Temporarily Absent from Household: In some situations, a family receiving Upper Skagit TANF can continue to be eligible for TANF cash assistance when there is a temporary separation, not to exceed 45 days, of the child and the child's caregiver. Cash assistance will not be available to the family if services or a child only cash grant is being provided to the temporary caretaker. There must be a clear expectation the absence is temporary and the child is expected to be reunited with the family.

2.7 Transitional Services: Support services addressing work related education related, work experience related, safety related and other activities included in the clients SSP are available to former TANF clients to aid in their successful transition to employment and self-sufficiency. All clients who exit TANF, due to income ineligibility or through voluntary termination, are eligible for transitional services for the first six months after ending TANF participation. Former TANF families remain eligible for transitional services until family income exceeds 200% of the federal poverty level, or for two years after leaving TANF whichever comes first. If a family's income remains at or below 200% of the federal poverty level, USIT TANF Management may approve transitional services for an additional 12 months on a case-by-case basis. The detailed list of transitional services and maximum amount of funding for eligible clients for Transitional Services shall be detailed in the Upper Skagit Tribal TANF Programmatic and Assistance Guidance.

2.8 Diversion Services: Services provided for families who are income eligible, but do not want to apply for TANF and short term assistance not to exceed four (4) months in duration.. Diversion services will be offered to families with income at less than 200% of the federal poverty level. Diversion clients must meet service area and service population eligibility and be parents with minor children. Diversion Services include goods and services to help eligible TANF parents seek employment, begin employment, or maintain employment. The maximum amount of funding for eligible clients for Diversion Services is detailed in the Upper Skagit Tribal TANF Programmatic and Assistance Guidance.

2.9 Support Services:

Clients who meet the basic TANF eligibility requirements are eligible for Support services. Support Services includes goods and services to help eligible TANF AUs progress in their SSP and obtain long term self-sufficiency Support services in monthly amounts as defined in the Tribal TANF Programmatic and Assistance Guidance that provide cash, payments, vouchers and other ongoing basic income support will be considered “assistance” as provided in 45 CFR 286.10(a) and are subject to the 60 month lifetime limit on assistance. Support services that provide for non-ongoing basic income support will fall within the exclusion from the definition of “assistance,” as provided in the TANF Final Rule at 45 CFR 286.10(b) and are not subject to the 60 month lifetime limit.

For nonworking parents, childcare and transportation are considered assistance and may not be offered beyond the 60-month time limit.

2.10 Subsidized Employment: Clients who meet all TANF eligibility requirements may be offered subsidized employment opportunities designed to enhance workplace skills and lead to full-time employment. Provided however, this must be coordinated with other Tribal Programs governing Work Experience. Subsidized employment will not affect TANF Eligibility or impact the amount of the TANF Cash Assistance subject to the following time limits:

1. Clients with intermittent part time work under a subsidized work program for a period exceeding 18 months will have their income recalculated to determine whether the subsidized employment affects their eligibility or cash grant.
2. Clients who work full time under a subsidized work program for a period exceeding 6 months will have their income recalculated to determine whether the subsidized employment affects their eligibility or cash grant.

2.11 Tribal Youth/Young Adult Employment Readiness Program: Enrolled Upper Skagit Tribal youth, between the ages of 14-24, that are either needy or non-needy and reside within the Tribe’s TANF Service Area are eligible for this program.

When State of Washington Maintenance of Effort Funding (MOE Funding) is available, other Tribal youth enrolled in a Federally Recognized Indian Tribe, between the ages of 14 to 24, that are either needy or non-needy and reside on the Upper Skagit Reservation will also be eligible for this program.

The intent of the Program is for these clients to gain the necessary education, employment skills, work experience and life skills required to obtain either successful short-term or long term employment and reduce overall Tribal unemployment within the Tribe's TANF Service Area.

The Tribe's TANF program will provide clients opportunities to participate in tutoring, subsidized employment, life skills training, vocational training and other ancillary services that will enhance the eligible client's employability. Tribal TANF funds will not be used to pay for higher education costs.

2.12 Child Only Cash Assistance: A non-needy caretaker relative may receive cash assistance to aid in the support of children, that are enrolled Upper Skagit Tribal Members or enrolled in a Federally Recognized Indian Tribe and residing on the Upper Skagit Tribe's Reservation, for whom they have legal custody and who reside in the caretaker's home.

Biological Parents receiving SSI may be eligible for a Child Only Grant as necessary to preserve their SSI funding and maximize the available assistance to the family.

The respective amount of cash benefits for Child Only and other eligible AU's is detailed in the Upper Skagit Tribal TANF Programmatic and Assistance Guidance.

2.13 Cash Benefit Payments: Cash benefits in the form of TANF grants will be based on eligibility criteria for the preceding three consecutive months. Grants will be paid monthly on a standard date to be set by the Upper Skagit Indian Tribal Administration. If more than ten (10) days will elapse before the next monthly grant day, pro-rated grants will be issued within ten (10) working days of the application being approved.

The respective amount of cash benefits for Child Only and other eligible AU's is detailed in the Upper Skagit Tribal TANF Programmatic and Assistance Guidance.

2.14 Emergency Services: Non-recurring short-term (four months or less) benefits that help an eligible TANF family with emergency health care, safety, transportation, or shelter needs. Eligible Emergency Services are detailed in the Upper Skagit Tribal TANF Programmatic and Assistance Guidance. These short-term benefits are not considered assistance and are not subject to the 60-month lifetime limit on assistance.

2.15 Time Limits for Receiving Cash Assistance: The following establish time limits for receiving cash benefits:

1. An adult client may only receive cash assistance for a total of sixty (60) months. In determining eligibility, the Tribe will count all prior months of TANF assistance provided by any state or tribe funded with TANF block grant funds, except for any month that was exempt or disregarded by statute or regulation.
2. This time limit represents the time required to achieve self-sufficiency based on the employability of the USIT TANF clients.

3. Enrolled Tribal Members can only receive TANF from one State or Tribal TANF program at a time.

2.16 Exemptions from Time Limits: The TANF Program will comply with 45 CFR 286.115 and the following will not count towards the time limit:

1. Any month during which an adult has received assistance under a State or Tribal program in which the adult lived on Reservation and at least 50% of the adults living on the Reservation were not employed.
2. Minor Child Exception: The number of months for which an individual who is a parent or pregnant and has received assistance under the TANF program shall be disregarded with respect to the individual if during the months of assistance the individual was:
 - a. a minor child; and
 - b. not the head of a household or married to the head of household
4. When there is documented proof, as defined in the Upper Skagit Tribal Programmatic and Assistance Guidance., , the family units or clients may be exempt from applicable time limits due to hardship, as that term is defined by the Upper Skagit Indian Tribe.

Hardship includes, but is not limited to:

1. Physical abuse
2. Sexual abuse
3. Threat of, or attempted, physical or sexual abuse
4. Mental abuse
5. Neglect or deprivation of medical care
6. Victim of a violent crime
7. Other documented hardships when approved by the Tribe's Social Services Director or the Tribal Council designee.

Caseworkers will make every effort to move clients with long-term barriers to employment into alternate programs designed to address the client's long-term needs. Including but not limited to, the development of a Self Sufficiency Plan (SSP) together with the client and continually assisting the client in meeting the goals set forth in the SSP. Case workers have an affirmative obligation to proactively support the client in furtherance of the SSP.

Due to the number of individuals exposed to the above hardship criteria, the maximum total percentage of family units subject to time limit exemptions due to hardship may not exceed twenty percent (20%) of the total TANF caseload at the time of highest participation.

Section 3.0: Work Participation Standards

3.1 Upper Skagit Indian Tribe TANF Work Participation: The Upper Skagit Indian Tribe TANF Work Participation, approved by the Upper Skagit Tribal Council, as amended, is the

governing section for Upper Skagit TANF Program Work Requirements. The section sets forth TANF Work Participation requirements.

3.2 Work Participation Rate Standards: American Indians and Alaska Natives in the service area have had a long history of high unemployment and under-employment. Skagit County and the surrounding area have historically had unemployment rate at almost twice the state and national level. Unemployment on the Upper Skagit reservation has consistently been above 50%.

The following work participation rates are based off 16 hours of work participation activity, reflecting the economic conditions in Skagit County and Indian Country in Northwest Washington State:

Fiscal Year 2023:	25%
Fiscal Year 2024:	25%
Fiscal Year 2025:	25%

The above work participation rate scale represents fair and appropriate standards that will be met.

3.3 Minimum Work Participation Approved Activities: To remain eligible for an Upper Skagit Tribal TANF grant and to achieve self-sufficiency, all adult family members must participate in a self-sufficiency related activity that includes any and all activities that push a family toward self-sufficiency, unless the adult obtains a program approved exception by the Program Manager in consultation with the Tribe's General Manager. Activities must be designed to move a family towards self-sufficiency. There will be flexibility for the TANF program to consider client activities toward meeting their minimum weekly participation as long as there is documentation that the client is engaged in an activity related to preparing the individual and their family for self-sufficiency. Activities that may count toward the work requirement include, but are not limited to:

- Barrier removal activities, including counseling, anger management services, chemical dependency treatment, violence prevention counseling, physical therapy, treatment for specific limiting health conditions and other barrier removal needs as identified in the client's Self-Sufficiency Plan.
- Work Skills Training and Assessments
- Basic Education needs that will promote long term job readiness and self sufficiency
- Life Skills Training that promotes both individual and family self-sufficiency
- Job search/ job readiness training
- Job skills training;
- On the job training (OJT)
- Sheltered/ supported work
- Work experience or job sampling
- Subsidized public and private employment
- Unsubsidized public and private employment
- Internships
- Vocational education (without time limit)

- Education directly related to employment
- Teen parents in school
- Credit for reasonable transportation needs (time spent commuting to and from work or training)

Reasonable transportation time to and from work activities will be included in the work participation requirement as allowed by Federal Regulations and Upper Skagit Tribal TANF Policies. Transportation for TANF clients is a barrier to employment, due to availability, time and cost. In considering these factors, it is 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.

Upper Skagit Tribal TANF also recognizes activities related to a recipient's rights under treaties to "hunt, fish and gather" as defined under Tribal statutes, treaties or other applicable law and when by exercising those rights, the family will benefit by the resource provided. This includes Traditional religious activities.

Upper Skagit Tribal TANF also recognizes activities that strengthen the family and ensures the health, safety and well-being of the children, including but not limited to, attending treatment or counseling for alcohol, substance abuse and mental health disorders, attending medical and dental appointments, attending family counseling, working with children to succeed in school, volunteering in children's classrooms.

3.4 Minimum Work Participation Requirements: The Upper Skagit Tribal TANF program is committed to working with clients to place an emphasis on measuring a client's success based on their progress towards self-sufficiency through a plan that is based on the client's barrier removal needs, their education, and their employability and not solely dependent on static minimum weekly participation hours that do not accurately reflect the client's progress.

With the primary focus of ensuring the success of each TANF client, their individualized self-sufficiency plans will place an emphasis on the barriers and the basic life skills necessary to prepare the client to enter the work force.

The goal of each client, subject to work participation requirements, is to, break down barriers, gain education and work skills and ultimately obtain self-sufficiency to be able to meet the average minimum weekly work hours as follows:

1. Single parent households, in which all children are over the age of two (2), are required to progress toward an average of sixteen (16) hours of TANF activities per week.
2. Two parent households, in which all children are over the age of two (2), are required to progress toward an average of twenty-four (24) hours of TANF activities per week. In this situation, both members of the household are required to participate in TANF work activities, with the minimum average hours per member being ten (10) hours of the twenty-four (24) hours.

3. Two parent households with a child under two (2) year of age are required progress toward an average of twenty-four (24) hours of TANF activities per week. In this situation, both members of the household are required to participate in TANF work activities, with the minimum average hours per member being five (5) hours of the twenty-four (24) hours. Reasonable exceptions may be approved by the Program Manager and the Tribe's General Manager for families where one parent needs to provide child care while the other works.

4. Non-Needy Caregivers (Child Only) are not subject to work participation requirements.

It is understood that there may be some instances in which an individual may not be able to participate in a work activity for the required amount of time in a given week. Under these circumstances, the parents (single or two-parent) will be able to add their total hours during a consecutive thirty-day period to determine an average of hours of participation. When divided by the number of weeks in the month, the average hours must equal the weekly requirement subject to any work participation exemptions that may be applicable. Client work participation activities and time spent on such activities shall be submitted to the caseworker for review. The caseworker will make any recommendations and send them to the Program Manager for final approval of the work participation.

Caseworkers shall provide active case management, including, but not limited to, timely follow up meetings with clients, taking clients through the steps of their SSP, assisting clients in filling out forms and applications for referred services, and actively engaging with the client to ensure a firm understanding of the SSP. Caseworkers must be proactive in referring families to additional Tribal, State, and Federal services that may assist the family in their goal of self-sufficiency. These efforts must provide an active approach in assisting the client that goes beyond merely requiring the plan to be performed by the client and referring to and arranging services.

3.5 Exemptions: The Upper Skagit Work Participation exempts the following clients from Minimum Work Participation Requirements for the periods of time listed:

1. Single parent households in which a child is less than one (1) year of age.
2. Situations of extreme hardship. Hardship includes, but is not limited to:
 1. Physical abuse
 2. Sexual abuse
 3. Threat of, or attempted, physical or sexual abuse
 4. Mental abuse
 5. Neglect or deprivation of medical care
 6. Victim of a violent crime
 7. Other documented hardships when approved by the TANF program director or the Tribal Council designee.
3. A client may obtain a program approved exception authorized by the Department Director and General Manager of Governmental Operations or designee.

4. Two parent households during the first ten (10) weeks after the birth of child.

3.6 Exemption if Single Parent cannot find Suitable Child Care: A family may be allowed a good cause exemption from applicable work participation requirements (WPR) due to hardship as defined below:

1. Single custodial parent with a child under 6 who is unable to obtain suitable affordable child care within a reasonable distance of the home. 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:

- a. 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.

- b. 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.

- c. 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. Requests for exemptions will be staffed with the Program Manager and the Tribe's General Manager to determine if it meets the criteria for work participation exemption.

Section 4.0: Employment Opportunities

4.1 Employment Overview: In past years, Skagit County's mainstay of economic activity was farming, forestry and fishing. Economic dependence on these seasonal industries meant broad fluctuations in the availability of local jobs. In recent years, employment growth in non-seasonal industries has outpaced Skagit County's traditional seasonal employment. Farming, forestry, and fishing are still important to the local economy; however with the expansion of wholesale and retail trade, tourism, manufacturing, construction, and the service industry, more diverse

employment opportunities have become available. Employment opportunities are also available in the neighboring metropolitan areas of Bellingham to the North and Everett to the South.

4.2 Employment Opportunities (American Indian and Alaska Natives): American Indians and Alaska Natives in the Service Area have not shared in the economic growth of the region. Geographic isolation, limited work skills, and limited work opportunities have contributed to keeping the unemployment rate among American Indians and Alaska Natives at well above the regional average. For many tribal members, the prospect of moving into available jobs remains low due to a lack of transportation and basic skills.

Limited access to off-reservation employment has left many Tribal members with the impression that their main and many times only source of employment is Tribal Government. In developing policies, setting goals and writing SSP, the USIT TANF Caseworkers will take into consideration the availability of local job opportunities, the economic profile of the area and the social and cultural needs of participants.

4.3 Employment Opportunities: The TANF Caseworkers must maintain a list of private and public sector employment opportunities in and around the Skagit County Service Area. This list shall be updated at minimum once a month to ensure that clients are aware of the most recent and up to date opportunities. This list must also be disseminated to clients who are eligible for work.

4.4 Enhance Employment Opportunities: Removal of TANF client's barriers to employment is the main focus of the Upper Skagit TANF program. The Upper Skagit TANF program works with clients to remove these barriers so the client is self-sufficient and prepared for meaningful employment. The client's Self-Sufficiency Plan identifies and addresses the corrective action required to remove these barriers. Once the client is self-sufficient and ready to enter the workforce, the Upper Skagit TANF program works with the client and employers to ensure the client is successful in maintaining employment. This is achieved by continually monitoring the client's progress and maintaining support services for the client.

Section 5.0: Sanctions for Non-Participation

5.1 Work Requirements: All TANF clients will be expected to meet work requirements as set forth in the Upper Skagit Indian Tribe's TANF Work Participation Section of this Plan and the client's SSP. Reasonable exceptions to this policy may be granted by the Program Manager and the Tribe's General Manager if extenuating circumstance, beyond the control of the family, prevent participation.

There may be occasions when an adult family member refuses to participate in work activities or occasions when an adult family member or child fails to follow other applicable program policies, approved and amended by the Upper Skagit Tribal Council, such as, but not limited, the Upper Skagit TANF Programmatic and Assistance Guidance. In those cases, sanctions will be used as a tool to leverage cooperation with program requirements but are not mandatory.

Consistent with Federal Regulations and Upper Skagit TANF Policy, a corrective action plan will be created to assist the family with getting back on track with compliance and more importantly, on track with their family self-sufficiency goals.

5.2 Sanctions: The Upper Skagit TANF Program is authorized to develop a sanction and/or incentive guidance document to be approved by Tribal Council that may provide for the reduction, suspension, or termination of client services, support services or cash grants for clients failure to cooperate or participate in any TANF program requirements, and/or incentives for clients that progress in their efforts towards self-sufficiency.

5.3 Termination of TANF Cash Grant: A TANF cash grant shall be terminated if any of the following apply:

1. Income as defined by this Plan exceeds TANF eligibility requirements for three consecutive months.
2. All dependent children leave the household.
3. Clients refuse to actively participate in their TANF Self-Sufficiency Plan activities and have exhausted their Sanction time limit for correcting this deficiency. Clients terminated for non-participation must wait two (2) months from the date of the termination before reapplying.
5. The client voluntarily closes the grant. Clients who voluntarily close a grant cannot reapply for TANF for forty-five (45) days from the date they closed the grant.
6. A client who is administratively found to have committed fraud against the TANF program will not be eligible to receive TANF for a period of twelve(12) months from the date of the finding.
7. A client whose conduct threatens, harasses, or harms the TANF program staff may be subject to immediate expulsion from the program.

5.4 Fraud: Applicants/ recipients who make fraudulent misrepresentations in order to obtain or continue to receive cash benefits or other program related services may be denied cash benefits and program related services for a period of 12 months from the date the fraudulent misrepresentation is discovered. When the fraudulent misrepresentation results in an overpayment or payment of cash benefits the applicant was not entitled to, then cash benefits and program related services may be denied until all cash benefits obtained through fraud are reimbursed to the USIT TANF program, even if that time period exceeds 12 months. The case shall be referred to the Upper Skagit Tribe's Prosecuting Attorney to take any legal action as may be deemed appropriate based on the circumstances and applicable law.

Section 6.0: Support Services

6.1 Support Services Limits: Support Services are provided to help participants reach self-sufficiency, accept or maintain employment, and progress in their Self-Sufficiency Plan. To be eligible for support services, the client must meet all Upper Skagit TANF eligibility requirements and be an active TANF Participant.

Support services and any applicable allowances shall reflect the prevailing cost of goods and services. Support services and support allowances will be reviewed by TANF Management at minimum every two years and may be adjusted for inflation, changes in market conditions or other rationales for changing the support services.

6.2 Child Care: Child care necessary to participate in TANF activities and for low income working clients will be coordinated and provided through the Washington State Working Connections Child Care Program. As appropriate, short-term child care assistance may be provided by the TANF program while approval for Working Connections Child Care is pending.

6.3 Available Support Services: Support services will be provided to help clients to gain self-sufficiency, maintain their work participation requirements, to assist with education, and to accept or maintain employment. To be eligible for support services, a client must be making progress in their SSP. Appropriate limits on the amount and type of supportive services allowed may be established by the Tribe.

One or more of the following supportive services may be available to Upper Skagit Tribal TANF participants. This list is not exhaustive:

- 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; and (c) health and hygiene.
- Substance abuse counseling
- Substance abuse treatment
- Transportation
- Child care
- Initial screening for qualification for other related programs and services,
- Referrals to other tribal, state and local support services and related employment and training programs
- Health service system referrals
- Housing referrals and assistance
- Clothing, tools, and equipment needed for training or to get or retain 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 the statutory purposes of Tribal TANF are available to youth within the Assistance Unit. These may include, but are not limited to, tutoring, life skills and counseling services.
- Traditional cultural support activities
- Nonrecurring, short-term benefits (emergency assistance)
- Mental Health Screenings and Services
- Anger Management Screenings and Services
- Educational Screenings & Assessments
- Diapers, baby wipes, etc as well as basic hygiene products

6.5 Exceptions: The Program Manager or General Manager is authorized to make exceptions for clients on a case-by-case basis. All requests for an exception to any part of established program procedure must be presented to the Program Manager or General Manager in writing and signed by the client's assigned case manager. The Director or General Manager will respond within five (5) working days of receipt with a written acceptance or denial of a request for the exception. One copy of the request will be given to the participant and one copy will be placed in the client's file. No exceptions contrary to federal TANF regulations may be granted.

Section 7.0: Appeal Rights

7.1 Letter of Notification – Ineligibility for Services or Assistance or Adverse Decisions:

When an applicant is ineligible for TANF services or financial assistance, or a program decision adversely affects the services provided to a client, the applicant or client will be provided with a Letter of Notification within (10) days of the application date. The Letter of Notification will advise applicants/ participants of the decision, their ability to cure any necessary items in their application or file and the reasonable timeline to cure. Failure to cure the defaults will result in a denial letter that shall detail the participants' right to appeal and the appeal process. The procedures for the dispute resolution process will be set forth in the TANF Programmatic and Assistance Guidance.

7.4 Displacement: An adult or minor head-of-household taking part in a TANF work activity cannot fill a vacant employment position if:

1. Any other individual is on layoff due to a reduction of force from the same or any substantially equivalent job; or
2. The employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction in its work force in order to fill the vacancy with the TANF participant.

7.5 Displacement Grievances: The Upper Skagit TANF Displacement Procedure addresses the grievance procedure to resolve complaints of alleged violations of this displacement rule.

Section 8.0: Confidentiality

8.1 Confidentiality – Recipient Information: The USIT TANF Program will restrict the use and disclosure of confidential information about recipients and families receiving USIT TANF benefits and services. The USIT TANF Program will not release or disclose recipient information, except as specifically authorized by Tribal Law, administrative policy, or as ordered by a court of competent jurisdiction.

The USIT TANF Program maintains all necessary Data Share Agreements and updates client Consent for Release of Confidential Information, as necessary. The Tribal TANF Program discloses and/or requests information as necessary and allowable to determine eligibility for services and to ensure seamless provisions of services for clients.

All Tribal TANF staff and other individuals affiliated with the programmatic information are required to sign a Confidentiality Statement in order to protect the TANF client and safeguard client information.

Section 9.0: Fiscal Accountability

9.1 Fiscal Accountability: For each fiscal year that the Upper Skagit Indian Tribe receives or expends funds pursuant to a block grant under Section 412 of Title IV-A – Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 5(f) (1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 405c (f)(1), relating to the submission of a single-agency audit report required by Chapter 75 of Title 31, United State Code, applies.

Section 10.0: Data Collection and Reporting:

10.1 Data Collection and Reporting: The TANF Program will comply with all applicable statutory and regulatory data collection and reporting requirements pertaining to TANF.

Section 11.0: Retrocession:

11.1 Retrocession: The Upper Skagit Indian Tribe may retrocede the operation of the USIT TANF Program to the State and HHS/ACF by providing written notice to the Secretary as stipulated in 45 CFR 286. The USIT TANF Program will provide concurrent notification to the State of Washington. In addition to giving proper notice, the USIT TANF Program and Upper Skagit Indian Tribe will meet all requirements in 45 CFR 286 for retrocession.

Exhibit B
State MOE Payment Schedule

State Fiscal Year July 1 – June 30	Tribal TANF funding period	MOE Funding
<u>2023</u>	7/01/22 to 6/30/23	\$ 442,784
<u>2024</u>	7/01/23 to 6/30/24	\$ 442,784
<u>2025</u>	7/01/24 to 6/30/25	\$ 442,784
<u>TOTAL 2022-2025</u>	7/01/22 to 6/30/25	\$1,328,352

Subsequent to Sections 6-8 of this Agreement: 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. Upper Skagit Indian Tribe must submit reports to the State TANF contact no later than forty (40) days from the end of each 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: Upper Skagit Indian 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 & TRUE TO THE BEST OF MY KNOWLEDGE & 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 references 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:
EMPLOYER ID NUMBER (EIN):	REPORT PERIOD:
	From:
	SUBMISSION: ORIGINAL [] or REVISED [] QUARTERLY [] or FINAL []

REPORTING ITEMS	COLUMN (A) FEDERAL TFAG FUNDS	COLUMN (B) STATE CONTRIBUTED MODE 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:
FORM ACF-196T PAGE 1 OF 1	CONTROL NO. 0975-0345
	EXPIRATION DATE: 02/29/2020
	EMAIL ADDRESS:

**Exhibit E
IGA Amendment Form**

Intergovernmental TANF Agreement Amendment Form

Indian Nation: Tribal Plan Contract Number: Amendment Number: ACD Amendment Number Amending: (check all that apply) <input type="checkbox"/> IGA <input type="checkbox"/> Plan <input type="checkbox"/> Budget <input type="checkbox"/> Other Administration/Program and Page of agreement: See below
Reason for change:
Change:
By their signatures below, the parties agree to and certify that they are authorized, as representatives of their respective governments, to sign this Amendment regarding the TANF Intergovernmental Agreement and the Contract Consolidation Project.
_____ Date: _____ Upper Skagit Indian Tribes
_____ Date: _____ Washington State Department of Social and Health Services