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*Executive Office of Health and Human Services*  
**Department of Transitional Assistance**  
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**Field Operations Memo 2007-21**  
**April 2, 2007**

**To:** Transitional Assistance Office Staff

**From:**  John Augeri, Assistant Commissioner for Field Operations

**Re:** TAFDC – Community Service and the Automation of Fair Labor Standards Act (FLSA) Calculation

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**Background**

To comply with the Fair Labor Standards Act, the Department limits the number of hours a person may participate in community service. Under FLSA, community service hours are based on the total amount of TAFDC and Food Stamp benefits received divided by the Massachusetts minimum wage and then divided by 4.333. The result is the person's maximum weekly hour total that he or she may participate in community service.

If an applicant or recipient is interested in community service, he or she must be informed of the number of hours he or she may participate in community service. If the FLSA hours are equal to or greater than the applicant's or recipient's work program requirement, he or she may perform community service to meet the work program requirement. If the FLSA hours are less than the work program requirement, he or she must meet the work program requirement by working for the **entire** hourly work program requirement, participating in another ESP activity for the **entire** hourly work program requirement; or working or participating in another ESP activity in combination with community service to meet the work program requirement.

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**Purpose of Memo**

This memo informs TAO Staff:

- that the FLSA calculations will be automated, effective with BEACON Increment 2.1.22, scheduled for April 2, 2007;
  - how the change will appear in BEACON; and
  - the FLSA\_CALC2 icon located on each desktop is no longer necessary.
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**Obsolete  
Memo**

Field Operations Memo 2006-46: “TAFDC – Community Service and the Fair Labor Standards Act (FLSA) and Special Project,” is obsolete.

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**Community  
Service  
Referrals**

Prior to enrolling a nonexempt recipient or applicant, who has used the 60-day work search period, in a community service site, the AU Manager must inform him or her about the FLSA hours.

To help AU Managers determine the FLSA hours for *applicants*, an FLSA Hours field has been added to the “What If?” calculation tool in the BEACON Transitional Assistance Office Group menu. AU Managers should click on the Calculation tab and then click on the “Calculation” button to obtain the FLSA hours. (FLSA hours will be displayed, even if the applicant chooses not to participate in community service). Once a pending applicant is approved, the automated FLSA calculation will be performed.

AU Managers can find the FLSA hours for *recipients*, on the WP Participation tab located on the Summary tab of the Eligibility Explorer window, the ESP Referral disposition window and the ESP APs Requiring an Appointment for FLSA view.

Once the FLSA hours have been determined, the AU Manager *must*:

- inform the applicant or recipient that he or she may meet the work program requirement through community service, if the FLSA hours meet the total hourly work program requirement.

Note: The hourly requirement will be recalculated if there is a grant change request released in the Interview Wrap-up. If the FLSA calculation changes the maximum amount of community service participation hours, the applicant or recipient must be told that he or she will be contacted by the AU Manager; or

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**Community  
Service  
Referrals  
(continued)**

- inform the applicant or recipient, either by phone or in writing, when the FLSA hours *do not meet* the total hourly work program requirement and tell him or her that the hours needed to meet the work program requirement are greater than the FLSA hours.

The AU Manager *must*:

- inform the applicant or recipient that the hours needed to meet the work program requirement are greater than the FLSA hours;
- strongly encourage the applicant or recipient to:
  - ✓ work for the **entire** hourly work program requirement;
  - ✓ participate in another ESP activity for the **entire** hourly work program requirement; or
  - ✓ work or participate in another ESP activity in combination with community service to meet the work program requirement;
- work with the applicant or recipient to ensure that he or she is referred to an appropriate ESP activity that meets the work program requirement and helps to achieve self-sufficiency; and
- inform the applicant or recipient that he or she must continue to meet the work program requirement unless there is good cause. If good cause does not exist, he or she may be sanctioned.

If the applicant or recipient elects to participate in community service and it does not meet the work program requirement, the applicant or recipient will be required to participate fully in another activity and may be participating more hours than required. See Attachment A for a suggested script.

If the applicant or recipient has used twelve months of education or training, that activity no longer meets the work program requirement and the applicant or recipient must meet the work program requirement with another activity. The months used are displayed on the “Participation tab of the Summary tab,” the “Monitor Participation window” and the Work Requirements window TAFDC tab.

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**Community  
Service  
Referrals  
(continued)**

**Note:** If the applicant or recipient chooses to participate in:

- ◆ an ESP activity and supplements the activity with community service and there is no community service slot available; or
- ◆ community service and supplements the community service with an ESP activity and there is no ESP activity slot available;

he or she must be given “Good Cause” for the hours he or she would participate in community service or the ESP activity, following established procedures.

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**FLSA  
Calculation  
Displayed on  
BEACON**

For all recipients engaged in community service, BEACON will recalculate an FLSA hourly amount if there is a grant change request released in the Interview Wrap-up in that evening’s batch job. The result will be displayed in three locations:

- On the new WP Participation tab, found on the Summary tab (at the bottom of a list of Work Program Participation information); and
- On the ESP Referral Disposition window – Go to the Interview tab, click on ESP Services. Select the AP who is engaged in community service from the Member List window, then click on the Employment Development window, then ESP Referral Disposition window. The FLSA Hours field is located in the bottom right-hand corner of this window.

In addition, a new view has been added to Appointments to Schedule entitled “ESP APs Requiring an Appointment for FLSA.” It has been created to display the following fields for APs who are active in community service and the FLSA hours are less than the work program required hours.

- Required Hours (to meet the work program requirement);
- FLSA Hours;
- Ed/Training Counter;
- Counter Notice Date; and
- JS/JR Counter.

The AU Manager must call the recipient in for an interview and follow the instructions on the previous page.

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**The FLSA  
Calculation  
Displayed on  
BEACON  
(continued)**

When the AU Manager changes the activity so that community service hours are less than the FLSA hours, or another activity is selected and community service is terminated, the recipient will be removed from the view.

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**Examples:  
Calculating  
Community  
Service  
Participation  
Hours based on  
FLSA**

The FLSA requires that community service hours be limited to a certain number of hours per week. The limit of those hours is determined by taking the recipient's cash and food stamp benefits and dividing that number by the Massachusetts minimum wage (\$7.50). The resulting number is then divided by 4.333 to determine the allowable weekly total number of hours (If the resulting hour(s) is .50 or more round up to the nearest whole hour. If .49 or less, round down to the nearest whole hour).

**Example 1:** A recipient receives a cash grant of \$531 and food stamps of \$174. To determine the number of community service hours the recipient may participate under FLSA her cash grant and food stamps are totaled ( $\$531 + \$174 = \$705$ ) and divided by \$7.50. That number is then divided by 4.333 (weeks). The recipient can participate in community service for no more than 21.69 hours per week (or 22 hours per week). A recipient with a 20-hour per week work program requirement can meet the requirement with community service. A recipient with a 24-hour per week or 30-hour per week work program requirement may:

- work for the **entire** hourly work program requirement;
  - participate in another ESP activity for the **entire** hourly work program requirement; or
  - work or participate in another ESP activity in combination with community service to meet the work program requirement.
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**Examples:  
Calculating  
Community  
Service  
Participation  
Hours based on  
FLSA  
(continued)**

**Example 2:** An applicant has already used his or her 60-day work search period, was sanctioned and must do community service for two weeks to reopen his or her AU. The AU Manager uses the “What If...” calculation on BEACON to determine that the recipient’s grant would be \$731 and food stamps of \$311 and views the FLSA calculation of 32 hours. The **maximum** that this recipient would be required to participate to meet the work program requirement is either 20 hours per week, 24 hours per week or 30 hours per week based on his or her work program requirement. Applicant amounts in this example are estimated using “What if?” and may change before benefits are approved.

**Note:** This example also applies to an applicant who has used his or her 60-day work search period and was not sanctioned.

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**Change in  
Notices**

All TAFDC benefit change notices and combination TAFDC/PA FS benefit change notices have been amended to include the following language in both English and Spanish:

“If you are currently meeting your Work Program requirement by participating in Community Service, the number of hours you can participate may have changed. Your worker will contact you if the number of hours has changed.”

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**Questions**

If you have any questions, please have your hotline designee call the Policy Hotline at 617-348-8478.

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## Attachment A

### FLSA Community Service Calculation Suggested Script

Because of the Fair Labor Standards Act, the number of hours you can participate in community service has changed.

You can participate for \_\_\_\_\_ hours in community service.

Your work program requirement is \_\_\_\_\_ hours. Because of this change, your participation in community service **alone** no longer meets the work program requirement.

You may meet your work program requirement in one of the following ways:

1. You may get a job for the entire work program required hours I told you about.
2. You may participate in another ESP activity that meets the entire work program required hours I told you about. I can help you decide which activity will help you reach self-sufficiency and get you a job. I can also refer you to that activity today.
3. You may also do community service and fully participate in another ESP activity to meet your work program requirement. You may continue to participate in community service, but only for \_\_\_\_\_ hours per week. We cannot include the time it takes you to get from community service to the ESP activity to count towards your work program requirement.

I can help you decide which of these options is best for you.