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United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: SNAP -- Clarifying Income Exclusion Regarding the Summer Youth Employment Opportunities and YouthBuild Program

TO: All Regional Directors  
Supplemental Nutrition Assistance Program

Recently, it has been brought to the National Office's attention that there is some confusion concerning the treatment of income received from the Summer Youth Employment Opportunities element under the Workforce Investment Act (WIA). Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.9(c)(10)(v), provide that allowances, earnings, or payments (including reimbursements) to individuals participating in programs under WIA are excluded from income for SNAP purposes. However, Section 6 (l) of the Food and Nutrition Act of 2009 provides an exception that "Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2)), earnings to individuals in on-the-job training under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) shall be considered earned income for purposes of the supplemental nutrition assistance program, except for dependents less than 19 years of age." SNAP regulations specify this exception at 7 CFR 273.9(b)(1)(v).

The recently enacted American Recovery and Reinvestment Act of 2009 (ARRA) increased funding for the Summer Youth Employment Opportunities and raised the age of eligibility to a maximum of 24 years old. As a result, an increased number of individuals, including those who are 19 years of age and older, may participate this summer.

When certifying households containing individuals participating in the Summer Youth Employment Opportunities element, the State agency should determine if the individual is participating in on-the-job training, as specifically defined under WIA at 20 CFR 627.240. If the individual is participating in on-the-job training, the State agency must count the income in determining SNAP eligibility. Per 29 U.S.C. §2801 of the Workforce Investment Act of 1998, on-the-job training is defined as:

"...training by an employer that is provided to a paid participant while engaged in productive work in a job that – (A) provides knowledge or skills essential to the full and adequate performance of the job; (B) provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and (C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate."

Food and Nutrition Service (FNS) has contacted the Department of Labor Employment and Training Administration (DOL/ETA) and has been advised that the focus of the Summer Youth Employment Opportunities element is on work experience and not on-the-job training.

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State's that encounter participants in the Summer Youth Employment Opportunities should ensure that *only* on-the-job training payments are counted as income for SNAP purposes, as other benefits received under this program are excluded. States should also ensure that the participant is 19 years of age or older, as younger participants would have on-the-job training income exempted. FNS has also been advised that the YouthBuild programs do not involve on-the-job training. Per DOL/ETA, YouthBuild trainees are provided with income/stipend support while in the training program, but it is not an on-the-job programmatic activity.

Please advise your State agencies of this clarification regarding allowances, earnings or payments to individuals participating in programs under the WIA as soon as possible to ensure the accurate treatment of income received this summer through the Summer Youth Employment Opportunities element and the YouthBuild program. If you have any questions about this issue, please contact your Regional Office's liaison in the Certification Policy Branch.



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