

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Community Based Services**  
**Division of Family Support**  
**(Amendment)**

**921 KAR 2:520. Work Incentive (WIN).**

RELATES TO: KRS 205.200, 205.211, 45 C.F.R. Parts 260-265, 42 U.S.C. 601-619, Part 9902(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 205.200(2), 205.2003

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.200(2) requires the cabinet to prescribe, by administrative regulation, the conditions of eligibility for public assistance, in conformity with the Social Security Act, 42 U.S.C. 601 to 619, and federal regulations. KRS 205.2003 requires the cabinet to promulgate administrative regulations to develop a work program for recipients of public assistance to provide for immediate employment or preparation for employment, and to provide supportive services to assist in the pursuit of work and self-sufficiency. This administrative regulation establishes requirements for receiving the Work Incentive (WIN) payment in accordance with Temporary Assistance for Needy Families (TANF) provisions established in 45 C.F.R. Parts 260-265.

Section 1. Definitions.

- (1) "Benefit group" means a group that meets the eligibility requirements established in 921 KAR 2:016.
- (2) "Cabinet" means the Cabinet for Health and Family Services.
- (3) "Family Assistance Short Term" or "FAST" means the program established in 921 KAR 2:500.
- (4) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.
- (5) "Overpayment" means a Work Incentive payment received by an individual who after an initial determination of eligibility:
  - (a) Is determined to be ineligible for the program; and
  - (b) Received erroneous benefits.
- (6) "Work expense" means costs or charges accumulated as a result of items or services necessary for employment.

Section 2. Eligibility for WIN.

- (1) To qualify for WIN, a member of the benefit group shall:
  - (a) Be discontinued from KTAP with earnings;
  - (b) Report to the cabinet within ten (10) calendar days of obtaining employment and provide written verification within ten (10) calendar days of the report;
  - (c) Have an eligible child as defined in 921 KAR 2:006, Section 1;
  - (d) Be employed;
  - (e) Have a work expense;
  - (f) Be a resident of Kentucky; and
  - (g) Have total gross earned and unearned income at or below 200 percent of the official federal poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 9902(2).
- (2) An individual is not eligible for WIN if:

- (a) Employment is obtained after the KTAP case is discontinued; or
- (b) The individual has previously received all twelve (12) months of WIN payments.
- (3) An eligible recipient shall not receive KTAP, FAST, or WIN concurrently.

### Section 3. Eligibility Period.

- (1)
  - (a) The potential WIN eligibility period for an approved WIN recipient shall be twelve (12) cumulative months, beginning with the first month of discontinuance of KTAP.
  - (b) Eligibility shall be redetermined monthly.
- (2)
  - (a) An eligible WIN recipient shall be eligible for up to twelve (12) cumulative months of WIN payments.
  - (b) If an eligible recipient loses employment, the WIN payment shall stop unless:
    - 1. New employment is obtained within one (1) month; and
    - 2. Written verification is provided to the cabinet by the last business day of the WIN-eligible month to verify the new employment.
  - (c) If eligibility in accordance with Section 2(1) of this administrative regulation is no longer met, the WIN payment shall stop.
  - (d) If the eligible WIN recipient reapplies and is eligible for KTAP, the WIN payment shall stop.
- (3) If an individual previously received less than twelve (12) WIN payments and regains eligibility for WIN, the eligible recipient may continue to receive the remaining WIN payments.
- (4) An eligible recipient shall not waive receipt of the WIN payment in order to receive the payment at a later date.

### Section 4. Payment Amount and Authorization.

- (1) To the extent funds are available, the payment amount shall be \$200 per month per eligible adult.
- (2) The first payment shall be automatically issued on the tenth day of the effective month of the discontinuance of KTAP benefits.
- (3) Each subsequent payment may be issued upon the cabinet receiving:
  - (a) A completed WIN-1, Work Incentive (WIN) Report, by the last business day of the WIN-eligible month; or
  - (b) A completed WIN-2, Second Notice for Work Incentive (WIN) Report, by the last business day of the WIN-eligible month.

### Section 5. Overpayments.

- (1) The cabinet shall recover the amount of an overpayment, including assistance paid pending the outcome of a hearing, from the claimant-payee.
- (2) An overpayment shall be recovered through:
  - (a) Repayment by the claimant-payee to the cabinet; or
  - (b) Cabinet initiation of a civil action in the court of appropriate jurisdiction after the claimant-payee has exhausted or abandoned the administrative and judicial remedies specified in 921 KAR 2:055.

Section 6. Hearings and Appeals. An applicant or recipient of WIN payments who is dissatisfied with an action or inaction on the part of the cabinet may seek a hearing pursuant to 921 KAR 2:055.

### Section 7. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "WIN-1, Work Incentive (WIN) Report", 08/22; and
  - (b) "WIN-2, Work Incentive (WIN) Report – Second Notice", 08/22.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

(29 Ky.R. 859, Am. 2296; eff. 3-19-2003; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 42 Ky.R. 610; eff. 11-18-2015; 49 Ky.R. 690; eff. 3-16-2023.)

*MARTA MIRANDA-STRAUB, Commissioner*  
*ERIC C. FRIEDLANDER, Secretary*

APPROVED BY AGENCY: August 2, 2022

FILED WITH LRC: August 4, 2022 at 8:10 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on October 24, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by October 17, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until October 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

**CONTACT PERSON:** Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email [CHFSregs@ky.gov](mailto:CHFSregs@ky.gov).