

921 KAR 2:520. Work Incentive or "WIN".

RELATES TO: KRS 205.200, 205.211, 205.2003, 45 C.F.R. Parts 260-265, 42 U.S.C. 601-619

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 Chapter 205 requires the Cabinet for Health and Family Services to administer the public assistance 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 payment.

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) "Employed" means a person performs a physical or mental activity in exchange for direct monetary compensation.
- (4) "Family Alternatives Diversion Program" or "FAD" means a money payment diversion program for families in need in accordance with 921 KAR 2:500.
- (5) "Kentucky Transitional Assistance Program" or "K-TAP", means Kentucky's Temporary Assistance for Needy Families or "TANF" money payment program for a child in accordance with 921 KAR 2:006.
- (6) "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.
- (7) "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 K-TAP with earnings;
 - (b) Report and provide written verification to the cabinet within ten (10) calendar days of obtaining employment;
 - (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 federal poverty level.
- (2) An individual is not eligible for WIN if:
 - (a) Employment is obtained after the K-TAP case is discontinued; or
 - (b) The individual has previously received a WIN payment.
- (3) An eligible recipient shall not receive K-TAP, FAD, or WIN concurrently.

Section 3. Eligibility Period.

- (1)
 - (a) The potential WIN eligibility period for an approved WIN recipient shall be a nine (9) consecutive month period beginning with the first month of discontinuance of K-TAP.
 - (b) Eligibility shall be redetermined monthly.
- (2) A recipient discontinued from K-TAP shall be eligible for one (1) lifetime WIN eligibility period.
 - (a) An eligible WIN recipient shall be eligible for up to nine (9) 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 within ten (10) calendar days of obtaining new employment.
 - (c) If eligibility in accordance with Section 2(1) of this administrative regulation is no longer met, the WIN payment shall stop even if months are remaining in the eligibility period.
 - (d) If the eligible WIN recipient reapplies and is eligible for K-TAP, the WIN payment shall stop even if months remain in the WIN eligibility period.
- (3) 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 \$130 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 K-TAP benefits.
- (3) Each subsequent payment may be issued upon the cabinet receiving:
 - (a) A completed WIN-1, Work INcentive (WIN) Report, within ten (10) calendar days of issuance; or
 - (b) A completed WIN-2, Second Notice for Work INcentive (WIN) Report, within ten (10) calendar days of issuance.

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", 12/15; and
 - (b) "WIN-2, Second Notice for Work INcentive (WIN) Report", 12/15.
- (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.

(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.)