

Readopt with amendment Emp 404.03, effective 3-3-22 (Document #13348), to read as follows:

Emp 404.03 Definitions.

- (a) “Beneficiary” means an individual determined eligible and currently receiving:
- (1) Medicaid;
 - (2) Temporary assistance to needy families (TANF) as described in RSA 161 and RSA 167; and
 - (3) Supplemental nutrition assistance (SNAP) as described in RSA 161 and RSA 167.
- (b) “Department” means the New Hampshire department of employment security.
- (c) “Entity” means for-profit businesses which pay contributions per RSA 282-A:69, I or governmental and non-profit organizations, who are described in section 501(c)(3) and exempt under section 501(a) of the internal revenue code, who have elected to pay contributions pursuant to RSA 282-A:69, II.
- (d) “Granite advantage health care program (granite advantage)” means the granite advantage health care program established under RSA 126-AA or any successor law.
- (e) “Grant recipient under WorkInvestNH” means the entity that receives funds from the department to reimburse it for training provided under Emp 404.
- (f) “Grant recipient under WorkNowNH” means a participant who is eligible to receive funds from the department for technical education, training, and related supports.
- (g) “Individualized employment plan” means the long term career plan created by the department and the participant in WorkNowNH.
- (h) “NH Medicaid Program” means the Title XIX and Title XXI programs administered by the department, under RSA 167:3-i, RSA 167:4, RSA 167:5, RSA 167:6, I, RSA 167:6, IV, RSA 167:6, VI, RSA 167:6, IX, and RSA 167:68 or any successor law.
- (i) “On-the-job training (OJT)” means a hands-on method of teaching the skills, knowledge, and competencies needed for employees to perform a specific job within the workplace. Employees learn in an environment where they will need to practice the knowledge and skills obtained during their training.
- (j) “Participant” means a beneficiary enrolled in granite advantage, traditional Medicaid, TANF, or SNAP and receiving WorkNowNH services under this part.
- (k) “Program year” means the 12 month period of time that a WorkNowNH participant is enrolled in the program starting from their enrollment date.
- (l) “Supplemental nutrition assistance program (SNAP)” means the supplemental nutrition assistance program as described in RSA 161 and RSA 167.
- (m) “Temporary assistance to needy families (TANF)” means the temporary assistance to needy families programs as described in RSA 161 and RSA 167.
- (n) “WorkInvestNH” means the public-private partnership whereby NH provides grants to eligible entities in order to train their workers.

(o) “WorkNowNH” means a program whereby NH provides enhanced support services including child care, transportation, and tuition assistance to eligible participants who are determined in need of those services to successfully compete for employment opportunities.

(p) “WorkNowNH representative” means the department or an employee of the department.

Readopt with amendment Emp 404.12, effective 7-22-20 (Document #13074), to read as follows:

Emp 404.12 WorkInvestNH Grant Limitations.

(a) Any single grant or multiple grants to any single employer in any grant year exceeding \$70,000 shall first be approved by governor and council.

(b) An entity may apply for more than one grant each fiscal year.

(c) No new application shall be approved until that entity’s previous grants have been completed.

Readopt with amendment Emp 404.25, effective 3-3-22 (Document #13348), to read as follows:

Emp 404.25 Participant Eligibility.

(a) To be eligible to receive WorkNowNH services, a beneficiary shall be:

(1) Enrolled in the granite advantage health care program established under RSA 126-AA or any successor law;

(2) Enrolled in the NH Medicaid Program;

(3) Enrolled in the TANF program as described in RSA 161 and RSA 167; or

(4) Enrolled in the SNAP program as described in RSA 161 and RSA 167.

(b) The minimum age requirement to participate in WorkNowNH shall be 18 years old or over.

(c) Participants shall reside in New Hampshire.

(d) Participants shall pursue employment in New Hampshire.

(e) A participant whose earned income increases and causes the household income to exceed the eligibility limits contained in programs described above in Emp 404.25(a) shall continue to receive WorkNowNH for a period of 12 months.

(f) Participants in OJT employment shall continue to be eligible for unused tuition assistance under Emp 404.27(a)(1) and unused financial support under Emp 404.28(b)(2) during their program year.

(g) Participants in OJT employment shall be terminated from receiving WorkNowNH services 6 months following the end of the OJT.

Readopt with amendment Emp 404.27, effective 3-3-22 (Document #13348), to read as follows:

Emp 404.27 Employment Support Services.

(a) The department shall offer activities and services that are determined to be necessary in accordance with each participant’s individualized employment plan and which consists of the following:

(1) Case management, vocational assessment, career planning, and job readiness services including referral for employment support services and direct job placement as follows:

a. Tuition assistance shall be provided for education and training activities as follows:

1. Payment shall be made to the education provider, training provider, or equipment vendor, if applicable, up to \$6500 per participant in a program year and shall not exceed a lifetime maximum disbursement of \$13,000 for each participant. Payments in excess of \$6,500 shall be made if the training sought in a consecutive year aligns with training and employment goals identified in the participant's individualized employment plan;

2. When the training request is over \$6500 for a program year, the participant shall submit a waiver request to the director of employment services. The waiver request shall include the following information:

(i) Justification detailing the need for services that are calculated to be over \$6500; and

(ii) The participant's continued eligibility under Emp 404.25;

3. The participant may mail or hand-deliver the waiver request to:

Director of Employment Services
NH Employment Security
45 South Fruit Street
Concord, NH 03301

4. The participant may e-mail the waiver request to WorkNowNH@nhes.nh.gov;

5. Payment shall be approved only upon submission of the following information by the participant:

(i) Name of the institution or business providing the training;

(ii) Verification of the courses the participant is taking;

(iii) Verification of the cost of any necessary tuition or equipment; and

(iv) Invoice from the education provider, training provider, and or equipment provider;

6. The department shall review the submitted invoice(s) as required in (a)(1)e., above to confirm that they are consistent with the participant's individualized employment plan and the assessment results;

(2) Financial support shall be provided for books, fees, and supplies, subject to the following limitations:

a. No more than \$1,500 per participant in a program year with a lifetime maximum disbursement of \$3,000 per participant;

b. Payment shall be approved to the education or training provider only upon submission of the following information:

1. Name of the education or training provider;

2. Verification of the courses the participant is taking;
3. Verification of the cost of any necessary books, fees, and supplies as required for the approved training; and
4. Invoice from the education or training provider;

c. If a participant purchases their own books, fees, and supplies, then reimbursement shall be approved only upon submission of the following information:

1. Name of the education or training provider;
2. Verification of the courses the participant is taking;
3. Verification of the cost of any necessary books, fees, and supplies as required for the approved training; and
4. Presentation of itemized receipts; and

d. The department shall review the submitted invoices and receipts to confirm that they are consistent with the participant's individualized employment plan and the assessment results;

(3) Direct payment or reimbursement for child care registration fees shall be paid subject to the following limitations:

- a. No more than \$100 per child in a program year. The lifetime maximum disbursement per participant for child care registration shall be \$200 per child;
- b. Payment shall only be made for registration fees and shall not include other fees associated with the pre-payment of child care services or the holding or securing of child care slots;
- c. Participants shall:
 1. Provide verification or an invoice from the child care provider indicating the child's name and the required child care registration fees due; or
 2. Provide receipt(s) indicating the child's name and the amount paid to the child care provider for the child care registration fee(s); and

d. The department shall review the submitted invoice(s), receipts, or both, to confirm that they are consistent with the participant's individualized employment plan and the assessment results;

(4) Transportation assistance for eligible participants shall be provided for transportation to and from approved activities if the transportation assistance is connected to approved training, employment, or barrier reduction subject to the following:

- a. Transportation assistance shall not exceed \$160 per month with a lifetime maximum disbursement of \$1920 per participant;
- b. Participants shall not receive transportation assistance for more than 6 months during a program year unless the participant is enrolled in approved WorkNowNH training or OJT employment during a consecutive year in which case they shall receive 6 additional months of transportation assistance;

c. Participants shall provide the following information to the department for transportation assistance:

1. Mileage to and from the approved WorkNowNH activity; or
2. Verification of the actual cost of transportation to and from the approved WorkNowNH activity; and

d. Transportation assistance shall be paid as follows:

1. Participants shall be reimbursed for the actual cost of transportation to and from the approved WorkNowNH activity for the number of miles traveled multiplied by \$0.30; and
2. Participants shall be reimbursed for rides verified by receipt and purchased from the following:
 - (i) A transportation network company subject to the requirements of the New Hampshire department of safety at RSA 376-A; or
 - (ii) A taxicab or bus subject to the requirements of the New Hampshire department of safety at RSA 376; or
 - (iii) A public for hire transportation agency under contract with the New Hampshire department of transportation or the United States Department of Transportation; and

(5) The department shall refer WorkNowNH participants to education and training providers including:

- a. The New Hampshire community college system for training and apprenticeship opportunities;
- b. The department of business and economic affairs for available training funds and support services;
- c. The department of education for adult basic education, high school equivalency diploma program and English as a second language;
- d. Driver's education providers; and
- e. Other available post-secondary educational programs, training programs, and apprenticeship programs.

(b) A participant shall not begin training until the training has been approved by the department pursuant to this part.

(c) A participant shall not change or drop classes unless the participant submits a letter to the department explaining why they need to change or drop classes. Failure to timely notify the department and receive approval to change classes shall result in non-payment of training unless the department determines the individual had good cause for such failure. The department shall find good cause based on the following circumstances:

- (1) Illness of the participant or their family member;

- (2) Accident of the participant or their family member;
- (3) Death of a family member; or
- (4) Similar unanticipated event beyond the control of the participant.

Appendix

Rule Number	State Statute/Federal Regulation Implemented
Emp 404.03	RSA 282-A:181; RSA 282-A:182
Emp 404.12	RSA 282-A:181; RSA 282-A:182
Emp 404.25	RSA 282-A:181; RSA 282-A:182
Emp 404.27	RSA 282-A:181; RSA 282-A:182