



## TANF 707-1

# General Workplace Requirements

**Supersedes: TANF 707-1 (7/18/19)**

**Reference:** ARM 37.78.806

**Overview:** Statute prohibits worker displacement when assigning a TANF Employment and Training (E&T) client to a work placement. Additional safeguards, including working conditions, are required for all placements involving children, disabled or elderly clients and collective bargaining agreements.

### **TANF EMPLOYMENT and TRAINING POLICY**

#### **WORKER DISPLACEMENT:**

The Employment and Training contractor cannot place TANF clients at a job site if any of the following exists:

1. Any individual has been laid off/terminated from the same or any equivalent job; OR
2. The employer fired or otherwise caused an involuntarily reduction in its workforce to create the vacancy; OR
3. The site is in a strike or pre-strike status; OR
4. The placement will violate an existing services contract/collective bargaining agreement without written agreement of the labor organization.

A client may be placed in a vacant position on a temporary basis, or when the position is needed to meet new business needs, such as new product demands, new business opening, etc.

#### **GRIEVANCE PROCEDURE:**

The E&T contractor must have a worker displacement grievance procedure available to all current work site employees.

#### **COLLECTIVE BARGAINING/ ABNORMAL LABOR CONDITIONS:**

As part of the TANF employment contract, a written agreement from the appropriate bargaining organization must be received for all jobs involving a collective bargaining agreement.

#### **WORKING CONDITIONS:**

The client must be provided the same working conditions as other employees who have worked a similar length of time in the same type of work.

Clients in subsidized employment placements cannot be paid more than current employees in the same or similar positions simply because the employer receives a wage subsidy.

**TAX INFORMATION:**

All contracted employers must be provided information about available tax incentives, including the Work Opportunity Tax Credit (WOTC).

Earned Income Tax Credit (EITC) information, materials and educational training must be provided to all clients. EITC benefits must also be discussed with clients.

**BACKGROUND CHECKS:**

Background checks are required for clients who may be placed working with vulnerable populations; children (under the age of 18), the elderly (individuals over the age of 60), or disabled individuals (individuals needing assistance with daily living activities). A background check must be completed before placing a client at a job site where this vulnerable population will be present, and the client will interact with these individuals as part of their job duties. Fingerprinting may be required as part of a background check. If an employer requires a background check for all employees and volunteers and Pathways is setting up a WEX site, the employer is responsible for conducting the background check. Pathways may authorize a supportive service to cover the expense.

If the CSP site requires a background check the CSP site is responsible for conducting the background check. Pathways may authorize a supportive service to cover the expense.

The federal statutory authority for these background checks is the National Child Protection Act of 1993, as amended by the Volunteers for Children Act of 1998.

**Effective Date:** June 1, 2023