

April 19, 2005

2040059

SUBJECT: Kansas – Request to Waive 7 CFR 273.24

TO: Ralph E. Anzur
Acting Regional Director
Food Stamp Program
Mountain Plains Region

This is in response to the Kansas State Agency's memorandum of March 5, 2005 requesting an extension and modification of its current waiver exempting residents of certain areas from the work requirement for Able-Bodied Adults without Dependents (ABAWD)

Attached is our response. We are approving three Sub-Area Local Workforce Areas and one Labor Surplus Area county, as requested. If you have any questions, please contact Dwight Ricker at 703-305-2803.

/s/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

FINAL:USDA:FNS:FSP:PDD:CPB:DRicker:4/14/05:so
DIR:I:CPB/Waivers/2005:2040059 Kansas (ABAWD)

WAIVER RESPONSE

1. **Waiver serial number:** 2040059
2. **Type of request:** Modification and Extension
3. **Primary regulation citation, if any:** 7CFR 274.24(f)
4. **Secondary regulation citation, if any:** None
5. **State:** Kansas
6. **Region:** Mountain Plain
7. **Regulatory requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirement of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of PRWORA, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals resides has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

In addition, 7 CFR 273.24 (f) (3)(iii) permits states to use “data from the BLS or the BLS cooperating agency that an area has a 24-month average unemployment rate that exceeds the national average by 20 percent for any 24-month period no earlier than the same periods the ETA used to designate LSAs for the current fiscal year.”

8. **Proposed procedures:** The State of Kansas requests to waive individuals residing in three regions within the state. Each one of these regions is a contiguous part (sub-area) of a Local Workforce Investment Area or a contiguous combination of such sub-areas. The Local Workforce Investment Areas are part of the Workforce Network of Kansas, which is advised by a board whose members are appointed by the Governor.

The State seeks waivers for contiguous areas that are eligible based on aggregate average unemployment rates of at least 20 percent above the national average either during calendar years 2002 through 2003, when the national average unemployment rate plus 20 percent was 7.1, during March 2002 through February 2004, when the national average unemployment rate plus 20 percent was 7.0, or during calendar years 2003 through 2004, when the national average unemployment rate plus 20 percent was 6.8.

Sub-area of Local Workforce Investment Area Four:

Area	Unemployment Rate, Mar 2002 - Feb 2004	Area	Unemployment Rate, Mar 2002-Feb 2004
Cowley County	6.6	Sumner County	7.6
Sedgwick County	6.9	Total for sub-area	7.0

Sumner County has been designated a Labor Surplus Area (LSA) by the United States Department of Labor for fiscal year 2005 and thus is eligible for a waiver. Cowley and Sedgwick counties qualify for a waiver based on the sub-area’s aggregate average unemployment rate, which is at least 20 percent above the national average during March 2002 through February 2004.
 (Note: Sedgwick County includes the City of Wichita which has been designated as an LSA for fiscal year 2005.)

Sub-area of Local Workforce Investment Area Five:

Area	Unemployment Rate, CY 2002-2003	Area	Unemployment Rate, CY 2002-2003
Anderson County	5.4	Linn County	8.9
Coffey County	7.6	Woodson County	6.8
		Total for sub-area	7.2

Coffey and Linn Counties have been designated LSAs for fiscal year 2005 and thus are eligible for waivers. Anderson and Woodson Counties qualify for waivers based on the sub-region’s aggregate average unemployment rate, which is at least 20 percent above the national average during calendar years 2002 through 2003.

Combined sub-areas of Local Workforce Investment Areas Two and Three:

Area	Unemployment Rate, CY 2003-2004	Area	Unemployment Rate, CY 2003-2004
Atchison County	4.8	Leavenworth County	6.9
Doniphan County	9.7	Shawnee County	5.2
Douglas County	4.6	Wyandotte County	10.3
		Total for combined sub-areas	6.8

Doniphan County has been designated an LSA for fiscal year 2005 and thus is eligible for a waiver. Leavenworth and Wyandotte Counties qualify for waivers based on their average unemployment rates, which are at least 20 percent above the national average during calendar years 2003 through 2004. Atchison, Douglas, and Shawnee Counties qualify for waivers based on the combined sub-areas' aggregate average unemployment rate, which is at least 20 percent above the national average during calendar years 2003 through 2004.

The State of Kansas also requests a waiver for Cherokee County based on its designation as an LSA for fiscal year 2005.

9. Action and reason for approval or denial: The request is approved based upon insufficient jobs, as demonstrated by the labor force and unemployment data compiled by the Bureau of Labor Statistics. The state has provided extensive documentation that indicates that the requested contiguous area had unemployment rates that exceeded 20 percent of the national average for the noted accounting period's calendar years 2002/ 2003, or March 2002 through April 2004. Cherokee County is approved based on its designation as a Labor Surplus Area, by the Bureau of Labor Statistics.
10. Regulatory or legislative basis for action: This waiver is approved under 7 CFR273.24 (f), which allows FNS to waive the applicability of the work requirement provision for any groups of individuals in the State if FNS determines that the area in which the individual resides does not have sufficient number of jobs to provide employment for the affected areas, or the areas exceeded the national unemployment average by 20 percent for 24 consecutive months..
11. Conditions and reasons: None

12. Information required for extension: Provide unemployment rate data for the affected areas, which is compiled by the Bureau of labor statistics, or its cooperating agency, which indicates an unemployment rate Of 10 percent or a lack of sufficient jobs...
 13. Expiration date: April 30, 2006
 14. Limitation , if any, on regional office approval of like requests: The waiver is limited to the Kansas State Agency
 15. Quality Control procedures: None
 16. Date of national office action: April 1, 2005
 17. Date of state agency's request: March 3, 2005
 18. Date of regional office's transmittal of request to national office: _____
 19. Date of regional office's transmittal or response to state agency:
 20. Actual implementation date:
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