



Sally Clark

United States
Department of
Agriculture

Food and Nutrition
Service

Mid-Atlantic Region

300 Corporate Blvd
Robbinsville, NJ
08691-1598

Ms. Jeanette Page-Hawkins, Director
Division of Family Development
Department of Human Services
P.O. Box 716
Trenton, NJ 07625

APR - 1 2009

Dear Ms. Page-Hawkins:

We are writing in reference to your letter of January 23, 2009 which requested an extension and modification of New Jersey's current waiver 970028 to exempt Able Bodied Adult without Dependents (ABAWDs) residing in the entire State from work requirements. The current ABAWD waiver expires April 30, 2009.

As discussed between Ms. Marybeth Schaedel and Ms. Ellen Thaler of our respective offices, the American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) signed into law on February 17, 2009, suspended the time-limited provisions statewide without a waiver effective April 1, 2009 through September 30, 2010. In addition, for those State agencies that offer qualifying work opportunities, Section 101(e) of the ARRA legislation allows States to opt to continue to direct ABAWDs to a work program in the remaining counties in the State.

Per Ms. Schaedel's March 20, 2009 e-mail, New Jersey intends to implement their ABAWD waiver statewide effective April 1, 2009, and, thereby, relinquish its "pledge" state status. This letter confirms that New Jersey will suspend the ABAWD time limits statewide effective April 1, 2009 through September 30, 2010, per Section 101(e) of the ARRA and not be a "pledge" state effective April 1, 2009. New Jersey will have to stop obligating its pledge funds on April 1, 2009. Any unobligated, unspent pledge funds must be returned.

Please share with us a copy of the memorandum implementing this change, as well as a revision to the Fiscal Year 2009 Employment and Training Plan, specifically Part I, A.3, indicating that New Jersey was no longer a "pledge" state effective April 1, 2009. Please transmit both requested documents electronically to Ellen.Thaler@fns.usda.gov.

The Food and Nutrition Service is an agency
of the Department of Agriculture

An Equal Opportunity Provider and Employer

Ms. Jeanette Page-Hawkins, Director

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If you have any questions or concerns regarding this issue, please contact us.

Sincerely,

WILLIAM KLUXEN
Regional Director
Supplemental Nutrition Assistance Program

cc: Schaedel, Melnick, [✓]Sandy Clark, Kline, Foley, Jupin, Gagliardi, Lometz,
Lueck, Mikell, M. Johnston, Atwell, D. Walton

January 28, 2009

970028

SUBJECT: SNAP – New Jersey 2009 Request for Extension and Modification of Waiver
970028

TO: William Kluxen, Regional Director
Supplemental Nutrition Assistance Program
Mid-Atlantic Region

This is in response to the New Jersey State agency's request of January 23rd, 2009, to extend and modify its current waiver exempting individuals of various counties and municipalities in the State from 7 CFR 273.24 work requirements. Under the modified waiver, residents of the entire State of New Jersey would be exempt from the work requirements of 7 CFR 273.24 based on the State's eligibility for extended unemployment benefits under DOL Trigger Notice No. 2008-51.

Our response approving the waiver as requested is attached. If you have any questions, please contact Arianne Steed by email at Arianne.Steed@fns.usda.gov or by telephone at (703) 305-2803.

Sandra Clark
Chief
Certification Policy Branch
Program Development Division

WAIVER RESPONSE

1. **Waiver serial number:** 970028
2. **Type of request:** Extension and Modification
3. **Primary regulation citation, if any:** 7 CFR 273.24(f)
4. **Secondary regulation citation, if any:**
5. **State:** New Jersey
6. **Region:** MARO
7. **Regulatory requirements:** The Supplemental Nutrition Assistance Program Regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program as a member of any household if, during the preceding 36-month period, the individual received SNAP 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 requirements 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.

The SNAP Regulations at 7 CFR 273.24(f) also provide 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 reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals. The recently-enacted Unemployment Compensation Extension Act of 2008 (P.L. 110-449), allows for states to qualify for extended benefits (EB) if State is listed on the Department of Labor Extended Benefits Trigger Notice as "ON" for extended benefits.

8. **Proposed procedures:** The New Jersey Department of Human Services, Division of Family Development is requesting a waiver exempting individuals residing in the entire State from work requirements of 7 CFR 273.24 due to insufficient jobs as indicated by DOL data that the State qualifies for extended unemployment benefits.

26 USC 3304 note (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years.

Under the Unemployment Compensation Extension Act of 2008, Public Law 110-449, States may qualify for emergency unemployment benefits if its 3-month TUR is at least 6.0 percent or if its Insured Unemployment Rate (IUR) is at least 4 percent for the previous 13 weeks.

The Department of Labor's Trigger Notice No. 2008-51 shows the State's 3-month average total unemployment rate (TUR) at 6.0 percent; making New Jersey eligible for extended unemployment benefits.

9. **Action and reason for approval or denial:** The 3-month time-limit for ABAWDs is waived for residents of the entire State of New Jersey based on insufficient jobs. This determination is based upon the State agency's submittal of a U.S. Department of Labor (DOL) Trigger Notice No. 2008 – 51, effective January 04, 2009, which provides data indicating that New Jersey's total unemployment rate (TUR) qualified for extended unemployment insurance benefits based on the provisions of 26 U.S.C. 3304 (P.L. 102-318).
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), and the State's qualification for extended unemployment insurance benefits per 26 U.S.C. 3304 note (P.L. 102-318).
11. **Conditions and Reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods and data indicating unemployment over 10 percent or a lack of sufficient jobs.
13. **Expiration date:** FNS is approving this waiver for a 12-month period, effective February 1, 2009 to January 31, 2010.
14. **Limitation:** Limited to New Jersey State agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office actions:** January 28, 2009
17. **Date of State agency's request:** January 23, 2009
18. **Date of regional office transmittal of response to national office:** January 23, 2009 (advance copy by email)
19. **Actual implementation date:**

MAY 15 2007

970028

SUBJECT: FSP – New Jersey Request for Extension of Waiver 970028

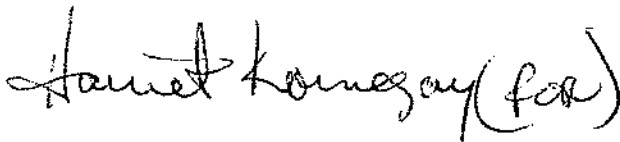
TO: Joseph Weingart, Regional Director
Food Stamp Program
Mid-Atlantic Region

This is in response to your email dated April 12, 2007, which requested the exemption of various counties/municipalities in the State of New Jersey from the work requirements stipulated in 7 CFR 273.24. The State submitted a waiver request that includes Fiscal Year 2007 Labor Surplus Areas and two aggregate regions, and two townships, which exceeded the national unemployment rate by 20 percent for the accounting period December 2004 through November 2006.

The waiver request refers to calendar years, which is not correct. The accounting period listed throughout the waiver is December 2004 through November 2006. Also, with respect to the justification for exempting Region 1, please remind the State agency that the LSA status of a jurisdiction is immaterial if the State is including that jurisdiction in an area for purposes of calculating the ABAWD exemption.

The waiver is approved as requested, effective May 1, 2007, and it will expire April 30, 2008. The attached Waiver Response provides specific details. Please remind the state that in the future all waiver extensions must be submitted 60 days prior to expiration.

If you have any questions, please contact Dwight Ricker.



Patrick Waldron
Chief
Certification Policy Branch
Program Development Division

FINAL:FNS:FSP:PDD:CPB:DRICKER:041707 :VW
DIR:I:CPB:WAIVERS: 970028 -NJ (ABAWD) FY07

Symbol	Surname	Date	Symbol	Surname	Date
	<i>PA</i>	<i>3/15/07</i>			

OFFICIAL RECORD COPY

WAIVER RESPONSE

1. **Waiver serial number:** 970028
2. **Type of request:** Extension
3. **Primary regulation citation, if any:** 7 CFR 273.24(f)
4. **Secondary regulation citation, if any:** 7 CFR 273.24 (f)(3)(iii)
5. **State:** New Jersey
6. **Region:** MARO
7. **Regulatory requirements:** The Food Stamp Program Regulations at 7 CFR 273.24 provide 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 requirements 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.

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 Labor Surplus Areas (LSA) for the current fiscal year.

8. **Proposed procedures:** The New Jersey Department of Human Services, Division of Family Development is requesting a waiver exempting individuals residing in select municipalities from the ABAWD requirements, because they have been classified as LSAs by the U.S. Department of Labor. The municipalities are: Garfield City in Bergen County, Willingboro Township in Burlington County, Camden City in Camden County; East Orange, Irvington Township, and the City of Orange, in Essex County, City of Trenton in Mercer County; City of Perth Amboy in Middlesex County; Neptune Township in Monmouth County, Berkeley Township in Ocean County, and Elizabeth City and Plainfield City in Union County.

The State is also requesting a waiver to add six counties and one city within two regions because the unemployment rate is at least 20 percent above the national average from December 2004 through November 2006. During this period, the national average unemployment rate plus 20 percent is 5.9.

Region 1:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Newark City	219,677	2,510,686	8.7
Hudson County	392,293	6,988,544	5.6
Passaic County	322,006	5,698,550	5.6
TOTAL	933,976	15,197,780	6.1

Region 2:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Atlantic County	182,275	3,337,460	5.5
Cape May	94,016	1,412,595	6.7
Cumberland County	112,515	1,705,497	6.6
Salem County	38,055	758,748	5.0
Total	426,861	7,214,310	5.91
Townships			
Manchester	16,458	272,598	6.0
Winslow	28,622	469,218	6.1

The state is also requesting an exemption for two townships: Manchester and Winslow, because their unemployment rate is at least 20 percent above the national average from December 2004 through November 2006.

9. **Action and reason for approval or denial:** The waiver is approved as requested. The following municipalities are approved:

LSA: Garfield City, Willingboro Township, Camden City, East Orange, Irvington Township, City of Orange, Trenton, City of Perth Amboy, Neptune Township, and Elizabeth, Plainfield, and Berkeley Township.

Regions One and Two: Newark City and Hudson, Passaic, Atlantic, Cape May, Cumberland and Salem Counties.

Townships (December 2004/November 2006) Manchester and Winslow.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24 which allows the Food and Nutrition Service to waive the applicability of the work requirements provisions in 7 CFR 273.24 for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside has an insufficient number of jobs.
11. **Conditions and Reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard Bureau of Labor Statistics data and/or methods and data indicating unemployment over 10 percent or a lack of sufficient jobs.
13. **Expiration date:** April 30, 2008
14. **Limitation:** Limited to New Jersey State agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office actions:**
17. **Date of State agency's request:**
18. **Date of regional office transmittal of response to national office:**
19. **Actual implementation date:**

April 14, 2007

Joseph Weingart, Regional Director
Food Stamp Program
United States Department of Agriculture
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

Dear Mr. Weingart:

Enclosed are the revised New Jersey's Calendar Year 2007 Able Bodied Adults Without Dependents (ABAWDs) Waiver Requests. Enclosed are the US Department of Labor's designated Labor Surplus Area Statistics and the municipalities that are included in the 15% exemption. New Jersey is also seeking waivers for six counties and one city based on aggregate average unemployment rates of at least 20 percent above the average for calendar years 2005 and 2006 and I have enclosed the revised charts. During this period, the national average unemployment rate plus 20 percent is 5.9.

If you or your staff has any questions regarding the enclosed material, please contact Marybeth Schaedel, Coordinator, Food Stamp Program at (609) 588-2197.

Sincerely,

Jeanette Page-Hawkins
Director

JPH:DS:ms
Enclosures

WAIVER REQUEST

1. Waiver request serial number:
2. Type of request: ABAWD waiver
3. Primary regulation citation, if any: Section 6 (o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. Secondary regulation citation, if any: 7 CFR 273.24 (f)(3)(iii)
5. State: New Jersey
6. Region: Mid-Atlantic
7. Regulatory Requirement:

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the 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 365 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 year."

8. Proposed Procedures:

New Jersey is requesting a waiver to add six counties within the state and one city. New Jersey is seeking waivers for regions based on aggregate average unemployment rates of at least 20 percent above the average for calendar years December 2004 through November 2006. During this period, the national average unemployment rate plus 20 percent is 5.9.

Region 1:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Newark City	219,677	2,510,686	8.7
Hudson County	392,293	6,988,544	5.6
Passaic County	322,006	5,698,550	5.6
TOTAL	933,976	15,197,780	6.1

Newark City is currently eligible as a labor surplus area (LSA). Hudson and Passaic Counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years December 2004 through November 2006.

Region 2:

Area	Total No. of Unemployed	Total Labor Force	Unemployment Rates (%)
Atlantic County	182,275	3,337,460	5.5
Cape May County	94,016	1,412,595	6.7
Cumberland County	112,515	1,705,497	6.6
Salem County	38,055	758,758	5.0
TOTAL	426,861	7,214,310	5.91

Atlantic, Cape May, Cumberland and Salem Counties qualify for a waiver based on the area's aggregate average unemployment rate, which is at least 20 percent above the national average for calendar years December 2004 through November 2006.

There are two cities in NJ, Manchester, Ocean County, and Winslow, Camden County, that qualify for waivers based on having an average unemployment rate, which is at least 20 percent above the national average for calendar years December 2004 through November 2006.

9. Justification for request:

As listed in number 8 above, the counties listed above have an average unemployment rate of at least 20 percent above the national average during the recent 24-month period. All of the raw data supporting our numbers that we have used are from the Bureau of Labor Statistics (BLS) website.

10. Anticipated impact on households and State agency operations:

This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.

11. Caseload Information, including percent, characteristic, and quality control error rate for affected portion:

The caseload for these areas, as December 2006, represents approximately 48% of the caseload for the state. There are no quality control procedures involved.

12. Anticipated implementation date and time period for which waiver is needed:

This waiver will expire on April 30, 2008.

13. Proposed quality control review procedures:

There is no special quality control procedures needed in conjunction with this waiver.

14. Signature and title of requesting official:

Jeanette Page-Hawkins, Director

15. Date of request:

**ABAWD EXEMPT REGIONS FOR NEW JERSEY
CALENDAR YEAR 2007**

AREA	15% Waiver	Labor Surplus Area
Atlantic County	N/A	Atlantic County
Bergen County	N/A	Garfield City
Burlington County	Mt. Holly	Willingboro Township
Camden County	N/A	City of Camden Winslow Township
Cape May County	N/A	Cape May County
Cumberland County	N/A	Cumberland County
Essex County	N/A	City of East Orange Irvington Twp. City of Newark City of Orange
Gloucester County	Clayton Pittman Franklin	N/A
Hudson County	N/A	Hudson County
Hunterdon County	N/A	N/A
Mercer County	N/A	City of Trenton
Middlesex County	N/A	City of Perth Amboy
Monmouth County	N/A	Neptune Township

Ocean County	Berkley	Berkeley Township Manchester Township
Passaic County	N/A	Passaic County
Salem County	N/A	Salem County
Somerset County	N/A	N/A
Sussex County	N/A	N/A
Union County	N/A	Elizabeth City Plainfield City
Warren County	Greenwich Hardwick Harmony Independence Lopatcong Mansfield Pohatcong White	N/A

Due: 1/30/09

January 23, 2009

William Kluxen, Regional Director
United States Department of Agriculture
Food and Nutrition Service, Mid-Atlantic Region
Mercer Corporate Boulevard
Robbinsville, New Jersey 08691-1598

Dear Mr. Kluxen:

New Jersey is requesting an extension and modification of our current waiver 970028 based on the provisions of FNS Administrative Notice 07-09. I have enclosed the justification for waiving the total State from the Able Bodied Adult without Dependents (ABAWD) provision.

Thank you for your consideration of this waiver request. If you have any questions, please contact Marybeth Schaedel, Manager, Food Stamp Unit, at 609-588-2197.

Sincerely,

Jeanette Page-Hawkins
Director

JPH:DS:s

Enclosures

WAIVER REQUEST

1. **Waiver serial number:** 970028
2. **Type of request:** Modification and Extension
3. **Primary regulation citation, if any:**
Section 6 (o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation, if any:** 7 CFR 273.24 (f)(2)(ii)
5. **State:** New Jersey
6. **Region:** Mid-Atlantic
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.

8. **Proposed procedures:**
New Jersey is requesting a modification and extension of its existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data that the State qualifies for extended unemployment benefits.
26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years.

The Unemployment Compensation Extension Act of 2008 (P.L. 110-449), which was signed into law on November 21, 2008, modified the criteria used

by DOL for the EB program for the duration of the legislation. As a result, some States qualify for an EB program based on the recently-revised criteria rather than the traditional criteria.¹ The Department of Labor's Department of Unemployment Insurance Service began determining and publishing which states trigger extended benefits under the revised criteria on November 23, 2008² as the EUC Trigger Notice. The revised criteria require a State's seasonally adjusted TUR for the most recent three months reach at least 6.0 percent.

The Department of Labor's EUC Trigger Notice No. 2008 - 51³ shows the State's 3-month average total unemployment rate (TUR) was 6.0 percent, making the State eligible for extended unemployment benefits.

9. Justification for request:

This request to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs is based on the State qualifying for extended unemployment benefits within the past 12 months.

10. Anticipated implementation date and time period for which waiver is needed:

The State is requesting a modification of their current waiver effective February 1, 2009 and an one-year waiver from May 1, 2009 through April 30, 2010.

11. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

12. Signature and title of requesting official:

Jeanette Page-Hawkins
Director

13. Date of request:

 1/23/2009

¹ SNAP-ABAWD Statewide Waivers-New Criteria for Unemployment Insurance Extended Benefits Trigger guidance issued by FNS on January 8, 2009. Please see attachment.

² http://www.workforcesecurity.doleta.gov/unemploy/euc_trigger/2009/euc_010409.html

³ Extended Benefits Trigger Notices can be found at http://www.workforcesecurity.doleta.gov/unemploy/claims_arch.asp Trigger notice 2008-43 was issued the week of January 4, 2009.