

May 6, 2005

970138

SUBJECT: FSP – Utah Request to Waive 7 CFR 273.24 – Work Requirements

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

This is in response to your memorandum of April 5, 2005, forwarding the Utah State Agency's request for an extension and modification of waiver 970138, which exempts individuals residing in various counties and cities from the work requirement for able-bodied adults without dependents (ABAWDs.)

We are approving Utah's request. Our detailed response is attached. If you have any questions, please call Patricia Maggi at (703) 305-2468

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: Bob Dalrymple, OANE (w/attachment)  
Kate Fink, OANE (w/attachment)  
Barbara Hallman, PAD (w/Attachment)  
Dan Wilucz, QCB, PAD (w/Attachment)  
FNS National Arbitrator (w/Attachment)  
All Regions except MPRO

DIR:I:CPB/Waivers/2005:970138 UT 2005 ABAWD extension:PMaggi:04-28-05:so

## WAIVER RESPONSE

1. **Waiver serial number:** 970138
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Utah
6. **Region:** MPRO
7. **Regulatory Requirements:** Under 7 CFR 273.24(b) individuals are not 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, participate in and comply with the requirements of a work program for 20 hours or more per week, or participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the above provision for any group of individuals in the State if the FNS makes determines 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.

8. **Description of proposed alternative procedures:** The State agency is requesting an extension and modification of its current waiver for individuals who reside in areas that do not have a sufficient number of jobs to provide employment for individuals subject to 7 CFR 273.24.

Utah is requesting an exemption from the work requirements for 10 counties and 4 cities because these areas are designated as labor surplus areas (LSAs) for fiscal year (FY) 2005 by the Employment and Training Administration of the Department of Labor (DOLETA.) The areas are: Carbon County, Clearfield City, Duchesne County, Emery County, Garfield County, Grand County, Juab County, Midvale City, Ogden City, San Juan County, Sanpete County, Summit County, Wasatch County, and West Valley City.

Utah is also requesting exemptions for two sub-districts within the state based on aggregate average unemployment rates of at least 20 percent above the national average during calendar years (CY) 2002 through 2003. The sub-districts are:

Sub-district of Five County District:

| <b>Area</b>                   | <b>Unemployment rate %</b> |
|-------------------------------|----------------------------|
| Garfield County               | 11.3                       |
| Kane County                   | 4.4                        |
| <b>Total for sub-district</b> | <b>7.8</b>                 |

Sub-district of Uintah Basin District:

| <b>Area</b>                   | <b>Unemployment rate %</b> |
|-------------------------------|----------------------------|
| Daggett County                | 4.7                        |
| Duchesne County               | 8.3                        |
| <b>Total for sub-district</b> | <b>8.0</b>                 |

Utah is also requesting an exemption for two other counties. Tooele County qualifies for an exemption because its average unemployment rate for CY 2002-2003 is at least 20 percent above the national average. Wayne County qualifies for an exemption because its average unemployment rate for CY 2003-2004 is at least 20 percent above the national average

**9. Action and reason for approval or denial:**

**LSA designation:**

To avoid having the same counties listed as approved for both their LSA designation and for having unemployment rates greater than 20 percent above the national average for a 24-month period, we are approving the following 8 counties and 4 cities based on their FY 2005 LSA designation by the Employment and Training Administration of the Department of Labor (DOLETA):

|                 |                  |
|-----------------|------------------|
| Carbon County   | Ogden City       |
| Clearfield City | San Juan County  |
| Emery County    | Sanpete County   |
| Grand County    | Summit County    |
| Juab County     | Wasatch County   |
| Midvale City    | West Valley City |

**Unemployment rate greater than 20 percent above the national average:**

Utah provided the following spreadsheets to support their waiver request.

|   | <b>CY 2002-2003<br/>Average number<br/>of unemployed</b> | <b>CY 2002-2003<br/>Average<br/>labor force</b> | <b>CY 2002-2003<br/>Average<br/>Unemployment rate</b> |
|---|--|---|---|
| <b>SUBDISTRICT OF FIVE COUNTY DISTRICT</b>  |  |   |   |
| Garfield County*                            | 316  | 2,809   | 11.3  |
| Kane County                                 | 126  | 2,835   | 4.4   |
| <b>TOTAL FOR<br/>SUBDISTRICT</b>            | <b>442</b>   | <b>5,644</b>                                    | <b>7.8</b>  |
| <b>SUBDISTRICT OF UINTAH BASIN DISTRICT</b> |  |   |   |
| Daggett County*                             | 22   | 470   | 4.7   |
| Duchesne County                             | 531  | 6,425   | 8.3   |
| <b>TOTAL FOR<br/>SUBDISTRICT</b>            | <b>553</b>   | <b>6,895</b>                                    | <b>8.0</b>  |
| <b>ADDITIONAL COUNTIES</b>                  |  |   |   |
| Tooele County                               | 1,347  | 14,247  | 9.5   |
| <i>*FY 2005 LSA</i>                         |  |   |   |

Garfield and Daggett Counties are also designated as LSA's for FY 2005. These counties are marked with an "\*".

The State agency calculated the 24-month average unemployment and labor force numbers for each county in the sub-district for CY 2002-2003 or CY 2003-2004. Utah added up the monthly unemployed figures together and divided by 24 to obtain the 24-month average total of unemployed and labor force. Utah then added the average number of unemployed and the average number of labor force figures for each county to obtain a grand total for the sub-district. The State agency then divided the total sub-district unemployment by the total sub-district labor force to obtain the sub-district's 24-month unemployment rate. Utah calculated Tooele and Wayne Counties' 24-month unemployment rate in the same manner.

The national unemployment average for CY 2002-2003 is 5.9 percent; 20 percent above the national average is 7.1 percent (hereafter referred to as the threshold.) The combined unemployment rate for CY 2003-2003 for Sub-district of the Five County District (Garfield and Kane Counties) is 7.8 percent, which is greater than the 7.1 percent threshold. The combined unemployment rate for CY 2002-2003 for Sub-district of the Uintah Basin District (Daggett and Duchesne Counties) is 8.0 percent, which is above the 7.1 percent threshold. Tooele County's unemployment rate for CY 2002-2003 is 9.5 percent, which exceeds the 7.1 percent threshold.

|                            | <b>CY 2003-2004<br/>Average number<br/>of unemployed</b> | <b>CY 2003-2004<br/>Average<br/>labor force</b> | <b>CY 2003-2004<br/>Average<br/>Unemployment rate</b> |
|----------------------------|--|---|---|
| <b>ADDITIONAL COUNTIES</b> |  |   |   |
| Wayne County               | 108  | 1,494   | 7.2   |

The national unemployment average for CY 2003-2004 is 5.7 percent; 20 percent above the national average is 6.8 percent. Wayne County's unemployment rate for CY 2003-2004 is 7.2 percent, which is greater than the 6.8 percent threshold.

We are approving the State agency's request. The waiver is approved effective May 1, 2005.

10. **Regulatory legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f) (1) (ii), which allows the Food and Nutrition Service (FNS) to waive the applicability of the work requirement provision 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.  
an insufficient number of jobs.
10. **Conditions and reasons:** N/A
11. **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.
12. **Expiration date:** April 30, 2006.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Utah State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 23, 2005
18. **Date of regional office transmittal of State agency's request to the national office:** April 5, 2005
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**