

State Letter #09-03

Employment Criteria and Reporting Guidance for Refugee Employment Services

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TO: STATE REFUGEE COORDINATORS
WILSON/FISH ALTERNATIVE PROGRAMS
NATIONAL VOLUNTARY AGENCIES

FROM: David H. Siegel
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SUBJECT: Employment Criteria and Reporting Guidance for Refugee Employment Services
This letter is intended to provide clarification to States, Wilson/Fish agencies and replacement designees responsible for statewide refugee programs, and voluntary agencies participating in the Matching Grant Program, regarding ORR refugee employment criteria and performance reporting.

Background:

ORR authority for monitoring employability services and measuring employment outcomes is found in part in the regulation at 45 CFR 400.81, Criteria for appropriate employability services and employment. These criteria and other employment-related definitions are also found in the Matching Grant Program Guidelines, Wilson/Fish Policies, Systems, Procedures & Forms Manual, and the instructions for completing the Annual Outcome Goal Plan (AOGP) and the ORR-6 Performance Report.

ORR is aware that employment providers are increasingly challenged by the growth of the non-permanent labor pool, described as “on-call,” temporary, seasonal and/or contract labor. Acceptability of these types of employment is provided for at 45 CFR 400.81(7), “...if such work meets the other standards of this section.” However, as clients piece together various employment assignments in achieving self-sufficiency, it is often unclear to the service provider how to report full-time (FT) and part-time (PT) entered employment for ORR reporting purposes.

Clarification:

Following are ORR’s recommendations for determining how to report FT and PT employment:

- Review 45 CFR 400.81, Criteria for appropriate employability services and employment.
- Compute the number of compensated hours averaged over a two-week period for FT employment at greater than or equal to 35 hours per week, and for PT employment as less than 35 hours per week.

- Use the client’s pay stub as the most reliable documentation to indicate FT or PT status, hours worked, wage per hour (or salary), and taxes paid.
- In the absence of a pay stub, verify and document employment via the employer's stated description of FT or PT employment, and, in the case of self-employed, the client's documentation of taxable earnings.
- Use the client’s SSN to verify employment through your State’s labor and wage database. Each State requires public and private employers to file quarterly employment statistics for positions covered by Unemployment Insurance (UI). Statistics include month of employment, FT/PT status and wage earned. Contact your State Department of Labor for access to this information.

“On-call” employment is not a preferred employment situation for ORR-funded employment services if not providing regularly scheduled work sufficient to generate compensation meeting the requirements of the Family Self-Sufficiency Plan (45 CFR 400.71). Also, ensure that the criterion at 45 CFR 400.81(8) for wage acceptability is applied when determining viability of on-call employment.

Resources:

1. Access the following Bureau of Labor Statistics (BLS) link for determining wage appropriateness and other wage and labor data: <http://www.bls.gov/ncs/ect/#data> Visit disclaimer page.
2. Refer to ORR website for relevant State Policy Letters:
 - #07-13, ORR Employment Outcomes: Refugee as Employee and Refugee as Self-Employed
 - #07-08, ORR Recommendations and Proposed Reporting Requirements and Guidelines for Economic Self-Sufficiency.

ORR trusts this clarification is useful in administering ORR-funded employment programs. Please direct your questions to Pamela Green-Smith, Director, Division of Refugee Assistance (202-401-4521 or Pamela.greensmith@acf.hhs.gov).