

**§ 20.309**

**25 CFR Ch. I (4-1-08 Edition)**

depreciation, personal business and entertainment expenses, personal transportation, capital equipment purchases, or principal payments on loans for capital assets or durable goods.

**§ 20.309 What does unearned income include?**

Unearned income includes, but is not limited to:

- (a) Income from interest; oil and gas and other mineral royalties; gaming income per capita distributions; rental property; cash contributions, such as child support and alimony, gaming winnings; retirement benefits;
- (b) Annuities, veteran's disability, unemployment benefits, and federal and state tax refunds;
- (c) Per capita payments not excluded by federal statute;
- (d) Income from sale of trust land and real or personal property that is set aside for reinvestment in trust land or a primary residence, but has not been reinvested in trust land or a primary residence at the end of one year from the date the income was received;
- (e) In-kind contributions providing shelter at no cost to the individual or household, this must equal the amount for shelter included in the state standard, or 25 percent of the state standard, whichever is less; and
- (f) Financial assistance provided by a state, tribal, county, local, or other federal agency.

**§ 20.310 What recurring income must be prorated?**

The social services worker will prorate the following recurring income:

- (a) Recurring income received by individuals over a 12-month period for less than a full year's employment (for example, income earned by teachers who are not employed for a full year);
- (b) Income received by individuals employed on a contractual basis over the term of a contract; and
- (c) Intermittent income received quarterly, semiannually, or yearly over the period covered by the income.

**§ 20.311 What amounts will the Bureau deduct from earned income?**

(a) The social services worker will deduct the following amounts from earned income:

- (1) Other federal, state, and local taxes;
  - (2) Social Security (FICA);
  - (3) Health insurance;
  - (4) Work related expenses, including reasonable transportation costs;
  - (5) Child care costs for children under the age of 6 except where the other parent in the home is unemployed and physically able to care for the children; and
  - (6) The cost of special clothing, tools, and equipment directly related to the individual's employment.
- (b) For self-employed individuals, the social services worker will deduct the costs of conducting business and all of the amounts in paragraph (a) of this section.

**§ 20.312 What amounts will the Bureau deduct from income or other resources?**

The social services worker will deduct the following amounts from income, or other resources:

- (a) The first \$2,000 of liquid resources annually available to the household;
- (b) Any home produce from a garden, livestock, and poultry used by the applicant or recipient and his/her household for their consumption; and
- (c) Resources specifically excluded by federal statute.

**§ 20.313 How will the Bureau compute financial assistance payments?**

(a) The social services worker will compute financial assistance payments by beginning with the Bureau standard of assistance and doing the following:

- (1) Subtracting from all resources calculated under §§ 20.307 through 20.310;
- (2) Subtracting the rateable reduction or maximum payment level used by the state where the applicant lives;
- (3) Subtracting an amount for shelter (see paragraph (b) of this section for details on how to calculate a shelter amount); and
- (4) Rounding the result down to the next lowest dollar.

(b) The social services worker must calculate a shelter amount for purposes of paragraph (a)(3) of this section. To calculate the shelter amount:

**Bureau of Indian Affairs, Interior**

**§ 20.315**

(1) The shelter amount must not exceed the amount for shelter in the state TANF standard;

(2) If the state TANF does not specify an amount for shelter, the social services worker must calculate the amount as 25 percent of the total state TANF payment; and

(3) If there is more than one household in a dwelling, the social services worker must prorate the actual shelter cost among the households receiving General Assistance; this amount cannot exceed the amount in the standard for individuals in similar circumstances. The head of each household is responsible for his/her portion of the documented shelter cost.

(c) The social services worker must not provide General Assistance payments for any period before the date of the application for assistance.

**EMPLOYMENT REQUIREMENTS**

**§ 20.314 What is the policy on employment?**

(a) An applicant or recipient must:

(1) Actively seek employment, including the use of available state, tribal, county, local or Bureau-funded employment services;

(2) Make satisfactory progress in an ISP; and

(3) Accept local and reasonable employment when it is available.

(b) A head of household who does not comply with this section will not be eligible for General Assistance for a period of at least 60 days but not more than 90 days. This action must be documented in the case file.

(c) The policy in this section does not apply to any person meeting the criteria in § 20.315.

**§ 20.315 Who is not covered by the employment policy?**

The employment policy in § 20.314 does not apply to the persons shown in the following table.

The employment policy in § 20.314 does not apply to . . .	if . . .	and . . .
(a) Anyone younger than 16.		
(b) A full-student under the age of 19 .....	He/she is attending an elementary or secondary school or a vocational or technical school equivalent to a secondary school.	He/she is making satisfactory progress.
(c) A person enrolled at least half-time in a program of study under Section 5404 of Pub. L. 100-297.	He/she is making satisfactory progress ..	He/she was an active General Assistance recipient for a minimum of 3 months before determination/redetermination of eligibility.
(d) A person suffering from a temporary medical injury or illness.	It is documented in the case plan that the illness or injury is serious enough to temporarily prevent employment.	He/she must be referred to SSI if the disability status exceeds 3 months.
(e) An incapacitated person who has not yet received Supplemental Security Income (SSI) assistance.	A physician, psychologist, or social services worker certifies that a physical or mental impairment (either by itself, or in conjunction with age) prevents the individual from being employed.	The assessment is documented in the case plan.
(f) A caretaker who is responsible for a person in the home who has a physical or mental impairment.	A physician or certified psychologist verifies the condition.	The case plan documents that: the condition requires the caretaker to be home on a virtually continuous basis; and there is no other appropriate household member available to provide this care.
(g) A parent or other individual who does not have access to child care.	He/she personally provides full-time care to a child under the age of 6.	
(h) A person for whom employment is not accessible.	There is a minimum commuting time of one hour each way.	