

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY ASSISTANCE**

**CHAPTER 1240-1-32
STRIKERS**

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1240-1-32-.01 DEFINITION OF STRIKERS. A striker is anyone involved in a strike or concerted stoppage of work by employees and any concerted slowdown or other interruption of operations by employees. This includes a stoppage of work due to the expiration of a collective bargaining agreement.

Authority: TCA §14-27-104; 7 CFR 273.1 and 273.7. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed July 13, 1984; effective October 14, 1984.

1240-1-32-.02 PERSONS NOT CONSIDERED STRIKERS. Persons who do not meet the program criteria for strikers include the following:

- (1) Any employee engaged in a lockout;
- (2) Employees unable to work as a result of other striking employees;
- (3) Employees who are not participating in a strike, but are not working due to fear of personal injury if they cross a picket line;
- (4) Any striking household member who is exempt from work registration requirements *prior* to the strike;
- (5) Any person who loses his/her job because of their participation in a strike.

Authority: TCA §14-27-104; 7 CFR 273.1 and 273.7. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed December 10, 1981; effective January 25, 1982. New rule filed July 13, 1984; effective October 14, 1984.

1240-1-32-.03 HOUSEHOLD ELIGIBILITY. Households with striking members shall be ineligible to participate in the Food Stamp Program *unless* the household was eligible for benefits the day *prior* to the strike and is otherwise eligible at the time of application.

Authority: TCA §14-27-104; 7 CFR 273.1 and 273.7. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed July 13, 1984; effective October 14, 1984.

1240-1-32-.04 TREATMENT OF INCOME AND RESOURCES.

- (1) Income. The striking household member(s)' income shall be determined by using the monthly earned income from the job on which the strike occurred as if the household member were still working or the striking member's current income, whichever is higher. A household currently participating in the program *at the time of the strike* will remain eligible. However, earnings from the job (prior to the strike) will continue to be counted. A household will *not* receive an increase in benefits due to the

(Rule 1240-1-32-.04, continued)

decrease in income which is attributed to the strike. Other changes which occur, such as household size, will be taken into consideration for budget purposes.

- (2) Resources. All countable resources shall be considered in determining eligibility of the household. This includes any countable resources available at the time of the strike and any other resources currently on hand as of the application month. However, vehicles normally exempt for equity value because they are used for commuting do not lose the exclusion during the strike.

Authority: TCA §14-27-104; 7 CFR 273.1 and 273.7. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed July 13, 1984; effective October 14, 1984.

1240-1-32-.05 WORK REGISTRATION REQUIREMENTS. Strikers are subject to the work registration requirements in Rule 1240-1-3-.42 unless exempt by some provisions in that section. An individual who goes on strike but met the exemption criteria for work registration prior to the strike will not be considered a striker.

Authority: TCA §14-27-104; 7 CFR 273.1 and 273.7. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed December 10, 1981; effective January 25, 1982. New rule filed July 13, 1984; effective October 14, 1984.

1240-1-32-.06 RESERVED FOR FUTURE USE.

Authority: TCA §§14-27-104, 14-27-105, and 14-27-106; 7 CFR 273.1(g); CFR 7(j); PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed March 3, 1983; effective April 4, 1983. Repeal filed July 13, 1984; effective October 14, 1984.