



United States Department of Agriculture
Food and Nutrition Service

Western Region

Reply to
Attn of: FSP - Administrative Notice 04-01 October 2, 2003 FS-2-GEN

Subject: Exemption from Work Requirements Due to Employment

To: ALL WESTERN REGION FOOD STAMP COORDINATORS

It has come to our attention that some State agencies may be inappropriately classifying some food stamp applicants and recipients working at least 30 hours per week as subject to the work requirements at 7 CFR 273.7(a) because the pay received is below the Federal minimum wage. Please be aware that neither Section 6(d)(2)(E) of the Food Stamp Act nor program regulations at 273.7(b)(vii) require that the work performed at least 30 hours per week be compensated at any certain level or in any particular form in order to qualify a person for the exemption.

The issue of how much the person earns becomes relevant in determining exempt status only when the employed or self-employed person works less than 30 hours a week. If that is the case, then the applicant or recipient must be earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours in order to qualify as exempt from work requirements at 273.7. Those working at least 30 hours automatically qualify as exempt regardless of the amount earned or how they are paid, such as work performed in exchange for rent or other goods and services.

If you have any questions concerning this guidance, please contact your State Desk Team.

KAREN C. JIRSA, Policy Officer
Food Stamp Program
Western Region