

# Administrative Procedure Manual Table of Contents

**Mike DeWine, Governor**

**Kimberly Hall, Director**

**[Ohio Department of Job and Family Services](#)**

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# **Administrative Procedure Manual Transmittal Letters**

# APMTL 378 (Safeguarding Federal Tax Information (FTI))

## Administrative Procedure Manual Transmittal Letter No. 378

May 6, 2019

TO: Administrative Procedure Manual (APM) Holders

FROM: Kimberly Hall, Director

SUBJECT: Safeguarding federal tax information (FTI)

This letter transmits the adoption of new rule 5101:9-9-26 of the Administrative Code as a result of the implementation of section 124.74 of the Revised Code.

**5101:9-9-26: “Safeguarding federal tax information (FTI) using background investigations.”** This rule identifies definitions to be used with safeguarding FTI and outlines general provisions and policy guidance with regard to safeguarding FTI using background investigations.

### **INSTRUCTIONS:**

The following chart depicts what materials should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 9		5101:9-9-26 (effective 5/9/19)

# APMTL 377 (Service Level Agreements [SLA] and Technology and Service Support Policy [TSSP])

## Administrative Procedure Manual Transmittal Letter No. 377

October 5, 2018

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Service Level Agreements (SLA) and Technology and Service Support Policy (TSSP)

This letter transmits the amendment of Internal Management rules 5101:9-9-15 and 5101:9-9-17 of the Administrative Code as a result of a periodic review.

**5101:9-9-15: “Service Level Agreement (SLA).”** This rule identifies the county agency SLA requirements. Paragraphs (B), (C) and (E) have been removed and replaced with new language that is in line with current practice.

**5101:9-9-17: “Technology and Service Support Policy (TSSP).”** This rule identifies how ODJFS provides quality, cost-effective networking products, services and solutions to county Agencies throughout the state. Paragraph (A) has been amended by removing “SLA.04” and replacing it with “SLA.”

### **INSTRUCTIONS:**

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 9	5101:9-9-15 (effective 3/26/2015)	5101:9-9-15 (effective 10/13/18)
Chapter 9	5101:9-9-17 (effective 1/1/2016)	5101:9-9-17 (effective 10/13/18)

# APMTL 375 (Rescission of Ohio Administrative Code Rule 5101:9-14-02)

## Administrative Procedure Manual Transmittal Letter No. 375

March 21, 2018

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Rescission of Ohio Administrative Code rule 5101:9-14-02

This letter transmits the rescission of an Ohio Administrative Code (OAC) rule governing the adult protective services (APS) program that is being implemented as a result of the passage of HB 64. The following is a brief explanation of the change.

OAC rule 5101:9-14-02 entitled “**Adult protective services automated reporting system**” sets forth the requirements for entering case related information regarding reports of elder abuse, neglect, or exploitation into the APS case incident reporting system database maintained by ODJFS. This rule is being rescinded.

### INSTRUCTIONS:

The following chart identifies the material that is being removed from and inserted into the Family Children and Adult Service Manual (FCASM).

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
ODJFS Practices	OAC 5101:9-14-02	

# APMTL 374 (County Agency Records Retention, Access and Destruction Rule Update)

## Administrative Procedure Manual Transmittal Letter No. 374

February 21, 2018

TO: Administrative Procedure Manual (APM) Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: County agency records retention, access and destruction rule update

This letter transmits the amendment of rule 5101:9-9-21 of the Administrative Code to align with changes to Chapters 5101. and 6301. of the Revised Code.

**Rule 5101:9-9-21: “County agency records retention, access, and destruction”** is being amended. “Workforce development agency” was replaced with “local area” throughout the rule. Paragraph (A)(4) was added to define “local area.” Added “historical” to paragraphs (A)(8) and (C)(3). Updated paragraph (B). Added “contractor” and “subcontractor” wording in paragraph (D). Updated paragraph (H)(1). Added rule number reference updates to paragraph (H)(3). Added “history connection” to paragraph (I). Added new paragraph (L).

### **INSTRUCTIONS:**

The following chart depicts what material should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 9	5101:9-9-21 (effective 3/1/15)	5101:9-9-21 (effective 3/5/18)

# APMTL 372 (Food Assistance Quality Assessment Process Rule Changes)

## Administrative Procedure Manual Transmittal Letter No. 372

October 3, 2017

TO: Administrative Procedure Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Food Assistance Quality Assessment Process Rule Changes

### Background:

The rules identified below are being amended based on formal notice received from the Food and Nutrition Service (FNS) agency. This is a policy change that is being implemented by FNS effective October 1, 2017, and the FNS Handbook 310 will also be amended to reflect the change. States will no longer be able to make any changes to a disposition or finding of a Quality Control review after transmitting the results to FNS.

### Implementation:

The following is a brief description of the changes to the rules:

**5101:9-32-01:** Food Assistance: quality assessment review process. This rule sets forth the quality assessment process. A sentence was removed in paragraph (B) of this rule.

**5101:9-32-03:** Food Assistance: quality assessment findings. This rule sets forth the quality assessment findings process. The last sentence in paragraph (A) was removed. Paragraphs (B) and (C) were also removed.

# APMTL 371 (Internal Management Rule Review of Food Assistance Quality Assessment Process)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 371

December 6, 2016

TO: Administrative Procedure Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Internal Management Rule Review of Food Assistance Quality Assessment Process

### Background:

The Ohio Department of Job and Family Services requires all Internal Management rules to be reviewed every five years. The intent of the policy is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

### Implementation:

The following is a brief description of the changes to the rules:

**5101:9-32-01- Food Assistance: quality assessment review process.** This rule sets forth the quality assessment process. This rule is being rescinded and replaced with a new rule of the same number and content. The paragraphs were reformatted and a minor abbreviation change was made to "C.F.R.".

**5101:9-32-03- Food Assistance: quality assessment findings.** This rule sets forth the quality assessment review process along with the county agency disagreement process. This rule is being amended. Changes to the rule include: the return date was changed from fifteen days to seven days; inaccurate information is being removed from paragraph (A)(1) and new wording added to paragraph (A)(2); other clerical edits are being made to the rule.

**5101:9-32-10- Food assistance: federal incentive or sanctions as a result of the quality assessment review.** This rule sets forth the federal incentive or sanctions as a result of the quality assessment review. This rule is being amended with minor, grammatical edits.

# APMTL 370 (Release of Personal Information held by ODJFS)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 370

December 6, 2016

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Release of Personal Information held by ODJFS

This letter transmits amended rule [5101:9-22-15](#), "Release of personal information held by the Ohio department of job and family services (ODJFS)."

Rule 5101:9-22-15 includes definitions, Revised Code requirements, chief privacy officer requirements, reasonable precautions requirements, and disciplinary action guidelines related to the release of personal information held by ODJFS.

This rule has been reviewed and updated as part of an internal management rule review. Amendments to the rule include: additional clarification on the definition of "personal information"; added a definition for "records"; amended the list of governing Revised Code sections.

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 22	5101:9-22-15 Effective 12/1/10	<a href="#">5101:9-22-15</a> Effective 12/15/16

# **APMTL 369 (Workforce Innovation and Opportunity Act [WIOA]: Discrimination Complaints)**

## **Administrative Procedure Manual Transmittal Letter (APMTL) No. 369**

November 1, 2016

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Workforce Innovation and Opportunity Act (WIOA): Discrimination Complaints

This letter transmits amended Administrative Code rule [5101:9-2-05](#), "Workforce Innovation and Opportunity Act (WIOA): discrimination complaints." This rule is being amended as part of the internal management rule review process.

Rule 5101:9-2-05 sets forth the definitions, compliance procedures, responsibilities, complaint procedures, notice requirements and remedial action procedures with regard to discrimination complaints.

Amendments to the rule include: updated "WIA" to "WIOA"; changed "workforce development agency" to "local workforce development area" throughout the rule; in paragraph (C), changed the wording from "Delegation of authority" to "Responsibilities of ODJFS and local workforce development area with regard to discrimination complaints"; moved the director requirement in paragraph (C)(1) to paragraph (C)(3); removed redundant language throughout the rule; updated wording on annual training; made grammatical updates throughout.

# APMTL 368 (Civil Rights Plan)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 368

September 16, 2016

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Civil Rights Plan

This letter transmits amended Administrative Code rule [5101:9-2-01](#), "Civil Rights Plan." The rule is being amended as part of the internal management rule review process.

Rule 5101:9-2-01 sets forth provisions for Ohio Department of Job and Family Services' responsibilities regarding the supervision of civil rights processes, and the county agency's civil rights plan. Amendments to the rule include: updated all compliance reference requirements throughout the rule; changed all "WIA" references to "WIOA" references to reflect the change in law; added clarification wording in paragraph (I)(2)(a); expanded the complaint timeline to one hundred eighty days ((J)(1)); updated clarifying language throughout.

Questions regarding the rule may be directed to the Ohio Department of Job and Family Services (ODJFS) Bureau of Civil Rights (BCR). The rule is effective 9/24/16.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 2	5101:9-2-01 Effective 5/1/11	<a href="#">5101:9-2-01</a> Effective 9/24/16

# APMTL 367 (Workforce Innovation and Opportunity Act [WIOA]: Programmatic Complaints)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 367

September 14, 2016

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Workforce Innovation and Opportunity Act (WIOA): Programmatic Complaints

This letter transmits new and rescinded rule [5101:9-2-03](#) of the Administrative Code. This rule is being rescinded and adopted as new as a result of an internal five-year rule review and because more than 50 percent of the rule language has been added or stricken.

Rule 5101:9-2-03 sets forth definitions, requirements, and procedures for programmatic complaints by beneficiaries against a local workforce development area or local workforce development area contractor, regarding violation of provisions under the WIOA program.

In this version of the rule, references to obsolete terms like "Workforce Investment Act" and "WIA" have been changed to "Workforce Innovation and Opportunity Act" and "WIOA"; references to "workforce development agency", which is outdated, have been changed to "local workforce development area"; the description of how state level programmatic appeals are handled has been updated, so that it accurately reflects current procedure; portions of the rule have been reorganized to reflect the chronological order of events; potential conflicts between this rule and the CCMEP hearing rule have been addressed; the definition of "days" was added; and, unnecessary or misleading language has been removed or amended, to improve clarity and readability. This rule is effective 10/1/16.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 2	5101:9-2-03 (effective 1/1/11)	<a href="#">5101:9-2-03</a> (effective 10/1/16)

# APMTL 366 (ODJFS Systems Access and Disclosures)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 366

August 10, 2016

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey

SUBJECT: ODJFS Systems Access and Disclosures

This letter transmits adoption of Administrative Code rule [5101:9-9-39](#) "ODJFS systems access and disclosures." This rule is being adopted to further clarify ODJFS' existing authority to access systems and disclose information related to programs administered by the department.

Rule 5101:9-9-39 reiterates and further clarifies ODJFS' existing authority pursuant to federal and state law to access and disclose information for the purpose of program administration. The rule provides that disclosures may be subject to a written agreement, and the release of any information must preserve the confidential nature of the information.

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 9		<a href="#">5101:9-9-39</a> Effective 8/18/16

# APMTL 365 (Federal Tax Information [FTI] Safeguarding Procedures)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 365

March 31, 2016

TO: Administrative Procedure Manual (APM) Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Federal Tax Information (FTI) Safeguarding Procedures

This letter transmits the rescission and adoption of Internal Management rules as a result of a periodic review.

Rule [5101:9-9-25](#): "Federal Tax Information Safeguarding Procedures" is being rescinded and replaced with a new rule of the same number, rule content and rule title. The content of the rule has been updated and restructured. The rule identifies safeguarding requirements for all agencies that receive FTI.

Rule [5101:9-9-25.1](#): "County Agency Federal Tax Information Safeguarding Procedures" is being adopted as a new rule to further explain the county agency FTI safeguarding requirements.

### **INSTRUCTIONS:**

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 9	5101:9-9-25 (effective 5/23/03)	<a href="#">5101:9-9-25</a> (effective 5/1/2016)
Chapter 9		<a href="#">5101:9-9-25.1</a> (effective 5/1/2016)

# APMTL 364 (Technology and Service Support Policy [TSSP])

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 364

December 29, 2015

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Technology and Service Support Policy (TSSP)

Rule [5101:9-9-17](#) "Technology and Service Support Policy (TSSP)" of the Administrative Code has been amended as a result of a five year periodic review of this internal management rule. This APMTL transmits the changes made to the rule.

This rule identifies how ODJFS provides quality, cost-effective networking products, services and solutions to county agencies throughout the state. Changes to the rule include: added the form number (JFS 01321) used for county TSSP requests; in paragraph (M) added "warranty" costs; in paragraph (O) added clarification to the invoicing procedure to include the Ohio administrative knowledge system (OAKS); in paragraph (Q) added the invoice submission address; form names were updated in paragraph (T).

Instructions:

Location	Remove and File as Obsolete	Insert
Chapter 9	5101:9-9-17 effective 7/1/09	<a href="#">5101:9-9-17</a> effective 1/1/16

# APMTL 363 (Employee Access to Confidential Personal Information)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 363

December 29, 2015

TO: Administrative Procedure Manual (APM) Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Employee Access to Confidential Personal Information

This letter transmits amended Ohio Administrative Code rule [5101:9-22-16](#), "Employee access to confidential personal information," effective 1/11/16.

This rule has been reviewed in accordance with section 106.03 of the Revised Code, which requires the review of all state agency rules within a five-year period. This rule is required under division (B) of section 1347.15 of the Ohio Revised Code, which requires each state agency to adopt rules regulating access to the confidential personal information the agency keeps, whether electronically or on paper.

Changes to the rule include the following: policy clarifications and rearrangement of requirements throughout the rule. Updated the appendix by adding incorporation by reference dates and adding and removing relevant references throughout.

Location	Remove and File as Obsolete	Insert
APM Chapter 22	5101:9-22-16 effective 12/31/2010	<a href="#">5101:9-22-16</a> effective 01/11/16

# APMTL 362 (Issuance of Subpoena, Signature Authorization and Delegation, Data System Security and Data Usage Requirements)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 362

December 16, 2015

TO: Administrative Procedure Manual (APM) Holders  
FROM: Cynthia C. Dungey  
SUBJECT: Issuance of Subpoena, Signature Authorization and Delegation, Data System Security and Data Usage Requirements

This letter transmits proposed amendments to Ohio Administrative Code rules 5101:9-22-05 "Signature authorization and delegation," 5101:9-22-10 "Issuance of a subpoena for investigation by the Ohio department of job and family services (ODJFS)," 5101:9-9-37 "Data system security" and 5101:9-9-38 "County electronic data usage." The rules are being amended as the result of an internal five-year review of the rules.

Rule [5101:9-22-05](#) sets forth definitions, requirements and procedures for signature authorization and delegation within ODJFS. Wording changes were made to further clarify requirements and in paragraph (C)(1) combined requirements into one paragraph.

Rule [5101:9-22-10](#) sets forth procedures and requirements for requesting and issuing subpoenas by ODJFS for investigative purposes. Wording changes were made to further clarify the requirements of the rule.

Rule [5101:9-9-37](#) sets forth the data system security requirement for county and state employees. Paragraph (B) was updated to reflect the current password characteristics. Paragraph (C) was updated to reflect passwords being valid for sixty days instead of thirty. Clerical corrections were made throughout the rule and some paragraphs were re-positioned in the rule.

Rule [5101:9-9-38](#) identifies the county electronic data usage requirements. The rule has been updated with current requirements. Paragraph (B) has been added to reflect new requirements.

Location	Remove and File as Obsolete	Insert
APM Chapter 22	5101:9-22-05 Effective 3/15/10	<a href="#">5101:9-22-05</a> Effective 1/1/16
APM Chapter 22	5101:9-22-10 Effective 12/15/10	<a href="#">5101:9-22-10</a> Effective 1/1/16
APM Chapter 9	5101:9-9-37 Effective 7/1/05	<a href="#">5101:9-9-37</a> Effective 1/1/16
APM Chapter 9	5101:9-9-38 Effective 12/1/04	<a href="#">5101:9-9-38</a> Effective 1/1/16

# APMTL 361 (Retention Periods for Public Assistance Records)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 361

April 22, 2015

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Retention Periods for Public Assistance Records

This APMTL transmits amended rule [5101:9-9-21.1](#). The rule is effective 4/18/2015.

Rule 5101:9-9-21.1, "Public assistance records: retention periods," provides for a minimum seven-year retention period for active public assistance records. Amendments to this rule include: changing "food stamps" to "food assistance" throughout; expanding the definition of "inactive records" in paragraph (A)(1); and adding wording to paragraph (D).

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert/Replacement</b>
Chapter 9	5101:9-9-21.1 Effective 8/23/2008	<a href="#">5101:9-9-21.1</a> Effective 4/18/2015

# APMTL 360 (Standards, Retention, Funds, Travel and CAS)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 360

March 30, 2015

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Service Level Agreements (SLA) and Negotiated Service Level Agreements (SLA N)

This letter transmits the amendment of Internal Management rules 5101:9-9-15 and 5101:9-9-16 of the Administrative Code as a result of a periodic review. Minor, grammatical changes were made to both rules.

**Rule [5101:9-9-15](#):** "Service Level Agreement (SLA)". This rule identifies the county agency SLA requirements.

**Rule [5101:9-9-16](#):** "Negotiated Service Level Agreement (SLA N)". This rule identifies procedures for Negotiated Service Level Agreements available to agencies having greater than five hundred employees or public children services agencies (PCSAs) that have never been on the ODJFS network.

### **INSTRUCTIONS:**

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 9	5101:9-9-15 (effective 7/1/09)	<a href="#">5101:9-9-15</a> (effective 3/26/2015)
Chapter 9	5101:9-9-16 (effective 7/1/09)	<a href="#">5101:9-9-16</a> (effective 3/26/2015)

# APMTL 359 (Standards, Retention, Funds, Travel and CAS)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 359

February 27, 2015

TO: Administrative Procedure Manual (APM) Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Performance Standards; Records Retention; Incoming Checks/Negotiable Funds; Travel Reimbursement and Disbursement Policy; Central Accounting System (CAS) Plus Workflow.

This letter transmits the rescission and amendment of several division 5101:9 Administrative Code rules as the result of an Internal Management rule review.

**Rule [5101:9-1-01](#):** "ODJFS Performance Standards" is being rescinded as the rule is obsolete.

**Rule [5101:9-9-21](#):** "County Agency Records Retention, Access, and Destruction" is being amended. Federal citations and Administrative Code rule references within the rule have been updated.

**Rule [5101:9-20-01](#):** "Ohio Department of Job and Family Services (ODJFS) Incoming Checks/Negotiable Funds" is being rescinded as the rule is obsolete. The Receipt of Revenue and Negotiable Funds requirements are contained in the Internal Policies and Procedure Manual (IPP).

**Rule [5101:9-20-10](#):** "Ohio Department of Job and Family Services (ODJFS) Travel Reimbursement and Disbursement Policy" is being rescinded as the rule is obsolete. The Travel Reimbursement and Disbursement Processing requirements are contained in the Internal Policies and Procedure Manual (IPP).

**Rule [5101:9-20-55](#):** "Central Accounting System (CAS) Plus Workflow and the Ohio Department of Job and Family Services (ODJFS)" is being rescinded as the rule is obsolete.

### **INSTRUCTIONS:**

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Chapter 1	<a href="#">5101:9-1-01</a> (effective 10/4/02)	
Chapter 9	5101:9-9-21 (effective 8/23/08)	<a href="#">5101:9-9-21</a> (effective 3/1/15)
Chapter 20	<a href="#">5101:9-20-01</a> (effective 5/1/07)	
Chapter 20	<a href="#">5101:9-20-10</a> (effective 5/1/07)	
Chapter 20	<a href="#">5101:9-20-55</a> (effective 5/1/07)	
Transmittal		APMTL No. 359

# APMTL 358 (Audit Functions and Health Insurance Portability and Accountability Act Inquiries)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 358

February 12, 2015

TO: Administrative Procedure Manual (APM) Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Audit Functions and Health Insurance Portability and Accountability Act Inquiries

This letter transmits revisions to Administrative Code (OAC) rules 5101:9-9-20 and 5101:9-9-29. The following is a brief explanation of the changes to each rule.

**5101:9-9-20** "Treatment of Health Insurance Portability and Accountability Act (HIPAA) inquiries to a county agency." This rule briefly describes HIPAA and protected health information. The rule also outlines the uses, disclosures and procedures a medical assistance recipient may request as well as provide instructions on what the agency shall do when such a request is made. The rule has been amended to fix typographical errors and replace an obsolete web address.

**5101:9-9-29** "Ohio department of job and family services (ODJFS) audit function." This rule defines concepts relevant to and details the parameters of the ODJFS audit function. The rule also explains the responsibilities of an ODJFS auditee. The rule has been amended to fix typographical errors.

### **Instructions:**

<b>Location</b>	<b>Remove</b>	<b>Replace</b>
Administrative Procedure Manual- OAC Rules	5101:9-9-20 (effective 5/23/2008)	<b><u>5101:9-9-20</u></b> (effective 2/1/2015)
Administrative Procedure Manual- OAC Rules	5101:9-9-29 (effective 10/1/2003)	<b><u>5101:9-9-29</u></b> (effective 2/1/2015)

This information is also available on the internet and may be accessed at:

**ODJFS Electronic Manuals:** <http://emanuals.odjfs.state.oh.us/emanuals/>

**InnerWeb Calendar:** <http://www.odjfs.state.oh.us/lpc/calendar/staff/>

**Internet Calendar:** <http://www.odjfs.state.oh.lpc/calendar/>

# APMTL 357 (Amendments to Ohio Administrative Code Rules 5101:2-20-01 and 5101:9-14-02)

**Administrative Procedure Manual Transmittal Letter No. 357**

**[Family, Children and Adult Services Manual Transmittal Letter No. 311](#)**

February 14, 2014

To: Family, Children and Adult Services Manual Holders

From: Cynthia C. Dungey, Director

Subject: Amendments to Ohio Administrative Code Rules 5101:2-20-01 and 5101:9-14-02

This letter transmits revisions to Administrative Code (OAC) rules 5101:2-20-01, [Adult protective services definitions](#) and 5101:9-14-02 [Adult protective services automated reporting system](#).

The following is a brief explanation of the proposed changes to each rule.

OAC rule [5101:2-20-01](#) entitled Adult protective services definitions and OAC rule [5101:9-14-02](#) entitled Adult protective services automated reporting system are being amended due to Revised Code (ORC) Section 5119.70 being repealed. Wording has been updated and a minor grammatical change was made.

## **INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Administrative Procedure Manual (APM), Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
APM Chapter 14	5101:9-14-02	<u><a href="#">5101:9-14-02</a></u>
SOCIAL SERVICES	5101:2-20-01	<u><a href="#">5101:2-20-01</a></u>
TRANSMITTALS Transmittal Letters		APMTL No. 357 FCASMTL No. 311

# APMTL 356 (Amendments to OAC 5101-9-14-02)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 356

July 18, 2012

TO: Administrative Procedure Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendments to the Adult Protective Services Rule 5101:9-14-02 of the Ohio Administrative Code

This letter transmits changes to the Ohio Administrative Code rule 5101:9-14-02 as a result of an internal rule review audit. This rule will become effective August 1, 2012.

### The following is a brief explanation of the amended rule.

Rule 5101:9-14-02 "Adult Protective Services Reporting System" had no new language added. A grammatical error was corrected in paragraph (A) (7).

**Note:** The Family, Children and Adult Services Manual (FCASM) Transmittal Letter No. 298 transmits amendments to rules 5101:2-20-01 through 5101:2-20-04 governing the Adult Protective Services Program in conjunction with the above mentioned rule, as a result of the five year rule review. Please refer to the FCASM to review those rule amendments.

### INSTRUCTIONS:

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
	5101:9-14-02	5101:9-14-02
TRANSMITTAL	Transmittal Letter Index Starting with No.	Transmittal Letter Index Starting with No.
Transmittal		APMTL No. 356

# APMTL 355 (Rescission of OAC rules 5101:9-14-03 & 5101:9-14-04)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 355

July 23, 2012

TO: Administrative Procedure Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Rescission of the Alternative Response Pilot Program Rules 5101:9-14-03 and 5101:9-14-04 of the Ohio Administrative Code

This letter transmits the rescission of the Ohio Administrative Code rules 5101:9-14-03 and 5101:9-14-04 as a result of the statewide implementation of alternative response. The rescission will become effective July 31, 2012.

The following is a brief explanation of the rules.

Rule [5101:9-14-03](#) entitled "Implementation of Pilot Protocols for Public Children Services Agencies Participating in the Alternative Response Pilot Program." This rule outlined implementation requirements for the PCSA within the Alternative Response pilot program.

Rule [5101:9-14-04](#) entitled "PCSA Requirements for Alternative Response to Child Abuse and/or Neglect." This rule outlined the PCSA procedural requirements for responding to child abuse and/or neglect reports within the Alternative Response pathway during the pilot program.

### INSTRUCTIONS:

The following chart depicts what materials should be removed from the Administrative Procedure Manual (APM) and what material should be inserted in the APM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
	<a href="#">5101:9-14-03</a>	
	<a href="#">5101:9-14-04</a>	
TRANSMITTAL	Transmittal Letter Index Starting with No.	Transmittal Letter Index Starting with No.
Transmittal		APMTL No. 355

# APMTL 354 (Five Year Rule Review of Food Assistance Quality Assessment Process)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 354

November 2, 2011

TO: Administrative Procedure Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Five Year Rule Review of Food Assistance quality assessment process.

**Background:** The Ohio Department of Job and Family Services requires all Administrative Procedure rules to be reviewed every five years. The intent of the policy is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

**Implementation:** There will be no changes to these rules that directly affect the eligibility of applicants or recipients, or how any county agency will administer the program.

The following is a brief description of the changes to rules:

### **5101:9-32-01 Food assistance: quality assessment review process.**

This rule sets forth the quality assessment process. This rule has been updated to change the references from "stamps" to "assistance," and the web address for the Bureau of Program Integrity was updated with the current web address.

### **5101:9-32-03 Food assistance: quality assessment findings.**

This rule sets forth the quality assessment review process along with the county agency disagreement process. This rule has been updated to change the reference from "stamps" to "assistance," and the revision date for form JFS 04195 was updated to 9/2011. The contact area that the county agency has to send a request for further consideration if they disagree with an error finding was also updated.

### **5101:9-32-10 Food assistance: federal incentive or sanctions as a result of the quality assessment review.**

This rule sets forth the federal incentive or sanctions as a result of the quality assessment review. This rule has been updated to change the references from "stamps" to "assistance."

# APMTL 353 (Temporary Assistance to Needy Families Web Reporting System)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 353

April 26, 2011

TO: Administrative Procedure Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Temporary assistance to needy families web reporting system

**Background:** As a result of the five year rule review this rule is being removed from the Fiscal Administrative Procedure Manual and is being moved to the Administrative Procedures Manual.

Below is a summary of the changes:

### **5101:9-5-65 Temporary assistance to needy families reporting system.**

The acronym "TANF" has been removed from the title of the rule. The acronym "TANF" has been spelled out in the first paragraph of the rule and the reference to the Revised Code has been replaced with a federal reference.

There are no substantive revisions to this rule.

### **Instructions:**

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert/replacement</b>
APM Chapter 5	5101:9-5-65 effective 6/05/06	<b><u>5101:9-5-65</u></b> effective 06/05/11

# APMTL 352 (Annual Civil Rights Training / Rule 5101:9-2-01)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 352

April 4, 2011

TO: Administrative Procedure Manual (APM) Holders

FROM: Michael B. Colbert, Director

SUBJECT: Annual Civil Rights Training / Rule 5101:9-2-01

This letter transmits amended Ohio Administrative Code rule [5101:9-2-01](#), "Civil rights plan," effective May 1, 2011.

Rule 5101:9-2-01 sets forth provisions for the county agency's civil rights plan. It is amended to update the requirement concerning civil rights training provided by the county agency. Paragraph (I)(2)(b)(v) is changed to say that the training must be provided to all staff annually and also to new staff at initial orientation.

Questions regarding the rule may be directed to the Ohio Department of Job and Family Services (ODJFS) Bureau of Civil Rights (BCR).

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 2	5101:9-2-01 effective 9/23/2006	<a href="#">5101:9-2-01</a> effective 5/1/2011

# APMTL 351 (Workforce Investment Act: Programmatic Complaints / Rule 5101:9-2-03)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 351

December 21,2010

TO: Administrative Procedure Manual (APM) Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Workforce Investment Act: Programmatic Complaints / Rule 5101:9-2-03

This letter transmits amended Ohio Administrative Code rule [5101:9-2-03](#), "Workforce Investment Act (WIA): programmatic complaints," effective January 1, 2011.

Rule [5101:9-2-03](#) sets forth definitions, requirements, and procedures for programmatic complaints by beneficiaries against a workforce development agency, or workforce development agency contractor, regarding violation of provisions under the WIA program.

The rule is amended as the result of an internal five-year rule review. Changes to the rule include adjusting time lines to agree with federal regulations at 20 C.F.R. 667.600(d)(4) and adding a definition of "service provider" to clarify that the appeals under the rule do not include contract protests from unsuccessful bidders.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 2	5101:9-2-03 effective 9/23/2006	<a href="#">5101:9-2-03</a> effective 1/1/2011

# APMTL 350 (Issuance of a Subpoena for Investigation by the Ohio Department of Job and Family Services / Rule 5101:9-22-10)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 350

November 29, 2010

TO: Administrative Procedure Manual (APM) Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Issuance of a Subpoena for Investigation by the Ohio Department of Job and Family Services / Rule 5101:9-22-10

This letter transmits amended rule [5101:9-22-10](#) "Issuance of a subpoena for investigation by the Ohio department of job and family services (ODJFS)," effective December 15, 2010.

The rule was amended as the result of an internal five-year review of the rule. There are no policy or procedural changes. The only changes to the rule are updates to an office name and to a statutory reference and clarifications regarding completion of the JFS 05607 "Subpoena."

Instructions:

Location	Remove and File as Obsolete	Insert
APM Chapter 22	5101:9-22-10 effective 6/1/2004	<a href="#">5101:9-22-10</a> effective 12/15/2010

# APMTL 349 (Release of Personal Information Held by ODJFS / Rule 5101:9-22-15)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 349

November 9, 2010

TO: Administrative Procedure Manual (APM) Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Release of Personal Information Held by the Ohio Department of Job and Family Services / Rule 5101:9-22-15

This letter transmits new rule [5101:9-22-15](#), "Release of personal information held by the Ohio department of job and family services (ODJFS)," effective December 1, 2010.

The new rule replaces rule 5101:9-22-15 "Release of information held by ODJFS," which was rescinded as the result of an internal five-year review of the rule.

The changes between the new rule and the rescinded rule are meant to update the rule, so that the terms used, and roles and functions described, correlate with actual practice; and, unnecessary and irrelevant information is removed.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 22	5101:9-22-15 effective 6/1/2004	<a href="#">5101:9-22-15</a> effective 12/1/2010

# APMTL 348-A (Employee Access to Confidential Personal Information)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 348-A

October 19, 2010

TO: Administrative Procedure Manual (APM) Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Employee Access to Confidential Personal Information

This letter transmits new Ohio Administrative Code rule [5101:9-22-16](#), "Employee access to confidential personal information," effective December 31, 2010.

[This letter obsoletes APMTL No. 348 and its attachment because the effective date of the rule was changed to December 31, 2010.]

The rule is required under division (B) of section 1347.15 of the Ohio Revised Code, as adopted under Substitute House Bill No. 648, 127th General Assembly, which requires each state agency to adopt rules regulating access to the confidential personal information the agency keeps, whether electronically or on paper.

Instructions:

Location	Remove and File as Obsolete	Insert
APM Chapter 22	n/a	<a href="#">5101:9-22-16</a> effective 12/31/2010

# APMTL 348 (Employee Access to Confidential Personal Information)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 348

September 17, 2010

TO: Administrative Procedure Manual (APM) Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Employee Access to Confidential Personal Information

This letter transmits new Ohio Administrative Code rule [5101:9-22-16](#), "Employee access to confidential personal information," effective November 1, 2010.

The rule is required under division (B) of section 1347.15 of the Ohio Revised Code, as adopted under Substitute House Bill No. 648, 127th General Assembly, which requires each state agency to adopt rules regulating access to the confidential personal information the agency keeps, whether electronically or on paper.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 22	n/a	5101:9-22-16 effective 11/1/2010

# APMTL 347 (Alternative Response Internal Management OAC Rules 5101:9-14-03 and 5101:9-14-04)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 347

July 30, 2010

To: Administrative Procedure Manual Holders  
From: Douglas E. Lumpkin, Director  
Subject: Amendment of Rules 5101:9-14-03 and 5101:9-14-04 of the Ohio Administrative Code

This letter transmits the amendment of internal management rules 5101:9-14-03 and 5101:9-14-04 of the Ohio Administrative Code. The effective date of these rules is July 30, 2010.

The following is a brief explanation of the proposed changes to the rules.

**OAC 5101: 9-14-03** entitled **Implementation protocols for public children services agencies participating in the alternative response program**. This rule outlines the PCSA requirements for implementing the Alternative Response program. This rule is being amended to modify language to permit PCSAs that have received training and have written approval from the Ohio Department of Job and Family Services (ODJFS) to participate in the Alternative Response program.

**OAC 5101: 9-14-04** entitled **PCSA requirements for alternative response to child abuse and/or neglect**. This rule outlines the PCSA requirements for responding to a report of child abuse and/or neglect within the Alternative Response program. This rule is being amended to include the requirement to complete the JFS 01401, "Comprehensive Assessment and Planning Model - I.S., Safety Assessment" in SACWIS when the completion timeframe for the JFS 01401 has been extended has been included in the rule.

### INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Administrative Procedure Manual (APM) and the materials that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
ADMINISTRATIVE PROCEDURE MANUAL Chapter 14 rules	5101:9-14-03 5101:9-14-04	5101: 9-14-03 5101: 9-14-04
TRANSMITTALS Transmittal Letters	APMTL No.	APMTL No. 347

# APMTL 346 (Signature Authorization and Delegation)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 346

March 12, 2010

TO: Administrative Procedure Manual (APM) Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Signature Authorization and Delegation

This letter transmits amended Ohio Administrative Code rule 5101:9-22-05 "Signature authorization and delegation," effective March 15, 2010.

Rule 5101:9-22-05 sets forth definitions, requirements, and procedures for signature authorization and delegation within the Ohio Department of Job and Family Services (ODJFS). It was amended as the result of an internal five-year rule review. Changes to the rule include reorganization of paragraphs, addition of provisions regarding signature stamps, clarification of one definition, and grammatical and usage changes.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
APM Chapter 22	5101:9-22-05 effective 6/1/04	5101:9-22-05 effective 3/15/10

# APMTL 345 (Food Assistance Performance Measures and Continuous Improvement Plan)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 345

December 31, 2009

TO: Administrative Procedure Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Food Assistance Performance Measures and Continuous Improvement Plan

**Background:** Ohio recently elected to reduce the quality control sample size for the Food Assistance Program. With the reduced sample size, every county may not have a case pulled for quality control review, which will not allow the Ohio Department of Job and Family Services (ODJFS) to gather an accurate assessment of each county agency's food assistance payment accuracy rate. Because the quality control reviews will no longer give an accurate error rate for each county, this performance measure is being rescinded.

**Implementation:** The proposed rules in this packet are contained in the Administrative Procedure Manual. There will be no changes to these rules that directly affect the eligibility of applicants or recipients, or how any county agency will administer the programs.

The following is a brief description of the changes to rules:

### **5101:9-10-01 County Department of Job and Family Services Performance Measures, Standards and Goals.**

The references to "stamps" were changed to "assistance," and the references to "OWF assistance groups" were changed to "assistance groups with a work eligible individual." Clarification was also added to provide further information on where specific information is obtained. Section (E) (4), Food stamp payment accuracy, was removed from the rule because this measure no longer provides an accurate assessment for each county agency.

### **5101:9-10-02 County Department of Job and Family Services Continuous Improvement Plan**

The references to "stamps" were changed to "assistance," and language was added to allow ODJFS the option to waive the continuous improvement plan if a county agency's performance was above the set standard in the latest available two consecutive quarters, but below the standard on the measurement year at the time the annual performance rate data becomes available.

#### **Instructions:**

<b>Location</b>	<b>Remove and file as obsolete</b>	<b>Insert/replacement</b>
APM Chapter 10		
County department of job and family services performance measures, standards and goals	5101-9-10-01 effective (10/09/06)	5101:9-10-01 effective (01/01/10)
County department of job and family services continuous improvement plan	5101:9-10-02 effective (10/09/06)	5101:9-10-02 effective (01/01/10)

# APMTL 344

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 344

June 17, 2009

TO: Administrative Procedure Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendment of the Alternative Response Pilot Rules Contained in Chapter 5101:9-14 of the Ohio Administrative Code (OAC) and Revision of the JFS 01418 "Alternative Response Family Service Plan" and Instructions.

This letter transmits revisions to the Ohio Administrative Code (OAC) rules which address the public children services agency's (PCSA) requirements for the alternative response pilot. These rules have been amended to change the amendment date of the JFS 01418. The content of the JFS 01418 and instructions have been amended. The effective date of these rules and form is June 14, 2009.

OAC rule 5101:9-14-03 entitled **Implementation of pilot protocols for public children services agencies participating in the alternative response pilot program** outlines the principles for Ohio's alternative response to child abuse and neglect reports. This rule includes the PCSA responsibilities in assigning reports of abuse or neglect to either the alternative response pathway or the traditional response pathway. The revision date of the JFS 01418 has been amended.

OAC rule 5101:9-14-04 entitled **PCSA requirements for alternative response to child abuse and/or neglect** outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect that have been assigned to the alternative response pathway. The revision date of the JFS 01418 has been amended.

### Forms:

The JFS 01418 "**Alternative Response Family Service Plan**" rev. (05/2009) is utilized by the PCSA when providing services to a family through the alternative response pathway. The form has been amended to include additional spacing and a clarification in language to make the form easier to use by the PCSA and family members participating in the development of the service plan.

The JFS 01418-I "**Instructions for Completing JFS 01418**" rev. (05/2009) has been amended to incorporate and address the amendments made to the form.

### INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Administrative Procedures Manual (APM) and what materials are to be inserted in the APM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 9	5101:9-14-03 5101:9-14-04 JFS 01418 JFS 01418-I	5101:9-14-03 5101:9-14-04 JFS 01418 JFS 01418-I
Transmittal Letters		APMTL No. 344

# APMTL 343

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 343

June 4, 2009

TO: Administrative Procedure Manual (APM) Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Service Level Agreement (SLA), Negotiated Service Level Agreement (SLA N), and Technology and Service Support Policy (TSSP) for the 2010/2011 Biennium, and Rules 5101:9-9-15, 5101:9-9-16, and 5101:9-9-17 Effective July 1, 2009

This APMTL announces that the Service Level Agreement (SLA), Negotiated Service Level Agreement (SLA N), and Technology and Service Support Policy (TSSP) for the 2010/2011 biennium (July 1, 2009 to June 30, 2011) are available on the website for the Office of Information Services (OIS) at <http://jfs.ohio.gov/omis/sla>.

This APMTL transmits the three rules corresponding to the SLA, SLA N, and TSSP for the 2010/2011 biennium, which are rules 5101:9-9-15, 5101:9-9-16, and 5101:9-9-17 amended effective July 1, 2009. The rules were amended to reflect the following:

1. Reorganization within the Office of Management Information Services has resulted in a new name for the office and of frequently used sections within the office: The Office of Information Services is the office formerly referred to as the Office of Management Information Services; Access Control is the unit formerly referred to as InfoSec or Information Security; the Office of Information Services Service Desk (OIS Service Desk) is the unit formerly referred to as the Customer Service Center or CSC.
2. Section SLA.11 Incident Reporting was formerly SLA.11 Problem Handling.
3. Technical Points Of Contact (TPOCs) whose agency elects an SLA level 2 but who are not current Certified Novell Administrators or equivalent are required to attend the Annual TPOC Information Sessions in order to maintain the agency's level 2 status.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert</b>
Chapter 9	5101:9-9-15 effective 7/1/07	5101:9-9-15 effective 7/1/09
Chapter 9	5101:9-9-16 effective 7/1/07	5101:9-9-16 effective 7/1/09
Chapter 9	5101:9-9-17 effective 7/1/07	5101:9-9-17 effective 7/1/09

# APMTL 342

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 342

August 20, 2008

TO: Administrative Procedure Manual (APM) Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Retention of, access to, and destruction of county agency records and public assistance records

This APMTL transmits new rules 5101:9-9-21 and 5101:9-9-21.1. Both rules are effective August 23, 2008.

Rule 5101:9-9-21 replaces rule 5101-9-21 effective November 1, 1996. Rule 5101:9-9-21.1 replaces rule 5101-9-21.1 effective February 15, 1996.

Rule 5101:9-9-21, "County agency records retention, access, and destruction," provides for a general three-year minimum retention period for all records, including recipient records, beginning three years from ODJFS's acceptance of the final closeout expenditure report related to the applicable federal award, or other ODJFS minimum records retention requirements, whichever is longer.

Rule 5101:9-9-21.1, "Public assistance records: retention periods," provides for a minimum seven-year retention period for active public assistance records.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert/Replacement</b>
Chapter 9	Not applicable (rescinded 5101-9-21 is not in the APM)	5101:9-9-21 effective August 23, 2008
Chapter 9	Not applicable (rescinded 5101-9-21.1 is not in the APM)	5101:9-9-21.1 effective August 23, 2008

# APMTL 341

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 341

June 27, 2008

TO: Administrative Procedure Manual (APM) Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: Implementation of the Alternative Response Pilot

The Ohio Department of Job and Family Services, in partnership with the Supreme Court of Ohio, is conducting a pilot of Alternative Response. Alternative Response is a formal response to child abuse and/or neglect that assesses needs of the child or family without requiring a determination that maltreatment has occurred. The Alternative Response pilot will allow public children services agencies (PCSA) to be able to provide families the option of providing a non-investigative, family-friendly assessment as opposed to the traditional assessment/investigation, and utilize a less structured, more family driven approach to delivery of services. **The pilot begins July 1, 2008.**

Ten PCSAs are participating in this pilot. These PCSAs are Clark County Department of Job and Family Services, Fairfield County Department of Job and Family Services, Franklin County Children Services Board, Greene County Children Services Board, Guernsey County Children Services Board, Licking County Department of Job and Family Services, Lucas County Children Services Board, Ross County Department of Job and Family Services, Trumbull County Children Services Board, and Tuscarawas County Department of Job and Family Services.

The purpose of the pilot is to evaluate an alternative response approach that encourages family engagement in response to accepted child abuse and neglect reports. The following principles form the foundation for Ohio's alternative response:

- Provide families the opportunity to make an informed decision to participate in alternative response pathway or be served by the traditional pathway.
- Assess child safety through practices that are child-centered and family-focused.
- Engage families in a partnership where the labels of perpetrators and victims have been removed.
- Identify families' strengths and needs by emphasizing the engagement of families.
- Develop creative solutions, including informal supports and formal services, by emphasizing the engagement of families while attending to underlying conditions and contributing factors which interfere with child safety.

This letter transmits new rules 5101:9-14-03 and 5101:9-14-04 to implement the Alternative Response pilot. **The rules are effective July 1, 2008.**

Rule 5101:9-14-03, entitled Implementation of pilot protocols for public children services agencies participating in the alternative response pilot program outlines the purpose and principals of Alternative Response. It also provides the requirements regarding pathway assignment and the guidance for adherence to Administrative Code rules.

Rule 5101:9-14-04, entitled PCSA requirements for alternative response to child abuse and/or neglect outlines the specific requirements deemed necessary for the effective administration of the Alternative Response pilot.

The following forms and their instructions have been developed as part of the implementation of the Alternative Response pilot:

- JFS 01417 (7/2008) and JFS 01417-I, Alternative Response Family Services Plan Review
- JFS 01418 (7/2008) and JFS 01418-I, Alternative Response Family Services Plan
- JFS 01419 (7/2008) and JFS 01419-I, Alternative Response Family Assessment
- JFS 01422 (7/2008) and JFS 01422-I, Alternative Response Case Closure
- JFS 01423 (7/2008) and JFS 01423-I, Alternative Response Ongoing Case Assessment

Instructions:

The following chart depicts what materials are to be inserted in the Administrative Procedure Manual.

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert/Replacement</b>
APM Chapter 9		5101:9-14-03 5101:9-14-04
FORMS		JFS 01417 (7/2008) JFS 01417-I (7/2008) JFS 01418 (7/2008) JFS 01418-I (7/2008) JFS 01419 (7/2008) JFS 01419-I (7/2008) JFS 01422 (7/2008) JFS 01422-I (7/2008) JFS 01423 (7/2008) JFS 01423-I (7/2008)
Administrative Procedure Manual Transmittal Letters		APMTL No._341__

# APMTL 340

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 340

May 19, 2008

TO: Administrative Procedure Manual (APM) Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Treatment of HIPAA Inquiries to a County Agency

This letter transmits amended rule 5101:9-9-20 "Treatment of Health Insurance Portability and Accountability Act (HIPAA) inquiries to a county agency," effective May 23, 2008.

The rule sets forth the definition of HIPAA as it relates to the rule, examples of protected health information, a description of the HIPAA privacy notice sent to individuals, and the action a county agency is required to take when an individual requests any of the procedures listed in the privacy notice.

There are no changes to the requirements under the rule. The rule was reviewed and then amended to clarify the definition of HIPAA, update the names of assistance programs, and expand the description of the HIPAA privacy notice.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Insert/Replacement</b>
Chapter 9	5101:9-9-20 effective 4/14/03	5101:9-9-20 effective 5/23/08

# APMTL 339 / FCASMTL 216 (Adult Protective Services)

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 339

## Family, Children and Adult Services Manual Transmittal Letter No. 216

May 22, 2008

TO: Family, Children, and Adult Services Manual Holders  
Administrative Procedure Manual Holders

FROM: Helen E. Jones- Kelley, Director

SUBJECT: Rescission of the APS Automated Reporting System Rule 5101:2-20-05 from the Family, Children and Adult Services Manual (FCASM) and move to Administrative Procedure Manual (APM) as New Rule 5101:9-14-02.

This letter transmits the rescission of APS Automated Reporting System rule 5101:2-20-05 from the Family, Children and Adult Services Manual (FCASM) and the adoption of the new rule 5101:9-14-02 which parallels the rescinded rule with no new requirements in the Administrative Procedure Manual (APM). **This rule will be effective June 16, 2008.**

OAC rule 5101:9-14-02 entitled Adult Protective Services Automated Reporting outlines the provisions for County Departments of Job and Family Services and their designated agencies to collect and submit data to the Ohio Department of Job and Family Services on information concerning the implementation of sections 5101.60 to 5101.72 of the Revised Code.

### Instructions:

The following chart depicts what materials should be removed from Family, Children and Adult Services Procedure Manual and added to the Administrative Procedure Manual.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
SOCIAL SERVICES		
Adult Services	5101:2-20-05 from FCASM	
ADMINISTRATIVE PROCEDURE MANUAL		
APS Chapter 9 Rules		5101:9-14-02 into APM
Transmittal		FCASMTL No. 216
		APMTL No. 339

# APMTL 338

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 338

June 1, 2007

TO: Administrative Procedure Manual (APM) Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Service Level Agreement (SLA), Negotiated Service Level Agreement (SLA N), and Technology and Service Support Policy (TSSP) for the 2008/2009 Biennium, and Rules 5101:9-9-15, 5101:9-9-16, and 5101:9-9-17 Effective July 1, 2007

This APMTL announces that the Service Level Agreement (SLA), Negotiated Service Level Agreement (SLA N), and Technology and Service Support Policy (TSSP) for the 2008/2009 biennium (July 1, 2007 to June 30, 2009) are available on the website for the Office of Management Information Services (MIS) at <http://jfs.ohio.gov/omis/sla/>.

This APMTL transmits the three rules corresponding to the SLA, SLA N, and TSSP for the 2008/2009 biennium, which are rules 5101:9-9-15, 5101:9-9-16, and 5101:9-9-17 amended effective July 1, 2007. The only changes to the rules from the previous version are grammatical revisions and format revisions. There are no substantive content changes to the rules.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Replace/Insert</b>
Chapter 9	5101:9-9-15 effective 2/1/06	5101:9-9-15 effective 7/1/07
Chapter 9	5101:9-9-16 effective 2/1/06	5101:9-9-16 effective 7/1/07
Chapter 9	5101:9-9-17 effective 2/1/06	5101:9-9-17 effective 7/1/07

# APMTL 337

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 337

April 17, 2007

TO: Administrative Procedure Manual (APM) Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Incoming Checks / Negotiable Funds, Travel Reimbursement and Disbursement, and Central Accounting System (CAS) Plus Workflow (WF)

In order to reflect the department's current funding practices, the department adopted new rules and rescinded obsolete rules as follows:

New rule 5101:9-20-01 "Ohio department of job and family services (ODJFS) incoming checks/negotiable funds" effective May 1, 2007, was adopted. It replaces rule 5101-20-01 "ODHS incoming checks/negotiable funds" effective February 15, 1996, which was rescinded.

New rule 5101:9-20-10 "Ohio department of job and family services (ODJFS) travel reimbursement and disbursement policy" effective May 1, 2007, was adopted. It replaces rule 5101-20-10 "ODHS travel and reimbursement policy" effective September 15, 1998, which was rescinded.

New rule 5101:9-20-55 "Central accounting system (CAS) plus workflow and the Ohio department of job and family services (ODJFS)" effective May 1, 2007, was adopted. It replaces rule 5101-20-55 "Workflow and the ODHS procurement process" effective September 15, 1998, which was rescinded.

Instructions:

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Replace/Insert</b>
Chapter 20	Not applicable	5101:9-20-01 effective May 1, 2007
Chapter 20	Not applicable	5101:9-20-10 effective May 1, 2007
Chapter 20	Not applicable	5101:9-20-55 effective May 1, 2007

# APMTL 336

## Administrative Procedure Manual Transmittal Letter (APMTL) No. 336

September 29, 2006

TO: Administrative Procedure Manual Holders  
FROM: Barbara E. Riley  
SUBJECT: Food Stamp Quality Assessment Review, Food Stamp Federal Incentives and Sanction, and Performance Measures

This letter transmits emergency proposed rules to the Administrative Procedure Manual (APM) with an effective date of October 1, 2006. The Ohio Department of Job and Family Services (ODJFS) will have a concurrent filing of internal management rules which will replace the emergency proposed rules and become effective October 9, 2006. At that time, ODJFS will submit these rules through the clearance process to allow for public comment.

Rules included in this transmittal: 5101:9-32-01, 5101:9-32-03, 5101:9-32-10, 5101:9-10-01, and 5101:9-10-02

### Background

Pursuant to 7 CFR 275.23, the United States Department of Agriculture (USDA) measures states' food stamp error rate using a two year liability system in which state liability amounts shall be established when a state's payment error rate exceeds 105% of the national average error rate for two consecutive years. Ohio's FFY 2004 error rate of 8.43% exceeded 105% of the FFY 2004 national average error rate of 5.88%. Ohio's FFY 2005 error rate of 8.65% also exceeded 105% of the FFY 2005 national average error rate of 5.84%. This second consecutive year of excessive error rates resulted in the establishment of a \$3,065,580.00 liability amount for FFY 2005. ODJFS is negotiating with the Food and Nutrition Service (FNS) to reinvest a portion of this sanction and will be held "at risk" for the remaining portion if our error rate does not improve in FFY 06.

To address concerns of having two different food stamp case review systems: the federal statewide QC review and the Top Error Element Review (TEER) and objections to ODJFS's plan to distribute future Food Stamp payment accuracy rate sanction liability to responsible counties based on TEER results, staff from ODJFS met with a group of county representatives to discuss proposed options for quality control reviews as well as federal sanction and incentive distribution. As a result, a proposal was developed to have a new quality control system. The rules contained in this transmittal outline the new system and the federal sanction and incentive distribution.

### ODJFS Implementation

The proposed rules are contained in this APMTL and are detailed below. There will be no changes to these rules that directly affect the eligibility of applicant/recipients or how any county agency will administer programs. The following is a brief description of the changes to each rule.

**5101:9-32-01 Food Stamps: quality assessment review process** - This is a new rule that describes the quality assessment review process for active food stamp cases, including adherence to case sampling requirements in the Code of Federal Regulations; the reporting of error findings to the CDJFS, and the CDJFS appeal process for those findings. The rule also stipulates that county performance reports will be posted monthly on the Department's innerweb.

**5101:9-32-03 Food Stamps: quality assessment findings** - This is a new rule that describes the notification process to county departments of job and family services (CDJFS) of quality assessment findings and the process for a CDJFS to dispute the finding.

**5101:9-32-10 Food Stamps: federal incentives or sanctions as a result of the quality assessment review** - This is a new rule that describes the process by which a federal food stamp incentive payment earned by the state or federal food stamp sanction liability imposed on the state will be distributed to county departments of job and family services.

**5101:9-10-01 County department of job and family services (CDJFS) performance measures, standards and goals** - The rule is being amended to focus the required continuous improvement plan

process on activities related to Food Stamp and Work Participation performance. Specifically, this amendment will remove the standard and goal requirements for the Continuing Medical Benefits rate and the State All-Family Work Participation rate and will add requirements for Food Stamp Payment Accuracy.

The Office of Family Stability will continue to provide Continuing Medical Benefit performance information to all counties to track access to continuing medical assistance for OWF participants leaving OWF cash assistance. Due to changes related to the implementation of the Deficit Reduction Act, data will no longer be provided for a separate State Work Participation rate.

**5101:9-10-02 County department of job and family services (CDJFS) continuous improvement plan -**  
 This rule is being amended to add policy pertaining to the food stamp payment accuracy performance standard.

**Instructions**

<b>Location</b>	<b>Remove and File as Obsolete</b>	<b>Replace/Insert</b>
APM Chapter 10	n/a	Insert 5101:9-10-01
	n/a	Insert 5101:9-10-02
APM Chapter 32	n/a	Insert 5101:9-32-01
	n/a	Insert 5101:9-32-03
	n/a	Insert 5101:9-32-10

## **APMTL 335**

### **Administrative Procedure Manual Transmittal Letter (APMTL) No. 335**

September 29, 2006

To: All Administrative Procedure Manual Holders  
From: Barbara E. Riley, Director  
Subject: Rules-Based Administrative Procedure Manual (APM)

The purpose of this Administrative Procedure Manual Transmittal Letter (APMTL) is to announce creation of a rules-based Administrative Procedure Manual (APM). Effective with this APMTL, all policy-based sections of the APM are archived. Succeeding APMTLs will issue rules originated by offices other than the Office of Fiscal Services.

## **Administrative Procedure Letters**

*There are currently no Administrative Procedure Letters.*

# APM OAC Rules

# APM Chapter 1

Reserved

## APM Chapter 2

APMTL 368

**Effective Date: September 24, 2016**

**Most Current Prior Effective Date: May 1, 2011**

(A) Definitions used in this rule.

- (1) "Beneficiaries" means applicants, recipients, and potential applicants and recipients of services, assistance, and other benefits administered by the county agency or county agency contractors.
- (2) "County Agency" means the county department of job and family services, the public children services agency, and the child support enforcement agency.
- (3) "County Agency Contractor" means any governmental or non-governmental entity that receives funds from the county agency, whether directly or indirectly, to provide services, assistance, or benefits to individuals or that performs duties or activities for the county agency pursuant to a contract, grant, or other agreement.
- (4) "Limited English Proficiency" (LEP) means any person or group of persons who cannot speak, read, write or understand the English language at a level that allows them to meaningfully communicate with county agencies or county agency contractors.

(B) Compliance for the Ohio department of job and family services (ODJFS) and the county agency.

All programs, services, and benefits that are administered, supervised, authorized, and/or participated in by a county agency shall be operated in accordance with the ~~nondiscriminatory~~nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996; ~~and~~ the Americans with Disabilities Act ~~of 1990~~Amendment Act of 2008; Title IX of the Education Amendments of 1972 and the Workforce Innovation and Opportunity Act (WIOA) of 2014. The county agency is responsible for ensuring compliance with this rule by all county agency contractors.

(C) No person(s) shall, in violation of state or federal law, on the grounds of race, color, national origin, disability, age, sex, religion, political affiliation or belief, ~~WIA (Workforce Investment Act)~~Workforce Innovation and Opportunity Act (WIOA) participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs) be excluded from participation in, be denied or delayed the benefits or services of, or be otherwise subjected to discrimination under any program, service, or benefit authorized or provided by ODJFS, a county agency, or a county agency contractor.

(D) In carrying out its duties, the county agency shall not discriminate against any employee or applicant for employment because of race, color, national origin, disability, age, sex, religion, political affiliation or belief, ~~WIA~~WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). The county agency shall ensure that applicants are hired, and that employees are treated during employment without regard to their race, color, national origin, disability, age, sex, religion, political affiliation or belief, ~~WIA~~WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). Such action includes, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(E) The county agency and its county agency contractors shall operate each program or activity so that when viewed in its entirety, each program or activity is readily accessible to persons with disabilities and provides meaningful access to persons with limited English proficiency. This shall include, but not be limited to, making the physical facilities accessible to persons with disabilities and providing interpreters at no charge to those beneficiaries who are visually or hearing impaired, or are limited English proficient.

- (F) The county agency shall ensure that the opportunity to participate as members of planning, advisory, and policy boards is available to persons in a nondiscriminatory manner.
- (G) The county agency and county agency contractors shall develop policies and procedures that ensure that all recruitment and employment practices do not discriminate on the basis of race, color, national origin, disability, sex, age, religion, political affiliation or belief, ~~WIA/WIOA~~ participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). Its employment practices also must not have the effect of causing discrimination in the delivery of services and benefits under the program.
- (H) Delegation of authority.

ODJFS shall administer nondiscrimination laws, rules, and regulations through the following methods of administration: The director of the county agency has the responsibility for implementing and enforcing civil rights laws, rules, and regulations within its service system, including county agency contractors, pursuant to the provisions of this rule and other applicable state and federal laws.

- (I) For purposes of administration of the civil rights plan described in this rule, there are two distinct levels of responsibility: ODJFS and the county agency.
  - (1) The ODJFS-bureau of civil rights (ODJFS-BCR) is responsible for the following:
    - (a) Investigating all complaints of discrimination arising under paragraphs (B), (C), and (E) of this rule.
    - ~~(b) Disseminating information pertaining to civil rights laws to the county agency civil rights coordinator, beneficiaries, and interested members of the general public.~~
    - ~~(e)~~(b) Preparing compliance reports for submission to the U.S. department of health and human services, office for civil rights (HHS, OCR), the U.S. department of labor, civil rights center (DOL, CRC), and the U.S. department of agriculture, food and nutrition service, office for civil rights (USDA, FNS, OCR); and providing instructions and guidance to the county agency civil rights coordinator in all aspects of implementing the civil rights laws and the processing of complaints. ODJFS-BCR shall also advise and recommend actions to county agencies ~~that will remedy noncompliant actions~~ to remedy noncompliance.
    - ~~(e)~~(c) Conducting compliance reviews of the county agency and county agency contractors.
    - ~~(e)~~(d) Acting as liaison between ODJFS, HHS, DOL, and USDA offices for civil rights.
    - ~~(f) Acting as liaison with community groups concerned with civil rights issues involving delivery of service.~~
  - (2) The county agency is responsible for the following:
    - (a) Developing a civil rights plan, LEP plan and Americans with Disabilities Act (ADA) plan to ensure that the county agency and county contractor comply with this rule and all applicable federal and state civil rights laws, rules, and regulations. The LEP plan has a review schedule of every two years. The civil rights plan and the ADA plan does not have a review schedule. If there is a change in the county agency such as a new civil rights coordinator, new county agency director, adding another agency, or any other changes that will impact the civil rights plan or ADA plan, then the county agency will revise the plan and provide a copy to ODJFS-BCR. Copies of all revised plans (civil rights, LEP, ADA) are to be provided to ODJFS-BCR.
    - (b) Appointing a civil rights coordinator who shall ~~have~~ be expected to perform the following responsibilities ~~set forth in his or her job description~~:
      - (i) Attending ODJFS approved civil rights training within six months of becoming the civil rights coordinator, and attending training updates as required by ODJFS.
      - (ii) Providing input to management to improve the civil rights in service delivery, and to discuss civil rights complaints, issues, and reports of compliance activities within the county agency or within county agency contractors.

- (iii) Maintaining essential compliance records and files, including client analysis data, staff training records, confidential complaint files, and **reasonable** accommodation requests.
- (iv) Reviewing written policies to make sure that those policies are nondiscriminatory.
- (v) Providing technical assistance or referring staff to appropriate resources for technical assistance. Providing annual training on civil rights in service delivery to staff. New staff shall receive training as part of their initial orientation. Maintain records (i.e., rosters) of training.
- (vi) **Disseminating** Civil rights coordinators (CRC) shall disseminate civil rights information to county agency staff and county agency contractors, vendors, beneficiaries, and other interested parties.
- (vii) Acting as civil rights liaison between ODJFS, the county agency, county agency contractors, beneficiaries, and community groups or other organizations concerning civil rights in the delivery of services.

(J) Complaints.

- (1) Any person may file a written complaint alleging discrimination within ~~six months~~ one hundred eighty days from the date of the alleged discriminatory act. Refer to ODJFS-BCR's rules on the Multi-Ethnic Placement Act of 1994 and WIOA for different complaint filing timeframes. Complaints can be filed with the ODJFS-BCR or the county agency. Assistance in drafting and filing complaints shall be made available. A complaint is deemed filed when the county agency or ODJFS-BCR receives a written statement sufficiently precise to identify the parties and to describe generally the action or practices for which there is a complaint. ODJFS discrimination complaint forms may be obtained from the ODJFS-BCR or the county agency, but the use of any particular form is not required for the proper filing of a complaint.
- (2) Any complaint alleging discrimination filed with ODJFS-BCR or a county agency shall contain the following information:
  - (a) The full name and address of the person making the complaint.
  - (b) The full name and address of the covered entity (e.g., ODJFS, CDJFS, OMJ) against whom the complaint is made.
  - (c) The basis on which the complainant believes the discrimination has occurred (not all bases apply to all programs):
    - (i) Race;
    - (ii) Color;
    - (iii) Religion;
    - (iv) National origin;
    - (v) Disability;
    - (vi) Age;
    - (vii) Sex;
    - (viii) Political affiliation or belief (WIOA and FNS);
    - (ix) ~~WIA~~ WIOA participation status; or
    - (x) For beneficiaries only, citizenship status (WIOA only).
  - (d) A **concise** statement of the facts that the complainant believes indicates an unlawful discriminatory practice.

- (e) The date or dates of the alleged unlawful discriminatory practice; or if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuing acts are alleged to have occurred.
- ~~(f) A statement as to any other action, if any, civil or criminal, instituted in any other forum based upon the same grievance as is alleged in the complaint together with a statement as to the status or disposition of such other action.~~
- ~~(g)~~(f) A statement as to any other grievance, action or proceeding in any other forum based upon the same facts as are alleged in the complaint, together with a statement as to the status or disposition of such other action.

(K) The complainant and respondent shall be advised of the results of the investigation, ~~not later than ten days~~ after the completion of the investigation, which includes referral to FNSRO and its concurrence with ODJFS' action. The complainant shall also be advised of the right to file a complaint ~~to~~with any appropriate state or federal civil rights enforcement agency.

(L) The ODJFS-BCR shall maintain records that show the nature of the complaint, the details of the investigation, and the actions taken by ODJFS.

(M) Upon receiving a complaint alleging discrimination, the county agency shall:

- (1) Forward the complaint to the ODJFS-BCR within three working days of date of receipt;
- (2) Make all persons or papers pertaining to a case being handled by the ODJFS-BCR available at the ODJFS-BCR's request unless doing so would violate state or federal law;
- (3) Submit any information requested by the ODJFS-BCR not later than fourteen working days from date of receipt of request unless otherwise agreed upon;
- (4) Cooperate fully with the ODJFS-BCR during the course of any investigation;
- (5) Not initiate, conduct, or run concurrent investigation(s); and
- (6) Not retaliate against the complainant or any person(s) associated with any inquiry conducted by the ODJFS-BCR.

(N) Any complaint by an employee of a county agency or county agency contractor that arises under paragraph (D) or (G) of this rule should be filed with either the Ohio civil rights commission and/or the U.S. equal employment opportunity commission. ODJFS has no authority to investigate complaints arising under paragraph (D) or (G) of this rule.

(O) Notice.

The county agency and county agency contractors shall execute, in writing, an assurance that they will comply with all federal, state, and local civil rights laws, this rule, and all policies and procedures of ODJFS.

(P) The county agency and county agency contractors shall have a written nondiscrimination policy that effectively communicates to beneficiaries that the administration, services, assistance, and other benefits of its programs are provided on a nondiscriminatory basis. The county agency and county agency contractors shall, in brochures, pamphlets, or communications that are designed to notify the general public of its services and programs, inform all that the services and programs are provided on a nondiscriminatory basis as required by federal, state, and local civil rights laws, ~~and the policies and procedures of ODJFS~~. As a result of the organization's commitment to civil rights, the county agency and its contract providers shall also:

- (1) Provide notice to beneficiaries, and employees with impaired vision and/or hearing, and individuals who are LEP that, if needed, an interpreter will be provided for them at no charge.
- (2) Provide notice to beneficiaries of the right to file a complaint if they feel that they have been discriminated against in county agency administered programs, on the basis of race, color, national origin, disability, age, sex, religion, political affiliation or belief, WIAWIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). This

notice shall include the name, title, and location of the person responsible for receiving the complaint.

- (Q) The county agency shall agree to post in conspicuous places, available to employees and applicants for employment, notices stating that the county agency complies with all applicable federal and state non-discrimination laws. The county agency shall, in all solicitations or advertisements for employees placed by or on its behalf ~~of them~~, state that all qualified applicants shall receive consideration for employment without regard to race, color, national origin, disability, age, sex, religion, political affiliation or belief, ~~WIA~~WIOA participation status, or, for beneficiaries only, citizenship status (not all bases apply to all programs). The county agency shall incorporate the requirements of paragraphs (B), (C), (D), and (E) of this rule in all of its contracts, grants, and other agreements, and will require all county agency contractors to incorporate these requirements in all subcontracts and subgrants for work performed for or on behalf of the county agency.
- (R) Compliance and monitoring.  
ODJFS shall periodically review the county agency's compliance program to ensure that it is providing equal employment opportunities, equal opportunity for participation in all programs, and equal opportunity for receiving benefits and services. HHS, DOL, and USDA will be notified of each annual review. ODJFS shall document and maintain a record of the implementation of these civil rights procedures and the compliance status of the county agency, including county agency contractors, in an annual report.
- (S) The ODJFS-BCR shall monitor ~~the performance of~~ the county agency and county agency contractors to determine their compliance with the civil rights plan described in this rule in relationship to the population of the agency's service area. The ODJFS-BCR, may however, initiate its own investigation if the regular flow of compliance data alerts ODJFS of a possible problem.
- ~~(T) County agency and county agency contractor reviews shall be performed as follows:~~
- ~~(1) The ODJFS-BCR may initiate its own investigation if the regular flow of compliance data alerts ODJFS of a possible problem.~~
  - ~~(2) The ODJFS-BCR shall review a sample of county agencies and county agency contractors each state fiscal year. Selection shall be done on a random basis to reflect geographic distribution of county agencies and county agency contractors.~~
- ~~(U)~~(T) County agency and county agency contractor reviews by ODJFS-BCR shall be conducted periodically, including, but not limited to, the following:
- (1) Site location accessibility for disabled persons seeking services and/or benefits;
  - (2) Referral sources for outreach;
  - (3) Evaluation of client participation in services;
  - (4) Range and provision of services;
  - (5) Accessibility of services for persons with disabilities;
  - (6) Civil rights complaint procedures; and
  - (7) Access to benefits and/or services by persons who are LEP.
- ~~(U)~~(U) ODJFS reserves the right to perform its lawful obligation by inspecting sites and practices and materials that include, but are not limited to, the following:
- (1) Appointment books to verify that no distinction is made as to the time of day beneficiaries of a protected class are served;
  - (2) Written or electronic case files to establish that service is being offered in a consistent manner to all ~~individuals~~beneficiaries;
  - (3) Official and standard documents, records, and policies of county agency contractors to establish adoption of the necessary civil rights policies;

- (4) Publications, brochures, posters, policy manuals, employee handbooks, and training materials to ensure that the notice of nondiscriminatory policies for beneficiaries and employees is included; and
- (5) The notice of nondiscrimination is posted as required by the ODJFS civil rights compliance plan.

~~(W)~~(V) The county agency and county agency contractors, as applicable, shall make available to HHS, DOL, and USDA all data and information necessary to determine the agency's compliance with civil rights laws and regulations. Compliance information, where feasible, shall include the following:

- (1) Identification of eligible population (defined as individuals eligible for programs/services) in aggregate for the state. Also, a separate identification of the eligible population in each county agency (by program) and by the categories of ~~white, American Indian/Alaskan native, Asian/pacific islander, black, and Hispanic~~ race: "American Indian" or "Alaska Native," "Asian," "Black" or "African American," "Native Hawaiian" or "Other Pacific Islander," and "White." The two categories for data on ethnicity are: "Hispanic" or "Latino" and "Not Hispanic" or "Latino."
- (2) Identification of the eligible disabled population in aggregate, for the state, and a separate identification of the eligible disabled population of each county agency and contract provider.
- (3) Identification of the number of individuals participating in HHS, DOL, or USDA funded programs and these services in aggregate for the state, and for each county agency contractor by the categories specified in paragraphs ~~(W)(1)~~(V)(1) and ~~(W)(2)~~(V)(2) of this rule, to the extent such data is reasonably available.

~~(X)~~(W) Remedial action.

A county agency or county agency contractor found to be in violation of the ODJFS civil rights plan shall be notified in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the county agency into compliance with the ODJFS civil rights plan will be done pursuant to section 5101.24 of the Revised Code. Examples of remedial action include, but are not limited to: corrective action plans or the withholding of funds. The county agency is responsible for compliance by county agency contractors. ODJFS may take action against the county agency pursuant to section 5101.24 of the Revised Code if the county agency fails to obtain compliance by the county agency contractor.

Effective: 09/24/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 09/14/2016

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 7/17/89, 5/19/96, 12/7/01, 9/23/06, 5/1/11

**Effective Date: October 1, 2014**

(A) How do the amendments to Title II of the Americans with Disabilities Act (ADAAA) and section 504 of the Rehabilitation Act (2008) apply to programs supervised by the Ohio department of job and family services (ODJFS)?

Each county department of job and family services (CDJFS) is required to:

- (1) Provide an individual with a disability with an equal opportunity to benefit from all programs, services, and activities offered by the CDJFS.
- (2) Relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with individuals that have hearing, vision, or speech disabilities.
- (3) Make reasonable modifications to local policies, practices, and procedures where necessary to avoid discrimination, unless doing so would fundamentally alter the nature of the service, program, or activity being provided.

(B) Who must comply with this rule?

This rule applies to every CDJFS and any governmental or non-governmental entity that receives funds from the CDJFS, whether directly or indirectly, to provide services to individuals or to perform duties or activities for or on behalf of the CDJFS pursuant to a contract, grant, or other agreement (hereafter, "contracted agent").

(C) For the purposes of this rule, what is a disability?

A disability is:

- (1) A physical, or mental impairment that substantially limits one or more of the major life activities of such individual.
- (2) A record of such impairment; or
- (3) Being regarded as having an impairment as described in paragraph (C)(1) of this rule.

(D) What is a physical or mental impairment?

- (1) The term "physical impairment" includes but is not limited to: physiological disorders or conditions; cosmetic disfigurement; or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs (which would include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc.); respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.
- (2) The term "mental impairment" includes mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(E) What are major life activities?

Caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, speaking, breathing, learning, concentrating, thinking, communicating, interacting with others and working. Major life activities also include major bodily functions such as special sense organs, skin, bladder, bowel, digestive, immune system, cell growth, brain, respiratory, cardiovascular, hemic, lymphatic, genitourinary, musculoskeletal, neurological, circulatory, endocrine, and reproductive systems.

(F) What is a reasonable modification?

A reasonable modification is any reasonable change in the way a CDJFS or its contracted agents do something for an individual with a disability or which would allow the individual with a disability to participate in or enjoy equal access to programs administered by the CDJFS.

(G) What is an Americans with disabilities act (ADA) plan?

- (1) An ADA plan is written policies and procedures that describe how the CDJFS and its contracted agents will comply with the ADA, section 504 of the Rehabilitation Act, and all other applicable federal and state laws and regulations.
- (2) Each CDJFS is required to complete the JFS 00207 "ADA Compliance Plan" (7/2014) or design its own plan that is substantively equivalent to the JFS 00207.
- (3) Upon adoption or revision of its ADA plan, the CDJFS shall provide ODJFS with an accurate copy of the plan.
- (4) Each CDJFS and its contracted agents shall implement and comply with the ADA plan adopted by the CDJFS.
- (5) The CDJFS shall be responsible for maintaining copies of its ADA plan and making the ADA plan available to its staff, contracted agents, and the public.

(H) What must be included in an ADA plan?

Each ADA plan shall include:

- (1) A statement that the CDJFS and its contracted agents will comply with the ADA plan and all applicable federal and state laws and regulations.
- (2) The name, telephone number, and email address of an ADA coordinator.
- (3) A description of the county agency's ADA grievance procedure.
- (4) Examples of reasonable modifications that may be made by the CDJFS or its contracted agents.
- (5) A policy permitting the use of service animals, including modification of policies, practices or procedures as necessary for different facilities utilized by the CDJFS.
- (6) Procedures to provide effective communication with people with disabilities, including people with speech, hearing or vision impairments.
- (7) A protocol for training new and existing staff members on the provisions of the ADA plan adopted by the CDJFS.
- (8) An explanation on how the CDJFS plans to ensure the confidentiality of medical records received as a part of a request for reasonable modification.
- (9) A description of the process and tool the CDJFS utilizes to assess an individual with a disability prior to assigning the individual to participate in an activity.

Effective: 10/01/2014

Five Year Review (FYR) Dates: 10/01/2019

Certification: CERTIFIED ELECTRONICALLY

Date: 09/19/2014

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.54, 5107.03

**APMTL 367**

**Effective Date: October 1, 2016**

**Most Current Prior Effective Date: January 1, 2011**

**(A) Definitions as used in this rule.**

- (1) "Beneficiaries" means applicants, registrants, participants, recipients, subrecipients, service providers, labor unions, joint labor management committees, and community-based organizations for services, assistance, and other benefits administered by local workforce development areas.
- (2) "Service provider" refers to entities and individuals providing services directly to WIOA participants, such as approved educational institutions and those providing skill training to WIOA participants/applicants. Service provider does not include an unsuccessful bidder on a contract to provide software or other services directly to the local workforce development area, as these types of contract disputes are subject to government procurement requirements and the contract protest process.
- (3) "Local workforce development area" has the same meaning as "local area", which is defined in WIOA section 3(32) as a local workforce development area designated under WIOA section 106.
- (4) "Local workforce development area contractor" means any governmental or non-governmental entity that receives funds from the local workforce development area, whether directly or indirectly, to provide WIOA-funded services, assistance, or benefits to individuals or that performs duties or activities for the local workforce development area pursuant to a contract, grant, or other agreement.
- (5) "Days", wherever used in this rule, shall mean calendar days, unless otherwise expressly stated.
- (6) "Informal conference" means a meeting facilitated by the local workforce development area, during which the facts and circumstances attending a complaint are examined, in an effort to informally resolve the complaint.
- (7) "Local hearing" means a quasi-judicial forum convened and presided over by the local agency hearing officer.

**(B) Requirement for local and state grievance procedures.**

- (1) The local workforce development area is responsible for:
  - (a) Developing a complaint procedure to ensure that the local workforce development area and its contractors comply with this rule and all applicable WIOA-related laws, rules, and regulations; and
  - (b) Providing notice to workforce participants, service providers and other beneficiaries of the right to file a programmatic complaint with the local workforce development area.
  - (c) Assisting the complainant in drafting and filing complaints, upon request and whenever needed, through the local workforce development area's equal opportunity officer.
  - (d) Follow through with the Ohio department of job and family services, office of workforce development's (OWD's) final decision, including corrective actions and due dates, as instructed in the decision.
- (2) OWD is responsible for reviewing all appeals of programmatic complaints.

**(C) Programmatic complaints.**

- (1) A beneficiary who wishes to file a programmatic complaint alleging any violation of WIOA, other than discrimination, shall first file the complaint with the local workforce development area. All

such complaints shall be filed within three hundred sixty-five days of the date of the incident or violation that caused the dispute.

- (2) A programmatic complaint is deemed filed when the local workforce development area receives a written statement with sufficient details to identify the parties and to describe generally the alleged action(s), practice(s), or violation(s) that led to the filing of the complaint.
- (3) Programmatic complaints shall be investigated first by the local workforce development area. If a satisfactory resolution is not reached through the informal conference, the complainant shall be offered the opportunity for a local hearing. The investigation, opportunity for informal resolution and, if requested, local hearing and hearing decision, shall all be completed within sixty days of the date of the filing of the complaint.
- (4) Any programmatic complaint that is filed with the state before it is first filed with the local area and afforded a full opportunity for resolution through the local complaint process, shall be remanded by the state to the appropriate local workforce development area for investigation, informal resolution and, when necessary, local hearing.

(D) Appeals.

(1) First level appeal to OWD.

- (a) Whichever party, whether the complainant or the respondent, is adversely affected by the local workforce development area's decision regarding a programmatic complaint, may file an appeal with OWD. Appeals must be filed within ten days from the date of receipt of the local workforce development area hearing decision. The appeal must set forth the specific reasons why an appeal is being filed and the relevant portion or portions of the local workforce development area hearing decision that form the basis of the appeal. In the event of an appeal to OWD, the local workforce development area shall forward the hearing decision, complaint, and all records related to the hearing and complaint to OWD within five business days of the notification of the appeal. The local workforce development area may make a written request to OWD for an extension of time to produce the record, and such request may be granted at the sole discretion of OWD upon good cause shown.
- (b) OWD shall conduct a review of the findings of the local workforce development area. OWD shall only reverse the local workforce development area hearing decision if the local workforce development area's findings are found to be arbitrary and not supported by the evidence or the law. The complainant and respondent shall be advised of the results of the appeal, not later than sixty days after the receipt of the appeal.

(2) Second level appeal to U.S. department of labor.

Whichever party is adversely affected by OWD's decision, whether the complainant or the respondent, may appeal to the department of labor, as described in section 181(c) of WIOA. The appellant shall file the appeal request with the "U.S. Department of Labor Secretary" by certified mail, return receipt requested. The appellant shall also send a copy of the appeal by U.S. mail to the:

- (a) "Employment and Training Regional Administrator," and
- (b) "Ohio Department of Job and Family Services, Office of Workforce Development."

(E) Remedial action.

A local workforce development area or local workforce development area contractor found to be in violation of this rule shall be notified in writing by OWD within thirty days of the date of completion of the investigation or review. Any action taken by ODJFS to bring the local workforce development area into compliance with this rule shall be done pursuant to section 5101.241 of the Revised Code or other applicable federal or state laws. Examples of remedial action include, but are not limited to, corrective action plans or the withholding of funds. The local workforce development area is responsible for

ensuring that its contractors are in compliance with this rule. ODJFS may take action against the local workforce development area for any compliance violations on the part of the local area's contractors.

- (F) To the extent a local workforce development area chooses to participate in the comprehensive case management and employment program (CCMEP) and any provision in this rule conflicts with rule [5101:6-10-01](#) of the Administrative Code, the provisions in rule 5101:6-10-01 of the Administrative Code shall govern, unless the CCMEP youth participant receives an Ohio works first (OWF) sanction termination notice as described in rule [5101:1-3-15](#) of the Administrative Code. In the event a CCMEP youth participant receives an OWF sanction termination notice, and disagrees with the proposed action, the youth may request a state hearing in accordance with rule [5101:6-3-01](#) of the Administrative Code.

Replaces: 5101:9-2-03

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Certification: CERTIFIED ELECTRONICALLY

Date: 09/08/2016

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Statutory Authority: 5101.02, 6301.03

Rule Amplifies: 5101.02, 6301.03

Prior Effective Dates: 10/15/01, 9/23/06, 1/1/11

**APMTL 369**

**Effective Date: November 15, 2016**

**Most Current Prior Effective Date: April 1, 2006**

(A) Definitions as used in this rule.

- (1) "Beneficiaries" means applicants, registrants, participants, recipients, subrecipients, service providers, labor unions, joint labor unions, joint labor management committees, and community-based organizations for services, assistance, and other benefits administered by local workforce development ~~agencies~~areas.
- ~~(2) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners, the chief elected official of a municipal corporation, or the chief elected officials of a local area.~~
- (2) "Local workforce development area" has the same meaning as "local area," which is defined in WIOA section 3(32) as a local workforce development area designated under WIOA section 106.
- (3) ~~"Workforce~~Local workforce development ~~agency~~area contractor" means any governmental or non-governmental entity that receives funds from the local workforce development ~~agency~~area, whether directly or indirectly, to provide WIOA-funded services, assistance, or benefits to individuals or that performs duties or activities for the local workforce development ~~agency~~area pursuant to a contract, grant, or other agreement.
- (4) "Limited English proficiency" means any person or group of persons who cannot speak, read, write, or understand the English language at a level that allows the person or group of persons to meaningfully communicate with local workforce development ~~agencies~~areas or local workforce development ~~agency~~area contractors.

(B) Compliance.

- (1) For purposes of ~~the Workforce Investment Act (WIA)~~WIOA of 1998, as amended, no person(s) shall, on the grounds of race, color, national origin, disability, age, gender, religion, citizenship, political affiliation or belief, or beneficiary, or participant status, be excluded from participation in, be denied or delayed the benefits or services of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by the Ohio department of job and family services (ODJFS), or a local workforce development ~~agency~~area.
- (2) The local workforce development ~~agency~~area and its ~~workforce development agency~~ contractors shall operate each program or activity so that when viewed in its entirety, each program or activity is readily accessible to persons with disabilities and provides meaningful access to persons with limited English proficiency. This shall include, but not be limited to, making the physical facilities accessible to persons with disabilities and providing interpreters at no charge to those beneficiaries who are visually or hearing impaired, or are limited English proficient.

(C) ~~Delegation of authority~~Responsibilities of ODJFS and local workforce development area with regard to discrimination complaints.

- (1) ~~The Ohio department of job and family services (ODJFS)~~ODJFS shall administer nondiscrimination laws, rules, and regulations through the methods of administration outlined in this rule. ~~The director of the workforce development agency has the responsibility for implementing and enforcing civil rights laws, rules, and regulations within its service system, including workforce development agency contractors.~~
- ~~(2) For purposes of administration of this rule, there are two distinct levels of responsibility: ODJFS and the workforce development agency.~~
- ~~(a)~~(2) The ODJFS bureau of civil rights (ODJFS-BCR) is responsible for the following:

- ~~(i)~~(a) Investigating all complaints of discrimination arising under paragraph (B)(1) or (B)(2) of this rule.
  - ~~(ii)~~ ~~Disseminating information pertaining to civil rights laws to the equal opportunity officer at the workforce development agency, beneficiaries, and interested members of the general public.~~
  - ~~(iii)~~(b) Preparing compliance reports for submission to the United States department of labor, civil rights center (DOL, CRC).
  - ~~(iv)~~(c) Providing instructions and guidance to the equal opportunity officer at the local workforce development agency area in all aspects of implementing the civil rights laws and the processing of complaints.
  - ~~(v)~~(d) Advising and recommending actions that will remedy noncompliant areas.
  - ~~(vi)~~(e) Conducting compliance reviews of the local workforce development agency area and local workforce development agency area contractors.
  - ~~(vii)~~(f) Acting as liaison between ODJFS and DOL for issues relating to civil rights.
  - ~~(viii)~~ ~~Acting as liaison with community groups concerned with civil rights issues involving the delivery of services.~~
- ~~(b)~~(3) The director of the local workforce development area has the responsibility of implementing and enforcing civil rights laws, rules, and regulations within its service system, which includes local workforce development area contractors. The local workforce development agency area is responsible for the following:
- ~~(i)~~(a) Developing a civil rights plan, ~~and~~ limited English proficiency plan, ~~and~~ Americans with Disabilities Act (ADA) plan to ensure that the local workforce development agency area and the local workforce development agency area contractors comply with this rule and the civil rights laws, rules, and regulations.
  - ~~(ii)~~(b) Appointing an equal opportunity officer (EOO) under the following conditions:
    - ~~(a)~~(i) The local workforce development agency area shall appoint an employee of the local workforce development agency area who is familiar with ~~WIA~~ WIOA non-discrimination provisions (29 C.F.R. ~~3738~~), Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (1990), and other pertinent civil rights laws that may apply to the local workforce development agency area or local workforce development agency area contractors.
    - ~~(b)~~(ii) Depending on the size of the local workforce development agency area and the number of applicants, registrants and participants served by the local workforce development agency area, the ~~equal opportunity officer~~ EOO ~~may, or may not, be assigned other duties. However, he or she must~~ the EOO may not have other responsibilities or activities that create a conflict with, or the appearance of a that appear to conflict, with, the responsibility of the equal opportunity officer EOO's primary responsibilities.
  - ~~(iii)~~(c) Appointing an ~~equal opportunity officer~~ EOO who shall ~~have~~ be expected to perform the following responsibilities set forth in his or her job description:
    - ~~(a)~~(i) Attending ODJFS approved civil rights training within six months of becoming the ~~equal opportunity officer~~ EOO, and attending training updates as required by the department;
    - ~~(b)~~(ii) Providing input to management to promote civil rights in service delivery, and ~~to discuss~~ discussing civil rights complaints, issues, and reports of compliance activities ~~within~~ with the local workforce development agency area or ~~within workforce development agency~~ its contractors;

- (e)(iii) Maintaining essential compliance records and files, including client analysis data, staff training records, confidential complaint files and ~~reasonable~~-accommodation requests;
- (e)(iv) Reviewing written policies to make sure that those policies are nondiscriminatory;
- (e)(v) Providing technical assistance ~~or training on civil rights in service delivery to staff,~~ or referring staff to appropriate resources for technical assistance; Providing annual training to all staff on civil rights in service delivery; and, providing a similar civil rights training to new staff as part of their initial orientations. Maintaining records (e.g, attendance rosters) of training.
- (f)(vi) Disseminating civil rights information to local workforce development ~~agency~~area staff and local workforce development ~~agency~~area contractors, vendors, beneficiaries, and other interested parties; and
- (g)(vii) Acting as civil rights liaison between ODJFS, the local workforce development ~~agency~~area, local workforce development ~~agency~~area contractors, beneficiaries, and community groups or other organizations concerning civil rights in the delivery of services.

(D) Complaints.

Any person may file a written complaint alleging discrimination within one hundred eighty days from the date of the alleged discriminatory act. Complaints can be filed with ODJFS-BCR or ~~the United States department of labor, civil rights center (DOL, CRC)~~DOL, CRC. The local workforce development ~~agency~~area shall make available assistance in drafting and filing complaints through the EOO. A complaint is deemed filed when ODJFS-BCR receives a written statement sufficiently precise to identify the parties and to describe generally the action or practices for which there is a complaint. ODJFS discrimination complaint forms may be obtained from ODJFS-BCR or the local workforce development ~~agency~~area, but the use of any particular form is not required for the proper filing of a complaint.

- (1) Any complaint alleging discrimination filed with ODJFS-BCR shall contain the following information:
  - (a) The full name and address of the person making the complaint;
  - (b) The ~~full~~ name and address, if known, of the ~~covered~~ individual or entity against whom the complaint is being made;
  - (c) The basis on which the complainant believes the discrimination has occurred:
    - (i) Race;
    - (ii) Color;
    - (iii) Religion;
    - (iv) National origin;
    - (v) Disability;
    - (vi) Age;
    - (vii) Gender;
    - (viii) Citizenship;
    - (ix) Political affiliation or belief; or
    - (x) Beneficiary, or participant status;
  - (d) A ~~concise~~ statement of the facts that the complainant believes indicate an unlawful discriminatory practice; and

- (e) The date or dates of the alleged unlawful discriminatory practice; ~~of or, if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuing acts are alleged to have occurred;~~
- (f) ~~A statement as to any other action, if any, civil or criminal, instituted in any other forum based upon the same grievance as is alleged in the complaint together with a statement as to the status or disposition of such other action; and~~
- (g) ~~A statement as to any other action or proceeding in any other forum based upon the same facts as are alleged in the complaint, together with a statement as to the status or disposition of such other action.~~

- (2) The complainant and respondent shall be advised of the results of the investigation, ~~not later than thirty days~~ after the completion of the investigation. The complainant shall also be advised of the right to file a complaint with any appropriate state or federal civil rights enforcement agency.
- (3) ODJFS-BCR shall maintain records that show the nature of the complaint, the details of the investigation, and the actions taken by ODJFS.

(E) Upon receiving a complaint alleging discrimination, the local workforce development agency shall do the following:

- (1) Forward the complaint to ODJFS-BCR within three working days of the date of receipt;
- (2) Make all persons or papers pertaining to a case being handled by ODJFS-BCR available at ODJFS-BCR's request, unless doing so would violate state or federal law;
- (3) Submit any information requested by ODJFS-BCR not later than fourteen working days from the date of receipt of the request unless otherwise agreed upon;
- (4) Cooperate fully with ODJFS-BCR during the course of any investigation;
- (5) Not initiate, conduct, or run concurrent investigation(s); and
- (6) Not retaliate against the complainant or any person(s) associated with any inquiry conducted by ODJFS-BCR.

(F) Notice.

The local workforce development agency and local workforce development agency contractors shall have a written nondiscrimination policy that effectively communicates to beneficiaries that the administration, services, assistance, and other benefits of its programs are provided on a nondiscriminatory basis. The local workforce development agency and local workforce development agency contractors shall, in brochures, pamphlets, or communications that are designed to notify the general public of its services and programs, inform all that the services and programs are provided on a nondiscriminatory basis as required by federal, state, and local civil rights laws, ~~and the policies and procedures of ODJFS~~. As a result of the organization's commitment to civil rights, the local workforce development agency and its contract providers shall also do the following:

- (1) Provide notice to beneficiaries, and employees with impaired vision and/or hearing, and individuals who are limited English proficient that, if needed, an interpreter will be provided for them at no charge.
- (2) Post in conspicuous places, available to employees and applicants for employment, notices stating that the local workforce development agency and its contract providers comply with all applicable federal and state non-discrimination laws. The local workforce development agency shall, in all solicitations or advertisements for employees placed by or on behalf of them, state that all qualified applicants shall receive consideration for employment without regard to race, color, national origin, disability, age, gender, religion, ancestry, or veteran status. The local workforce development agency shall incorporate the requirements of this paragraph in all of its contracts, grants and other agreements, and shall require all local

workforce development agency area contractors to incorporate the requirements of this paragraph in all subcontracts and subgrants for work performed for or on behalf of the local workforce development agency area.

- (3) Provide notice to beneficiaries of the right to file a complaint if they feel that they have been discriminated against on the basis of race, color, national origin, disability, age, gender, religion, citizenship, political affiliation or belief, beneficiary, or participant status. The notice shall include the web address, mailing address, fax number, and telephone number of ODJFS-BCR.

(G) Remedial action.

A local workforce development agency area or local workforce development agency area contractor found to be in violation of this rule will be notified in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the local workforce development agency area into compliance with this rule will be done pursuant to section 5101.241 of the Revised Code. Examples of remedial action include but are not limited to: corrective action plans or the withholding of funds. The local workforce development agency area is responsible for compliance by local workforce development agency area contractors. ODJFS may take action against the local workforce development agency area pursuant to section 5101.241 of the Revised Code if the local workforce development agency area fails to obtain compliance by the local workforce development agency area contractor.

Effective: 11/15/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 10/28/2016

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Statutory Authority: 121.07, 5101.02, 6301.03

Rule Amplifies: 5101.01, 5101.02, 6301.01, 6301.02

Prior Effective Dates: 10/15/01, 7/1/05, 4/1/06

## APM Chapter 5

**APMTL 353**

**Effective Date: June 5, 2011**

**Most Current Prior Effective Date: June 5, 2006**

- (A) The temporary assistance to needy families (TANF) reporting system is designed to capture TANF data regarding services, populations served and expenditures for all non-cash assistance TANF services.
- (B) All prevention, retention, and contingency (PRC) and Ohio works first (OWF) support services must constitute "non-assistance" as set forth in section 5101.801~~5101.07~~ of the Revised Code.
- (C) The TANF reporting system consists of two reporting mechanisms based on two primary service categories of "hard" and "soft" services:
  - (1) "Hard" services are benefits having cash value (e.g., rent payments) that are provided to clients either as PRC services or OWF support services. These services are reported through the client registry information system-enhanced (CRIS-E) at the time of service provision. The reporting categories, codes and service definitions for hard services are listed in CRIS-E/TANF "Hard" service reporting categories. ~~and~~
  - (2) "Soft" services are services without cash value to the recipient (e.g., job training and education, after-school programs, etc.) that are provided to clients either as PRC services or OWF support services. Data on these services are collected through the TANF - "Web Reporting Tool" (WRT). Using the TANF-WRT mechanism, counties will report monthly data on soft services by service category, sub-category, numbers of individuals served, and service costs. TANF-WRT contains the details on the data requirements for PRC soft services and OWF soft support services. Soft services data is compiled on a monthly basis. Counties may submit the data on a monthly basis, or on a quarterly basis as long as it incorporates month-specific data and is submitted no later than forty-five days after the end of the quarter.
- (D) Instructions for accessing the TANF-WRT by counties and/or service providers are included in the instructional materials attached to the TANF-WRT.

Replaces: 5101:9-5-65

Effective: 06/05/2011

Certification: CERTIFIED ELECTRONICALLY

Date: 04/20/2011

Promulgated Under: 111.15

Statutory Authority: 5101.02, 5101.07

Rule Amplifies: 5101.02, 5101.07

Prior Effective Dates: 06/05/2006



**APMTL 377**

**Effective Date: October 13, 2018**

**Most Current Prior Effective Date: March 26, 2015**

- (A) The SLA is a document of understanding provided by the Ohio department of job and family services (ODJFS) office of information services (OIS). ODJFS requires county agencies to enter into an SLA to delineate responsibilities for day-to-day information technology (IT) operations between the county agency and OIS to provide quality service to end users and to maintain the health and integrity of the ODJFS network.
- ~~(B) The SLA specifies what a county agency can expect from OIS concerning equipment supply, equipment standards, equipment servicing, delivery and availability, system response, information security, problem handling, and network management. As a condition of providing services, ODJFS requires the county agency elect a service level and enter into an SLA. All ODJFS commitments are subject to the availability of state and federal funds.~~
- (B) The SLA outlines expectations between the county agencies and OIS including the IT resources supply and management, standards, support efforts, information security, and service provider alignment. A county agency shall elect a service level as part of the SLA program. All ODJFS commitments are subject to the availability of state and federal funds.
- ~~(C) In addition to the delineation of responsibilities between the county agency and OIS, the SLA, through the technology and service support policy (TSSP), as detailed in rule 5101:9-9-17 of the Administrative Code, includes the delineation of financial responsibility.~~
- (C) The technology and service support policy (TSSP) also details the delineation of responsibilities, including financial responsibilities as shown in rule 5101:9-9-17 of the Administrative Code.
- (D) A county agency wishing to assume more responsibility for the operation of its local network may do so, in accordance with the established SLA levels, provided the county agency can maintain eligibility and continues to fulfill the requirements.
- ~~(E) The signatories to the SLA are the county agency director and the deputy director of OIS utilizing the SLA signature document (SLA.13). The SLA incorporates, by reference, a number of additional supporting documents. Due to the ever-changing nature of the IT environment, the supporting documents may be updated on an ongoing basis by OIS.~~
- (E) The county agency director and the deputy director of OIS shall utilize the SLA signature document to show acceptance of the SLA, and all related levels and support documentation. Due to the ever-changing nature of the IT environment, OIS may update the supporting documentation as needed.
- (F) In the event of a disagreement regarding provisions of the executed SLA between OIS and the county agency, the initial attempt at resolution will commence at the county agency technical point of contact (TPOC) and OIS liaison level. If resolution is not possible at that level, the deputy director of OIS and the director of the county agency, or their designees, will work to resolve such issues and may utilize the methodology contained in the fiscal agreements if necessary.
- (G) The most current version of the SLA is available on the OIS website.

Effective: 10/13/2018

Certification: CERTIFIED ELECTRONICALLY

Date: 10/03/2018

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 10/01/2003, 02/01/2006, 07/01/2007, 07/01/2009, 03/26/2015

**APMTL 360**

**Effective Date: March 26, 2015**

**Most Current Prior Effective Date: July 1, 2009**

- (A) The negotiated service level agreement (SLA N) is a document of understanding between the Ohio department of job and family services (ODJFS) office of information services (OIS) and the county agency. A county that elects and is eligible for a SLA N is substantially different from other county agencies. Elected SLA N is available only to agencies having greater than five hundred filled, verifiable, full-time equivalent (FTE) employees and public children ~~service~~services agencies (PCSAs) that have never been on the ODJFS network.

While the SLA N allows for a high degree of flexibility, the universal provisions detailed in the SLA and rule **5101:9-9-15** of the Administrative Code apply to the SLA N.

- (B) The intent of the SLA N is to address the flexibility required by county agencies while maintaining the integrity of the SLA program.
- (C) The goal of the SLA N is to define the information technology (IT) expectations of ODJFS and the county agency and determine the appropriate level of service relative to service response, system availability, quantity of work processed, delineation of duties, and service support.
- (D) Through SLA N, any ODJFS benefits, that is combinations of hardware, software, infrastructure, services, and network administration, may be negotiated as agreed upon by ODJFS and the county agency. Other county agency requirements may be negotiated as agreed upon by ODJFS and the county agency. Any state benefit is dependent on sufficient funding in the ODJFS OIS budget for the appropriate fiscal year.
- (E) A county agency that elects a SLA N exercises considerable control of its county-based IT environment and the management of the county agency network.
- (F) The SLA N supporting documentation identifies the scope of services performed either by ODJFS or the county agency and what is required to maintain the IT environment.
- (G) In the event of a disagreement between ODJFS and the county agency regarding provisions of the executed SLA N, the initial attempt at resolution will begin at the county agency technical point of contact (TPOC) and OIS liaison level. If resolution is not possible at that level, the deputy director of OIS and the director of the county agency, or their designees, will work to resolve such issues utilizing the methodology contained in the SLA N.
- (H) The most current version of the SLA N is available on the OIS website.

Effective: 03/26/2015

Certification: CERTIFIED ELECTRONICALLY

Date: 03/16/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 2/1/06, 7/1/07, 7/1/09

**APMTL 377**

**Effective Date: October 13, 2018**

**Most Current Prior Effective Date: January 1, 2016**

- (A) The Ohio department of job and family services (ODJFS), in a continuing effort to improve the level of customer service and responsiveness to county agencies, developed the technology and service support policy (TSSP). The TSSP represents a commitment by ODJFS to provide quality, cost-effective networking products, services, and solutions to the county agencies throughout the state.
- The TSSP operates within the framework of the service level agreement (SLA) as detailed in the ~~SLA.04~~SLA and rule 5101:9-9-15 of the Administrative Code.
- (B) The TSSP is the policy by which county agencies request information technology (IT) equipment and services from the ODJFS office of information services (OIS). All county agency requests for network equipment, installation of third-party software applications, or OIS assistance with equipment moves to new sites, require completion of the JFS 01321 "TSSP County Request."
- (C) TSSP coordinators in OIS oversee the request process and are responsible for working with the county agencies to determine financial responsibilities and costs, verify staff levels, track the progress of requests, and serve as the ODJFS contact for county agency information related to the TSSP.
- (D) As part of completing the JFS 01321, the county agency will estimate the financial responsibilities associated with its request and submit the information to the TSSP coordinator in OIS.
- (E) Whenever financial responsibilities are determined to be greater than those estimated on the JFS 01321, OIS will contact the technical point of contact (TPOC) in the county agency. OIS will obtain the county agency's consent before continuing the fulfillment process.
- (F) Financial responsibilities are enumerated in the TSSP. All ODJFS commitments relative to networking products, services, and solutions are subject to and contingent on the availability of state and federal funds. Whenever financial responsibilities are determined to be different from those estimated in the agency's original request, OIS will notify the county agency to obtain its consent before fulfilling the agency's request. Equipment acquisitions that may affect the ODJFS network, regardless of the cost or financial responsibility, must be approved by ODJFS before the agency purchases the equipment. Approval may be obtained through the TSSP request process.
- (G) ODJFS retains ownership of networking products unless ODJFS specifically transfers ownership in accordance with procedures in rule 123:5-2-01 of the Administrative Code.
- (H) Through TSSP, ODJFS seeks to do the following:
- (1) Ensure timely and efficient delivery of IT products and services to ODJFS's customers;
  - (2) Increase the flexibility for county agencies to select networking products, services, and solutions that best meet their needs;
  - (3) Maintain continuity of a safe, sound, and secure computer environment; and
  - (4) Ensure budgetary predictability and cost-effectiveness of networking solutions for ODJFS and county agencies.
- (I) OIS continues to provide the workstations, software, and network access necessary for county employees to complete their state-required job functions pursuant to and in compliance with the signed and established SLA levels.
- (J) ODJFS will provide the network infrastructure to enable local agency staff to connect to the ODJFS network.
- (K) As a way for county agencies to have the flexibility to meet future needs, ODJFS will provide an additional allowance of workstations in an amount of up to ten per cent of the local agency's filled full-time equivalent (FTE) employees.

Beyond this baseline, counties are responsible for financing computing resources.

- (L) County agencies will purchase service units from ODJFS, unless otherwise specified in the SLA for the individual county agency.  
Service units include, but are not limited to, maintenance, service, and use of state owned equipment.
- (M) Costs associated with TSSP equipment service units are determined by the initial equipment and warranty costs to ODJFS. On-going services are included as part of the service unit at the expense of ODJFS. On-going services include moves, customer support, software upgrades, and equipment services.
- (N) The catalogue of network services section of the TSSP displays the networking products and services available to county agencies. The catalogue details the estimated costs a county agency will be subject to when it purchases service units and services that it specifies on the JFS 01321 that it submits to OIS.
- (O) Following the fulfillment of a request, the ODJFS office of fiscal and monitoring services (OFMS) will generate an invoice from the Ohio administrative knowledge system (OAKS) for equipment and services rendered and e-mail it to the county agency for all requests determined to be the financial responsibility of the county agency. The service unit cost to the county agency will be the actual invoice cost for each piece of equipment used and warranty purchased. Available TSSP service units may be found in the catalogue of network services section of the TSSP.
- (P) When a request involves recurring charges, such as monthly data line fees, the county will be invoiced on a recurring basis. These invoices will utilize the same payment process as the other TSSP invoices.
- (Q) County agencies and one-stops will pay the invoice by sending a check, made payable to the "Treasurer, State of Ohio," and including a copy of the invoice with the check. Remit payments to the following address:  
"Huntington National Bank  
ODJFS  
L-3659  
Columbus, Ohio 43260"
- (R) If payment is not received within sixty calendar days, the ODJFS office of fiscal and monitoring services will notify the county agency via a memo.
- (S) If payment is not received within ninety calendar days, the ODJFS office of fiscal and monitoring services will recover the funds via an adjustment to the county agency's advance.
- (T) County agencies shall use the JFS 02750 "Child Support Enforcement Agency (CSEA) Quarterly Financial Statement", JFS 02820 " Children Services Quarterly Financial Statement", or JFS 02827 "Public Assistance (PA) Quarterly Financial Statement" to report TSSP expenditures.
- (U) OIS will update the TSSP as dictated by changes in technology, service unit pricing, or available service offerings. The most current version of the TSSP is available on the OIS website.

Effective: 10/13/2018

Certification: CERTIFIED ELECTRONICALLY

Date: 10/03/2018

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 02/01/2006, 07/01/2007, 07/01/2009, 01/01/2016

**APMTL 358**

**Effective Date: February 1, 2015**

**Most Current Prior Effective Date: May 23, 2008**

- (A) HIPAA is a federal law that, among other ~~regulation~~ regulations, requires the protection of confidentiality and security of health data including the safeguarding, privacy, and release of protected health information (PHI).
- (B) PHI includes, but is not limited to, the following individually identifiable health information of public assistance applicants, recipients, and former recipients:
- (1) Information relating to past, present, or future physical or mental health or condition of an individual;
  - (2) Provision of health care ~~of~~ to an individual;
  - (3) Past, present, or future payment for health care to an individual; and
  - (4) Eligibility information of an individual for the medicaid, disability medical assistance, or refugee medical assistance program, or any other plan or program that provides medical assistance or pays the cost of medical care.
- (C) All current and future recipients of medicaid, disability medical assistance, refugee medical assistance, or any other plan or program that provides medical assistance or pays the cost of medical care, received or will receive a privacy notice outlining the following descriptions of uses and disclosures, and recipient procedures:
- (1) A description of the types of uses and disclosures of PHI the Ohio department of job and family services (ODJFS) or its delegated entity is permitted to make, with examples to include payment, treatment, and healthcare operations;
  - (2) A description of other uses and disclosures permitted under HIPAA without written consent or authorization to include examples such as required by law;
  - (3) A statement that other uses and disclosures will be made only with the individual's written authorization;
  - (4) Complaint procedure;
  - (5) Request for restriction procedure;
  - (6) Request for amendment procedure; and
  - (7) Request for accounting procedure.
- (D) If a recipient of benefits identified in paragraph (C) of this rule requests any of the procedures outlined in paragraphs (C)(4) to (C)(7) of this rule from the county agency or entity acting on behalf of ODJFS who collects and maintains the information identified in paragraph (B) of this rule through which the recipient participates, the county agency or entity acting on behalf of ODJFS shall do one of the following:
- (1) Refer the recipient to the ODJFS privacy official by providing the recipient with the appropriate phone number; or
  - (2) Provide the recipient with a copy of the HIPAA privacy notice outlining the procedures set out in paragraphs (C)(4) to (C)(7) of this rule and notice identifying whom the recipient may contact to initiate those procedures (~~see <http://www.state.oh.us/odjfs/hipaa/privacy.pdf>~~).

**<http://medicaid.ohio.gov/FOROHIOANS/AlreadyCovered/NoticeofPrivacyPractices.aspx>**

Effective: 02/01/2015

Certification: CERTIFIED ELECTRONICALLY

Date: 01/22/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 4/14/03, 5/23/08

APMTL 374

**Effective Date: March 5, 2018**

**Most Current Prior Effective Date: March 1, 2015**

(A) The following definitions are applicable to this rule:

- (1) "County family services agency" has the same meaning as defined in section 307.981 of the Revised Code.
- (2) "Grant" means an award for one or more family services duties or workforce development duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the Ohio department of job and family services (ODJFS) and that ODJFS awards to a county family services agency or ~~workforce development agency~~ local area. Grant may include state funds ODJFS awards to a county family services agency or ~~workforce development agency~~ local area to match the federal financial assistance. Grant does not mean technical assistance that provides services instead of money and does not mean other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance.
- (3) "Inactive records" refers to closed case files and those records that are no longer used on a regular basis.
- (4) "Local area," has the same meaning as defined in section 6301.01 of the Revised Code.
- ~~(4)~~(5) "Pass-through entity" means a non-federal entity that provides a federal award and/or state funds to a subrecipient to carry out a federal and/or state program, function, or activity.
- ~~(5)~~(6) "Record" has the same meaning as defined in section 149.011 of the Revised Code.
- ~~(6)~~(7) "Record series" means records that are filed together or maintained as a unit because they relate to a particular subject or function, result from the same activity, have a particular form, or have some other relationship arising from their creation, receipt, or use.
- ~~(7)~~(8) "Retention schedule" means a document that assigns a required retention period to a record series based on its fiscal, legal, historical or administrative value.
- ~~(8)~~(9) "Subrecipient" means a non-federal entity that expends federal awards and/or state funds received from a pass-through entity but does not include an individual that is a beneficiary of such program, function, or activity.
- ~~(9)~~(10) "Workforce development agency" has the same meaning as defined in section ~~6301.01~~ 5116.01 of the Revised Code.

(B) ~~All county family services agency and workforce development agency records are governed by section 149.38 of the Revised Code, which establishes a county records commission for each county. The functions of the county records commission are to provide rules for the retention and disposal of county records, review applications for one-time disposal of obsolete records, and review schedules of records retention and disposal submitted by county offices.~~ Each county family services agency and ~~workforce development agency~~ local area shall comply with all applicable federal, state, and local records retention requirements for all records related to any program, function, or activity that is funded in whole or in part by state and/or federal funds. Local records retention requirements may be available through the county records commission in each county, which are established pursuant to section 149.38 of the Revised Code. The functions of the county records commission are to provide rules for the retention and disposal of county records, to review applications for one-time disposal of obsolete records, and to review schedules of records retention and disposal submitted by county offices.

(C) Each county family services agency and ~~workforce development agency~~ local area shall have a records retention schedule that governs each record series maintained by the agency and that includes the requirements set forth in this paragraph. Each such records retention schedule shall at a minimum do the following:

- (1) Identify the name of the record series;
- (2) Describe the use and purpose of the records;
- (3) Assign a retention period based on the fiscal, legal, historical or administrative purpose value of the record series;
- (4) Establish the method of disposition of the records when the retention period expires; and
- (5) Comply with any minimum records retention requirements specified by applicable state law and regulations, applicable ODJFS records retention requirements, and applicable federal law and regulations, including, but not limited to, the following:
  - (a) 2 C.F.R. Part 200;
  - (b) 7 C.F.R. 272.1(f) applicable to the expenditure of food stamp program funds;
  - (c) 29 C.F.R. 95.53 applicable to ~~not-for-profit~~non-profit organizations expending department of labor funds (DOL) funds;
  - (d) 29 C.F.R. 97.42 applicable to government units expending DOL funds;
  - (e) 45 C.F.R. 75.361 applicable to ~~not-for-profit organizations~~non-federal entities expending department of health and human services (HHS) funds; or
  - ~~(f) 45 C.F.R. 75.361 applicable to government units expending HHS funds; or~~
  - ~~(g)~~(f) Any other federal award requirements related to any program, function, or activity the county family services agency or ~~workforce development agency~~local area administers that is funded in whole or in part by federal funds.

(D) In addition to having the records retention schedules required by paragraph (C) of this rule, each county family services agency and ~~workforce development agency~~local area shall have a records retention schedule governing all records of its subrecipients that document a program, function, or activity for which the county family services agency's or ~~workforce development agency's~~local area's subrecipient receives state and/or federal funds. Each county family services agency and ~~workforce development agency~~local area shall include in any contract or other type of agreement, including grant awards awarding a grant to a subrecipient subrecipients and subcontracts with service providers, all applicable minimum federal, state, and local records retention requirements for all records documenting a program, function, or activity for which the county family services agency's or ~~workforce development agency's~~local area's subrecipient, contractor or subcontractor receives state and/or federal funds. Any succeeding subrecipient or subcontractor of state and/or federal funds passed through from the county family services agency's or ~~workforce development agency's~~local area's subrecipient, contractor or subcontractor is subject to the same requirements stated in this paragraph.

(E) Each county family services agency and ~~workforce development agency~~local area shall retain financial, programmatic, statistical, and recipient records and supporting documents relating or pertaining to a federal award passed through from ODJFS for a minimum of three years after submittal of the final expenditure report for the grant, or applicable ODJFS records retention requirements, whichever is longer, unless otherwise provided by any minimum records retention requirements specified by applicable state or federal law. A county family services agency or ~~workforce development agency~~local area may establish a minimum records retention period that exceeds the minimum retention period provided by this paragraph.

- (1) If any litigation, claim, investigation, criminal action, negotiation, audit, administrative review, or other action involving the records has been started before the expiration of the longer of the minimum retention period defined in paragraph (E) of this rule or before actual disposition of the records, the county family services agency or ~~workforce development agency~~local area shall maintain the records until completion of the action and resolution of all issues that arise from it, or until the end of the longest applicable minimum retention period, whichever is later.
- (2) If final payment after closeout of the federal award has not been made before the expiration of the longer of the minimum retention period defined in paragraph (E) of this rule or before actual

disposition of the records, the county family services agency or ~~workforce development agency~~ local area shall maintain the records until final payment is made and resolution of all issues that arise from it, or until the end of the longest applicable minimum retention period provided in paragraph (E) of this rule, whichever is later.

- (3) Each county family services agency and ~~workforce development agency~~ local area shall maintain a current file of all records that have been subject to a federal or state audit, administrative review, or other action, and must refer to that file before requesting approval from the county records commission to destroy any record.
- (F) Each county family services agency and ~~workforce development agency~~ local area shall annually provide or make available to ODJFS the agency's records retention schedules, including any records retention schedule adopted pursuant to paragraph (D) of this rule. Each county family services agency and ~~workforce development agency~~ local area shall make its current records retention schedule readily available to the public.
- (G) Each county family services agency and ~~workforce development agency~~ local area shall establish policies and procedures for the transfer and storage of inactive records that comply with all applicable state, federal, and local requirements. Secondary locations used for storing inactive records must provide adequate security and allow for the prompt and efficient retrieval of requested records.
- (H) The requirements regarding access to records are as follows:
- (1) Each county family services agency and ~~workforce development agency~~ local area shall adopt a public records policy for responding to public records requests in accordance with section 149.43 of the Revised Code. Public records do not include information or records specifically exempted from treatment as public records in division (A)(1) of section 149.43 of the Revised Code, or information or records that are expressly made confidential under other federal or state laws or regulations.
- (2) All records documenting a program, function, or activity for which the county family services agency and ~~workforce development agency~~ local area receive state and/or federal funds must be made available to authorized governmental agencies, including, but not limited to, ODJFS, the auditor of state, and other Ohio funding sources and federal funding sources upon request. This access to records includes, but is not limited to, all financial and programmatic records, supporting documents, statistical records, and other records of recipients, subrecipients, contractors, and subcontractors. This right of access is not limited to any required minimum retention period if the records are still being retained and have not been disposed at the time of the request.
- (3) All information and records concerning an applicant, a recipient, or a former recipient must be safe guarded from release as specified by applicable state and federal law and regulations, including, but not limited to, rules 5101:1-1-03, 5101:4-1-13, and ~~5160:1-1-51~~ 5160-1-32 of the Administrative Code, and section 5101.27 of the Revised Code, and are subject to all applicable intercounty transfer requirements, including, but not limited to, rules 5101:1-1-13, ~~5101:4-8-09 and 5160:1-1-51~~ and 5101:4-8-19 of the Administrative Code.
- (4) All public records as defined in division (A)(1) of section 149.43 of the Revised Code must also be made available for inspection or copying to any person at all reasonable times during regular business hours, as specified in division (B) of section 149.43 of the Revised Code.
- (5) Each county family services agency and ~~workforce development agency~~ local area shall maintain its records in such a manner that the agency can fulfill its records access obligations promptly and efficiently.
- (I) Each county family services agency and ~~workforce development agency~~ local area shall obtain approval from the county records commission before destruction of any records in accordance with section 149.38 of the Revised Code. Pursuant to section 149.38 of the Revised Code, the county records commission approval must in turn be reviewed by the Ohio ~~historical society~~ history connection,

and upon completion of the Ohio ~~historical society's~~ history connection's review of the request to dispose the records, the auditor of state must approve or disapprove the request.

- (J) After permission to destroy the records has been obtained, each county family services agency and ~~workforce development agency~~local area shall follow the requirements established by the county records commission for disposal of county records.
- (K) Notwithstanding the provisions in this rule, each county family services agency and ~~workforce development agency~~local area shall continue to follow any minimum applicable ODJFS, state, and federal records retention requirements requiring a longer minimum retention period than the general three-year retention period stated in paragraph (E) of this rule, such as children services case records retention requirements set forth in rule 5101:2-33-23 of the Administrative Code, and any other program-specific records retention requirements established by other state or federal law, unless directed to comply with the minimum records retention requirements provided in this rule.
- (L) The retention, destruction and access provisions adopted or established by a local area pursuant to this rule will apply to every workforce development agency within that local area.

Effective: 3/5/2018

Certification: CERTIFIED ELECTRONICALLY

Date: 02/20/2018

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 329.04, 329.05, 5101.27, 5101.28

Prior Effective Dates: 03/07/1982, 04/01/1988 (Emer.), 06/30/1988, 02/15/1996, 11/01/1996, 08/23/2008, 03/01/2015

**APMTL 361**

**Effective Date: April 18, 2015**

**Most Current Prior Effective Date: August 23, 2008**

- (A) The following definitions are applicable to this rule:
- (1) "Inactive records" means closed case files ~~and those records that are no longer used on a regular basis~~, where the assistance group (AG) is no longer receiving benefits, no administrative action, hearing or appeal is pending, and the county agency no longer has a legal duty to act on the case.
  - (2) "Public assistance record" means any record maintained in a case file related to an Ohio works first (OWF), ~~a~~ food ~~stamp~~ assistance, ~~a~~ prevention, retention, and contingency (PRC), ~~a~~ disability financial assistance, or ~~a~~ refugee cash assistance group (AG).
  - (3) "Record" has the same meaning as defined in section 149.011 of the Revised Code.
- (B) The minimum retention period for public assistance records is seven years, except as provided in paragraphs (C) and (D) of this rule.
- (C) The following records may not be destroyed while the AG is active, and must be maintained for a minimum of three years from the date the AG becomes inactive:
- (1) Enumeration verifications;
  - (2) Application forms and verifications that established initial program eligibility; and
  - (3) Documents that establish eligibility factors such as incapacity, limiting physical factors, and eligibility for supplemental security income (SSI).
- (D) Notwithstanding the requirements in rule 5101:4-1-05 of the Administrative Code, ~~Any~~ records existing in the AG file on the date the AG becomes inactive must be maintained for a minimum of three years from the date the AG becomes inactive, regardless of the age of the records.
- (E) Rule 5101:4-1-05 of the Administrative Code governs the retention of food ~~stamp~~ assistance records and must be followed in conjunction with the requirements of this rule.
- (F) Counties that wish to selectively destroy documents from public assistance AG records in accordance with the requirements of this rule must specify the retention periods of the affected documents on the appropriate retention schedules.

Effective: 04/18/2015

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02, 5101.54, 5107.05

Rule Amplifies: 329.04, 5101.02

Prior Effective Dates: 2/15/96, 8/23/08

[APMTL 365](#)

**Effective Date:** *May 1, 2016*

**Most Current Prior Effective Date:** [May 23, 2003](#)

- (A) Federal tax information (FTI): definition, usage limitations and notification, and non-disclosure.
- (1) FTI is any return or return information received from the internal revenue service (IRS) or secondary source, such as the social security administration (SSA), federal office of child support enforcement, or U.S. department of the treasury - bureau of the fiscal service, and also includes any information created and/or maintained by the Ohio department of job and family services (ODJFS) or a county agency that is derived from these sources.
  - (2) FTI is provided to federal, state, and local agencies by the IRS or the SSA for use in the cash assistance, food assistance, unemployment compensation, and child support programs as authorized by the Internal Revenue Code, and is provided solely for the purpose of performing the responsibilities of each program.
  - (3) 26 U.S.C. 6103 (section 6103 of the Internal Revenue Code) limits the usage of FTI to only those purposes explicitly defined. The IRS office of safeguards requires advance notification (at least forty-five days) prior to implementing certain operations or technological capabilities that require additional uses of the FTI, such as:
    - (a) Contractor access;
    - (b) Cloud computing;
    - (c) Consolidated data center;
    - (d) Data warehouse processing;
    - (e) Non-agency-owned information systems;
    - (f) Tax modeling;
    - (g) Test environment; and
    - (h) Virtualization of IT systems.
  - (4) Disclosure of FTI to any contractor is not permitted unless the agency notifies the IRS office of safeguards, in writing, per the IRS forty-five day notification reporting requirements and obtains approval prior to re-disclosing FTI to a specifically noted contractor.
  - (5) FTI associated with the treasury offset program (TOP) may not be disclosed to any contractor for any purpose, except for limited child support enforcement purposes, as specified in IRS publication 1075.
- (B) Confidential personal information (CPI) is defined in section 1347.15 of the Revised Code, and does include FTI, but FTI must meet additional safeguards as outlined by the IRS.
- (C) Safeguarding procedures and controls ensure the confidential relationship between the taxpayer and the IRS. Safeguarding procedures and controls are derived from IRS publication 1075, "Tax Information Security Guidelines for Federal, State, and Local Agencies" prepared and updated by the IRS.
- (D) The IRS conducts on-site safeguard reviews of ODJFS safeguard controls, at a minimum once every three years, which includes an evaluation of the use of FTI and the measures employed by the receiving agency to protect the data. An independent internal inspection of specific offices within ODJFS is required every eighteen months. In addition, periodic independent internal inspections of all local offices must be conducted to ascertain if the safeguarding controls that are in place meet the requirements of IRS publication 1075. Offices to be inspected include, but are not limited to those referenced in paragraph (A)(2) of this rule. Periodic inspections conducted by program offices of local offices occur every three years. A record will be made of each inspection, citing the findings

(deficiencies) as well as recommendations and corrective actions to be implemented where appropriate.

- (E) All program offices and their respective local agencies must ensure procedures are implemented governing the safeguarding of FTI as defined by IRS publication 1075. Procedures must be updated to reflect any significant program changes.
- (F) Per section 6103 of the Internal Revenue Code, all agencies receiving FTI are required to provide a disclosure awareness training program for their employees and contractors. Disclosure awareness training is described in detail within IRS publication 1075. Employees and contractors must maintain their authorization to access FTI through annual training and recertification. Prior to granting an agency employee or contractor access to FTI, each employee or contractor must certify his or her understanding of the IRS's and the agency's security policy and procedures for safeguarding IRS information. Employees must be advised of the provisions of sections 7431, 7213, and 7213A of the Internal Revenue Code regarding the "Sanctions for Unauthorized Disclosure" and the "Civil Damages for Unauthorized Disclosure." Agencies must also comply with the requirements of rule 5101:9-9-25.1 of the Administrative Code.
- (G) Additional FTI safeguarding procedures.
- (1) FTI must be maintained separately from other information to the maximum extent possible to avoid inadvertent disclosures and to comply with the federal safeguards required by paragraph (p)(4) of section 6103 of the Internal Revenue Code. Agencies with FTI must also comply with all other requirements of paragraph (p)(4) of section 6103 of the Internal Revenue Code.
- (2) All information obtained from the IRS must be safeguarded in accordance with the safeguarding requirements of paragraph (p)(4) of section 6103 of the Internal Revenue Code, as described in IRS publication 1075.
- (H) Prohibition against public disclosure of safeguards reports and related communications.
- (1) Safeguards reports and related communications, such as IRS official agency records that are the property of the IRS, and IRS records that are subject to disclosure restrictions under federal law and IRS rules and regulations, may not be released publicly under state sunshine or information sharing/open records provisions. Release of any IRS safeguards document requires the express permission of the IRS. Requests received through sunshine and/or information sharing/open records provisions must be referred to the federal Freedom of Information Act (FOIA) statute for processing. State and local agencies receiving such requests should refer the requestor to the instructions to file a FOIA request with the IRS. Additional guidance may be found at: <http://www.irs.gov/uac/IRS-Freedom-of-Information> and questions should be referred to the safeguards mailbox at [Safeguardreports@irs.gov](mailto:Safeguardreports@irs.gov).
- (2) If it is determined that it is necessary to share safeguarded IRS documents and related communications with another governmental function/branch for the purposes of operational accountability or to further facilitate protection of federal tax information, the recipient governmental function/branch must be made aware, in unambiguous terms, that the documents and related communications:
- (a) Are the property of the IRS;
- (b) Constitute IRS official agency records; and
- (c) Are subject to disclosure restrictions under federal law and IRS rules and regulations.

Replaces: 5101:9-9-25

Effective: 05/01/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 03/24/2016

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 329.04, 5101.03

Prior Effective Dates: 5/1/93, 9/27/93, 6/26/95, 2/15/96, 11/1/96, 10/4/02, 5/23/03

**APMTL 365**

***Effective Date: May 1, 2016***

- (A) This supplemental rule provides general guidance to county agencies on the safeguarding of federal tax information (FTI), with the exception of child support enforcement agencies, which are required to comply with the requirements of rule 5101:12-1-20.2 of the Administrative Code. Individual program offices may, at their discretion, establish additional rules and/or additional training programs. County agencies should consult their respective program office for additional information regarding the safeguarding of FTI.
- (B) Required employee awareness training:  
Each county agency must provide disclosure awareness training to employees and contractors in accordance with guidelines set forth in internal revenue service (IRS) publication 1075, "Tax Information Security Guidelines for Federal, State and Local Agencies." Employees and contractors must maintain their authorization to access FTI through annual training and recertification. Prior to granting an agency employee or contractor access to FTI, each employee or contractor must certify his or her understanding of the IRS's and the agency's security policy and procedures for safeguarding IRS information. Employees must be advised of the provisions of sections 7431, 7213, and 7213A of the Internal Revenue Code regarding the "Sanctions for Unauthorized Disclosure" and the "Civil Damages for Unauthorized Disclosure." The disclosure awareness training records must be maintained for a minimum of five years or in accordance with the agency's applicable records retention schedule, whichever is longer.
- (C) Proper record keeping of FTI:  
County agencies must keep records detailing internal requests for FTI by agency employees as well as requests received from outside of the agency, except for child support enforcement agencies, which are required to follow rule 5101:12-1-20.2 of the Administrative Code.  
A tracking log must be used to record all movement, storage, and destruction of both electronic and non-electronic FTI received by the agency from the IRS. The data elements of the tracking log shall comply with the guidelines set forth in IRS publication 1075 and those provided by the applicable ODJFS program office. FTI must not be recorded on any tracking log. The logs must be maintained for a minimum of five years or in accordance with the agency's applicable records retention schedule, whichever is longer.
- (D) Secure storage and handling of FTI:
- (1) FTI must be handled in such a manner that it does not become misplaced or available to unauthorized staff. When not in use, FTI must be secured via the required two barrier minimum pursuant to the "Minimum Protection Standards (MPS)" section of IRS publication 1075. Refer to table 2 in section 4.2 of IRS publication 1075 for further guidance.
  - (2) Minimum protection standards establish a uniform method of physically protecting data and systems as well as non-electronic forms of FTI. Local factors may require additional security measures, therefore, local county management must analyze local circumstances to determine location, container, and other physical security needs at individual facilities. The MPS have been designed to provide management with a basic framework of minimum security requirements. The objective of these standards is to prevent unauthorized access to FTI. MPS requires two barriers. Examples of two barrier minimum under the concept of MPS are outlined in IRS publication 1075.
  - (3) FTI should not be filed in areas used by employees not authorized to have access to FTI such as areas used for breaks, food preparation or any similar facilities. FTI files should not be maintained in areas that allow clients access. However, when this is not practical, caution must be exercised by the agency pursuant to the "Minimum Protection Standards (MPS)" section of

IRS publication 1075. Refer to table 2 in section 4.2 of IRS publication 1075 for further guidance.

(E) Restricting access to FTI:

Access to file storage areas that contain FTI must be limited to the absolute minimum number of employees necessary. The following measures should be followed to adequately restrict access to the file storage areas containing FTI:

- (1) Except where the state program office maintains records on access and training, a current list of employees who are authorized to have access to FTI shall be maintained by the county agency.
- (2) Warning signs must be posted to identify restricted access areas and to give notice of the potential consequences for unauthorized disclosure or inspection of FTI.
- (3) Cleaning, building inspections or maintenance of secured areas containing FTI, must be performed in the presence of an employee authorized to access FTI. An exception to this rule is during non-duty hours, when cleaning, inspection or maintenance personnel need access to locked buildings or rooms. This may be permitted as long as there is a second barrier to prevent access to FTI. Access may be granted to a locked building or a locked room if FTI is in a locked security container. If FTI is in a locked room but not a locked security container then access may be granted to the building but not the room.
- (4) Each agency shall control physical access to areas where systems or files containing FTI are housed. The agency shall issue authorization credentials, including badges, identification cards, or smart cards pursuant to section 4.3.2 of IRS publication 1075.
- (5) Access to file areas that contain FTI must be restricted to agency employees who have an established security profile that identifies the class-level and role-based rights that necessitate authorizing the employee to have such access.
- (6) The location and physical layout of the file storage area should be such that unnecessary traffic is avoided.
- (7) A visitor sign in/sign out log must be maintained and must be inspected at least monthly by agency security personnel. The data elements contained on the log must meet the guidelines outlined in IRS publication 1075.
- (8) Keys to the files must be issued only to agency employees authorized to enter the secured area.
- (9) If possible, security staff should be agency employees. Only authorized employees, or escorted individuals supervised by authorized employees, may have access to areas where FTI is located during working and nonworking hours.
- (10) All records containing FTI, either open or closed, must be safeguarded pursuant to IRS publication 1075. FTI should not be commingled within any information system or within any physical files and documents. When commingling of agency documentation data and FTI is unavoidable, FTI must be labeled pursuant to IRS publication 1075, and access must be restricted to only authorized personnel.

(F) Proper disposal of FTI:

- (1) Users of FTI are required by the Internal Revenue Code to take certain actions after using FTI, to protect its confidentiality. When FTI is no longer useful, agency officials and employees must either return the information, including any copies made, to the office from which it was originally obtained or destroy the FTI.
- (2) An agency electing to return IRS information must use a receipt process and ensure that confidentiality is protected at all times during transport.
- (3) FTI (non-electronic) furnished to any authorized agency employee or user and any paper material generated therefrom, such as copies, photo impressions, computer printouts, notes, and work papers, must be destroyed pursuant to IRS publication 1075 directives.

- (4) FTI (electronic) stored in electronic format (e.g., hard drives, tapes, CDs, flash media, etc.) must be destroyed and/or disposed of pursuant to IRS publication 1075 directives. Electronic media containing FTI must not be made available for reuse by other offices or released for destruction without first being subjected to electromagnetic erasing (media sanitization).
- (5) For county agencies, programs and records where contractors are permitted to be used, any destruction, sanitization, and/or disposal of FTI by a contractor must be witnessed by an agency official or employee. FTI destroyed or sanitized, pursuant to sections 8.0 to 8.4 of IRS publication 1075, is no longer considered FTI and can be disposed of in any manner the agency deems appropriate.

(G) Computer security controls:

If any local agency office stores FTI within a county owned information system, they must:

- (1) Ensure the required agreements with ODJFS and the IRS have been established pursuant to IRS publication 1075.
- (2) Ensure the local agency office's required policies, procedures, and information system meet the minimum computer system security controls detailed in IRS publication 1075.

Replaces: Part of 5101:9-9-25

Effective: 05/01/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 03/24/2016

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 329.04

Prior Effective Dates: 5/1/93, 9/27/93, 6/26/95, 2/15/96, 11/1/96, 10/4/02, 5/23/03

APMTL 378

*Effective Date: May 9, 2019*

**5101:9-9-26 Appendix A** , Confidentiality: Federal Statutes and Regulations and State Statutes and Administrative Rules

(A) Definitions used in this rule.

- (1) "Federal Tax Information (FTI)" is any return or return information received from the internal revenue service (IRS), or secondary source, such as the social security administration (SSA), federal office of child support enforcement (OCSE), or U.S. department of the treasury, including the bureau of the fiscal service, centers for medicare and medicaid services (CMS) and also includes any information created and/or maintained by the Ohio department of job and family services (ODJFS) or a county agency that is derived from these sources.
- (2) "Return and Return Information." A return is any tax or information return, estimated tax declaration, or refund claim (including amendments, supplements, supporting schedules, attachments or lists) required by or permitted under the internal revenue code (IRC) and filed with the IRS by, on behalf of, or with respect to any person or agency. Return information includes:
  - (a) The potential liability of any person under the IRC for any tax, penalty, interest, fine, forfeiture, or other imposition or offense.
  - (b) The taxpayer's name, address and identification number.
  - (c) Personally identifiable information (PII), including:
    - (i) The name of a person with respect to whom a return is filed.
    - (ii) The taxpayer mailing address.
    - (iii) The taxpayer identification number.
    - (iv) Email addresses.
    - (v) Telephone number(s).
    - (vi) Social security number(s).
    - (vii) The date and place of birth.
    - (viii) The mother's maiden name.
    - (ix) The biometric data (e.g. height, weight, eye color, fingerprints).
    - (x) Any combination of the PII identified in this paragraph.
- (3) "County Agency" means the county department of job and family services, the public children services agency, and the child support enforcement agency. This definition is intended to be the same as "County Family Services Agency" used in section 307.981 of the Revised Code.
- (4) "County Agency Contractor" means any governmental or non-governmental entity, which can include an individual, that receives funds from the county agency, whether directly or indirectly, to provide services, assistance, or benefits to individuals or that performs duties or activities for the county agency pursuant to a contract, grant, or other agreement. County agencies authorized to receive FTI to administer temporary assistance for needy families (TANF), supplemental nutrition assistance program (SNAP) and medicaid are prohibited from contracting for services that allow disclosure of or access to FTI in those programs.
- (5) A "final candidate" is an individual, whether or not currently employed by a county agency, who has submitted an application for employment at the county agency and who has received an offer of employment conditioned upon a favorable adjudication of an FBI and BCI fingerprint background check.

(B) Safeguarding FTI using background investigations; general provisions.

- (1) All final candidates, current employees, current and prospective intermittent employees, county agency contractors/contract employees or temporary service personnel that have access to or use FTI shall be subject to a background check that meets the requirements of IRS publication 1075, "Tax Information Security Guidelines for Federal, State and Local Agencies." Once an initial background check has been successfully completed and the final candidate, current employee, current or prospective intermittent employee, county agency contractor/contract employee, or temporary service personnel is found to be suitable for access to FTI, reinvestigation shall occur at least every ten years, at a minimum, from the date it was initially determined that the individual is suitable for access to FTI, if remaining in a position with access to FTI.
- (2) Effective September 30, 2019, to maintain access to systems containing FTI, all current employees, intermittent employees, county agency contractors/contract employees and temporary service personnel that have access to or use FTI shall have submitted to an FBI and BCI fingerprint background check.
- (3) Effective October 1, 2019, prior to being granted access to FTI, all final candidates, prospective intermittent employees, prospective county agency contractors/contract employees, and prospective temporary service personnel shall complete an FBI and BCI fingerprint background check and investigation that is favorably adjudicated in accordance with the written policy developed by the county agency pursuant to paragraph (B)(5) of this rule.
- (4) Effective December 31, 2019, to maintain access to systems containing FTI, all current employees, intermittent employees, county agency contractors/contract employees and temporary service personnel that have access to or use FTI shall have submitted to an FBI and BCI fingerprint background check and investigation that is favorably adjudicated in accordance with the written policy developed by the county agency pursuant to paragraph (B)(5) of this rule.
- (5) Effective September 3, 2019, county agencies shall develop a written policy requiring all final candidates, employees, current and prospective intermittent employees, county agency contractors/contract employees, and temporary service personnel with access to FTI to submit to an FBI and BCI fingerprint background check and investigation that is favorably adjudicated.
- (6) Background investigations conducted by the county agencies for final candidates, employees, current and prospective intermittent employees, county agency contractors/contract employees, and temporary services personnel who are or will be granted access to FTI shall include, at a minimum:
  - (a) FBI finger printing (FD-258), a review of federal bureau of investigation (FBI) fingerprint results conducted to identify possible suitability issues.
  - (b) Ohio bureau of criminal investigation (BCI) finger printing, a review of the BCI fingerprint results conducted to identify possible suitability issues.
  - (c) Citizenship/residency. Validate the individual's eligibility to legally work in the United States (e.g., a United States citizen or foreign citizen with the necessary authorization.)

(C) Safeguarding FTI using background investigations; policy guidance.

- (1) County agencies are required to have a policy that requires final candidates, employees, current and prospective intermittent employees, county agency contractors/contract employees, and temporary services personnel, who will use or have access to FTI to complete an FBI and BCI fingerprint background check and investigation that is favorably adjudicated. This policy will identify the process, steps, timeframes, and favorability standards that the county agency has adopted. The policy shall establish the criteria upon which final candidates, employees, current and prospective intermittent employees, county agency contractors/contract employees, and temporary services personnel, would have access to FTI denied or withdrawn. County agencies may use ODJFS' model background check policy, as outlined in the appendix to this rule, or design their own substantial equivalent.

- (2) A county agency shall identify in its policy any criminal convictions that may disqualify final candidates, employees, current and prospective intermittent employees, county agency contractors/contract employees, and temporary services personnel from having access to FTI based upon the criminal record, the nature of the duties of the position held or applied for, and the nature of the access to FTI. County agencies should consult, at a minimum, sections 2961.02, 2921.02, 2921.41 and 2921.43 of the Revised Code, when identifying potentially disqualifying offenses.
- (3) A county agency shall set forth in its policy or procedure the factors it will consider when determining if an individual with a criminal record should be adjudicated favorably. Factors that county agencies may want to consider are:
- (a) Relationship of the criminal record to access to the type of FTI used or accessible in the position.
  - (b) Nature of work to be performed.
  - (c) The time that has lapsed since the conviction.
  - (d) The age of the individual at the time of the offense.
  - (e) The seriousness and specific circumstances of the offense, including the type of harm that the individual caused, and/or the legal elements involved in the specific crime committed.
  - (f) The number of offenses on the criminal record.
  - (g) Whether the individual has pending charges.
  - (h) Any evidence of rehabilitation or contrition.
  - (i) Any other relevant information, including that submitted by or on behalf of the individual, or other information obtained by the county agency.
- (4) A county agency shall set forth in its policy or procedure the notification, appeal, and final determination process that it will offer to final candidates, current and prospective employees, intermittent employees, county agency contractors/contract employees and temporary service personnel, for those with convictions who are not favorably adjudicated as being eligible for access to FTI.

(D) Remedial action.

A county agency found to have failed to conduct background investigations in accordance with this rule and IRS publication 1075, or who has failed to create a policy as described in paragraph (B) of this rule, shall be notified of these failures by ODJFS in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the county agency into compliance with this rule and IRS publication 1075 shall be done pursuant to section 5101.24 of the Revised Code. Examples of remedial action include corrective action plans or the withholding of funds. The county agency is responsible to ensure that county agency contractors that currently have or will have access to FTI or who provide contract employees to county agencies who currently have or will have access to FTI to secure FBI and BCI fingerprint checks that are favorably adjudicated. ODJFS may take action against the county agency pursuant to section 5101.24 of the Revised Code if the county agency fails to obtain compliance by the county agency contractor.

Effective: 5/9/2019

Certification: CERTIFIED ELECTRONICALLY

Date: 04/29/2019

Promulgated Under: 111.15

Statutory Authority: 5101.02, 124.74

Rule Amplifies: 5101.02, 329.04, 124.74

**APMTL 358**

**Effective Date: February 1, 2015**

**Most Current Prior Effective Date: October 1, 2003**

- (A) "Auditing" is the systematic application of procedures to compare historical data to established criteria to prepare an attestation as to the degree of correspondence between the two.
- (B) "Historical data" consists of management representations, either explicit or implicit. Management representations include, but are not limited to, representations as to characteristics of information such as completeness or accuracy, the occurrence or non-occurrence of transactions or events, the existence or non-existence of tangibles, intangibles, rights and obligations, the valuation or allocation of tangibles and intangibles, rights and obligations, compliance or non-compliance with laws or regulations, and operational characteristics.
- (C) "Criteria" may be financial or non-financial. Applicable criteria may include, but are not limited to, accounting and auditing standards and principles, state, federal and local laws, regulations, administrative rules, ordinances and court opinions, and generally accepted principles of accounting and administrative control.
- (D) "Person" means an individual, corporation, business trust, estate, trust, partnership, or association as used in any statute, unless another definition is used in such statute or a related statute.
- (E) "Public office" means any state agency, public institution, political subdivision, or other organized body, office, agency institution, or entity established by the laws of this state for the exercise of any function of government.
- (F) Audits performed by ~~the~~ ODJFS include, but are not limited to:
  - (1) Any examinations or review of books , records or any other evidence relating to the collection, receipt, accounting for use, claim, or expenditure of state or federal funds received from or through ~~the~~ ODJFS.
  - (2) Any examination or review to determine whether any person, public office, vendor, sub-recipient, or provider of goods or services to ~~the~~ ODJFS has complied or is in compliance with the federal statute or regulation, state statute or administrative rule, ordinances, or orders pertaining to the collection, receipt, accounting for, use, claim or expenditure of state or federal funds from or through ~~the~~ ODJFS.
  - (3) Any examination or review of any person, public office, vendor, sub-recipient, or provider of goods or services to ~~the~~ ODJFS; collecting, receiving, accounting for using, claiming, or expending state or federal funds from or through ~~the~~ ODJFS; or submitting to the department data which services serves as the basis for funding from or through the department.
  - (4) Any financial statement, financial-related, performance, economy and efficiency, or program results audits of organizations, agencies, programs, activities, or functions under the authority, aegis, or oversight of ~~the~~ ODJFS.
  - (5) Any examination, review, investigation, or financial statement, financial-related, performance, economy and efficiency, or program results audits required or intended to address federal or state audit, monitoring, or review requirements.
- (G) ODJFS may perform or provide for the performance of any audits within the scope of this rule. The timing, frequency, scope, and objectives of audits may vary with ~~the~~ ODJFS' assessment of audit needs and the available resources of ~~the~~ ODJFS.
- (H) ODJFS may develop and implement policies and procedures at variance with the provisions of this rule as necessary to comply with the requirements of federal statute or regulation, or state statute or administrative rule.

- (I) For the purpose of audits performed by or provided by ODJFS, auditees must maintain documentation conforming to all requirements prescribed by ODJFS, federal statute or regulation and state statute or administrative rule. Auditees must prepare and maintain documentation to support all transactions and to permit the reconstruction of all transactions and the proper completion of all reports required by state and federal law and regulations, and which substantiates compliance with all applicable federal statutes or regulations, state statutes or administrative rules.
- (J) Auditees must make available to ODJFS personnel all records necessary to document all transactions. Records must include sufficient detail to disclose:
- (1) Services provided to program participants;
  - (2) Administrative cost of services provided to program participants;
  - (3) Charges made and payments received for items identified in paragraphs (J) (1) and (J) (2) of this rule;
  - (4) Cost of operating the organizations, agencies, programs, activities, and functions.
- (K) Auditees must maintain adequate systems of internal control to ensure:
- (1) Accurate and reliable financial and administrative reports;
  - (2) Efficient and effective use of resources;
  - (3) Compliance with laws and regulations.
- (L) Audits performed by other public or private audit organizations on behalf of ~~the~~ ODJFS will be reviewed and released by ~~the~~ ODJFS. Audit reports for audits performed by ODJFS or by other public or private audit organizations on behalf of ~~the~~ ODJFS may be the basis ~~of~~for action by ODJFS as authorized by federal statute or regulation, state statute or administrative rule, including, but not limited to, section [5101.24](#) of the Revised Code.
- (M) A certified copy of any portion of any audit report released by ODJFS containing factual information is prima facie evidence of the facts contained therein for the purpose of any administrative appeal or proceeding.
- (N) At the conclusion of an audit, ~~the~~ ODJFS will normally conduct an exit conference with the auditee. However, an exit conference is not required where the auditee fails to respond, within a reasonable period of time, to a request by ODJFS to schedule an audit, where an audit conference would impair, impede, or otherwise threaten the ability of ODJFS to satisfy legal requirements that it supervise the auditee or direct compliance with state and federal law, or where the subject matter of the audit is currently the subject of another state or federal audit or criminal investigation. Objectives of exit conferences include:
- (1) To provide ~~the~~ ODJFS with an opportunity to present the results of the audit and obtain the response of the auditees;
  - (2) To provide the auditee with ~~and~~an understanding of the audit findings;
  - (3) To obtain relevant information with respect to issues raised by the audit.
- ODJFS will evaluate any written response of an auditee and will consider whether the proposed audit report should be revised based upon the response. When an auditee submits a written response and ~~the~~ ODJFS concludes that no revision of the draft audit report is appropriate or warranted, the response shall be attached to or summarized in the final report.

Effective: 02/01/2015

Certification: CERTIFIED ELECTRONICALLY

Date: 01/22/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 329.04, 329.042, 5101.16, 5101.161, 5103.07, 5107.02

Prior Effective Dates: 10/19/81, 7/20/86, 11/1/97, 10/1/03

APMTL 362

**Effective Date: January 1, 2016**

**Most Current Prior Effective Date: July 1, 2005**

The following requirements ensure the security of departmental data and must be followed by all county and state employees (hereafter referred to as 'user' or 'users') who access data systems maintained by the office of information ~~technology (OIT)~~ services (OIS) and the Ohio department of job and family services (ODJFS) ~~local area networks~~ via the private or public network.

- (A) Users are responsible for system inquiries and activities executed with their system user ~~identification~~ identification (USER-ID).
- (B) Passwords must remain confidential and be ~~between four and~~ eight characters or longer in length and have each of the following characteristics:-
  - (1) At least one number.
  - (2) At least one special character.
  - (3) At least one upper case letter.
  - (4) At least one lower case letter.
- ~~(C) A terminal or personal computer must never be left unattended or unsecured when logged onto the network.~~
- ~~(D) Only the files which are required to perform job duties shall be accessed.~~
- ~~(E)~~(C) Passwords are valid for a maximum of ~~thirty~~sixty days and shall not be repeated for a twelve month period.
- ~~(F)~~(D) ~~The county liaison must contact the ODJFS security officer to have a forgotten password reset. The user will then supply a new password on their next access.~~ Password resets executed by OIS support staff or county technical points of contacts (TPOCs) must require the user to change their password upon next login.
- ~~(G)~~(E) Users must not change their passwords more than once per day.
- (F) A terminal or personal computer must never be left unattended or unsecured when logged onto the network.
- (G) Only the files or information that are required to perform one's own job duties, shall be accessed.
- (H) Users must comply with all items included on the JFS 07078 "~~Ohio Department of Job and Family Services~~ Code of Responsibility" ~~(Rev. 3/03)~~.
- (I) An original signed (physical or electronic) JFS 07078 must be submitted to ODJFS with every county request for a USER-ID or user access to the ~~OIT~~OIS and ODJFS ~~local area~~ networks.
- ~~(J) Temporary access may be granted at the discretion of ODJFS upon receipt of a faxed request and signed JFS 07078. Failure to submit a signed original JFS 07078 to ODJFS within fourteen days will result in termination of access.~~
- ~~(K)~~(J) The JFS 07078 is required for every new ~~employee~~user accessing the system, and for making changes to an existing ~~employee's~~user's access.
- ~~(L)~~(K) Counties must not modify the JFS 07078.

Effective: 01/01/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 12/18/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02, 329.04

Rule Amplifies: 5101.02, 329.04

Prior Effective Dates: 3/18/88 (Emer.), 6/10/88, 6/15/98, 7/1/05

**APMTL 362****Effective Date: January 1, 2016****Most Current Prior Effective Date: December 1, 2004**

- (A) As used in this rule, "county family services agency" means a county department of job and family services, public children services agency, child support enforcement agency, ~~workforce development agency~~, or other entity designated by a board of county commissioners in accordance with section 307.981 of the Revised Code.
- (B) The county family services agency shall not download, match, scrape or extract data, or data elements from within ODJFS systems where the data owner is the internal revenue service (IRS), social security administration (SSA) or other state or federal entity, without expressly getting written permission from the data owner, for the download, match, scrape or data extract. ODJFS can only authorize the download, scrape or extract of data where ODJFS is the data owner.
- ~~(B)~~(C) A county family services agency may download, match, scrape or extract data, excluding the data elements outlined in paragraph (B) of this rule, from an ODJFS system including but not limited to SETS, CRIS-E, SIS, SACWIS, ~~SCOTHOWCMS~~, ICMS, MAPS and MMIS if one of the following applies:
- (1) A county family services agency employee may download, match, scrape or extract data from an ODJFS system to perform duties directly related to or required by his or her job functions or duties if such job duties are directly related to administration of programs for which the county family services agency is responsible. Any such download, match, scrape or extraction of data shall be in compliance with data security requirements contained ~~at~~in rule 5101:9-9-37 of the Administrative Code and all other applicable federal and state confidentiality laws.
  - (2) A person under contract with a county family services agency may download, match, scrape or extract data from an ODJFS system if it is part of the deliverables set out in the contract ~~are~~, and it is directly related to or required for administration of program(s) for which the county family services agency is responsible. The contract must contain appropriate confidentiality and data security language and the county family services agency must assume responsibility for the use and security of the data by the contractor. Recommended language for contract provisions related to confidentiality and data security requirements is available from the ODJFS office of ~~contracts and acquisitions~~ legal and acquisition services (OLAS).
  - (3) The county family services agency is providing data to a law enforcement agency, federal or state auditor or other entity as appropriate in accordance with ~~a~~an ODJFS program-related state or federal law requiring or permitting the county family services agency to provide data and the law requiring or permitting release is not in conflict with federal or state confidentiality laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), Internal Revenue Code (IRC) and the Social Security Act.
- ~~(C)~~(D) Except when specifically authorized by paragraph ~~(B)~~(C) of this rule, a county family services agency shall obtain the written approval of ODJFS prior to performing or authorizing any person or entity to perform any download, match, scraping or extraction of data from ODJFS systems that is migrated to a computer system, data base or application not under the control of ODJFS. To obtain approval from ODJFS, the county family services agency shall follow the following procedure:
- (1) The county family services agency shall submit a written request to the ODJFS deputy director who is over the program that is related to the data. The county family services agency's request must specify the specific data, being sought; the business use of the data; why the data access through the "Business Information Channel" software (BIC) does not address the ~~county~~ county's needs; any potential impact upon ODJFS systems; the technical details involved; the identification of each entity that exercises control over the computer system, application, or data base to which the data will be stored; and the data security controls that will be used by the county agency. The director of the county family services agency submitting the request shall sign the written request.

- (2) If the ODJFS deputy director receiving the county family services agency request approves the county family services agency's proposed use of the data, the deputy director will promptly contact the deputy directors of ~~MIS~~OIS and ~~office of legal services~~OLAS at ODJFS. The three deputy directors or designees will review the county family services agency request to determine appropriateness, feasibility, and legality of the request. ODJFS may opt to have a representative from the requesting county family services agency attend a meeting, phone conference or videoconference to explain the request and answer any questions from ODJFS, including but not limited to, questions involving technical, legal, programmatic or confidentiality issues.
- (3) If the three deputy directors approve the county family services agency request, the request will be forwarded to the ODJFS office of ~~contracts and acquisitions~~OLAS for the preparation of a written "Memorandum of Understanding" (MOU) between the directors of ODJFS and the county family services agency. The MOU shall specify the dates during which the MOU will be in effect, which shall not be longer than two years, subject to renewal. The MOU shall identify the data, business use(s) of the data, technical details, and the responsibility of the county family services agency to ensure that all federal and state data security and confidentiality requirements are met. The MOU shall not be effective prior to the date that it is signed by both directors.
- (4) If the county family services agency wants to change any provisions of the MOU, including the business use of the data, the county family services agency shall seek amendment of the MOU. No changes are permitted until the MOU has been amended and signed by both directors.
- (5) ODJFS will provide a tentative approval or disapproval within sixty days of the receipt of the county family services agency request. Final approval does not occur until the directors of ODJFS and the county family services agency sign the MOU.

Effective: 01/01/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 12/18/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.02

Prior Effective Dates: 12/1/04

**APMTL 366**

**Effective Date: August 18, 2016**

- (A) Pursuant to federal and state law, and subject to rules [5101:9-22-15](#) and [5101:9-22-16](#) of the Administrative Code, the Ohio department of job and family services (ODJFS) may access and disclose information contained in systems controlled or maintained by the department, or controlled and maintained for the benefit of the department.
- (B) The department's access and disclosure shall be in furtherance of ODJFS program administration, and such disclosure may be subject to a written agreement.
- (C) Program administration includes, but is not limited to, ODJFS federal reporting and oversight requirements.
- (D) Any release of information shall preserve the confidential nature of the information.

Effective: 08/18/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 08/08/2016

Promulgated Under: 111.15

Statutory Authority: 5101.134, Section 305.190 of Am. Sub. HB 64 of the 131st General Assembly

Rule Amplifies: 5101.13, 5101.131, 5101.132, 5101.133, Section 305.190 of Am. Sub. HB 64 of the 131st General Assembly



APMTL 345

**Effective Date: January 1, 2010**

**Most Current Prior Effective Date: October 9, 2006**

- (A) Pursuant to section 5101.22 of the Revised Code, the Ohio department of job and family services (ODJFS) office of ~~family stability~~ families and children (OFS) (OFC) has established county department of job and family services (CDJFS) performance measures, standards, goals, and continuous improvement methodologies to improve the administration of ~~OFS~~ OFC programs delivered by a CDJFS. The ~~OFS~~ OFC programs include Ohio works first (OWF), and prevention, retention and contingency (PRC) authorized by temporary assistance for needy families (TANF), disability financial assistance (DFA) and food ~~stamp~~ assistance. Each county will be measured using the same data sets or calculations.
- (B) Performance standards define and specify a minimum level of performance that all CDJFS must meet or be subject to paragraph (D) of rule 5101:9-10-02 of the Administrative Code.
- (C) Performance goals specify a desired level of CDJFS performance.
- (D) ODJFS will use the data published quarterly in the outcome management section (OMS) performance management report to determine CDJFS progress toward meeting annual goals and standards.
- (E) The goals and standards for each measure are defined as follows:
- (1) Family food ~~stamp~~ assistance benefits receipt rate
    - (a) The purpose of the family food ~~stamp~~ assistance benefits measure is to determine the number of eligible low income families, with children, who received food ~~stamp~~ assistance benefits.
    - (b) This measure is the number of low-income households with children receiving food ~~stamp~~ assistance benefits as a percentage of the total number of low income households with children ~~[census 2000 one hundred thirty per cent federal poverty level (FPL)]~~. based on the most recent available U.S. decennial census one-hundred-thirty per cent federal poverty level (FPL).
    - (c) The standard is set at the top of the lower quartile of county performance as established by measurement of county performance from October 2002 to September 2003. This standard shall be that at least sixty-three per cent of families, with children, at or below one-hundred-thirty per cent of the FPL receive food ~~stamp~~ assistance benefits.
    - (d) The goal is set at the rate met by the lowest seventy-five per cent of counties as established by measurement of county performance from October 2002 to September 2003. This goal shall be that at least eighty-three per cent of families, with children, at or below one-hundred-thirty per cent of the FPL receive food ~~stamp~~ assistance ~~assistance~~ benefits.
    - (e) The family food ~~stamp~~ assistance benefits measure is calculated as follows:
      - (i) Determine the number of families with children with income below one-hundred-thirty per cent of the federal poverty level. This is the denominator.
      - (ii) Determine the number of food ~~stamp~~ assistance assistance groups with children. This is the numerator.
      - (iii) Divide the numerator by the denominator, then multiply by one hundred.
    - (f) The time period for the rate is yearly, based on the federal fiscal year.
  - (2) Federal all-family work participation rate

- (a) The purpose of the federal all-family work participation rate is to measure work required OWF participants' engagement in allowable work activities.
  - (b) This measure is the percentage of OWF assistance groups with a work eligible individual(s) that meet the federal all-family work participation rate.
  - (c) The standard is set by federal law, 45 CFR 261.21. This standard shall be that at least fifty per cent of required OWF assistance groups with a work eligible individual(s) meet federal work requirements.
  - (d) The goal shall be that at least seventy-five per cent of required OWF assistance groups with a work eligible individual(s) meet federal participation requirements.
  - (e) The federal all-family work participation rate is calculated as follows:
    - (i) Determine the number of OWF assistance groups with a work eligible individual(s) required to participate in an allowable work activity. This is the denominator.
    - (ii) Determine the number of OWF assistance groups with a work eligible individual(s) participating in an allowable work activity for the required number of hours. The required number of hours is federally defined. This is the numerator.
    - (iii) Divide the numerator by the denominator, then multiply by one hundred.
  - (f) The time period for the rate is yearly, based on the federal fiscal year.
- (3) Federal two-parent work participation rate
- (a) The purpose of the federal two-parent work participation rate is to measure participation of ~~required participants~~ OWF assistance groups consisting of two work eligible individuals in two-parent households in federally allowable work activities.
  - (b) This measure is the percentage of ~~two-parent~~ OWF assistance groups consisting of two work eligible individuals that meet the federal two-parent work participation rate.
  - (c) The standard is set by federal law, 45 CFR 261.23. This standard shall be that at least ninety per cent of required OWF assistance groups meet federal work requirements.
  - (d) The goal shall be that at least ninety per cent of ~~required~~ OWF ~~two-parent~~ assistance groups consisting of two work eligible individuals meet federal participation requirements.
  - (e) The federal two-parent work participation rate is calculated as follows:
    - (i) Determine the number of OWF ~~two-parent~~ assistance groups consisting of two work eligible individuals required to participate in an allowable work activity. This is the denominator.
    - (ii) Determine the number of OWF ~~two-parent~~ assistance groups consisting of two work eligible individuals participating in an allowable work activity for the required number of hours. The required number of hours is federally defined. This is the numerator.
    - (iii) Divide the numerator by the denominator, then multiply by one hundred.
  - (f) The time period for the rate is yearly, based on the federal fiscal year.
- ~~(4) Food stamp payment accuracy~~
- ~~(a) The purpose of the food stamp payment accuracy rate is to measure the accuracy of food stamp payments to eligible food stamp participants.~~
  - ~~(b) This measure is the food stamp payment accuracy rate based on the food stamp error rate as calculated pursuant to rule 5101:9-32-01 of the Administrative Code.~~
  - ~~(c) The performance standard shall be that at least ninety six per cent of food stamp payments are accurate. The performance standard is set at 1.72 percentage points above the combined average of national food stamp error rates for federal fiscal year two~~

~~thousand four and federal fiscal year two thousand five. The combined average for federal fiscal year two thousand four and federal fiscal year two thousand five is ninety four and twenty-eight one hundredths per cent.~~

- ~~(d) The county department of job and family services food stamp payment accuracy performance rates shall be based on the food stamp error rates as calculated pursuant to rule 5101:9-32-01 of the Administrative Code.~~

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**APMTL 345**

**Effective Date: January 1, 2010**

**Most Current Prior Effective Date: October 9, 2006**

- (A) For purposes of this rule, continuous improvement means a strategy to examine the current county department of job and family services (CDJFS) operations and processes to improve operational efficiencies and effectiveness of Title IV-A of the Social Security Act of 1935 as amended, food ~~stamp~~ assistance, or disability financial assistance (DFA) services to clients and customers. It will include steps to maintain and continuously improve results.
- (B) CDJFS continuous improvement plans must include the following:
- (1) An analysis that determines the causes for not meeting performance.
  - (2) Identified targets for improving results.
  - (3) Specified performance improvement strategies or action steps that are based on analysis.
  - (4) Projected time frames for implementing strategies and achieving results.
  - (5) Designation of an individual who is responsible to carry out the strategies or steps.
  - (6) Designated resources necessary to carry out the plan.
  - (7) Defined strategies to monitor and analyze the implementation, the results, and the accomplishments of the plan.
  - (8) A defined strategy to continually revise the continuous improvement plan based upon successes and new challenges and to continually assure improved performance.
  - (9) The elements specified in paragraphs (B)(1) to (B)(8) of this rule may be modified as determined appropriate by the assigned outcome management supervisor subject to Ohio department of job and family services (ODJFS) approval.
- (C) Voluntary continuous improvement plans
- A CDJFS may develop a voluntary continuous improvement plan on any Title IV-A of the Social Security Act, food ~~stamp~~ assistance, or DFA program for which it seeks improved performance. The CDJFS voluntary continuous improvement plan must comply with the conditions defined in paragraph (B) of this rule.
- (D) Required continuous improvement plans
- (1) ~~Beginning January 1, 2006, the~~ The CDJFS ~~shall be~~ is required to develop and implement continuous improvement plans for Title IV-A of the Social Security Act, food ~~stamp~~ assistance, or DFA program measures as defined in rule 5101:9-10-01 of the Administrative Code, when the CDJFS:
    - (a) Does not meet a Title IV-A, food ~~stamp~~ assistance, or DFA CDJFS performance standard for the prior measurement year;
    - (b) Does not meet a Title IV-A, food ~~stamp~~ assistance, or DFA CDJFS performance standard as defined in paragraphs (E)(1) to (E)(3) of rule 5101:9-10-01 of the Administrative Code for two consecutive quarters, ~~in the current measurement year; or,~~ if the CDJFS performance is above the standard in the latest available two consecutive quarters, but below the standard on the measurement year at the time the annual performance rate data becomes available, Ohio department of job and family services (ODJFS) has the option to waive the criteria in paragraph (D)(1)(a) of this rule in the determination process of whether a continuous improvement plan is required.

- (2) When ODJFS determines that conditions stated in paragraph (D)(1) of this rule exist, ODJFS will issue a notice to the CDJFS director that the CDJFS agency is required to develop and implement a continuous improvement plan pursuant to paragraph (D) of this rule.
  - (a) Within thirty calendar days of the issuance date of the notice, the CDJFS shall submit a continuous improvement plan to the ODJFS for review, approval, or disapproval by the assigned outcome management supervisor.
  - (b) Within forty-five calendar days of the issuance of the notice, continuous improvement plans which have been disapproved by the assigned outcome management supervisor shall be revised by the CDJFS and resubmitted to ODJFS for review, approval, or disapproval by the assigned outcome management supervisor.
  - (c) Within sixty calendar days of the issuance date of the notice, the CDJFS shall implement an ODJFS-approved continuous improvement plan.
  - (d) Failure to submit an approvable continuous improvement plan and failure to implement an ODJFS-approved continuous improvement plan will invoke corrective action as defined in paragraph (E) of this rule.
- (3) CDJFS continuous improvement plans must comply with paragraph (B) of this rule.
- (4) The ODJFS-approved CDJFS continuous improvement plan implementation will be reviewed by ODJFS on a quarterly basis.
- (5) After two quarters of meeting the standard as determined by ODJFS, the CDJFS continuous improvement plan will not require monitoring by ODJFS.
- (6) Requesting a review of a determination that a continuous improvement plan is required as defined in paragraph (D) of this rule:
  - (a) ~~May occur if~~ If a CDJFS has reasonable cause to believe that ODJFS incorrectly calculated data, as specified in rule 5101:9-10-01 of the Administrative Code, or failed to follow procedures as specified in this rule for requiring a continuous improvement plan ~~was made in error~~, it may request a review of the decision in accordance with the following:
    - (i) Within thirty days of the issuance of a notice requiring a continuous improvement plan, the CDJFS must submit a letter and supporting documentation to ODJFS.
    - (ii) The letter and supporting documentation shall demonstrate that there ~~were~~ was a specific ODJFS ~~errors~~ error(s) in the calculation or procedures.
    - (iii) ODJFS may request additional information from the CDJFS in order to render a decision. The CDJFS will have thirty days to supply additional data if requested by ODJFS.
    - (iv) Within thirty days of receiving a complete request for review, ODJFS will notify the CDJFS in writing of its findings.
  - (b) Shall not be a reason to delay development or implementation of a required continuous improvement plan as defined in paragraph (D) of this rule.

(E) Corrective action

- (1) A CDJFS that does not develop or implement a continuous improvement plan as defined in paragraph (D) of this rule may be subject to the corrective action requirements as specified in division (B) of section 5101.221 of the Revised Code. The corrective action requirements and consequences for non-compliance are defined in section 5101.221 and section 5101.24 of the Revised Code.
- (2) Notwithstanding the provisions in this rule, ODJFS at its sole discretion, may require a CDJFS to develop a corrective action plan in accordance with section 5101.221 and/or section 5101.24 of

the Revised Code, and/or in response to a noncompliance finding by another state or federal agency.

(F) Continuous improvement assistance

ODJFS will provide technical assistance at the request of a CDJFS to assist in the development, implementation, and/or evaluation of a continuous improvement plan.

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APMTL 362

**Effective Date: January 1, 2016**

**Most Current Prior Effective Date: March 15, 2010**

- (A) ~~The following definitions apply to this rule~~ Definitions used in this rule:
- (1) ~~Principal~~ A principal is: the an Ohio department of job and family services (ODJFS) employee who is authorizing or delegating signature authority. Individuals with the following job titles are ~~considered~~ "principals": the director, assistant director, deputy directors, assistant deputy directors, bureau and section chiefs, and chiefs of other ODJFS work units.
  - (2) ~~Signature~~ A subordinate with signature authorization: ~~occurs when the principal authorizes another employee~~ is authorized by the principal to sign the name of the principal.
  - (3) ~~Signature~~ A subordinate with signature delegation: ~~occurs when the principal delegates to an ODJFS subordinate employee the ability~~ authorization is authorized by the principal to approve certain documents by signing the subordinate employee's own name.
- (B) The director or a deputy director may limit the number of ODJFS employees to whom signature authority may be authorized or delegated. ~~The~~ Additionally, the director or a deputy director may ~~place restrictions on which employees have the authority to delegate or authorize signatures and to which employees such authority may be given~~ restrict certain principals from delegating or authorizing signature authority and may identify the subordinates to whom such authority may be given. Any such restrictions shall be in writing and filed with the office of legal and acquisition services.
- (C) A principal, as defined in paragraph (A)(1) of this rule, ~~may either authorize or delegate signature to another employee to sign correspondence, travel expense reports, reimbursements, invoices, requisitions, time sheets, forms, and other documents as determined by the principal. The principal~~ may:
- (1) Authorize ~~another ODJFS employee that the principal supervises~~ a direct or indirect subordinate to sign the principal's name to forms, correspondence, or other documents, ~~with the following limitations:~~ provided that an ODJFS employee who has been authorized to sign the name of the principal shall place his or her initials after the signature to indicate that the signature is that of the employee and not that of the principal. The initials will also identify the ODJFS employee who signed the name of the principal if questions regarding the signature arise.
    - (a) ~~No ODJFS employee may give signature authorization to an employee that he or she does not supervise directly or indirectly; and~~
    - (b) ~~An ODJFS employee who has been authorized to sign the name of the principal shall place his or her initials after the signature to indicate that the signature is that of the employee and not that of the principal. The initials will also identify the ODJFS employee who signed the name of the principal if questions regarding the signature arise.~~
  - (2) Delegate ~~the ability of~~ to a subordinate the authority to sign the subordinate's own name signifying approval for certain activities that would normally require the principal's own signature.
- (D) Certain documents require the actual signature of the principal. This rule is not intended to authorize signature authorization or delegation when such activity is not permitted by law. Examples of such documents include an order removing an employee and sworn statements.
- (E) ODJFS ~~employees~~ principals who must sign large numbers of documents may order a signature stamp to be used to affix the required signature. Use of the signature stamp by ODJFS employees other than the principal is subject to the same limitations and requirements set forth in paragraphs (B), (C), (D), (F), (G), (H), and (I) of this rule, except that it is not necessary for the ODJFS employee using the signature stamp to affix his or her initials after the stamp signature. In addition, the following provisions also apply:

- (1) All signature stamps are to be maintained in a secure location to prevent ~~the~~ unauthorized use ~~of the stamp~~. Signature stamps are to be used only as authorized by the [JFS 05006](#) "Signature Authorization/Delegation" (~~rev. 7/2000~~) and any other use is prohibited and invalid.
  - (2) To obtain a signature stamp, the principal shall sign his or her name three times on a blank piece of paper. The payment card holder for the principal's office can order a signature stamp from any source from which purchases are authorized. The requisition for a signature stamp is processed as any other requisition.
  - (3) Discontinued signature stamps must be returned to management personnel and destroyed/shredded in a manner that they can no longer be used. Signature stamps shall not be discarded in trash receptacles, unless and until they have first been shredded, cut into pieces, or otherwise destroyed in a manner that prevents them from being used for any improper, illegal, or unauthorized purposes.
- (F) Any principal who desires to authorize or delegate signatures shall complete the JFS 05006.
- (1) The principal shall type or print his or her name, title, and office name in the space provided and shall personally sign and date in the space provided. The principal shall also place a check mark in the box beside either "Authorization" or "Delegation" to indicate the purpose for which the form is being used.
  - (2) A brief description of the function or transaction to which the signature is applicable shall be entered along with any specific documents and forms (including the form number) for which the signature has been authorized or delegated. The name of the employee who has been authorized to sign shall be typed or printed in the space provided on the JFS 05006.
  - (3) The employee, who has been authorized, to sign for a principal shall sign the JFS 05006 exactly as he or she will sign the documents described on the form. If the employee has been authorized to sign the name of the principal, the employee shall sign the principal's name along with his or her own initials as set forth in paragraph (C) of this rule.
- (G) The JFS 05006 shall be filed with the office of legal and acquisition services, which shall maintain the original document. The ODJFS work unit that completed the JFS 05006 shall maintain a copy. The office of legal and acquisition services shall send a copy of each completed JFS 05006 to the ODJFS work units that need to maintain a copy of the form for use in determining whether a document has been approved by an authorized employee (fiscal, purchasing, payroll, etc.).
- (H) Whenever either the principal or authorized employee changes or leaves his or her position, a revised JFS 05006 is to be immediately completed and filed with the office of legal and acquisition services. Each deputy director shall undertake a review of all JFS 05006s in January of each year and update the forms as necessary.
- (I) An ODJFS employee to whom a signature has been authorized or delegated shall use that authority only as authorized by the JFS 05006. Any other use is prohibited and invalid.

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Rule Amplifies: 5101.02

Prior Effective Dates: 12/10/93, 4/1/96, 6/1/04, 3/15/10

**APMTL 362**

**Effective Date: January 1, 2016**

**Most Current Prior Effective Date: December 15, 2010**

- (A) ~~The JFS 05607 "Subpoena" (rev. 8/2003) is issued by the office of legal and acquisition services for investigations conducted by ODJFS under the authority of section 5101.37 of the Revised Code. This subpoena is issued to compel the attendance of witnesses or the production of documents that are necessary for the investigation.~~ ODJFS' office of legal and acquisition services may in its discretion, and pursuant to section 5101.37 of the Revised Code, issue subpoenas using the **JFS 05607** "Subpoena," to compel the attendance of witnesses or the production of documents as necessary for agency investigations, audits or hearings.
- (B) To request a subpoena, the initiating office shall complete all information on the JFS 05607 except for the "subpoena number," certification of chief legal counsel, and "return of subpoena" section. The completed JFS 05607 shall be attached to a memorandum signed by the chief of the initiating office and the appropriate deputy director. This memorandum shall summarize the factual basis of the investigation and shall provide justification for the issuance of the subpoena including why the witnesses or documents are ~~essential~~ necessary to the investigation and an explanation of why the information cannot be obtained without a subpoena. The subpoena and attached memorandum are forwarded to chief legal counsel or a designee for review and issuance.
- (C) If the subpoena request is approved by the chief legal counsel or designee, the office of legal and acquisition services shall assign a subpoena number and the chief legal counsel or designee shall sign, date, and seal the subpoena.
- (D) The JFS 05607 shall be served by an employee of the initiating office or other person appointed pursuant to section 5101.38 of the Revised Code. After service, the authorized subpoena server shall complete and sign the "return of subpoena" section of the JFS 05607, including indicating whether service was made by personal service; registered mail, return receipt requested; regular mail; or other method. A copy of the completed JFS 05607 shall be returned to the office of legal and acquisition services for inclusion in the subpoena log.
- (E) The office of legal and acquisition services shall maintain a subpoena log to include a copy of each subpoena issued and served by ODJFS. The initiating office shall maintain all other records required by division (A) of section 5101.37 of the Revised Code.
- (F) Fees and mileage for witnesses shall be the same as those allowed in division (A) of section 119.094 of the Revised Code and shall be paid by ODJFS from the funding source ~~appropriate to the investigation for which the subpoena was issued~~ for the ODJFS work unit out of which the facts arose or were discovered, requiring an audit, hearing or investigation. No officer or employee of a county department of job and family services (CDJFS), child support enforcement agency (CSEA), or public children services agency (PCSA) is entitled to witness fees or mileage if the CDJFS, CSEA, or PCSA employing the witness is the subject of the investigation. Employees of ODJFS are not entitled to witness fees or mileage under these subpoena issuance procedures. However, ODJFS employees may be eligible for mileage under regular ODJFS travel expense reimbursement.

Effective: 01/01/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 12/02/2015

Promulgated Under: 111.15

Statutory Authority: 5101.02

Rule Amplifies: 5101.37, 5101.38

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**APMTL 370**

**Effective Date: December 15, 2016**

**Most Current Prior Effective Date: December 1, 2010**

(A) Definitions.

- (1) "Personal information" means any information that describes anything about a person, or indicates action done by or to a person, or indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person.
  - (a) Personal information includes, but is not limited to, the following:
    - (i) An individual's social security number, driver's license number, state identification number, state or federal tax identification number, financial account number, and credit or debit card number.
    - ~~(ii)~~ (ii) Identifying information about applicants for or recipients of ODJFS-administered benefits or services, including, but not limited to, their names, addresses, social security numbers, phone numbers, and social and economic status.
    - ~~(iii)~~ (iii) Information about ODJFS employees that does not meet the definition of "record" in section 149.011 of the Revised Code, which includes, but is not limited to, their home addresses, home or personal cell phone numbers, social security numbers, driver's license numbers, financial account numbers (especially personal identification numbers), and other non-work-related information.
    - ~~(iiii)~~ (iv) Medical or health data about a particular person, including diagnosis and past history of disease or disability, past or current mental health status, and any reports or records pertaining to physical or mental health examinations status.
  - (b) Personal information does not include non-confidential and non-exempt (work-related) records about an individual that ODJFS or other public entities routinely make available to the general public, or ODJFS records that are required to be made available to the public pursuant to federal or state laws or regulations.
- (2) "Records", per section 149.011 of the Revised Code, include any document, device, or item, regardless of physical form or characteristic, that is created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of that office.
- ~~(2)~~ (3) "System" means any collection or group of related records that are kept in an organized manner, either manually or by any other method, and that are maintained by a state or local agency, and from which personal information is retrieved by the name of the person or by some identifying number, symbol, or other identifier assigned to the person. System does not include collected archival records in the custody of or administered under the authority of the Ohio ~~historical society~~ history connection, published directories, reference materials or newsletters, or routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person.

(B) Release of any personal information that is maintained by ODJFS ~~records to third parties (including personal information)~~ is governed by ~~section 149.43, section 5101.27, and Chapter 1347. of the Revised Code and any other state or federal law relating to the release of the information being sought.~~ federal and state laws and regulations, including but not limited to the following:

- (1) Section 149.43 of the Revised Code, which lists records that are exempt from treatment as public record, and which therefore need not be disclosed to the general public upon their request;

- (2) Chapter 1347. of the Revised Code, which pertains to personal information systems, including the duties and obligations of state and local government agencies in the collection, maintenance, protection, use, modification, and release of personal information.
- (3) Laws specific to programs administered or supervised by ODJFS, such as sections 5101.27, 4141.22, and 3125.50 of the Revised Code, which, along with corresponding rules and regulations, specify what applicant, recipient and participant-identifying information can be released, to whom it can be released, and under what circumstances it can be released.
- ~~(C)~~ ~~Release of personal information to the subject of the information, the subject's guardian, or an attorney with written authorization from the subject is governed by section 5101.27 and Chapter 1347. of the Revised Code, 45 C.F.R. parts 160 and 164, and any other state or federal law relating to the release of personal information to the subject of the information or the subject's guardian.~~
- ~~(D)~~(C) An individual will be designated as the chief privacy officer for ODJFS. The chief privacy officer is responsible for the personal information systems, including ODJFS's implementation of data security measures. Any unauthorized modification, destruction, use, disclosure, or breach of a personal information system must be reported to the chief privacy officer.
- ~~(E)~~(D) Any person authorized to access, maintain, or use a personal information system shall take reasonable precautions to protect personal information in the system from unauthorized modification, destruction, use, or disclosure. In determining what is reasonable, consideration will be given to the following:
- (1) The nature and vulnerability of the personal information.
  - (2) The physical facilities where the personal information is maintained or used.
  - (3) The requirements of federal and state law governing use of the personal information.
  - (4) Applicable ODJFS rules and policies.
- ~~(F)~~(E) Disciplinary action, including, but not limited to, suspension or removal, may be brought against any employee who does the following:
- (1) Intentionally violates any provision of Chapter 1347. of the Revised Code or other law related to the release of records or personal information.
  - (2) Initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public evidence of unauthorized use of personal information.
  - (3) Releases personal information in violation of state or federal law or refuses or fails to release information as provided by state or federal law.
- ~~(G)~~(F) The office of legal and acquisition services acts as a clearinghouse for information and consultation related to requests for public records and personal information. Any employee of ODJFS who is unable to determine whether a record or information can be released, should consult with legal counsel regarding this determination.

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**APMTL 363**

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**Most Current Prior Effective Date: December 31, 2010**

**5101:9-22-16 Appendix A, Confidentiality: Federal Statutes and Regulations and State Statutes and Administrative Rules**

(A) Definitions.

For the purposes of rules promulgated by this agency in accordance with section 1347.15 of the Revised Code, the following definitions apply:

- (1) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving; whereas, "access" as a verb means to copy, view, or otherwise perceive.
- (2) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of this rule.
- (3) "Computer system" means a "system," as defined ~~by~~in section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (4) "Confidential personal information" (CPI) has the same meaning ~~as defined by~~ that it does in division (A)(1) of section 1347.15 of the Revised Code. The appendix to this rule identifies, in accordance with division (B)(3) of section 1347.15 of the Revised Code, the federal statutes and regulations and state statutes and administrative rules that make personal information maintained by the agency confidential.
- (5) "Employee of the state agency" means each employee of a state agency regardless of whether he or she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to the specific employing state agency.
- (6) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (7) "Individual" means a natural person and in the context used in division (C)(1)(b) of section 1347.15 of the Revised Code, and paragraph (E)(4)(b)(iv) of this rule, means the subject of the confidential personal information, ~~or the subject of the confidential personal information's~~ authorized representative, legal counsel, legal custodian or legal guardian of the subject of the confidential personal information, and anyone as otherwise or any other similarly situated person who is permitted under state or federal law acting to act on behalf of, or in furtherance of, the interests of the subject of the confidential personal information, such as an executor or administrator appointed by the court or individual granted power of attorney by the subject of the information. "Individual" does not include an opposing party in litigation, or the opposing party's legal counsel, or an investigator, auditor or any other party who is not acting on behalf of, or in furtherance of the interests of, the subject of the confidential personal information, even if such individual has obtained a signed release from the subject of the confidential personal information.
- (8) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
- (9) "Person" means a natural person.
- (10) "Personal information" has the same meaning as ~~defined~~ it does in division (E) of section 1347.01 of the Revised Code.
- (11) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes ~~manual and~~

~~computer systems~~ both records that are manually stored and records that are stored using electronic data processing equipment.

- (12) "Research" means a methodical investigation into a subject.
- (13) "Routine" means commonplace, regular, habitual, or ordinary.
- (14) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to ODJFS employees and maintained by the agency for internal administrative and human resource purposes.
- (15) "System" has the same meaning as ~~defined by~~ it does in division (F) of section 1347.01 of the Revised Code.
- (16) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

(B) Procedures for accessing confidential personal information.

(1) Criteria for accessing confidential personal information.

Personal information systems of the Ohio department of job and family services (ODJFS) are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his or her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner before providing the employee with access to confidential personal information within a personal information system. The agency shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(2) Individual's request for ~~a list of~~ his or her own confidential personal information.

Upon the signed written request of any individual for ~~a list of~~ confidential personal information that ODJFS maintains about the individual ~~maintained by ODJFS~~, ODJFS shall do all of the following:

- (a) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with ~~the~~ any unauthorized access to, or use or release of, confidential personal information.
  - (b) Provide to the individual the confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from being released under Chapter 1347. of the Revised Code, or other federal/state laws or regulations.
  - (c) If all information relates to an investigation about that individual, ~~inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request~~ determine what, if any, information can be disclosed to the individual who was or is being investigated, provide the individual with any information which is not protected from disclosure, and inform the individual, to the extent that it is legally required or permitted, of the legal basis for any records that are withheld or redacted.
- (3) Notice of invalid access.
- (a) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency shall notify the person whose

information was invalidly accessed as soon as practical, and provide him/her with details of the unauthorized access, to the extent known at the time. However, the agency shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the agency may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information was invalidly accessed, and to restore the reasonable integrity of the system. "Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency shall disclose the access to confidential personal information made for an invalid reason to the person.

- (b) Notification provided by the agency shall inform the person of the type of confidential personal information accessed and the date or dates of the invalid access, if known.
  - (c) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.
- (4) Appointment of a data privacy point of contact and completion of a privacy impact assessment.
- (a) The ODJFS director shall designate an employee of ODJFS to serve as the data privacy point of contact under the working title of "ODJFS chief privacy officer."
  - (b) The ODJFS chief privacy officer shall work with the state of Ohio chief privacy officer and the state of Ohio chief information security officer within the state of Ohio office of information technology to assist ODJFS with both the implementation of privacy protections for the confidential personal information that ODJFS maintains and compliance with section 1347.15 of the Revised Code and the rules adopted thereunder.
  - (c) The ODJFS chief privacy officer shall ensure the timely completion of the "privacy impact assessment form" developed by the state of Ohio office of information technology.

(C) Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the ODJFS exercise of its powers or duties, for which only employees of the agency may access confidential personal information regardless of whether the personal information system is a manual ~~system~~ or ~~computer system~~ electronic.

Except as prohibited by federal/state law, performing the following functions constitute valid reasons for authorized employees of the agency to access confidential personal information:

- ~~(1)~~ ~~Responding to a public records request;~~
- ~~(2)~~(1) Responding to a request from an individual for the list of the confidential personal information the agency maintains on that individual;
- (2) Responding to a request for confidential personal information or records about an individual, submitted by someone other than the individual who is the subject of the information, but only if the applicable confidentiality provisions contain an exception that permits the employee to access and disclose the individual's information/records to a third party;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty that directly pertains to ODJFS or its programs;
- (5) Administering an administrative rule provision or duty connected to ODJFS or its programs;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;

- (9) Licensure (or permit, eligibility, filing, etc.) processes;
- (10) Investigation or law enforcement purposes, when permitted or required by any applicable programmatic laws or regulations;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena, but only after consultation with, and with the permission of, the office of legal and acquisition services;
- (13) Human resource matters (for example, hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management, or other similar state agency;
- (16) Complying with a collective bargaining agreement provision; or
- (17) Research in the furtherance of agency specific programs in so far as allowed by statute.

(D) Confidentiality statutes and administrative rules.

The federal statutes and regulations and state statutes and administrative rules listed in the appendix to this rule make personal information maintained by the agency confidential and identify the confidential personal information that are subject to rules promulgated by this agency in accordance with section 1347.15 of the Revised Code.

(E) Restricting and logging access to confidential personal information systems.

For personal information systems that are computer systems and contain confidential personal information, ODJFS shall do the following:

(1) Access restrictions.

Access to confidential personal information that is kept electronically shall require a password or other sufficient authentication measure as determined by the ODJFS chief privacy officer as part of the "privacy impact assessment process."

(2) Acquisition of a new computer system.

When the agency acquires a new computer system that stores, manages, or contains confidential personal information, ODJFS shall include a mechanism for recording specific access by employees of ODJFS to confidential personal information in the system.

(3) Upgrading existing computer systems.

When ODJFS modifies an existing computer system that stores, manages, or contains confidential personal information, that results in over half of the lines of code associated with that system being modified, then that system must have an automated mechanism for recording specific access by employees of ODJFS to any confidential personal information that is accessed via that system.

Additionally, each update to a computer system is to be reviewed by the ODJFS chief privacy officer, or designee, to determine if an automated logging mechanism should be implemented with the proposed change. This review is to be conducted during the design phase of the proposed change to the computer system. It is the responsibility of the development team to consult with the ODJFS chief privacy officer at the design phase for this determination.

(4) Logging requirements regarding confidential personal information in existing ODJFS computer systems.

- (a) ODJFS shall require employees who access confidential personal information within ODJFS computer systems to maintain a log that records that access.

- (b) Access to confidential information is not required to be entered into the log under the following circumstances:
  - (i) The ODJFS employee is accessing confidential personal information for official agency purposes including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
  - (ii) The ODJFS employee is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
  - (iii) The ODJFS employee comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.
  - (iv) The employee of the agency accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
    - (a) The individual requests confidential personal information about himself or herself; or
    - (b) The individual makes a request that ODJFS take some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.
  - (v) ODJFS shall use a consistent electronic means for logging where reasonably possible. If the logging requirements are already being met through existing means, then no additional logging is required in those instances.

(5) Log management.

Each office within ODJFS shall issue a policy that includes who shall keep the log, what information shall be captured on the log, how the log is stored, and how long the log is maintained. Nothing in this rule limits the agency from requiring logging in any circumstance that it deems necessary.

Effective: 01/11/2016

Five Year Review (FYR) Dates: 10/07/2015 and 01/11/2021

Certification: CERTIFIED ELECTRONICALLY

Date: 12/14/2015

Promulgated Under: 119.03

Statutory Authority: 1347.15

Rule Amplifies: 1347.15

Prior Effective Dates: 12/31/10



**5101:9-30-02 Workforce Investment Act (WIA) Exclusion of Purchase of Goods**

***Effective Date: September 1, 2014***

***Most Current Prior Effective Date: [May 1, 2002](#)***

(A) The workforce investment act (WIA) federal training and employment program provides reimbursement of certain costs to providers of services as agreed to in a contract. Allowable reimbursement costs include but are not limited to the cost of:

- (1) Training~~;~~
- (2) Equipment~~;~~
- (3) Materials~~;~~~~and~~
- (4) Medical expenses.

(B) The purchase of firearms and ammunition is an unallowable cost.

Effective: 09/01/2014

Certification: CERTIFIED ELECTRONICALLY

Date: 08/14/2014

Promulgated Under: 111.15

Statutory Authority: 5101.09, 6301.03

Rule Amplifies: 5101.09, 6301.03, 6301.06

Prior Effective Dates: 5/1/02

**5101:9-30-03 Workforce Investment Act (WIA) Poverty Income Guidelines and Lower Living Standard Income Level (LLSIL)**

**Effective Date: September 1, 2014**

**Most Current Prior Effective Date: [August 2, 2004](#)**

- (A) To determine eligibility and low income of individuals for programs operated under the Workforce Investment Act of 1998, local workforce development agencies must use the most recently published ~~income guidelines; revised annually by the U.S. department of health and human services and lower living standard income levels revised annually by the U.S. department of labor. Low income is used to determine eligibility for youth services and to prioritize adult individual training accounts (ITAs) when funds are limited.~~

(1) The poverty income guidelines published annually by the U.S. department of health and human services, and

(2) The lower living standard income levels revised annually by the U.S. department of labor.

- (B) Local boards must ensure that all program operators and staff members use the most recently published poverty income guidelines and LLSIL for determining ~~eligibility and low income for youths, eligibility and low income for employed adult/dislocated workers for certain services, and for the re-authorized work opportunity tax credit (WOTC).~~

(1) Eligibility and low income for youths.

(2) Eligibility and prioritization when funds are limited for adults.

(3) Eligibility and low income for employed adult and dislocated workers for certain services.

(4) The re-authorized work opportunity tax credit (WOTC).

Effective: 09/01/2014

Certification: CERTIFIED ELECTRONICALLY

Date: 08/14/2014

Promulgated Under: 111.15

Statutory Authority: 5101.09, 6301.03

Rule Amplifies: 5151.09, 6301.03, 6301.06

Prior Effective Dates: 8/2/04

**Effective Date: September 1, 2014**

**Most Current Prior Effective Date: [August 3, 2003](#)**

- (A) The following entities will ensure the timely and accurate reporting of local workforce investmentact (WIA) participants, activities, and performance information to ODJFS.
- (1) Chief elected officials as defined by section 101(6) of the Workforce Investment Act of 1998, 29 U.S.C. 2801(6), 6301.01(F) of the Revised Code.
  - (2) The local workforce board, as defined by section 117 of the Workforce Investment Act of 1998.
  - (3) The workforce policy board as defined by section 6301.06 of the Revised Code.
- (B) Boards and chief elected officials referenced in paragraph (A) of this rule must use the "Workforce Case Management System" (WCMS) to report WIA participants, activities, and performance information.

Replaces: 5101:9-30-04

Effective: 09/01/2014

Certification: CERTIFIED ELECTRONICALLY

Date: 08/14/2014

Promulgated Under: 111.15

Statutory Authority: 6301.03

Rule Amplifies: 6301.01, 6301.03, 6301.06

Prior Effective Dates: 8/3/03



**5101:9-32-01 Food Assistance: Quality Assessment Review Process**

**APMTL 372**

**Effective Date: October 1, 2017**

**Most Current Prior Effective Date: December 15, 2016**

Review process

- (A) The Ohio department of job and family services (ODJFS) shall select a random sample of active food assistance cases for quality assessment review from each county, each month in accordance with sampling procedures prescribed in the 7 C.F.R. 275.11. The active cases selected are reviewed to determine whether the household was eligible for the month under review, and whether the household was receiving the correct level of benefits. This eligibility determination is based on an examination and verification of all elements of the household's eligibility including income, resources, and allowable deductions.
- (B) ODJFS, in accordance with rule 5101:9-32-03 of the Administrative Code, will report error findings to the county department of job and family services (CDJFS). ~~The CDJFS may appeal error findings in accordance with rule 5101:9-32-03 of the Administrative Code.~~
- (C) Monthly reports indicating each CDJFS' cumulative error rate, determined by dividing the sum of error dollars by the sum of food assistance dollars issued in the sample of reviews completed in each county, are posted on the ODJFS innerweb.

Effective: 10/10/2017

Certification: CERTIFIED ELECTRONICALLY

Date: 09/28/2017

Promulgated Under: 111.15

Statutory Authority: 5101.22

Rule Amplifies: 5101.22

Prior Effective Dates: 10/01/2006 (Emer.), 10/09/2006, 12/01/2011, 12/15/2016

APMTL 372

Effective Date: October 1, 2017

**Most Current Prior Effective Date: December 15, 2016**

- (A) Upon completion of a food assistance quality assessment review, as described in rule 5101:9-32-01 of the Administrative Code, any review findings are transmitted by the Ohio department of job and family services (ODJFS) to the county department of job and family services (CDJFS) on the JFS 04194, "Quality Control Case Finding". Either box A or box B will be checked on the JFS 04194 indicating the type of information being conveyed to the CDJFS. ~~The CDJFS will not be notified if there are no error findings for the case under review, or if there is no other information to report to the CDJFS concerning the review.~~
- (1) Box A is checked to report to the CDJFS any error affecting review month eligibility or erroneous negative action discovered in the quality assessment review. Listed on the form will be errors found, an explanation of how the conclusions were reached, and the manual citation being used in the determination of each error.
  - (2) Box B is checked to report to the CDJFS any pertinent case information other than an error finding that was discovered during the review process. Box B will also be checked when reporting to the CDJFS reviews not completed due to erroneous selection, or to report the CDJFS use of improper procedures in processing the case. Box B is also used to report to the CDJFS those reviews that have not been completed due to the inability to locate the client or the client's unwillingness to cooperate with the review.
- ~~(B) If a CDJFS disagrees with an error finding, the CDJFS may complete a JFS 04195, "County Response to Quality Control Case Finding" which is attached to the JFS 04194 sent to the CDJFS, and return it to the appropriate office within ODJFS by the date specified on the JFS 04194 which is seven calendar days from the date it is sent to the CDJFS. The CDJFS must indicate on the JFS 04195 their reason for disagreeing with the error finding and attach any documentation available to support their position. If the JFS 04195 is not received within seven days ODJFS will conclude the CDJFS agrees with the error finding.~~
- ~~(C) ODJFS will review the information and documentation provided, determine whether the finding should be reversed or retained, and notify the CDJFS, by letter, of this determination and the reason for the determination.~~

Effective: 10/10/2017

Certification: CERTIFIED ELECTRONICALLY

Date: 09/28/2017

Promulgated Under: 111.15

Statutory Authority: 5101.22

Rule Amplifies: 5101.22

Prior Effective Dates: 10/01/2006 (Emer.), 10/09/2006, 12/01/2011, 12/15/2016

[APMTL 371](#)

**Effective Date: December 15, 2016**

**Most Current Prior Effective Date: [December 1, 2011](#)**

(A) Incentive distribution process

If Ohio's food assistance quality assessment payment error rate results in Ohio being the recipient of a United States department of agriculture (USDA) bonus payment or incentive, then the bonus payment or incentive will be distributed to the county ~~department~~department(s) of job and family services (CDJFS) in accordance with the quality assessment review process established in rule [5101:9-32-01](#) of the Administrative Code.

(B) Sanction distribution process

If Ohio's food assistance quality assessment payment error rate exceeds standards prescribed in 7 ~~CFR~~C.F.R. 275.23 by the USDA food and nutrition service, the state is subject to a federal sanction. If a federal sanction liability is imposed on Ohio, the sanction liability will be distributed by the Ohio department of job and family services (ODJFS) to each CDJFS that, in accordance with the quality assessment review process established in rule 5101:9-32-01 of the Administrative Code, is identified by ODJFS as being solely or partially responsible for the federal sanction liability.

Effective: 12/15/2016

Certification: CERTIFIED ELECTRONICALLY

Date: 12/01/2016

Promulgated Under: 111.15

Statutory Authority: 5101.22

Rule Amplifies: 5101.22

Prior Effective Dates: 10/1/06(Emer.), 10/9/06, 12/1/11

## Archived APM Sections

## **APM.8000. Performance Standards, Performance Allocations, and Sanctions**

This chapter describes performance standards and the various possible performance allocations and sanctions that a county may receive. Performance standards and sanctions, are listed in APM 8110 and APM 8120. Detailed performance allocation policy is contained in APM 8300. Specific federal sanction policy is contained in APM 8600 and applies to all counties in addition to county audit findings ([APM.9300.](#)).

## **APM.8600. Federal Sanctions**

The federal sanctions in this chapter only apply if the State of Ohio receives a sanction from HHS or USDA. Effective FFY 1997, federal sanctions are assessed based on the FFY used in assessing the state sanction. These sanctions apply to all counties regardless if there is a signed partnership agreement.

The county is required to deposit county general funds in the amount of the sanction into the PA Fund within the SFY the county is notified of the sanction. Additional county funds must be deposited to cover county and state expenditures to the level of the federal sanction made during the appropriate FFY. ODHS assesses the county sanction amount as an audit finding for the federal program assessing the sanction on the ODHS 2827 Monthly Financial Statement. The county agency must report all sanction activity on the ODHS 2827 Monthly Financial Statement (APM 7902).

**APM.8601.-8609. Reserved**

## **APM.8610. Sanction - Failure to Report**

This sanction applies if the county fails to submit the following reports accurately, completely, and timely.

- (1) Financial Reporting Forms:
  - (a) [ODHS 2827](#) Monthly Financial Statement (APM 7902);
  - (b) [ODHS 2820](#) Children Services Monthly Financial Statement (APM 7901);
  - (c) ODHS 2750 Child Support Monthly Financial Statement (CSEM 5000);
  - (d) [ODHS 2710](#) or [2710-A](#) Income Maintenance Random Moment Sample Observation Form Data (APM 7931); and,
  - (e) [ODHS 2714](#), 2714-A, [2715](#), or [2716](#) Social Services Random Moment Sample Observation Form Data (APM 7932).
- (2) Statistical Reports:
  - (a) ODHS 4228 Claims of Good Cause for Refusing to Cooperate in Establishing Paternity and Securing Child Support (APM 5202);
  - (b) [ODHS 4230](#) Annual TANF Fraud Activity Report (APM 5302);
  - (c) [ODHS 4235](#) Income Eligibility Verification System (IEVS) Cost Report (APM 5304); and,
  - (d) FNS-259 Food Stamp Mail Issuance Report (APM 5101).
- (3) CRIS-E Data Elements required for federal and state reports.

REFERENCE: 45 CFR 272.1(a)(3)

**APM.8611. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8612. Sanction Amount**

The sanction amount is equal to 4% of the state's TANF Block Grant (\$29,118,730).

## **APM.8613. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8613.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.

**APM.8614.-8619. Reserved**

**APM.8620. Sanction - Failure To Comply With Five Year Limit**

This sanction applies if the county does not enforce the federal five year time limit placed upon AGs receiving TANF cash assistance.

REFERENCE: 45 CFR 272.1(a)(9)

**APM.8621. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8622. Sanction Amount**

The sanction amount is equal to 5% of the state's TANF Block Grant (\$36,398,413).

## **APM.8623. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8623.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.



**APM.8630. Sanction - Misuse of TANF Block Grant Funds**

This sanction applies if the county does not utilize TANF Block Grant funds in an appropriate manner.

REFERENCE: 45 CFR 272.1(a)(1)

**APM.8631. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8632. Sanction Amount**

The sanction amount is equal to the amount of the TANF Block Grant identified as being misused.

**APM.8633. Sanction Distribution**

The state or causal county(s) participate based on the actual amount identified.

## **APM.8633.1 Causal County Methodology**

The methodology used to distribute the causal county sanction amount(s) is based upon the actual amount assessed as identified in the disallowance report.

**APM.8634.-8639. Reserved**

**APM.8640. Sanction - Intentional Misuse Of Tanf Block Grant Funds**

This sanction applies if the county intentionally misuses TANF Block Grant funds.

REFERENCE: 45 CFR 272.1(a)(2)

**APM.8641. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8642. Sanction Amount**

The sanction amount is equal to 5% of the state's TANF Block Grant (\$36,398,413).

**APM.8643. Sanction Distribution**

The state or causal county(s) participate in this sanction.

## **APM.8643.1 Causal County Methodology**

The methodology used to distribute the causal county sanction amount(s) is proportionately based upon the actual amount assessed on the findings that lead to the decision by HHS.

**APM.8644.-8649. Reserved**

**APM.8650. Sanction - Failure to Satisfy Work Participation Rates for All Families**

This sanction applies if the county does not satisfy federal work participation rates for all families.

REFERENCE: 45 CFR 271.21, 45 CFR 272.1(a)(4), ORC Section 5107.44

**APM.8651. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

## **APM.8652. Sanction Amount**

For the first year, the sanction amount is equal to 5% of the state's TANF Block Grant (\$36,398,413). For each successive year, the sanction amount is increased by 2% (\$14,559,365), up to a maximum of 21% of the state's TANF Block Grant (\$152,873,335).

## **APM.8653. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8653.1 Causal County Methodology**

The following methodology is used to determine the causal county sanction amount(s).

- (1) Identify those counties that had an all family work participation rate lower than the federal all family participation rate (See Table).

<b>Federal Fiscal Year</b>	<b>Federal All Family Participation Rate</b>	<b>Number of Hours of Federally Allowable Work Activities</b>
FFY 1998	30%	20 Hrs/Wk
FFY 1999	35%	25 Hrs/Wk
FFY 2000	40%	30 Hrs/Wk
FFY 2001	45%	30 Hrs/Wk

- (a) Sum the county total number of all family AGs which meet federal work requirements. This is the county numerator.
- (b) Sum the county total number of mandatory AGs. This is the county denominator.
- (c) Divide the county numerator from Step (1)(a) by the county denominator from Step (1)(b).
  - (i) If the figure obtained in Step (1)(c) meets or exceeds the federal all family participation rate, the county does not receive a sanction.
  - (ii) If the figure obtained in Step (1)(c) does not meet the federal all family participation rate, the county receives a sanction.
- (2) If Step (1)(c)(ii) applies, multiply the federal all family participation rate by the county denominator from Step (1)(b).
- (3) Determine the county percentage.
  - (a) Subtract the county numerator obtained in Step (1)(a) from the figure obtained in Step (2)
  - (b) Sum total the figures from Step (3)(a) for all counties identified in Step (1)(c)(ii).
  - (c) Divide the figure from Step (3)(a) by the figure from Step (3)(b) to obtain the county percentage.
- (4) Multiply 50% of the federal all family participation sanction amount by the county percentage from Step (4)(c). This product is the county sanction amount.

**APM.8654.-8659. Reserved**

**APM.8660. Sanction - Failure To Satisfy Work Participation Rates For Two Parent Families**

This sanction applies if the county does not satisfy federal work participation rates for two parent families.

REFERENCE: 45 CFR 271.23, 45 CFR 272.1(a)(4), ORC Section 5107.44

**APM.8661. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

## **APM.8662. Sanction Amount**

For the first year, the sanction amount is equal to 5% of the state's TANF Block Grant (\$36,398,413). For each successive year, the sanction amount is increased by 2% (\$14,559,365), up to a maximum of 21% of the state's TANF Block Grant (\$152,873,335).

## **APM.8663. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8663.1 Causal County Methodology**

The following methodology is used to determine the causal county sanction amount(s).

- (1) Identify those counties that had a two parent family work participation rate lower than the federal two parent family participation rate (See Table).

<b>Federal Fiscal Year</b>	<b>Federal Two Parent Family Participation Rate</b>
FFY 1998	75%
FFY 1999	90%
FFY 2000	90%
FFY 2001	90%

- (a) Sum the county total number of two parent family AGs which meet federal work requirements. This is the county numerator.
- (b) Sum the county total number of mandatory AGs. This is the county denominator.
- (c) Divide the county numerator from Step (1)(a) by the county denominator from Step (1)(b).
  - (i) If the figure obtained in Step (1)(c) meets or exceeds the federal two parent family participation rate, the county does not receive a sanction.
  - (ii) If the figure obtained in Step (1)(c) does not meet the federal two parent family participation rate, the county receives a sanction.
- (2) If Step (1)(c)(ii) applies, multiply the federal two parent family participation rate by the county denominator from Step (1)(b).
- (3) Determine the county percentage.
  - (a) Subtract the county numerator obtained in Step (1)(a) from the figure obtained in Step (2)
  - (b) Sum total the figures from Step (3)(a) for all counties identified in Step (1)(c)(ii).
  - (c) Divide the figure from Step (3)(a) by the figure from Step (3)(b) to obtain the county percentage.
- (4) Multiply 50% of the federal two parent family participation sanction amount by the county percentage from Step (4)(c). This product is the county sanction amount.

**APM.8664.-8669. Reserved**

**APM.8670. Sanction - Failure to Reduce Cash Assistance for Refusing Without Good Cause to Work**

This sanction applies if the county does not reduce cash assistance for AGs refusing without good cause to work.

REFERENCE: 45 CFR 272.1(a)(14)

**APM.8671. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

## **APM.8672. Sanction Amount**

The sanction amount is greater than or equal to 1% of the state's TANF Block Grant but less than or equal to 5% of the state's TANF Block Grant (\$36,398,413).

## **APM.8673. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8673.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.

**APM.8674.-8679. Reserved**

**APM.8680. Sanction - Failure to Participate in IEVS**

This sanction applies if the county does not report via the Income Eligibility Verification System (IEVS).

REFERENCE: 45 CFR 272.1(a)(5)

**APM.8681. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8682. Sanction Amount**

The sanction amount is less than or equal to 2% of the state's TANF Block Grant (\$14,559,365).

## **APM.8683. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8683.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.

**APM.8684.-8689. Reserved**

**APM.8690. Sanction - Failure to Enforce Penalties for Not Cooperating With the CSEA**

This sanction applies if the county does not enforce penalties, as contained in CSEM 1142, for AGs not cooperating with the CSEA in 1) establishing paternity, and 2) establishing, modifying, and enforcing a child support order.

REFERENCE: 45 CFR 272.1(a)(6)

**APM.8691. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8692. Sanction Amount**

The sanction amount is less than or equal to 5% of the state's TANF Block Grant (\$36,398,413).

## **APM.8693. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8693.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.

**APM.8694.-8709. Reserved**

**APM.8710. Sanction - Failure to Maintain Assistance to an Adult Single Custodial Parent Who Cannot Obtain Child Care for a Child Under Age Six**

This sanction applies if the county does not maintain assistance for an adult single custodial parent who cannot obtain child care for a child under age six .

REFERENCE: 45 CFR 272.1(a)(11)

**APM.8711. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8712. Sanction Amount**

The sanction amount is less than or equal to 5% of the state's TANF Block Grant (\$36,398,413).

## **APM.8713. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8713.1 Causal County Methodology**

The methodology to distribute causal county(s) sanction amounts will be determined after federal regulations are published on the federal methodology.

**APM.8714.-8719. Reserved**

**APM.8720. Sanction - Failure To Meet TANF Moe Requirement**

This sanction applies if the county does not deposit and subsequently report the TANF portion of county mandated share (APM 6300) into the PA Fund during the appropriate SFY.

REFERENCE: ORC 5101.16

**APM.8721. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8722. Sanction Amount**

The sanction amount is equal to the amount of underspending identified in the federal disallowance notice.

**APM.8723. Sanction Distribution**

The state and/or causal county(s) participate based on the actual amount identified.

## **APM.8723.1 Causal County Methodology**

The following methodology is used to distribute the causal county sanction amount(s).

- (1) Determine which county(s) failed to deposit and report the TANF portion of county mandated share.
- (2) ODHS notifies the board of county commissioners of the causal counties of an increase in TANF portion of county mandated share for the following SFY. This increased amount is in addition to any other mandated share or local obligation that may occur during the identified year.

ODHS recovers needed TANF portion of county mandated share through the quarterly PA fund reconciliation process ([APM.7350.](#)) as a TANF audit finding.

**APM.8724.-8729. Reserved**

**APM.8730. Sanction - Failure to Expend Nonfederal Funds to Replace the Reduction in the TANF Block Grant Due to Assessment of a Sanction**

This sanction applies if the county fails to expend nonfederal funds to replace the reduction of the TANF Block Grant due to the assessment of a previous sanction.

REFERENCE: 45 CFR 272.1(a)(12)

**APM.8731. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

## **APM.8732. Sanction Amount**

The sanction amount is less than or equal to 2% of the state's TANF Block Grant (\$14,559,365) plus the amount not expended to replace the reduction.

**APM.8733. Sanction Distribution**

The state and/or causal county(s) participate based on the actual amount identified.

## **APM.8733.1 Causal County Methodology**

The following methodology is used to distribute the causal county sanction amount(s).

- (1) Determine which county(s) were assessed a TANF audit finding by ODHS because of the assessment of a federal sanction but failed to deposit the additional nonfederal funds.
- (2) Determine the percentage the county(s) identified in Step (1) contributed to the federal sanction.
  - (a) Sum total the county amounts for all county(s) identified in Step (1).
  - (b) Divide the county amount by the result of Step (2)(a).
- (3) Multiply the sanction amount by the percentage obtained in Step (2)(b).
- (4) ODHS notifies the board of county commissioners of an increase in TANF portion of county mandated share for the following SFY. This increase consists of:
  - (a) Previous sanction amount for failure to deposit the nonfederal share of a sanction; And,
  - (b) Additional sanction amount, which is the amount identified in Step (3).

The total amount of (4)(a) and (4)(b) is in addition to any other mandated share or local obligation that may occur during the identified year.

ODHS recovers needed TANF portion of county mandated share through the quarterly PA fund reconciliation process (APM 7350) as a TANF audit finding.

**APM.8734.-8739. Reserved**

## **APM.8740. Sanction - Failure to Meet TANF Moe Requirement During a Year in Which a Welfare to Work Formula Grant is Awarded**

The Welfare to Work Formula Grant is issued by the federal Department of Labor to OBES. OBES distributes this grant to the counties. However, should a federal sanction be assessed under the Welfare to Work Formula Grant, ODHS receives a reduction in the state's TANF Block Grant. Therefore, this sanction applies to the county if any of the following apply:

- (1) The county fails to deposit and subsequently report the TANF portion of county mandated share ([APM.6300.](#)) into the PA Fund during a year in which a Welfare to Work Formula Grant is awarded; or,
- (2) The county fails to provide Welfare to Work Formula Grant matching funds.

REFERENCE: 45 CFR 272.1(a)(13)

**APM.8741. Sanction Period**

This sanction is based on the FFY, October 1 through September 30.

**APM.8742. Sanction Amount**

The sanction amount is equal to the amount of the state's Welfare to Work Formula Grant (\$44,608,022).

## **APM.8743. Sanction Distribution**

The state assumes 100% of the sanction unless a causal county(s) is identified; then the causal county(s) assumes 50% of the sanction.

## **APM.8743.1 Causal County Methodology**

The following methodology is used to distribute the causal county sanction amount(s).

- (1) Determine which county(s) failed to deposit and report the TANF portion of county mandated share or provide welfare to work matching funds.
- (2) Determine the percentage the county(s) identified in Step (1) contributed to the federal sanction.
  - (a) Sum total the county amounts for all county(s) identified in Step (1).
  - (b) Divide the county amount by the result of Step (2)(a).
- (3) Multiply 50% of the sanction amount by the percentage obtained in Step (2)(b). This product is the county sanction amount.
- (4) ODHS notifies the board of county commissioners of an increase in TANF portion of county mandated share for the following SFY. This increased amount is in addition to any other mandated share or local obligation that may occur during the identified year.

ODHS recovers needed TANF portion of county mandated share through the quarterly PA fund reconciliation process (APM 7350) as a TANF audit finding.

**APM.8744.-8749. Reserved**

## **APM.8750. Sanction - Failure to Repay Federal Loan**

ODHS is the only agency that is able to take out a federal loan. Therefore, if a sanction is imposed by HHS for failure to repay a federal loan, ODHS assumes the entire sanction amount.

REFERENCE: 45 CFR 272.1(a)(7)

**APM.8754.-8759. Reserved**

## **APM.8760. Sanction - Failure to Maintain 100% Historical Effort if Receiving Contingency Funds**

ODHS determines if it is necessary to apply for and receive contingency funds. Therefore, if a sanction is imposed by HHS for failure to maintain 100% historical effort for receiving contingency funds, ODHS assumes the entire sanction amount.

REFERENCE: 45 CFR 272.1(a)(10)

**APM.8764.-8799. Reserved**

**APM.9000. Miscellaneous Administration**

**APM.9001.-9099. Reserved**

**APM.9100. Human Resources Management**

## **APM.9101. Civil Service Law**

[OAC 5101-9-01]

County agency personnel are governed by the provisions of civil service law as set forth in ORC and as administered by DAS or a county personnel department properly established by a board of county commissioners. County agency personnel policies may be under the governing authority of a collective bargaining agreement and/or ORC Chapter 124, depending upon the individual county agreement(s).

REFERENCE: ORC Section 124.14 and 302.202, ORC Chapter 4117

## **APM.9101.1 Compliance**

**[OAC 5101:9-2-01]**

**All programs, services, and benefits which are administered, supervised, authorized, and/or participated in by a county agency shall be operated in accordance with the nondiscriminatory requirements of:**

- (1) Title VI of the Civil Rights Act of 1964, as amended;**
- (2) section 504 of the Rehabilitation Act of 1973, as amended;**
- (3) the Age Discrimination Act of 1975;**
- (4) the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996; and**
- (5) the Americans with Disabilities Act of 1990.**

**The county agency is responsible for ensuring compliance with this rule by all county agency contractors.**

**No person(s) shall on the grounds of race, color, national origin, disability, age, gender, or religion, be excluded from participation in, be denied or delayed the benefits or services of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by the Ohio Department of Job and Family Services (ODJFS), a county agency, or a county agency contractor.**

**In carrying out its duties, the county agency shall not discriminate against any employee or applicant for employment because of race, color, national origin, disability, age, gender, religion, ancestry, or veteran status. The county agency will ensure applicants are hired, and employees are treated during employment without regard to their race, color, national origin, disability, age, gender, religion, ancestry, or veteran status. Such action includes, but is not limited to, the following:**

- employment;**
- upgrading;**
- demotion or transfer;**
- recruitment or recruitment advertising;**
- layoff or termination;**
- rates of pay or other forms of compensation; and**
- selection for training including apprenticeship.**

**The county agency and its county agency contractors shall operate each program or activity so when viewed in its entirety, each program or activity is readily accessible to persons with disabilities and provides meaningful access to persons with limited english proficiency. This shall include, but not be limited to, making the physical facilities accessible to persons with disabilities and providing interpreters at no charge to those beneficiaries whom are visually or hearing impaired, or are limited english proficient.**

**The county agency shall ensure that the opportunity to participate as members of planning, advisory, and policy boards is available to persons in a nondiscriminatory manner.**

**The county agency and county agency contractors shall develop policies and procedures which ensure that all recruitment and employment practices do not discriminate on the basis of race, color, national origin, disability, gender, age, or religion. Its employment practices also must not have the effect of causing discrimination in the delivery of services and benefits under the program.**

## **APM.9101.2      Delegation of Authority**

**ODJFS, shall administer nondiscrimination laws, rules, and regulations through the following methods of administration. The director of the county agency has the responsibility for implementing and enforcing civil rights laws, rules, and regulations within its service system, including county agency contractors.**

**For purposes of administration of this plan, there are two distinct levels of responsibility: ODJFS and the county agency.**

- (1) The ODJFS-Bureau of Civil Rights (ODJFS-BCR) is responsible for the following:**
  - (a) investigating all complaints of discrimination arising under paragraphs one, three, and five of the compliance section (APM.9101.1) of this policy**
  - (b) disseminating information pertaining to civil rights laws to the county agency civil rights coordinator, beneficiaries, and interested members of the general public;**
  - (c) preparing compliance reports for submission to the U.S. Department of Health and Human Services, Office for Civil Rights (HHS, OCR), the U.S Department of Labor, Civil Rights Center (DOL, CRC), and the U.S. Department of Agriculture, Office for Civil Rights (FCS, OCR); providing instructions and guidance to the county agency civil rights coordinator in all aspects of implementing the civil rights laws and the processing of complaints. ODJFS-BCR will also advise and recommend actions which will remedy noncompliant areas;**
  - (d) conducting compliance reviews of the county agency and county agency contractors;**
  - (e) acting as liaison between ODJFS, HHS, DOL, and USDA offices for civil rights; and**
  - (f) acting as liaison with community groups concerned with civil rights issues involving the delivery of services.**
- (2) The county agency is responsible for:**
  - (a) developing a civil rights plan to ensure the county agency and county agency contractor comply with this rule and the civil rights laws, rules and regulations; and**
  - (b) appointing a civil rights coordinator who shall have the following responsibilities set forth in their job description:**
    - (1) attending ODJFS approved civil rights training within six months of becoming the civil rights coordinator, and attending training updates as required by the department;**
    - (2) providing input to management to improve the civil rights in service delivery, and to discuss civil rights complaints, issues and reports of compliance activities within the county agency or within county agency contractors;**
    - (3) maintaining essential compliance records and files, including client analysis data, staff training records, confidential complaint files and reasonable accommodation requests;**
    - (4) reviewing written policies to make sure those policies are nondiscriminatory;**
    - (5) providing technical assistance or training on civil rights in service delivery to staff, or referring staff to appropriate resources for technical assistance;**
    - (6) disseminating civil rights information to county agency staff and county agency contractors, vendors, beneficiaries, and other interested parties;**
    - (7) acting as civil rights liaison between ODJFS, the county agency, county agency contractors, beneficiaries, and community groups or other organizations concerning civil rights in the delivery of services;**

## **APM.9101.3      Complaints**

**Any person may file a written complaint alleging discrimination within six months from the date of the alleged discriminatory act. Complaints can be filed with the ODJFS-BCR or the county agency. Assistance in drafting and filing complaints shall be made available. A complaint is deemed filed when the county agency or ODJFS-BCR receives a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of. ODJFS discrimination complaint forms may be obtained from the ODJFS-BCR or the county agency, but the use of any particular form is not required for the proper filing of a complaint.**

- (1) any complaint alleging discrimination filed with ODJFS-BCR or a county agency shall contain the following information:**
  - (a) the full name and address of the person making the complaint;**
  - (b) the full name and address of the covered entity against whom the complaint is made; and**
  - (c) the basis on which the complainant believes the discrimination has occurred:**
    - (1) race;**
    - (2) color;**
    - (3) religion;**
    - (4) national origin;**
    - (5) disability;**
    - (6) age; or**
    - (7) gender.**
- (2) a concise statement of the facts which the complainant believes indicates an unlawful discriminatory practice;**
- (3) the date or dates of the alleged unlawful discriminatory practice; or if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuing acts are alleged to have occurred;**
- (4) a statement as to any other action, if any, civil or criminal, instituted in any other forum based upon the same grievance as is alleged in the complaint together with a statement as to the status or disposition of such other action;**
- (5) a statement as to any other action or proceeding in any other forum based upon the same facts as are alleged in the complaint, together with a statement as to the status or disposition of such other action;**
- (6) the complainant and respondent shall be advised of the results of the investigation, not later than ten days after the completion of the investigation. The complainant shall also be advised of the right to file a complaint to any appropriate state or federal civil rights enforcement agency;**
- (7) the ODJFS-BCR will maintain records which show the nature of the complaint, the details of the investigation, and the actions taken by ODJFS;**

**Upon receiving a complaint alleging discrimination the county agency shall:**

- (1) forward the complaint to the ODJFS-BCR within three (3) working days of date of receipt;**
- (2) make all persons or papers pertaining to a case being handled by the ODJFS-BCR available at the ODJFS-BCR's request unless doing so would violate state or federal law;**
- (3) submit any information requested by the ODJFS-BCR not later than fourteen (14) working days from date of receipt of request unless otherwise agreed upon;**
- (4) cooperate fully with the ODJFS-BCR during the course of any investigation;**

- (A) not initiate, conduct, or run concurrent investigation(s);**
- (B) not retaliate against the complainant or any person(s) associated with any inquiry conducted by the ODJFS-BCR.**

**Any complaint by an employee of a county agency or county agency contractor that arises under paragraphs three and four of the compliance section (APM.9101.1) of this policy should be filed with either the Ohio Civil Rights Commission and/or the U.S. Equal Employment Opportunity Commission. ODJFS has no authority to investigate complaints arising under paragraphs three and four of the compliance section (APM.9101.1).**

## **APM.9101.4 Notice**

The county agency and county agency contractors shall execute, in writing, an assurance they will comply with all federal, state, and local civil rights laws, this rule and all policies and procedures of ODJFS.

The county agency and county agency contractors shall have a written nondiscrimination policy which effectively communicates to beneficiaries that the administration, services, assistance, and other benefits of its programs are provided on a nondiscriminatory basis. The county agency and county agency contractors shall, in brochures, pamphlets, or communications, which are designed to notify the general public of its services and programs, inform all that the services and programs are provided on a nondiscriminatory basis as required by federal, state, and local civil rights laws, and the policies and procedures of ODJFS. As a result of the organization's commitment to civil rights the county agency and its contract providers shall also:

- (1) provide notice to beneficiaries, and employees with impaired vision and/or hearing, and individuals who are limited english proficient that, if needed, an interpreter will be provided for them at no charge; and**
- (2) provide notice to beneficiaries of the right to file a complaint if they feel they have been discriminated against in county agency administered programs, on the basis of race, color, national origin, disability, age, gender, sexual orientation, or religion. This notice shall include the name, title, and location of the person responsible for receiving the complaint.**

The county agency agrees to post in conspicuous places, available to employees and applicants for employment, notices stating they comply with all applicable federal and state non-discrimination laws. The county agency shall, in all solicitations or advertisements for employees placed by or on behalf of them, state that all qualified applicants shall receive consideration for employment without regard to race, color, national origin, disability, age, gender, religion, ancestry, or veteran status. They will incorporate the foregoing requirements of paragraphs one through four of the compliance section(APM.9101.1) in all of its contracts, grants and other agreements, and will require all county agency contractors to incorporate these requirements in all subcontracts and subgrants for work performed for or on behalf of the county agency.

## **APM.9101.5 Compliance and Monitoring**

**ODJFS shall annually review the county agency's compliance program to ensure that it is providing equal employment opportunities, equal opportunity for participation in all programs, and equal opportunity for receiving benefits and services. HHS, DOL, and USDA will be notified of each annual review. ODJFS shall document and maintain a record of the implementation of these civil rights procedures and the compliance status of the county agency, including county agency contractors, in an annual report.**

**The ODJFS-BCR shall monitor the performance of the county agency and county agency contractors to determine their compliance with this plan in relationship to the population of the agency's service area.**

**County agency and county agency contractor reviews shall be performed as follows:**

- (1) the ODJFS-BCR may initiate its own investigation if the regular flow of compliance data alerts ODJFS of a possible problem.**
- (2) the ODJFS-BCR will review a sample of county agencies and county agency contractors each state fiscal year. Selection will be done on a random basis to reflect geographic distribution of county agencies and county agency contractors.**

**County agency and county agency contractor reviews by ODJFS-BCR shall be conducted by mail, utilizing a survey form that gathers the following:**

- (1) site location for services and programs;**
- (2) referral sources for outreach;**
- (3) evaluation of client participation in services;**
- (4) range and provision of services;**
- (5) accessibility of services for persons with disabilities;**
- (6) representation on advisory and planning boards and councils; and**
- (7) employment practices.**

**ODJFS reserves the right to perform its lawful obligation by inspecting sites and practices and materials that include, but are not limited to the following:**

- (1) appointment books to verify no distinction is made as to the time beneficiaries of a protected class are served;**
- (2) case files to establish service is being offered in a consistent manner to all individuals;**
- (3) physical facilities to verify beneficiaries are not segregated in separate waiting rooms, service areas, or served inequitably through use of dissimilar equipment;**
- (4) official and standard documents, records, and policies of county agency contractors to establish adoption of the necessary civil rights policies;**
- (5) publications, brochures, posters, policy manuals, employee handbooks, training materials to ensure the notice of nondiscriminatory policies for beneficiaries and employees is included; and**
- (6) the notice of nondiscrimination is posted as required by the ODJFS civil rights compliance plan.**

**The county agency and county agency contractors, as applicable, shall make available to HHS, DOL, and USDA all data and information necessary to determine the agency's compliance with civil rights laws and regulations. Compliance information, where feasible, will include the following:**

- (1) identification of eligible population (defined as individuals eligible for programs/services) in aggregate for the state. Also, a separate identification of the eligible population in each county**

agency (by program) and by the categories of white, american indian/alaskan native, asian/pacific islander, black, and hispanic.

- (2) identification of the eligible disabled population in aggregate, for the state, and a separate identification of the eligible disabled population of each county agency and contract provider.
- (3) identification of the number of individuals participating in HHS, DOL, or USDA funded programs and these services in aggregate for the state, and for each county agency contractor by the categories specified in this section, paragraphs one and two of the compliance and monitoring section (9101.5) of this policy, to the extent such data is reasonably available.

## **APM.9101.6 Remedial Action**

**A county agency or county agency contractor found to be in violation of the ODJFS civil rights plan will be notified in writing within thirty days after completion of the investigation or review. Any action taken by ODJFS to bring the county agency into compliance with the ODJFS civil rights plan will be done pursuant to Ohio Revised Code section 5101.24. Examples of remedial action include but are not limited to: corrective action plans or the withholding of funds. The county agency is responsible for compliance by county agency contractors. ODJFS may take action against the county agency pursuant to section 5101.24 of the Revised Code if the county agency fails to obtain compliance by the county agency contractor.**

## **APM.9102. Personnel Records**

[OAC 5101-9-01]

In order to be in compliance with Title II of the Intergovernmental Personnel Act of 1970 regarding the standards for a merit system of personnel administration, the county agency must maintain a personnel file on each employee which, at a minimum, contains the following information:

- (1) Completed application form.
- (2) Job description, classification, date of appointment, salary, Collective Bargaining Unit (if applicable), and status (provisional or certified).
- (3) Attendance record, including records of sick leave, vacation time, and personal time.
- (4) Performance evaluation completed at the end of an employee's probationary period and at least annually thereafter.

REFERENCE: 42 USCA 4728, 5 CFR 900.600 - 900.604, 45 CFR 235.50

**APM.9103.-9109. Reserved**

## **APM.9110. Civil Rights Plan**

### **[OAC 5101-9-11]**

All programs, services, and benefits which are administered, supervised, authorized and/or participated in by the CDHS, PCSA, CSEA, and the county agency contract providers, shall be operated in accordance with the nondiscriminatory requirements pursuant to Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; the Omnibus Budget Reconciliation Act of 1981, where applicable; and the Americans With Disabilities Act of 1990.

No person(s) shall on the grounds of race, color, national origin, disability, age, sex or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by the ODHS.

The Director of ODHS, having ultimate responsibility for the administration of the agency, and for the implementation of civil rights regulations within the department and within its service area, shall carry out the department's nondiscriminatory obligations and policy commitment through the following methods of administration. The director of the county agency has the responsibility for implementing civil rights regulations within its service system.

## **APM.9111. Delegate Authority**

### **[OAC 5101-9-11]**

For purposes of administration of this plan, there are two distinct levels of responsibility: ODHS and the county agency.

- (1) The ODHS Civil Rights/EEO Section is responsible for monitoring the implementation of the civil rights plan for the county agency including:
  - (a) Investigating complaints of discrimination.
  - (b) Disseminating information pertaining to civil rights laws to the county agency civil rights coordinator/EEO Office, beneficiaries, and interested members of the general public.
  - (c) Preparing compliance reports for submission to the U.S. Department of Health and Human Services, Office for Civil Rights (HHS, OCR) and the U.S. Department of Agriculture, Office for Civil Rights (FCS, OCR); providing instructions and guidance to the county agency civil rights coordinator/EEO Office in all aspects of implementing the civil rights laws and the processing of complaints. ODHS will also advise and recommend actions which will remedy noncompliant areas.
  - (d) Conducting compliance reviews of the county agency through designated monitoring staff.
  - (e) Acting as liaison between ODHS, HHS, and FCS Offices for Civil Rights.
  - (f) Acting as liaison with disabled groups, minority groups, older Americans, and other community groups concerned with the delivery of services.
  - (g) Monitoring essential documents and files relative to assuring civil rights compliance by all programs under the administration of ODHS.
- (2) The CDHS, PCSA, and CSEA Civil Rights Coordinator/EEO Office is responsible for:
  - (a) Disseminating civil rights information and regulations to county agency staff, contract providers, beneficiaries, boards/advisory councils, and interested members of the general public.
  - (b) Conducting preliminary reviews of the agency and monitoring records relative to civil rights, in accordance with procedures outlined by the ODHS Civil Rights/EEO Section.
  - (c) Resolving complaints by counseling, advising, etc., under the guidance of the ODHS Civil Rights/EEO Section.
  - (d) Providing civil rights training and technical assistance to county agency staff.
  - (e) Acting as the civil rights resource person to the county agency's director and the ODHS Civil Rights/EEO Section.

## **APM.9112. Civil Rights Training**

**[OAC 5101-9-11]**

County agency staff shall receive civil rights training as follows:

- (1) New staff shall receive such training as part of their initial orientation. The instruction will be designed in such a manner as it ensures that staff have a full understanding of responsibilities and obligations under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Omnibus Budget Reconciliation Act, and the Americans with Disabilities Act.
- (2) An annual program of civil rights instruction shall be provided or coordinated through the ODHS Civil Rights/EEO Section.
- (3) The ODHS Civil Rights/EEO Section shall provide interim civil rights training to county agency staff through the dissemination of pertinent civil rights materials.

## **APM.9113. Civil Rights Notice**

**[OAC 5101-9-11]**

The county agency and its contract providers shall have a written nondiscrimination policy which effectively communicates that the administration, services, financial assistance, and other benefits of its programs are provided on a nondiscriminatory basis. The county agency and its contract providers shall, in brochures, pamphlets, and communications, which are designed to notify the general public of its services and programs, inform all that the services and programs are provided on a nondiscriminatory basis as required by civil rights legislation and as a result of the organization's commitment to equal opportunity. The county agency and its contract providers shall also:

- (1) Provide appropriate notice to recipients, participants, beneficiaries, applicants, and employees with impaired vision and/or hearing. This notice shall be provided in languages other than English in all service areas that have a significant representation of persons (4% or more) whose dominant language is other than English.
- (2) Provide notice to individuals (beneficiaries, potential beneficiaries, applicants, and employees) of the right to file a complaint/grievance if they feel that they have been discriminated against in county agency administered programs, on the basis of race, color, national origin, disability, age, and if applicable, sex and religion. This notice shall include the name, title and location of the person responsible for receiving complaints/grievances.

## **APM.9114. Complaint/Grievance Policy and Procedures**

### **[OAC 5101-9-11]**

The county agency shall have in effect complaint/grievance procedures that incorporate "due process." The complaint/grievance procedures will, at a minimum, provide the following:

- (1) Any person who believes that he/she, or any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, disability, age, and if applicable, sex or religion, may file a written complaint with the agency accused of discriminating.
- (2) The time period for the filing of a complaint is within 180 days from the date the alleged discriminatory act(s) occurred.
- (3) The county agency or contract provider against which an allegation of discrimination has been filed shall send notice of said allegation to the Director of ODHS listing:
  - (a) The accusing party's name, address, and phone number, if available;
  - (b) Discriminatory allegation; and,
  - (c) Other information which may be pertinent to the charge.
- (4) The Director of ODHS shall forward such allegations to the ODHS Civil Rights/EEO Section, which may assist the county agency Civil Rights Coordinator/EEO Office in conducting a prompt and thorough investigation of all charges, make preliminary findings as to whether discrimination has occurred, and if it has occurred, make a recommendation to the ODHS Director to take all action necessary to correct the discriminatory practices.
- (5) The complainant shall be advised, within ten days, of the findings regarding the complaint. The complainant shall also be advised of the right to file a complaint to any appropriate state or federal civil rights enforcement agency, if not satisfied with the internal decision.
- (6) No person who has filed a complaint, testified, assisted, or participated in any manner in the investigation of a complaint, shall be intimidated, threatened, coerced, or retaliated against.
- (7) The ODHS Civil Rights/EEO Section will maintain records which show the nature of the complaint, the details of the investigation, and the actions taken by the department.

## **APM.9115. Assurances**

**[OAC 5101-9-11]**

ODHS, recognizing its obligation for compliance with the regulations, which through these assurances extends to the county agency, shall require the county agency and contract providers to execute in writing an assurance that they will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Age Discrimination Act, and the Americans with Disabilities Act.

## **APM.9116. Monitoring**

### **[OAC 5101-9-11]**

The ODHS Civil Rights/EEO Section shall monitor the performance of the county agency and its contract providers to determine their compliance with this plan in relationship to the population of the agency's service area.

- (1) County agency/provider reviews shall be performed as follows:
  - (a) The ODHS Civil Rights/EEO Section may initiate its own investigation if the regular flow of compliance data alerts ODHS of a possible problem.
  - (b) The ODHS Civil Rights/EEO Section will review a cross section of county agencies/providers each state fiscal year. Selection will be done on a random basis to reflect geographic distribution of county agencies/providers within the five districts.
- (2) County agency/provider reviews by ODHS shall be conducted by mail, utilizing a survey form that gathers the following:
  - (a) Site location for services and programs.
  - (b) Referral sources for outreach.
  - (c) Evaluation of client participation in services.
  - (d) Range and provision of services.
  - (e) Accessibility of services for persons with disabilities.
  - (f) Representation on advisory and planning boards and councils.
  - (g) Employment practices (minority, aged, and disabled).
- (3) ODHS reserves the right to perform its lawful obligation by inspecting sites and practices and materials that include, but are not limited to the following:
  - (a) Appointment books to verify that no distinction is made as to the time minority groups are served.
  - (b) Case files to establish service is being offered in a reasonably consistent manner to all individuals.
  - (c) Physical facilities to verify that consumers are not segregated in separate waiting rooms, service areas, or served inequitably through use of dissimilar equipment.
  - (d) Official and standard documents, records, and policies of contracted providers to establish adoption of the necessary civil rights policies.
  - (e) Publications, brochures, posters, policy manuals, employee handbooks, training materials to ensure that the notice of nondiscriminatory policies for applicants, recipients, and employees is included.
  - (f) The notice of nondiscrimination is posted as required by the ODHS civil rights compliance plan.
- (4) A county provider found to be in violation will be notified in writing within 90 days after completion of the review. The county agency Civil Rights Coordinator/EEO Office will be notified to assist in developing a plan of corrective action.
  - (a) The provider must submit a plan or corrective action to the ODHS Civil Rights/EEO Section within 30 days of receipt of notification of noncompliance, which details the charges and establishes time frames for compliance.
  - (b) If no resolution is forthcoming within an additional 30 days, the complaint will be referred to the appropriate federal Office for Civil Rights to begin formal proceedings for termination of funding.
- (5) Where the ODHS Civil Rights/EEO Section believes that the county agency or contract provider of services is not in compliance with one or more aspects of the ODHS civil rights compliance criteria, the

ODHS Civil Rights/EEO Section shall, within 30 days of receipt of the report, develop a compliance agreement with the violating agency or contracted provider, which will detail steps to be taken to correct the deficiencies. Such steps shall be binding upon the agency or contracted provider.

## **APM.9117. Planning, Advisory, and Policy Boards**

**[OAC 5101-9-11]**

The county agency shall ensure that the opportunity to participate as members of these boards is available to persons in a nondiscriminatory manner.

## **APM.9118. Program Accessibility**

**[OAC 5101-9-11]**

The county agency and its contract providers shall operate each program or activity so that when viewed in its entirety, each program or activity is readily accessible to persons with disabilities.

## **APM.9119. Recruitment and Employment**

**[OAC 5101-9-11]**

The county agency and its contract providers shall develop policies and procedures which ensure that all recruitment and employment practices do not discriminate on the basis of race, color, national origin, disability, sex age, sexual orientation or religion. Its employment practices also must not have the effect of causing discrimination in the delivery of services and benefits under the program.

## **APM.9120. Compliance Information**

### **[OAC 5101-9-11]**

The county agency and its contract providers, as applicable, shall make available to HHS, OCR and FCS, OCR all data and information necessary to determine the agency's compliance with civil rights legislation. Compliance information, where feasible, will include the following.

- (1) Identification of eligible population (defined as individuals eligible for programs/services) in aggregate for the state. Also, a separate identification of the eligible population in each county agency (by program) and by the categories of White, American Indian/Alaskan Native, Asian/Pacific Islander, Black, and Hispanic.
- (2) Identification on approximation of the eligible disabled population in aggregate, for the state, and a separate identification of the eligible disabled population of each county agency and contract provider.
- (3) Identification of the number of individuals participating in HHS or FCS funded programs and these services in aggregate for the state, and for each county agency contracted provider by the categories specified in this section, paragraphs (1) and (2), to the extent such data is reasonably available.

**ODJFS** shall annually review the county agency's compliance program to ensure that it is providing equal employment opportunities, equal opportunity for participation in all programs, and equal opportunity for receiving benefits and services. HHS, OCR and FCS, OCR will be notified of each annual review. **ODJFS** shall document and maintain a record of the implementation of these civil rights procedures and the compliance status of the county agency, including its contract providers, in a comprehensive annual report.

**APM.9121.-9199. Reserved**



**APM.9201.-9209. Reserved**

## **APM.9210. Records Retention and Destruction**

**[OAC 5101-9-21]**

**[OAC 5101-9-211]**

All county agency records are governed by the provisions of the Ohio Information Management Law, which establishes in ORC Section 149.38 a county records commission for each county. The primary functions of each county records commission are to provide rules for the retention and disposal of county records, and to review county requests for records retention schedules and records disposal. It is the responsibility of the county agency to comply with the rules established by its county records commission.

The general procedures for county agency records retention and destruction are described in APM 9211 through 9215.

## **APM.9211. Definitions**

### **[OAC 5101-9-21]**

Definitions applicable to APM 9212 through 9215 follow:

- (1) **Record:** Any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, procedures, operations, or other activities of the office.
- (2) **Record Series:** Records that are filed together or maintained as a unit because they relate to a particular subject or function, result from the same activity, have a particular form, or have some other relationship arising from their creation, receipt, or use.
- (3) **Retention Schedule:** A document which assigns a required retention period to a record series based upon its fiscal, legal, or administrative value.

## **APM.9212. Retention of Records**

**[OAC 5101-9-21]**

**[OAC 5101-9-211]**

All county agency records must be placed on retention schedules that are reviewed and approved by the county records commission pursuant to ORC Section 149.38. Each retention schedule establishes a retention period for the record series it addresses and denotes the type of disposition to be made of the material when the retention period expires. Retention periods are assigned based upon the fiscal, legal, or administrative value of each record series and must conform to any minimum retention requirements specified by applicable state and federal regulations.

Financial, programmatic, statistical, and recipient records and supporting documents must be retained for a minimum of three years. The minimum retention period for public assistance records depends upon whether the assistance group is active or inactive. **ODJFS** requires inactive assistance group records to be held for a minimum of three years after the group has become inactive. For active assistance groups, or assistance groups that have been inactive for less than three years, **ODJFS** requires a minimum retention period of seven years for documentation, including old application/reapplication forms and monthly reporting forms which were obtained for the assistance group record.

For active assistance groups, some documents which are over seven years old cannot be destroyed and must be held until at least three years after the assistance group has become inactive. These documents include: enumeration verifications; the application form and verifications which established initial program eligibility; and documents which establish eligibility factors such as work history of the principal wage earner, incapacity, limiting physical factor, and SSI eligibility.

For both active and inactive assistance groups, instructions governing the retention of food stamp records are located in Section 1100 of the Food Stamp Certification Handbook (FSCH) and should be followed in conjunction with the above guidance.

Counties that wish to selectively destroy documents from public assistance group records in accordance with the above guidance must specify the retention periods of the affected documents on the appropriate retention schedules.

Records under federal or state fiscal audit, administrative review, or involved in any claims or expenditures which have been questioned must be maintained until clearance has been given. Upon the initiation of any federal or state audit, the county agency will secure from the auditors written notice of the specific records under audit. The county will maintain a current file of all records undergoing federal or state audit and will refer to that file prior to requesting approval to destroy any case record. The county shall not request approval to destroy any case record undergoing federal or state audit until it secures written notice from the federal or state auditors that the audit is cleared and the claim settled.

## **APM.9213. Storage of Records**

**[OAC 5101-9-21]**

Inactive records (closed case files and those records which are no longer used on a regular basis by the agency) should be periodically removed from the agency's office, boxed, and placed in a secondary storage location to facilitate daily office filing activities and conserve office space and filing equipment.

Secondary locations used for storing the agency's inactive records must provide adequate security and allow prompt and efficient retrieval of required information.

## **APM.9214. Access to Records**

**[OAC 5101-9-21]**

All records documenting a function for which the county is requesting state and federal reimbursement must be made available to ODHS and federal funding sources upon request. This includes all financial and programmatic records, supporting documents, statistical records, and other records of recipients and contractors or subcontractors.

All information and records concerning an applicant/recipient or former recipient must be safeguarded as delineated in Public Assistance Manual (PAM) Section 1140, Food Stamp Certification Handbook (FSCH) Section 1142 and APM 9240 through 9243.5 and are subject to the intercounty transfer requirements set forth in PAM Sections 1203 and Procedure 16 of the FSCH.

All public records must also be made available for inspection to any member of the general public during regular business hours. It is the responsibility of the county agency to maintain its records in such a manner that the agency can fulfill its records access obligations promptly and efficiently.

REFERENCE: ORC Section 149.43

## **APM.9215. Destruction of Records**

**[OAC 5101-9-21]**

The county must obtain approval from the county records commission prior to the destruction of any records. Approval by the county records commission must in turn be reviewed and either approved or denied, in whole or in part, by the Auditor of State, within sixty days. The Ohio Historical Society must also be given sixty days to select records it considers to be of continuing historical value before the records are destroyed.

After permission to destroy the records has been obtained, the county agency must follow the rules established by the county records commission for disposal of county records.

REFERENCE: ORC Section 149.38

**APM.9216.-9219. Reserved**

## **APM.9220. Data Reproduction Mechanisms**

**[OAC 5101-9-22]**

As defined in APM.9211., a record may exist in a variety of physical forms. The county agency may substitute microfilm or electronic data processing copies, or other machine readable media, for documents required for federal/state audit and review purposes for originals provided that:

- (1) The original records are correctly and accurately reproduced;
- (2) All such records, copies, or reproductions carry a certificate of authenticity and completeness in accordance with applicable federal and state law. An agency may consult the county records commission, ODHS Information Management Section, and/or the state records administrator for guidance in the development of such a certificate;
- (3) The film used for copying (if applicable) complies with the minimum quality standards approved for permanent photographic records by the American National Standards Institute (ANSI);
- (4) Reproduced copies are made in duplicate, and the duplicates are stored in a different building;
- (5) Copies are stored in fire resistant files, cabinets, or containers; and
- (6) Equipment necessary to read and copy reproduced records and information in readable form must be readily available to the public during office hours if the record and information are public records pursuant to ORC Section 149.43.

REFERENCE: 45 CFR 74.23, ORC Sections 9.01, 149.43

## **APM.9221. Destruction of Source Documents After Reproduction**

**[OAC 5101-9-22]**

If source documents are to be destroyed after reproduction, the county agency must insure that:

- (1) Reproduced records will be available according to a retention schedule approved by the county records commission; and
- (2) The county agency can properly furnish client eligibility and income information as required by law.

REFERENCE: 45 CFR 205.55, 45 CFR 205.60, ORC Section 149.38

## **APM.9222. Reproduced Record Retention, Access, and Destruction**

Reproduced records are subject to the same retention, access, and destruction requirements as the original records. These requirements are detailed in APM 9210.

## **APM.9223. Reimbursement for Reproduction**

**[OAC 5101-9-22]**

The cost of reproduction, including microfilming and associated equipment, is an allowable cost. The county agency may claim reimbursement for hard copies of reproduced records on the appropriate financial reporting form. However, when the copies are being made for an individual or outside agency which has access as a result of ORC Section 149.43, the county agency may charge a reasonable cost for the hard copies. That charge must be claimed as a receipt on the appropriate financial reporting form.

REFERENCE: OMB Circular A-87 Attachment B (29), 5 U.S.C. 552, ORC Sections 9.01, 149.43

## **APM.9224. Microfilming Board**

**[OAC 5101-9-22]**

If the board of county commissioners has established a microfilming board, a county agency shall obtain prior approval of the board to purchase, lease, operate, or contract for use of any microfilming equipment. If prior approval is granted, the county agency must comply with all applicable procurement standards and contract provisions (APM 4000).

If the county does not have a microfilming board, the county agency must obtain prior approval from the board of county commissioners before contracting to lease or purchase microfilming equipment or services.

REFERENCE: ORC Section 307.80

**APM.9225.-9229. Reserved**

## **APM.9230. Photo Identification Cards**

### **[OAC 5101-9-23]**

Photo identification cards are issued by the county agency to individuals designated to receive aid payments upon determination of eligibility. The following information is included on the ID card:

- (1) Client name (or payee name, if applicable);
- (2) Payee photograph;
- (3) Payee social security number;
- (4) Case number;
- (5) Issuance date;
- (6) Expiration date; and
- (7) Payee's signature.

REFERENCE: ORC Section 5101.19

## **APM.9231. ID Card Contracts**

**[OAC 5101-9-23]**

ODHS contracts with a vendor which provides photo ID equipment, supplies, maintenance and repair.

If a county agency chooses not to utilize the services provided by this vendor, it must maintain a photo ID system which complies with ORC and the following requirements:

- (1) A copy of the card must be submitted to the ODHS Bureau of Accounting before usage begins. The card must be compatible with the current validation plates.
- (2) The card must carry a type of serial number which does not duplicate the numbering series used by ODHS (one alpha followed by six numeric characters.) The serial numbering plan must be approved by the Bureau of Accounting to prevent duplication between counties.
- (3) All costs associated with printing individual card stock must be reported on the [ODHS 2827](#) using the appropriate program and classification codes.

REFERENCE: ORC Section 5101.19

## **APM.9232. Additional Equipment, Supplies, Repair and Maintenance**

If using the ODHS vendor, the county agency must call Polaroid, the current vendor, at 1-800-323-7281 for additional equipment, supplies, repair or maintenance. All costs for repair and maintenance are the responsibility of the vendor.

If replacement units do not arrive within twenty-four hours of a reported breakdown, the county agency must notify the ODHS Bureau of Accounting at (614)466-4303. If equipment is inoperable for more than eight working hours in a thirty day period, a penalty is imposed on the vendor. Other concerns regarding vendor services may be reported to ODHS as well.

## **APM.9233. Reporting Procedures**

ODHS pays contract costs based on the number of ID cards issued to clients each month. If using the current contractor, the county agency must use the ODHS 2705 Monthly Report of Photo Identification Card Issuance to report these numbers. The ODHS 2705 must be submitted to ODHS no later than the tenth day of the month following the issuance period.

ID cards issued for state or county employees must be reported on the ODHS 2705. Photo ID cards for county agency personnel are developed and printed at county agency expense.

REFERENCE: ORC Section 329.03(A)(1)

**APM.9234.-9239. Reserved**

## **APM.9240. Federal Tax Return Information Safeguarding Procedures**

**[OAC 5101-9-25]**

Safeguarding procedures for the Income Eligibility Verification System (IEVS), Federal Tax Refund Offset Program (FTROP), and the Federal Salary Offset Program are necessary to ensure the confidential relationship between the taxpayer and the Internal Revenue Service (IRS). Safeguarding of federal tax information received by the CDHS is required. Safeguarding procedures are derived from the "Tax Information Security Guidelines" booklet, "IRS Publication 1075," prepared by the IRS and from the September 1991 IRS "Safeguard Review Report."

REFERENCE: IRS Code 6103 (p)(4)

## **APM.9241. Disclosure of Federal Tax Return Information**

**[OAC 5101-9-25]**

Disclosure of tax return information to federal, state and local agencies by the IRS or the Social Security Administration (SSA) for use in their AFDC, Medicaid, and Food Stamp programs is authorized by Internal Revenue Code. Federal tax information (FTI) for IEVS is disclosed solely for the purpose of determining eligibility or the correct amount of benefits for each program, and is information from federal wage or IRS matches. FTI for FTROP and the Federal Salary Offset Program are disclosed to specific county staff for administrative purposes. FTI disclosed for FTROP and the Federal Salary Offset Program are the names and addresses of the individuals whose Social Security numbers have matched, and the amount of the tax or salary offset.

REFERENCE: IRS Code Section 6103 (1)(7)

## **APM.9242.      Inspection of Safeguarding Procedures**

**[OAC 5101-9-25]**

The IRS conducts on-site reviews of safeguards at least once every five years, and recommends that periodic inspections should be conducted during the year to ascertain that safeguards are adequate. ODHS staff will inspect each CDHS not less than once per year to ascertain that safeguards of FTI disclosed per Section 9251 are adequate. ODHS reviewers will review a sample of case records, CRIS-E running record comments, and general safeguarding procedures for possible safeguarding violations.

A record will be made of each inspection, citing the findings (deficiencies) as well as recommendations and corrective actions taken where appropriate. CDHS have 45 days from the date they are notified of the deficiencies to correct these deficiencies.

## **APM.9243. CDHS Safeguarding Requirements**

**[OAC 5101-9-25]**

CDHS must have written procedures governing the security of federal tax return information. These procedures must include employee awareness, storage and handling, access, facility security and disposal as addressed in the following subsections regarding safeguarding requirements.

ODHS staff will review these procedures for compliance with the "Tax Information Security Guidelines" and ODHS safeguard requirements. The written procedures must be updated periodically to reflect significant program changes.

## **APM.9243.1      Employee Awareness**

### **[OAC 5101-9-25]**

Employees must be advised at least annually that unauthorized disclosure of FTI is a crime that may be punishable by \$5,000 fine, five years imprisonment, or both. Employees must also be advised annually that a taxpayer may bring suit for civil damages in a United States district court for unauthorized disclosure of returns and return information. There are punitive damages in case of willful disclosure or gross negligence, as well as the cost of the action.

Employees should be made aware that these civil and criminal penalties apply even if the unauthorized disclosure was made after their employment with the CDHS terminated. Employees should also be briefed annually on FTI security procedures.

## **APM.9243.2      Storage and Handling**

### **[OAC 5101-9-25]**

Federal tax data should be handled in such a manner that it does not become misplaced or available to unauthorized staff. Confidential federal tax information must be placed either in a locked container or in locked desks when not in use. Further information on locked containers is included in IRS Publication 1075, "Tax Information Security Guidelines."

The two major types of locking devices are key locks and combination locks. Combinations to locks must be changed 1) when the safe or lock is originally received, 2) at least once a year, 3) when an employee who knows the combination leaves, or 4) whenever the combination is compromised in any way. Keys should only be issued to persons needing to access the files and duplicate keys should be kept to a minimum.

FTI file storage areas require more than normal security. Access to these areas must be limited to the absolute minimum number of employees necessary. The following principles should be followed to adequately restrict access to the files area.

- (1) There should be written procedures identifying employees who have access to FTI;
- (2) Signs must be posted to restrict access;
- (3) Cleaning must be performed in the presence of a secured employee;
- (4) Personnel identification system is recommended in all locations where files contain FTI;
- (5) Access to file areas which contain FTI must be restricted to workers who have a security profile;
- (6) The location and physical layout of the files area should be such that unnecessary traffic is avoided;
- (7) A sign in/out register should be maintained; and
- (8) Keys to the files must only be issued to persons authorized to enter area.

## **APM.9243.3      Access**

### **[OAC 5101-9-25]**

FTI must be handled in such a manner that it does not become misplaced or available to unauthorized personnel. Good safeguarding practice is that access to FTI must be strictly on a need-to-know basis. The potential for improper disclosure is minimized by restricting access to designated personnel. Staff must not be given more information than needed to do their work.

Any federal tax information which is provided through CRIS-E or on paper must not be commingled with other information. FTI should not be filed in areas used for breaks, food preparation or any similar facilities which would be used by employees not authorized to have access to FTI. FTI files also must not be in areas that clients have access to.

**APM.9243.4 Facility Security**

**[OAC 5101-9-25]**

If possible, security staff should be CDJFS employees. Only authorized employees can have access to areas with FTI during nonworking hours.

## **APM.9243.5 Case Records and CRIS-E Running Records**

**[OAC 5101-9-25]**

There must not be any FTI in case records, open or closed, that is not safeguarded. FTI must not be on the CRIS-E running records. FTI must not be on the comments screen or any other screen that can be accessed by persons not connected to the case through inquiry on a need-to-know basis.

**APM.9244. - 9299. Reserved**

## **APM.9300. Audit Objectives and Scope**

**[OAC 5101-9-29]**

Auditing is the systematic application of procedures to compare historical data to established criteria to prepare an attestation as to the degree of correspondence between the two. "Historical data" consists of management representations, either explicit or implicit. "Criteria" may be financial (e.g., generally accepted accounting principles or another comprehensive basis of accounting) or non-financial (e.g., compliance requirements or internal control concepts).

**Definitions applicable to APM 9300 through 9304 are as follows:**

- (1) Audits (a) - Any examination or review of records, books or any other evidence relating to collection, receipt, accounting use, claim or expenditure of state or federal funds from or through the Ohio Department of Job and Family Services (ODJFS).**
  - (b) The determination of whether any person, public office, or vendor or provider of goods or services, to the ODJFS, has complied or is in compliance with the laws, rules, ordinances or orders pertaining to collection, receipt, accounting use, claim, or expenditure of state or federal funds from or through the ODJFS.**
  - (c) Any type of examination or review of any person, public office, vendor, or provider of goods or services to the ODJFS, collecting, receiving, accounting for, using, claiming or expending state or federal funds from or through the ODJFS, or submitting to the department data which serves as the basis for funding from or through the department, of which examination is necessary under state or federal auditing, monitoring or review requirements.**
- (2) Person - An individual, corporation, business trust, estate, trust, partnership or association as used in any statute, unless another definition is provided in such statute or a related statute.**
- (3) Public office - Any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.**

"Audits" fall into two categories as established by **Government Auditing Standards**:

- (1) Financial audits**
  - (a) Financial statement audits**
  - (b) Financial-related audits - audits of financial information presentation, financial compliance, or financial-related internal control**
- (2) Performance audits**
  - (a) Economy and efficiency audits - audits of the economy and efficiency of resource use, of inefficient or uneconomical practices, or of economy and efficiency related compliance**
  - (b) Program-results audits - determination of the extent to which desired results are achieved, the effectiveness of organizations, programs, activities, and functions, and program-related compliance.**

The Bureau of Audit performs audits **or provides for the audit of organizations**, county agencies, programs, activities, and functions **which are under the oversight of ODJFS. The frequency and scope of audits varies with the assessment of audit needs and available resources of the Bureau of Audit.** The objectives of specific audits are determined by the Bureau of Audit **as needed to:**

- (1) Provide accountability for public money;**
- (2) Assess compliance with legal requirements;**
- (3) Assess the results, economy or efficiency of programs, activities or functions under the direct or indirect aegis of the department; or**
- (4) Address federal audit, monitoring, or review requirements.**

REFERENCE: 45 CFR 98.65, 45 CFR 92.26, **ORC sections 5107.20, 1.59, and 117.01 (d)**, OMB Circulars A-87, A-133,

## **APM.9301. Audit Process**

**[OAC 5101-9-29]**

**When an audit is performed by the Bureau of Audit personnel, the audit process consists of the following steps:**

- (1) The Bureau of Audit identifies and schedules various types audits. Whenever practicable, the Bureau of Audit will arrange a consultation with the auditee to minimize disruption of operations and an entrance conference to discuss arrangements for performance of the audit fieldwork.**
- (2) The Bureau of Audit performs necessary audit planning and preparation, which may involve activity at the location of the auditee.**
- (3) The Bureau of Audit performs the necessary audit fieldwork.**
- (4) The Bureau of Audit prepares a draft audit report and makes reasonable efforts to schedule an exit conference with the auditee. An exit conference may not be provided if one can not be scheduled or the audit subject matter is currently the subject of another pending state or federal audit, of a criminal investigation.**
- (5) The final report is issued. Issuance of a draft or final audit report may be delayed by exigencies which impair, impede or otherwise threaten the ability of ODJFS to satisfy the statutory requirement that it supervise agencies or direct compliance with applicable federal statute or regulation, state statute or administrative rule. If the audit subject matter is the subject of a pending state or federal audit, or a criminal investigation issuance of the draft or final audit report may be delayed.**

**The Bureau of Audit may develop policies and procedures at variance with the provisions of this section as necessary to comply with requirements of federal statute or regulation, or state statute.**

**A certified copy of any portion of the report containing factual information is prima facie evidence of the facts contained therein for the purpose of any administrative proceeding pursuant to Chapter 119 of the Revised Code.**

## **APM.9302. Auditee Responsibility**

**[OAC 5101-9-29]**

- (1) Documentation must conform to all requirements prescribed by **ODJFS**, state **statute or administrative rule**, and federal **statute or regulation**. The accounting system maintained by the auditee must document all financial transactions including, but not limited to, the following:
  - (a) Receipts,
  - (b) Disbursements,
  - (c) Transfers,
  - (d) Collections,
  - (e) Refunds, and
  - (f) Advances.

The **auditee** must maintain documentation which permits reconstruction of all transactions and the proper completion of all reports required by state and federal law or regulations, and which substantiates compliance with applicable state and federal law and regulations.

- (2) The **auditee** is responsible for making available to Bureau of Audit personnel all records necessary to fully document the nature of all transactions. Records shall include sufficient detail to disclose the following:
  - (a) Services provided to program participants,
  - (b) Administrative cost of services provided to program participants,
  - (c) Charges made and payments received for 2 (a) and 2 (b),
  - (d) Cost of operating the agencies, programs, activities and functions, and
  - (e) **All other cost or data required by federal statute or regulation, state statute or administrative rule.**

REFERENCE: A-87 Attachment (C) (G) (5), **45 CFR 98.65**

## **APM.9303. Audit Coordination**

The Bureau of Audit schedules and conducts the audit in the most efficient manner possible by coordinating it, to the extent practicable, with audits by other audit organizations to minimize inconvenience to the county. **Audits performed by other public or private audit organizations on behalf of the bureau of audit, will be reviewed and released by the Bureau of Audit. Audit reports for audits performed by Bureau of Audit personnel or by other public or private audit organizations on behalf of the Bureau Audit, may be the basis of action by ODJFS as authorized by federal statute or regulation, state statute or administrative rule, including, but not limited to, ORC section 5101.24.**

## **APM.9304. Audit Conclusion**

**[OAC 5101-9-29]**

At the conclusion of the audit, the Bureau of Audit contacts the appropriate official to schedule an exit conference. Objectives of the exit conference include:

- (1) To provide the Bureau of Audit with the opportunity to present the results of the audit and obtain the response of the **auditee**;
- (2) To ensure that the auditee has a comprehensive understanding of the audit findings; and
- (3) To ensure that all relevant information with respect to issues raised by the audit is communicated to the Bureau of Audit.

The Bureau of Audit is responsible for evaluating the **auditee's written** response to the draft report and must consider whether the report should be amended based on the response. **When a written response is submitted by the auditee** and the Bureau of Audit concludes that a subsequent revision of the draft report is not appropriate or warranted, the **auditee's** response shall be **attached to** or summarized in the final report. **Audit working papers will be maintained to document the audit work performed and the conclusions of the audit staff. Sufficient evidential material will be presented in the audit working papers to support the auditor's conclusions.**

The [ODJFS 02730](#), 'Notice of Collection for ODJFS Conducted County Audit', is used to notify a county that its quarterly reconciliation will be adjusted because of findings related to an ODJFS conducted audit. ODJFS makes deductions for questioned costs as they occur throughout the year, thereby minimizing calendar year overpayment. The entire amount of audit findings are assessed.

**APM.9305.-9499. Reserved**

## **APM.9500. County Family Services Agency Proposals for an Operational Agreement**

**APM 9500 - 9506 establish uniform and consistent procedures for county family services agency to submit a request to ODJFS for an Operational Agreement to address a county-specific or statewide issue in accordance with section 5101.216 of the Revised Code. APM 9500 - 9506 will be used by ODJFS to establish the standards by which ODJFS will review, consider, and approve or deny a county family services agency's proposal for an Operational Agreement.**

## **APM.9501. Statutory Parameters of an Operational Agreement**

Revised Code section 5101.216, effective September 26, 2003, authorizes the ODJFS director to enter into one or more Operational Agreements with boards of county commissioners to do one or more of the following regarding a family services duty:

- (1) Provide for the director to amend or rescind a rule the director previously adopted;**
- (2) Provide for the director to modify procedures or establish alternative procedures to accommodate special circumstances in a county;**
- (3) Provide for the director and board to jointly identify operational problems of mutual concern and develop a joint plan to address the problem;**
- (4) Establish a framework for the director and board to modify the use of existing resources in a manner that is beneficial to the department of job and family services and the county that the board services and improves family services duties for the recipients of the services.**

## **APM.9502. Time Frames Applicable to Operational Agreements.**

- (1) A county family services agency may submit to ODJFS a proposal for an Operational Agreement at any time**
- (2) ODJFS will provide to the county family services agency a tentative approval or disapproval within 90 days of the receipt of a complete proposal packet. The review process described in APM 9500 - 9506 will occur during this 90-day period.**

## **APM.9503. Submission of a Proposal for an Operational Agreement**

- (1) In order for a proposal for an Operational Agreement to be considered complete, the proposal must provide all information required in APM 9504.**
- (2) If a county family services agency decides to submit a proposal for an Operational Agreement, the Director of the county agency should submit the complete proposal to the ODJFS Office of Contracts and Acquisitions which will conduct an initial procedural review and forward complete proposals to the ODJFS office designated as the lead office.**

## **APM.9504. Information Required From a Requesting County Agency**

The proposal for an Operational Agreement submitted to ODJFS by a county family services agency must provide, at a minimum, a detailed explanation of APM 9504 (1) through (5) as follows:

### **(1) Purpose of the Operational Agreement**

A statement of whether the proposal for an Operational Agreement is being submitted under division (A), (B), (C), or (D) of section 5101.216 of the Revised Code (see APM 9501); description of what operational changes are being requested and why the changes are needed; statement of the goals to be accomplished by the Operational Agreement; and the time period to be covered by the Agreement.

### **(2) Substantive Content of the Operational Agreement**

Identification of the goal and benefit of the proposed change; description of the substantive content of each component of the proposed Operational Agreement; identification of each program affected; identification of each Ohio Administrative Code (OAC) rule or ODJFS procedure affected and/or proposed for modification; identification of Ohio Revised Code or federal statute or regulation provisions relevant to the proposal; description of how the proposed changes will be implemented, including a timeline for implementation. This description should provide details of any proposed alternative procedure or modification desired to the current procedure.

### **(3) Resources Associated with the Operational Agreement**

Identification of the county resources (staff, money, other) that will be committed to the proposed Operational Agreement; identification of any resources that are needed from ODJFS; whether the proposal is cost neutral and if not, why not; identification of potential impact on ODJFS information systems; identification of any potential impact on other county or state agencies. If any of this information is not available, explain how the county family services agency will address these issues. If any of this information is not applicable, explain why.

### **(4) Measurement and Evaluation**

Identification of implementation timeframes and completion time period; description of the county goals for improving the family services provided to recipients; identification of quantifiable measures and how the results will be measured; description of the evaluation process that will be used by the county family services agency.

## **APM.9505. Review of County Agency Proposal by ODJFS**

- (1) The ODJFS office that receives a county agency's proposal from the ODJFS Office of Contracts and Acquisitions will initially determine if more than one ODJFS office is affected. The receiving office will act as the lead office and will coordinate efforts with any other affected ODJFS office.**
- (2) The ODJFS lead office will complete an assessment, in coordination with other affected offices, to determine the feasibility and appropriateness of entering into an Operational Agreement with the requesting county.**
- (3) If the proposed Operational Agreement is determined feasible and appropriate by the affected ODJFS office, the proposal will then be reviewed by an internal interdisciplinary team for intra-departmental analysis.**
- (4) After ODJFS has conducted the intra-disciplinary analysis of the county's proposal, ODJFS and the county family services agency will schedule a face-to-face meeting. This meeting should be held within 60 days after the date ODJFS received the proposal from the county agency. The purpose of this meeting is to provide an opportunity for both the county agency and ODJFS to raise questions and obtain answers regarding the proposal and the ODJFS assessment of the proposal. ODJFS and the county agency may agree to waive this meeting. If the meeting results in significant revisions to the proposal or creates the need for further analysis by ODJFS, the county agency and ODJFS may agree upon a revised time limit for an ODJFS response to the county's proposal.**
- (5) ODJFS may request from the county family services agency additional information regarding the proposal and the resources associated with the Operational Agreement such as specific financial, program and administrative costs, technical assistance and training needs, and budgets for each component of the proposal.**
- (6) If the ODJFS lead office and the intra-departmental review team concur on the feasibility and appropriateness of the proposal, then the ODJFS lead office will recommend to the ODJFS Director a tentative approval of the proposal for an Operational Agreement.**

## **APM.9506. Approval or Disapproval of the Operational Agreement**

- (1) If the proposal for an Operational Agreement receives a tentative approval, the county family services agency that submits the proposal will be informed in writing of the tentative approval of the proposal and the proposal will be forwarded to the ODJFS Office of Contracts and Acquisitions for action consistent with paragraph (2) of this section. If the proposal for an Operational Agreement is disapproved, the county family services agency that submits the proposal will be informed in writing by the ODJFS Director of the disapproval of the proposal. Any disapproval will include a statement of the reason(s).**
- (2) The ODJFS Office of Contracts and Acquisitions, in conjunction with the ODJFS lead office, will prepare the Operational Agreement for signing by the requesting county's Board of County Commissioners. Upon signature, the county family services agency will forward the signed written Operational Agreement to the ODJFS Office of Contracts and Acquisitions for signature by the ODJFS Director.**
- (3) The effective date of an Operational Agreement will be the date on which the ODJFS Director signs.**
- (4) The county family services agency and ODJFS may agree to amend or renew an Operational Agreement, subject to the terms of the Operational Agreement. Any such amendment or renewal must be in writing and signed by the same parties who signed the original agreement.**



**APM.9700. Management Information Services**

## **APM.9701. Service Level Agreements (SLAs)**

**[OAC 5101:9-9-15]**

**SLAs are documents of understanding provided by ODJFS Management Information Services (MIS) ODJFS' MIS requires county agencies to enter into an SLA to determine the level of service necessary for the county agency to delineate responsibilities for day-to-day information technology (IT) operations for both entities.**

**The SLA specifies what users can expect from MIS and the county agency concerning equipment supply, equipment standards, equipment servicing, application availability, system response, information technology security, problem handling, and network management. As a condition of providing these items, MIS requires county agencies elect a service level and enter into an SLA.**

**In addition, to the delineation of responsibilities between the county agency and MIS, the SLAs include the delineation of financial responsibility.**

**A county agency wishing to assume more responsibility for the operation of their local network may do so, in accordance with the established SLA levels providing the county agency can maintain eligibility and continues to fulfill the requirements.**

**The signatories to the SLA are the county agency director and the deputy director of Management Information Services. The SLA signature document (SLA.03) is located in the APM Appendix C. SLA .03, incorporates, by reference, a number of additional supporting documents. Due to the nature of the information technology environment, the supporting documents may be updated on an ongoing basis by MIS.**

**NOTE: The ODJFS Inner Website <http://InnerWeb.odjfs.state.oh.us/omis/sla> provides links to the SLA and SLA supporting documentation.**

**In the event of a disagreement regarding provisions of the executed SLA between MIS and the county agency, the initial attempt at resolution will commence at the county agency TPOC and MIS liaison level. If resolution is not possible at this level, the deputy director of MIS and the director of the county agency, or their designees, will work to resolve such issues and may utilize the methodology contained in the fiscal agreements, if necessary.**

**APM.9702.-APM.9799. Reserved**

## **APM.9800. ODJFS Performance Standards**

### **[OAC 5101:9-1-01]**

ODJFS has established performance standards for the assistance, services, and technical assistance that ODJFS provides for the duties and activities of county family services and workforce development agencies that are included in a Partnership Agreement entered into between ODJFS and a board of county commissioners pursuant to section 5101.21 of the Revised Code.

The performance standards included in sections 9800 to 9819 of this Chapter apply to those duties and activities of family services and workforce development agencies that are included in a Partnership Agreement. The Partnership Agreement duties and activities to which these performance standards apply include workforce development activities as defined by section 6301.01 of the Revised Code and CDJFS duties described in section 329.04 of the Revised Code except for child support enforcement and public children services agency duties performed by a CDJFS. These performance standards also apply to those additional CDJFS, CSEA, and PSCA duties that have been specifically added to in a Partnership Agreement. The Performance Standards included in APM sections 9800-9819 do not apply to duties or agencies that are not included in a Partnership Agreement.

These performance standards have been developed through negotiations between ODJFS and the Ohio Job and Family Services Director's Association.

REFERENCE: ORC Section 5101.21

## **APM.9810. County Input on Administrative Fiscal Impact of Rules and Manual Materials**

As part of the clearance process, ODJFS will provide a fiscal impact statement for rules and manual materials that have a fiscal impact on the administrative duties and activities of county family services and workforce development agencies that are included in a Partnership Agreement. The fiscal impact statement will be based on information provided by the ODJFS Office of Fiscal Services. The information may be found as a narrative statement in the draft transmittal letter or as a separate document explaining the fiscal impact on the implementation by county agencies of rules or manual materials. This will allow county agencies the opportunity to comment on the fiscal impact during the formal clearance process. The originator of the clearance will provide to the Office of Fiscal Services copies of all county comments on the fiscal impact statement for review and analysis. The clearance originator will consider county agency comments and the Office of Fiscal Services review and analysis when finalizing rules or manual materials.

## **APM.9811. Timely Issuance of Rules and Manual Materials**

ODJFS will issue rules and manual materials affecting duties and activities of county family services and workforce development agencies that are included in a Partnership Agreement

at least thirty days prior to the effective date, except when circumstances prevent thirty-day advance issuance. Examples of circumstances that would prevent thirty-day advance issuance include federal or state laws, rules, regulations, Executive Orders, audit findings, court orders, or other directives requiring implementation by a date that does not provide adequate advance notice to ODJFS to develop and issue rules and manual materials thirty days in advance of the effective date. Paper distribution of rules and manual materials may not arrive at the county agency thirty days prior to the effective date due to printing and mailing delays. The time involved in print distribution is generally beyond the control of ODJFS. To meet the standard for timely issuance, ODJFS will post rules and manual materials on the ODJFS InnerWeb soon after the Director signs the documents, and the paper distribution will follow. The ODJFS InnerWeb also provides a link to proposed rules filed with the Joint Committee for Agency Rule Review (JCARR) giving county agencies access to proposed rules before the rule becomes final. County agencies will need to monitor the ODJFS InnerWeb on a regular basis for new rule, manual, and policy issuances. **The InnerWeb site for Clearance, proposed rules, and manuals is <http://innerweb/lpc/>**

County agencies will continue to be notified by e-mail of Clearance documents proposing new rules or manual materials affecting duties and activities of county family services and workforce development agencies that are included in a Partnership Agreement. ODJFS has established an initial e-mail distribution list that will include each county agency included in a Partnership Agreement. If a county agency director wishes to add additional e-mail addresses to the **clearance** distribution list, the county director should contact the **ODJFS Office of Legal Services at [legal@odjfs.state.oh.us](mailto:legal@odjfs.state.oh.us)**.

In addition, when new or amended rules or manual materials are due to changes in federal or state statutes, regulations, or other directives, ODJFS will post links to documents or the documents themselves after they are received from the issuing source (i.e. federal agencies, federal register, General Assembly).

## **APM.9812. Timely Training or Technical Assistance for County Staff**

ODJFS agrees that all new policies and rules will be assessed for their impact on the family services duties and workforce development activities of county family services and workforce development agencies that are included in a Partnership Agreement. The assessment is to determine the appropriate level of training or technical assistance needed for local implementation. As part of the Clearance process, ODJFS will provide a training and technical assistance impact statement for rules and manual materials that have an impact on family services duties and workforce development activities of county family services and workforce development agencies included in a Partnership Agreement. The information may be found as a narrative statement in the draft transmittal letter or as a separate document explaining the ODJFS assessment of the training and technical assistance impact on the implementation by county agencies of rules or manual materials.

During the Clearance process, county agency reviewers will indicate in the Clearance response a county assessment of the type of training or technical assistance needed to implement the new policy or rule. The county reviewers may agree with the ODJFS assessment or may offer constructive recommendations for a different level of training and technical assistance needed for county staff to implement the rule or manual changes. The Clearance comments will be reviewed as part of the determination of appropriate training or technical assistance.

Review results may indicate a range of appropriate training and technical assistance needs including but not limited to:

- Simple policy change, requires no training in addition to the issuance of the policy through normal processes (ACT, MTL, ACT, PAM, CRIS-E flash).
- Moderate policy change, requires an overview of the policy and opportunity to ask clarifying questions. Training or technical assistance may be provided via video conference, through staff visits to counties, telephone consultation, or other identified means.
- Complex policy change, requires detailed walk through of the policy and opportunity for county staff to ask clarifying questions and discuss implementation issues or program coordination issues. Training or technical assistance may be provided via face-to-face training or technical assistance sessions, video conference, staff visits to counties, telephone consultation, or other identified means.

ODJFS will develop a plan to implement the appropriate level of training or technical assistance within 90 days after the effective date of a change in rule or policy. ODJFS staff will review policy changes with county staff at Technical Assistance meetings. County directors will coordinate with the appropriate **ODJFS** staff regarding additional need for technical assistance or training.

## **APM.9813. Timely Resolution of Requests for County Hearing Reviews**

The ODJFS Office of Legal Services provides an opportunity for county agencies to seek an administrative review of a state hearing decision. A county agency that disagrees with a state hearing decision, to which it is a party, may request that the decision be reviewed by the Office of Legal Services. This review is limited to state hearing decisions issued under the authority of section 5101.35 of the Revised Code, and is not available for administrative disqualification hearings, Chapter 119 hearings, investigations, audit findings, funding, or other decisions issued by ODJFS. The county request for a review will not stay the implementation of the state hearing decision nor will it be able to change the outcome of the state hearing decision. The hearing review provides the county agency with the opportunity to receive a clarification of policy interpretations and applications made in state hearing decisions. The hearing review decision is shared with all state hearings supervisors to help ensure uniformity of policy application.

A request for a county hearing review must be in writing and meet all of the following requirements:

- The request must be signed by the agency director;
- The request must be received by the ODJFS Office of Legal Services within 15 days of the issuance date of the state hearing decision; and,
- The request must assert that the state hearing decision is either contrary to the weight of the evidence presented at the state hearing, or that the decision incorrectly applies the law or rules, or that a prejudicial error was committed in the course of the proceedings. The request must include all assertions and arguments that the agency director wishes to be considered in the hearing review process.

If a request for a county hearing review does not meet all three of the above requirements, the Office of Legal Services will issue a written notice of dismissal to the county agency. If a request for a county hearing review meets all three of the above requirements, the Office of Legal Services, after review of the hearing record and consultation with relevant policy offices, will issue a decision. When a county hearing review decision addresses family services duties of county family services agencies that are included in a Partnership Agreement, ODJFS will issue decisions within 30 days of the receipt of the request.

## **APM.9814. Timely Response to County Requests for Policy Interpretations**

ODJFS agrees to promptly respond to a county request for a policy interpretation on family services duties and workforce development activities of county family services and workforce development agencies that are included in a Partnership Agreement. ODJFS will make every effort to issue a timely response with the goal of providing a response within fifteen (15) calendar days of receiving such a request from the county agency.

The county request for a policy interpretation will be made to the appropriate ODJFS **program** office staff except when another ODJFS office has been identified as the primary point of contact. The ODJFS office receiving the request will provide a response to the question or an acknowledgment of receipt of the request within five (5) business days of receipt.

The **program** office staff that receives the request from the county agency is responsible for ensuring that a response is made to the county agency within the fifteen-day time period, with an acknowledgment of receipt within five business days. Depending on the circumstances, the **program** office staff response may be in one of the following manners: a complete response to the question is provided; the county is notified that outside resources are necessary to provide a response (such as a request for an Attorney General Opinion, input from a federal agency, etc.); the county needs to refer the question to another entity (such as the county prosecutor, another agency, etc.) as ODJFS is not the appropriate source for a response; or that the issue requires additional time within ODJFS to resolve the questions presented by the county. If additional time is needed for a response, the **program** office staff will keep the county posted on the progress of the final response. If ODJFS is unable to provide a response, the **program** office staff will advise the county of why ODJFS cannot provide a response and when possible, provide an alternative source for information or interpretation.

A policy interpretation provided by ODJFS may not replace, amend, or in any manner supersede any state or federal statute, rule, regulation, or other appropriately adopted policy. If a policy interpretation is necessary because the meaning of an ODJFS rule is unclear, ODJFS **program** office policy staff should review the rule to determine whether an amendment to the rule is a more appropriate remedy than to issue a policy interpretation. ODJFS may not provide legal advice or counsel to county agencies since the county prosecuting attorney is the legal advisor to county agencies.

## **APM.9815. Timely Fiscal Reports**

ODJFS shall provide initial quarterly reports by the 15<sup>th</sup> of the second month after the end of the reporting period to those county agencies included in a Partnership Agreement that have submitted accurate quarterly reports by the 20<sup>th</sup> of the month following the end of the reporting period. A county agency that submits an untimely quarterly report will receive zeros for the preliminary report. The county agency will then have 30 days from the date of the preliminary report to review the document, make corrections, and /or complete uploading late data. The Department will process the final report which will be sent to the county agency for sign off. ODJFS will work with the Ohio Job and Family Services Directors Association to resolve any issues regarding the timely issuance of reports from and to the counties.

## **APM.9816. Timely Allocation of Funds**

ODJFS will provide the initial consolidated allocations to the CDJFS by June 15<sup>th</sup> of each year based upon the best department budget figures available at the time. When ODJFS does not have final appropriations because of a pending biennial budget bill or supplemental bill, ODJFS will issue allocations based on proposed funding appropriations in the budget bill as passed by the House of Representatives unless the budget bill has been signed by the Governor sufficiently before June 15 to allow ODJFS to calculate initial funding allocations based on a final appropriation. Final allocations will be available within 10 working days of the signing of the budget bill.

## **APM.9817. Timely Calculation and Issuance of County Advances**

ODJFS will calculate and issue county advances to each CDJFS included in a Partnership Agreement by the 10<sup>th</sup> working day of each month. Supplemental advances will be issued as needed in compliance with the APM. ODJFS will work to assure that multiple supplementals can be issued for a specific line.

## **APM.9818. Evaluating Quality and Delivery of Services Provided**

ODJFS will meet with the state associations and county agency representatives to develop a process for evaluation of ODJFS service delivery for the duties and activities of county family services and workforce development agencies that are included in a Partnership Agreement.

## **APM.9819. Provision of Information Services for Duties and Activities Included in a Partnership Agreement**

ODJFS will program policy changes into CRIS-E within 90 days of the effective date of the policy change except when the scope of the policy changes is of a magnitude that prevents ODJFS from meeting this goal. When the policy change is of such a scope as to prevent ODJFS from meeting the 90-day performance standard, ODJFS will alert the appropriate county agencies and associations in advance.

The ODJFS Office of Management Information Services will implement the Information Technology Management Model which will include county and/or association representation on the Change Control Review Board to determine and prioritize changes and upgrades to the systems. Subject to the availability of funds, ODJFS will continue the development of a computer system to link multiple ODJFS mainframe systems and will utilize the Change Control Review Board process, with county and/or association representation, to determine and prioritize development, changes, and upgrades to that system.



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**JFS 01419 Alternative Response Family Assessment**

<http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01419>

**JFS 01419-Instructions for Completing the JFS 01419, Alternative Response Family Assessment**

**<http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01419>**

**JFS 01423 Alternative Response Ongoing Case Assessment**

<http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01423>

**JFS 01423-Instructions for Completing the JFS 01423, Alternative Response Ongoing Case Assessment**

<http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01423>

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