# Cash Assistance Manual Table of Contents

*Mike DeWine, Governor*

*Kimberly Hall, Director*

*Ohio Department of Job and Family Services*

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TO: All Cash Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Five Year Rule Review: The recertification requirement.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend these rules; rescind these rules; or continue these rules without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 06/01/2020.

Chapter 1000

5101:1-2-10 "The Recertification Requirement."

This rule sets forth the policy for the recertification process for Ohio Works First (OWF) recipients. The Office of Family Assistance has amended this rule to allow an assistance group who is applying for OWF and has an established Supplemental Nutrition Assistance Program (SNAP) certification period to adjust the OWF eligibility period to align with SNAP. The amended rule allows an assistance group who is approved for OWF and is applying for SNAP to shorten their OWF eligibility period and re-establish eligibility to align with SNAP. Minor language changes were also made to improve clarity.
February 27, 2020

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 3/2/2020.

Chapter 2000

5101:1-3-11 "Ohio Works First: appraisals, assessments, and self sufficiency contract."

The rule describes the requirements and processes for appraisals and assessments for Ohio works first applicants and participants. This rule also describes the requirements of a self sufficiency contract and plan. Finally, this rule describes the requirements of individual opportunity plans for those who are required to participate in the comprehensive case management and employment program. OFA amended this rule. The following changes have been made to the rule:

- Paragraph (A)(1) has been removed for clarity;
- The title for paragraph (A) has been amended to “Which rules and definitions apply for appraisals, assessments and self sufficiency contracts?”;
- Paragraph (A)(4) has been combined and moved to respond to revised paragraph (A); and
- Minor grammatical changes have been made throughout the rule for clarity.
TO: All Cash Assistance Manual Holders  
FROM: Kimberly Hall, Director  
SUBJECT: Five-year review: The Ohio Works First Employment Incentive Pilot Program

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 02/01/2020.

Chapter 2000

5101:1-2-90 "The Ohio Works First Employment Incentive Program."

The rule describes a pilot program that provides a cash incentive payment to caseworkers in participating counties to help Ohio Works First (OWF) participants find employment that leads to the participant being ineligible for OWF. OFA rescinded this rule because it refers to expired temporary law in section 751.35 of Am. Sub. H.B. No. 483.
TO: All Cash Assistance Manual Holders  
FROM: Kimberly Hall, Director  

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 12/1/2019.

Chapter 1000

5101:1-1-50 "Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System."

The rule describes the policy regarding written declaration for citizenship/alien status and the use of the Systematic Alien Verification for Entitlements System (SAVE) of noncitizens who apply for the Ohio Works First; Prevention, Retention and Contingency; and Refugee Cash Assistance programs. The Office of Family Assistance (OFA) has rescinded and replaced this rule with a new rule as more than 50 percent of the language has been stricken. The rule has been reorganized to improve clarity. Changes to the rule include:

- Language in paragraph (A) referring to forms JFS 7200 and JFS 7204 was stricken and replaced with the term "application" in accordance with rule 5101:1-2-01 of the Administrative Code;
- The term "reaplication" was replaced with "recertification" in order to align with rule 5101:1-2-10 of the Administrative Code;
- Paragraph (B)(1)(a)(ii) removed the word "seven" in order to align with the definition of A-number as defined by the U.S. Citizenship and Immigration Services;
- Paragraph (C) was stricken and combined with paragraph (D);
- New paragraph (C) defines the SAVE system;
- New paragraph (D) has been modified to identify methods of verifying documents;
- Former paragraph (D)(3) was stricken and moved to new paragraph (E) to improve clarity;
- New paragraph (F) was updated to reflect the manual process to be used for extraordinary circumstances in verifying an individual's immigration status; and
- Minor language changes to improve clarity.
TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Kinship Caregiver Program.

Section 307.100 of Amended Substitute House Bill 166 of the 133rd General Assembly authorized the creation of the Kinship Caregiver Program (KCP). Like its predecessor, the newly enacted Kinship Caregiver Program is a joint effort between County Departments of Job and Family Services and Public Children Services Agencies and is operated through the Prevention Retention and Contingency (PRC) program.

The purpose of KCP is to assist kinship caregivers with providing and maintaining a home for a child in place of a child's parents by providing reasonable and necessary relief of child caring functions through family stabilization and caregiving services. The Office of Family Assistance (OFA) has adopted a new rule that is intended to ensure the allowable use of Temporary Assistance for Needy Families (TANF) funds within KCP; and to provide county agencies clear guidance when updating their PRC plans.

The Office of Family Assistance (OFA) has taken the actions described below.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 12/1/2019.

Chapter 2000

5101:1-24-30 "Kinship Caregiver Program."

The rule describes: the requirements for ensuring TANF eligibility of KCP assistance groups; the protections for ensuring that benefits and services remain TANF non-assistance; the elements of the stabilization caregiving services; and defines the assistance group composition for each service.
TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 12/01/2019.

Chapter 2000

5101:1-23-70 "Ohio Works First: Erroneous Payments."

The rule describes erroneous payments for the Ohio Works First program. The Office of Family Assistance (OFA) has amended this rule. Changes to the rule include:

- Paragraph (E) has been stricken and moved to paragraph (A).
- Paragraphs (A) through (E) were reordered and put into question and answer format to improve clarity.
- Language in new paragraph (E) was updated to outline the process when a county chooses not to collect an agency error overpayment.
- Language has been added to paragraph (I)(3) to clarify assistance groups are liable for an erroneous payment when an adverse action is proposed, payments continue without change due to a timely hearing request, and the hearing decision affirms the county agency proposal.
- Minor language changes were made for clarity.
Cash Assistance Manual Transmittal Letter No. 145

August 28, 2019

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Rule 5101:1-3-12.5 Ohio Works First: Job Search and Job Readiness Assistance.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/5/2019.

Chapter 2000

5101:1-3-12.5 "Ohio Works First: Job Search and Job Readiness Assistance."

The rule describes the job search and job readiness assistance program. The rule details relevant definitions and limitations when counting job search and job readiness activities toward the federal work participation rate. OFA amended this rule. Changes to the rule include:

- An update to paragraph (C)(7) which is now paragraph (C)(6)(c);
- The term “smoking cessation” was removed from paragraph (B)(2)(e) because a healthier lifestyle is not limited to smoking cessation; and
- Minor grammatical changes have been made for clarity.
TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Five Year Rule Review: Benefit Eligibility: Victims of Trafficking and Family Members of Victims of Trafficking.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). These rules will become effective on 7/8/2019

Chapter 1000

5101:1-2-30.1 "Benefit Eligibility: Victims of Trafficking."
This rule sets forth the policy for determining benefit eligibility for victims of trafficking. The Office of Family Assistance (OFA) has amended this rule. Changes to the rule include:

- Replacing the reference to the Trafficking Victims Protection Act of 2000 with 22 U.S.C. 7105 (12/2018);
- Replacing section 207 of the Immigration and Nationality Act (1997) with 8 U.S.C. 1612 (9/2008); and
- Minor language changes to improve clarity.

5101:1-2-30.3 "Benefit Eligibility: Family Members of Victims of Trafficking."
This rule sets forth the policy for determining benefit eligibility for family members of victims of trafficking. OFA has amended this rule. Changes to the rule include:

- Updating of the rule to include T-6 visa holders as a family member of a victim of severe forms of trafficking;
- Replacing the reference to the Trafficking Victims Protection Act of 2003 with 22 U.S.C. 7105 (12/2018); and
- Minor language changes to improve clarity.
TO: All Cash Assistance Manual Holders  
FROM: Kimberly Hall, Director  
SUBJECT: Five-year review: Correction of ADC underpayments

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 05/01/2019.

Chapter 2000

5101:1-25-22 "Correction of ADC underpayments."

The rule describes the process of completing ADC underpayment corrections. OFA rescinded this rule because it refers to Aid to Dependent Children (ADC) underpayments. ADC ended with the creation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which took effect August 22, 1996.
TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director

SUBJECT: Five-year review: Ohio works first: work allowance overpayments that occurred prior to October 1, 1997

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 05/01/2019.

Chapter 2000

5101:1-23-70.2 "Five-year review: Ohio works first: work allowance overpayments that occurred prior to October 1, 1997."

The rule describes how Ohio works first (OWF) work allowance overpayments that occurred and were discovered prior to October 1, 1997 are collected. OFA amended this rule. This rule has been revised into question-and-answer format.
CAMTL 141 (Five-Year Review: OWF: Overpayments of Aid to Dependent Children/TANF Cash Assistance and/or OWF that Occurred Prior to July 1, 1998)
Cash Assistance Manual Transmittal Letter No. 141

April 9, 2019

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Five-year review: Ohio works first: overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 05/01/2019.

Chapter 2000

5101:1-23-70.1 "Ohio works first: overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998."

The rule describes how overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998 are collected. OFA amended this rule. Changes to the rule include:

- Language was added to (B) outlining the process when a county chooses not to collect an agency error overpayment.
CAMTL 140 (Five Year Rule Review: TANF: OWF and PRC: Individual Development Account Program)
Cash Assistance Manual Transmittal Letter No. 140
January 2, 2019

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend these rules; rescind these rules; or continue these rules without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2019.

Chapter 2000

5101:1-3-18 "TANF: OWF and PRC: Individual Development Account Program."

This rule sets forth the policy for the administration of an individual development account program. The Office of Family Assistance amended this rule with the following changes: for minor language changes to improve clarity. No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: The Application and Recertification Process for Ohio Works First and Refugee Cash Assistance.

Ohio Administrative Code rules 5101:1-2-01 and 5101:1-2-10 describe the application and reapplication process for Ohio Works First or Refugee Cash Assistance programs. These rules have been amended to remove references to the Disability Financial Assistance program due to the repeal of this program in accordance with section 812.40 of House Bill 49 of the 132nd General Assembly. The amendments to Ohio Administrative Code rule 5101:1-2-01 will also include the use of telephonic signatures for applications in order to align with Supplemental Nutrition Assistance Program policy.

The Office of Family Assistance (OFA) has completed a review of the following rules and the rules were subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2019.

Chapter 1000


This rule describes the procedures for county agencies to follow regarding Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance. OFA amended this rule. Changes to the rule include:

- The use of telephonic signatures for application in order to align with Supplemental Nutrition Assistance program policy.
- Removal of references to the Disability Financial Assistance program from this rule due to the repeal of the program in accordance with section 812.40 of House Bill 49 of the 132nd General Assembly.
- Minor language changes were made for clarity.

5101:1-2-10 "The Reapplication Requirement."

This rule describes the procedures for county agencies to follow regarding Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance. OFA amended this rule. Changes to the rule include:

- Removal of references to the Disability Financial Assistance program from this rule due to the repeal of the program in accordance with section 812.40 of House Bill 49 of the 132nd General Assembly.
- Minor language changes were made for clarity.
TO:       All Cash Assistance Manual Holders
FROM:    Cynthia C. Dungey, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/19

Chapter 1000

5101:1-2-70 "Issuance of Cash Assistance Benefits"

The rule describes the different methods available for issuing cash assistance benefits. It also explains the benefit options that are available to the assistance groups, as well as whether there is a fee associated with the card. The Office of Family Assistance (OFA) has amended this rule.

Changes to the rule include:

- Removal of the reference to Disability Financial Assistance (DFA) from this rule due to the repeal of the DFA program in accordance with section 812.40 of the Ohio Revised Code.
- The term "CRIS-E" was replaced with "statewide automated eligibility system."
- Paragraph (C)(2)(a) was stricken and reorganized for clarity.
- Paragraph (C)(2)(b) was stricken and moved to paragraph (G).
- New paragraph (G) clarifies the action that will be taken if an electronic payment card is not activated. The meaning of "activate" is defined as taking all steps necessary to use the electronic payment card, including creating a personal identification number (PIN). The paragraph clarifies all benefits authorized during the preceding ninety-day period shall be expunged; and all benefits issued after the ninetieth day shall be expunged on a monthly basis until the card is activated. The rule further clarifies that expunged benefits are no longer available and shall not be reissued.
- Minor language revisions to improve clarity.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 12/01/2018.

Chapter 1000

5101:1-1-36 "Income and Eligibility Verification System."

The rule describes Income and Eligibility Verification System, and provides information on how the source agencies compile data to generate matches and describes the county agency’s responsibilities in processing these matches in the statewide automated eligibility system. OFA amended this rule. Changes to the rule include:

- The rule was put into question-and-answer format.
- Paragraph (G) was modified to reduce duplication of information.
- Minor changes were made throughout to improve clarity.
- The word "CRIS-E" was replaced with "statewide automated eligibility system."
CAMTL 136 (Rule 5101:1-3-10 Ohio Works First: Child Support Requirement)
Cash Assistance Manual Transmittal Letter No. 136
October 24, 2018

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/1/2018.

Chapter 2000

5101:1-3-10 "Ohio Works First: Child Support Requirement."

The rule describes the child support assignment requirement. It describes who must comply and the consequences for the failure or refusal to comply with the rule. Changes to the rule include being rewritten in question and answer format and other minor changes for clarity. Paragraph (C) has been rewritten to clarify who is required to comply with the Child Support Enforcement Agency (CSEA) and who is responsible for ensuring caretaker members of the assistance group comply with the CSEA.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule is a no-change rule and the effective date of the rule will remain 9/1/2013.

Chapter 2000

5101:1-3-15.1 "Transition of Ohio Works First Sanctioned Assistance Groups and Compliance."

The rule describes how a failure or refusal ceases for sanctioned OWF assistance groups with a self sufficiency contract failure that occurred prior to September 1, 2013. The Office of Family Assistance (OFA) has not made any changes to this rule.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 10/01/2018.

Chapter 2000

5101:1-3-15 "Ohio Works First: Three-Tier Sanctions."

The rule describes Ohio Works First (OWF) Three-Tier Sanctions, how sanctions are imposed, effective date, sanction compliance, reinstatement of OWF after a sanction has ended and consequences with assistance group movement. The Office of Family Assistance (OFA) has amended this rule.

Changes to the rule include:

- The term "food assistance" was replaced with "supplemental nutrition assistance program (SNAP)."
- The term "CRIS-E" was replaced with "statewide automated eligibility system."
- Updates to citations and minor language changes for clarity.
The rule describes the procedures for county agencies to follow regarding Ohio Works First (OWF), Disability Financial Assistance (DFA), and Refugee Cash Assistance (RCA) verification and reporting requirements. Under current rules OWF, DFA and RCA recipients are required to complete and return an interim report. This amendment removes the requirement to complete and return an interim report for these programs. The amendment also removes reference to the DFA program due to the repeal of this program.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule was subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/01/2018.

Chapter 1000

5101:1-2-20 "Ohio Works First, Disability Financial Assistance, Refugee Cash Assistance: Verification and Reporting Requirements."

This rule describes the procedures for county agencies to follow regarding OWF, DFA, and RCA. OFA amended this rule. Changes to the rule include:

- The removal of references to DFA from this rule due to the repeal of the DFA program in accordance with section 812.40 of the Ohio Revised Code. Effective December 1, 2017, funding was no longer available for the DFA program.
- Removal of the requirement for an OWF assistance group to complete and return an interim report contained in paragraph (I). The requirement to complete and return an interim report by families receiving Supplemental Nutrition Assistance Program (SNAP) benefits is unrelated to the OWF program and is; therefore, has been removed. Paragraph (H) of rule 5101:1-2-20 of the Administrative Code describes the reporting requirements of a family receiving OWF. A failure to report required changes to the OWF program will continue to result in an overpayment and potentially, the loss of OWF eligibility; and failure to return an interim report for families receiving SNAP, will continue to result in a loss of SNAP benefits.
- Minor language changes were made for clarity.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director

The rules describe the federal work participation requirements for work eligible participants and the work activity guidelines. Established federal guidance states the conversion rate for work activities is 4.33 weeks in a month. The amendments align the rules with the federal conversion rate.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 9/1/2018.

Chapter 2000

5101:1-3-01 "Ohio Works First: Federal Work Participation Rates."
The rule describes the federal work participation requirements and activities for work eligible individuals. OFA amended paragraph (F) of this rule to align with federal guidance for converting weekly-to-monthly hours. Although the required number of weekly hours has not changed, converting weekly hours to monthly hours using a factor of 4.33 instead of 4.3 increases the monthly hours.

5101:1-3-12 "Ohio Works First: Work Activities."
The rule describes the work activity guidelines for Ohio Works First. The rule details work eligibility, hour requirements for work participation, work activity assignments, penalties for failure to complete a work assignment, verification of paid work activities and other Ohio Works First work activity requirements. OFA amended paragraph (I) of this rule to align with federal guidance pursuant to the 2008 TANF Data Report for converting weekly-to-monthly hours. Although the required number of weekly hours has not changed, converting weekly hours to monthly hours using a factor of 4.33 instead of 4.3 increases the monthly hours. In addition, paragraph (I) has been amended to change an Ohio Administrative Code rule reference from rule 5101:1-2-20 to rule 5101:4-7-01.
CAMTL 131 (Rescission- Elimination of the Disability Financial Assistance Program)
Cash Assistance Manual Transmittal Letter No. 131
June 25, 2018

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Rescission- Elimination of the Disability Financial Assistance program

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on August 1, 2018.

Chapter 3000

5101:1-5-01 "Disability Financial Assistance."
The rule describes the definitions and payment standards for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-10 "Disability Financial Assistance: Nonfinancial Eligibility Requirements."
The rule describes the nonfinancial eligibility requirements for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-20 "Disability Financial Assistance: the Determination of a Disability."
The rule describes the disability determination process for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-30 "Disability Financial Assistance: Resources."
The rule describes the resources for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-40 "Disability Financial Assistance: Income."
The rule describes the income requirements for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-50 "Disability Financial Assistance: Payments."
The rule describes the payments for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

The rule describes the supplemental security income case management program for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.

5101:1-5-70 "Disability Financial Assistance (DFA): Interim Assistance."
The rule describes interim assistance for the DFA program. OFA rescinded this rule because as of 12/31/2017 the program is no longer in effect.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 03/01/2018.

Chapter 2000

5101:1-3-12 "Ohio Works First: Work Activities."

This rule describes work activities for the Ohio Works First program. The Office of Family Assistance (OFA) amended this rule with the following changes:

- Minor language changes to improve clarity;
- Added language in paragraph (C)(1)(f) to clarify a failure to meet the work participation rate by a work eligible individual is disregarded from the federal work participation rate for no more than twelve months in the work eligible individual's lifetime and that the county agency may assign the work eligible individual to one or more activities as determined by the county;
- Added language in paragraph (C)(3) to require another activity assignment when an activity is unavailable;
- Paragraph (H)(5)(e) was updated to clarify what information needs to be included for verifying hours of participation;
- Paragraph (H)(5)(f) was stricken since the information was moved to paragraph (H)(5)(e);
- Paragraph (K)(7) was amended to align with section 5107.66 of the Revised Code; and
- The term "CRIS-E" is being replaced with the term "statewide automated eligibility system."
CAMTL 129 (Comprehensive Case Management and Employment Program Changes (CCMEP))
Cash Assistance Manual Transmittal Letter No. 129
September 27, 2017

TO: Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Comprehensive Case Management and Employment Program Changes (CCMEP)

Under current rules, an OWF work eligible individual (WEI) is required to undergo an appraisal and sign a self-sufficiency contract (SSC) prior to being referred to CCMEP, and once referred to CCMEP the WEI must complete a comprehensive assessment and sign an individual opportunity plan (IOP). This duplication is not optimal or efficient but was a necessary result of the limited rule-making authority in the CCMEP temporary law. CCMEP is now in permanent law, which provides the Ohio Department of Job and Family Services (ODJFS) with enhanced rule-making authority to remove the unnecessary duplication. The Office of Family Assistance (OFA) is proposing rule changes to streamline the process by only requiring a comprehensive assessment and a signed IOP in order to authorize OWF benefits for WEI’s between the ages of fourteen and twenty-four. OFA has taken the actions described below.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2017.

Chapter 1000


This rule describes the application process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance. OFA has amended this rule. Language was added to paragraph (B)(2)(a) to require the county agency to complete the following before authorizing OWF:

- Refer work eligible individuals between the ages of fourteen and twenty-four to the CCMEP lead agency for a comprehensive assessment within seven days of the date of application for OWF, and ensure the individual has signed an individual opportunity plan developed in accordance with rule 5101:14-1-04 of the Administrative Code that includes an assignment to at least one CCMEP activity, and
- For all other work eligible individuals, minor heads of household, and adult members of the assistance group who are not between the ages of fourteen and twenty-four, assess, appraise and enter into a written self-sufficiency contract.

Chapter 2000

5101:1-1-01 “Temporary Assistance for Needy Families Definitions.”

This rule describes the definitions related to the temporary assistance for needy families (TANF) program. OFA has amended this rule. Changes to the rule include:

- Added paragraph (GG)(1) to require the terms “appraisal” and “assessment” to be read to include a comprehensive assessment conducted in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four.
- Added paragraph (GG)(2) to require the terms “self-sufficiency contract” and “self-sufficiency contract and plan” to be read to include an individual opportunity plan developed in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four.

This rule describes the appraisal, assessment and self-sufficiency contract process for the Ohio Works First program. OFA has amended this rule. Changes include:

- Added paragraph (A)(4) to clarify the terms “appraisal” and “assessment” to be read to include a comprehensive assessment in accordance with division 5101:14 of the Administrative Code for work eligible individuals (WEIs) between the ages of fourteen and twenty-four;

- Clarified the terms “self-sufficiency contract” and “self-sufficiency contract and plan” to be read to include an individual opportunity plan in accordance with division 5101:14 of the Administrative Code for WEIs between the ages of fourteen and twenty-four years of age.

- Paragraph (J) was rewritten for clarity and to make the following changes:
  - Removed the requirement that each WEI between the ages of sixteen and twenty-four undergo an appraisal and sign a self-sufficiency contract, then be referred to CCMEP. New language requires each WEI between the ages of fourteen and twenty-four to have a comprehensive assessment and IOP completed by the lead agency prior to the authorization of OWF.
  - Clarified that the IOP meets the requirements of a self-sufficiency contract and plan, and that a failure to comply with the IOP without good cause results in a sanction;
  - Made the lead agency responsible for determining: whether an individual failed to comply with the IOP; good cause for a failure or refusal to comply with the IOP; the compliance activity when an OWF sanction is imposed;
  - Clarified the referral to the lead agency shall include the number of hours expected to be assigned in accordance with rule 5101:1-3-12 of the Administrative Code, and the number of months a WEI has participated in OWF subject to the time limit.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year review state tax refund offset program.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 07/01/2017.

Chapter 4000

5101:1-1-90 "Ohio works first: state tax refund offset program."

The rule describes the state tax refund offset program for Ohio works first. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and the term "CRIS-E" was replaced with "statewide automated eligibility system." No substantive changes were made.
TO: All Cash Assistance Manual Holders

FROM: Cynthia C. Dungey, Director


In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 06/01/2017.

Chapter 1000

5101:1-2-30.2 "Benefit Eligibility: Indefinite Detainees or Lifers."

This rule describes benefit eligibility for indefinite detainees or lifers for the Refugee Cash Assistance (RCA), Disability Financial Assistance (DFA) and Ohio Works First (OWF) programs. The Office of Family Assistance (OFA) amended this rule with: minor language changes to improve clarity; clarification that the DFA program is subject to this rule; removed a U.S. Supreme Court case reference in paragraph (B); and references to two United States Citizenship and Immigration Services (USCIS) forms were removed.


The rule describes sponsor-to-alien deeming requirements for the Ohio Works First and Disability Financial Assistance programs. OFA amended this rule with minor language changes to improve clarity. No substantive changes were made.
CAMTL 126 (Five Year Rule Review: 5101:1-3-12.2, 5101:1-3-12.7, 5101:1-3-12.11, and 5101:1-3-12.12)
Cash Assistance Manual Transmittal Letter No. 126

April 26, 2017

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: Subsidized Public and Private Employment, Vocational Educational Training, Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of High School Equivalence, in the Case of a Recipient who has Not Completed Secondary School or Received Such a Certificate and Alternative Activities.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 06/01/2017.

Chapter 2000

5101:1-3-12.2 "Subsidized Public and Private Employment."
This rule describes the subsidized public and private employment work activity for the Ohio Works First program. The Office of Family Assistance (OFA) amended this rule with minor language changes for clarity. No substantive changes were made.

5101:1-3-12.7 "Vocational Educational Training."
The rule describes the vocational educational training work activity for the Ohio Works First program. OFA amended this rule with minor language changes to improve clarity. No substantive changes were made.

5101:1-3-12.11 "Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of High School Equivalence, in the Case of a Recipient who has Not Completed Secondary School or Received Such a Certificate."
This rule describes the satisfactory attendance at secondary school or in a course of study leading to a certificate of high school equivalence, in the case of a recipient who has not completed secondary school or received such a certificate work activity for the Ohio Works First program. OFA amended this rule to align with section 3301.80 of the Revised Code and other minor language changes to improve clarity.

5101:1-3-12.12 "Alternative Activities."
The rule describes the alternative activity work activity for the Ohio Works First program. OFA amended this rule to replace "the department of alcohol and drug treatment" with "the department of mental health and addiction services." No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend these rules; rescind these rules; or continue these rules without amendment.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2017.

Chapter 2000

This rule describes the Ohio Works First (OWF) time limit restrictions, as well as the good cause and hardship criteria for continuation of OWF beyond the time limit. The Office of Family Assistance (OFA) amended this rule with the following changes: for minor language changes to improve clarity. No substantive changes were made.

5101:1-23-01.1 "Ohio Works First: Calculation of the Twenty Percent Limits for State and Federal Hardship Extensions."
This rule describes the twenty percent limitation on federal and state hardships, how the twenty percent is calculated, and exemptions from the limitation. OFA amended this rule for minor language changes to improve clarity. No substantive changes were made.
April 5, 2017

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: OWF: domestic violence- information, screening, referral and waiver of eligibility requirements, OWF & PRC assistance group ineligibility due to receipt of fraudulent assistance.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 05/01/2017.

Chapter 2000

5101:1-3-20 "Ohio works first: domestic violence- information, screening, referral and waiver of eligibility requirements."

The rule describes Ohio works first (OWF) policy regarding information, screening, referral and waiver of certain OWF eligibility requirements in domestic violence situations. The Office of Family Assistance (OFA) amended this rule. Minor language changes were made for clarity. No substantive changes were made.

5101:1-23-75 "Ohio works first and prevention, retention and contingency: assistance group ineligibility due to receipt of fraudulent assistance."

The rule provides definitions of "fraudulent assistance" and "intentional violations," explains how violations are handled in situations of assistance group movement, and explains how repayment is made. OFA amended this rule. Minor language changes were made for clarity. No substantive changes were made.
TO:  All Cash Assistance Manual Holders  
FROM:  Cynthia C. Dungey, Director  

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR), and will become effective on 5/1/2017.

**Chapter 2000**

**5101:1-23-10** "Ohio works first: assistance group determination"

This rule describes the policy for determining the assistance group for the Ohio Works First program. The Office of Family Assistance amended this rule with minor language changes for clarity; however, no substantive changes were made.

**5101:1-23-20** "Ohio works first: income and eligibility"

This rule describes the policy for determining the gross earned income, gross unearned income, income availability and eligibility calculation process for the Ohio Works First program. The Office of Family Assistance amended this rule with minor language changes for clarity. In addition, language in paragraph (E)(6) was revised to explain that the county agencies may project employment wages and hours from client statement when employment is new and no pay verifications have been provided by the employer.

**Chapter 4000**

**5101:1-2-50** "Ohio works now"

This rule describes the Ohio Works Now eligibility requirements, the methods of issuance, the amount and duration determination process and the county agency’s responsibility in the case of erroneous payments or fraud. The Office of Family Assistance amended this rule with minor language changes for clarity; however, no substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 05/01/2017.

Chapter 2000

5101:1-3-13 "Ohio Works First: Good Cause for Work Activity Failures."

This rule describes the allowable good cause reasons for Ohio Works First work activity failures. The Office of Family Assistance (OFA) amended this rule with minor language changes to improve clarity. No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: Unsubsidized Employment, Job Skills Training Directly Related to Employment and Education Directly Related to Employment in the Case of a Recipient Who Has Not Received a High School Diploma or a Certificate of High School Equivalency.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 05/01/2017.

Chapter 2000

5101:1-3-12.1 "Unsubsidized employment."
This rule describes the unsubsidized employment work activity for the Ohio Works First program. The Office of Family Assistance (OFA) amended this rule with minor language changes to improve clarity. No substantive changes were made.

5101:1-3-12.9 "Job skills training directly related to employment."
The rule describes the job skills training directly related to employment work activity for the Ohio Works First program. OFA amended this rule with minor language changes to improve clarity. No substantive changes were made.

5101:1-3-12.10 "Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency."
This rule describes the education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency work activity for the Ohio Works First program. OFA amended this rule with minor language changes to improve clarity. No substantive changes were made.
CAMTL 120 (Five Year Rule Review)
Cash Assistance Manual Transmittal Letter No. 120

December 15, 2016

TO: All Cash Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five Year Rule Review: Work Experience Program, On-The-Job Training, Providing Child Care Services to an Individual Who is Participating in a Community Service Program and the Prevention, Retention, and Contingency Employer Subsidy.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 01/01/2017.

Chapter 2000

5101:1-3-12.3 "Work Experience Program."
The rule describes the work experience program for the Ohio Works First program. The Office of Family Assistance (OFA) amended this rule for minor language changes for clarity. No substantive changes were made.

5101:1-3-12.4 "On-The-Job Training."
This rule describes the on-the-job training program for the Ohio Works First program. OFA amended this rule for minor language changes for clarity. No substantive changes were made.

5101:1-3-12.8 "Providing Child Care Services to an Individual Who is Participating in a Community Service Program."
This rule describes providing child care services to an individual who is participating in a community service program for the Ohio Works First program. OFA amended this rule to update the definition of this work activity to align with federal statute and other minor language changes for clarity.

5101:1-3-16 "The Prevention, Retention, and Contingency Employer Subsidy."
This rule describes the prevention, retention and contingency employer subsidy program. OFA amended this rule for minor language changes for clarity. No substantive changes were made.
Effective August 1, 2016, the Ohio Department of Medicaid, Disability Determination Area (DDA) no longer makes disability determinations that can be utilized to determine eligibility for the Disability Financial Assistance (DFA) program. The Office of Family Assistance (OFA) proposed changes to the disability determination process that will ensure the continuation of the DFA program through a more streamlined disability determination process for applicants, recipients and county agencies. The changes and new forms are described below.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2016.

Chapter 1000


This rule describes the application process for Ohio Works First (OWF), Disability Financial Assistance (DFA) and Refugee Cash Assistance (RCA) programs. The Office of Family Assistance (OFA) amended this rule to include:

- Moved the existing requirement to provide a Basic Medical and/or Mental Functional Capacity Assessment form to this rule so the forms are provided at the time of the interview;
- Revised the timeframes for determining DFA eligibility based on the new disability determination process described in proposed rule 5101:1-5-20;
- Removed references to the Ohio Department of Medicaid, Disability Determination Area (DDA); and
- Other non-substantive changes to language and organization for clarity.

5101:1-2-10 "The Reapplication Requirement."

This rule describes the reapplication process for the OWF, DFA and RCA programs. OFA amended this rule to include:

- A non-substantive technical correction was made to paragraph (C);
- Added a requirement for the county agency to request a current medical statement when an individual requests DFA at reapplication;
- Clarified that if a DFA recipient does not meet nonfinancial or financial eligibility criteria at the time of reapplication, DFA must terminate even when a continuing disability review is pending;
- The term "CRIS-E" was replaced with "statewide automated eligibility system";
- The reference to signing a printed "copy of information" was removed as that requirement no longer exists; and
- Other non-substantive changes to language and organization for clarity.

5101:1-2-20 "Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance: Verification and Reporting Requirements."

This rule describes the verification and reporting requirements for the OWF, DFA and RCA programs. OFA amended this rule to include:

- Clarified that approving benefits with postponed verifications for homeless and migrant assistance groups only applies to OWF and RCA benefits;
Clarified that a DFA assistance group must report changes in application status with the Social Security Administration (SSA); and
Other non-substantive changes to language for clarity.

Chapter 3000

5101:1-5-01 "The Disability Financial Assistance Program: Definitions and Payment Standards."
This rule describes the definitions and payment standards for the DFA program. OFA amended this rule to include:

• Modified the requirement for when a county agency is required to explore eligibility for DFA;
• Removed references to the Disability Determination Area (DDA); and
• Other non-substantive changes to language for clarity.

5101:1-5-10 "Disability Financial Assistance: Nonfinancial Eligibility Requirements."
This rule describes the nonfinancial eligibility requirements for the DFA program. OFA amended this rule to include:

• Added a requirement that a DFA applicant must be in receipt of (or have applied for) Medicaid within 30 days of the date of the DFA application;
• Added a requirement that within 30 days of the date of applying for DFA, a DFA applicant must provide evidence that an application for Supplemental Security Disability Income (SSDI) or Supplemental Security Income (SSI) is under administrative review by the SSA;
• Prohibits an individual from being eligible to receive DFA within 180 days of having been denied, suspended or terminated from receiving SSDI or SSI. For purposes of determining DFA eligibility, an application with SSA has been denied when all administrative appeals have been exhausted or abandoned by the applicant; and
• Other non-substantive changes to language and organization for clarity.

5101:1-5-20 "Disability Financial Assistance: the Determination of a Disability."
OFA rescinded and replaced the existing rule with a new rule as more than 50% of the original language has been stricken. This rule describes the disability determination process for the DFA program. The changes include:

• Clarified that individuals who applied prior to the effective date of the rule will have their disability determined in accordance with the most recently effective version of the rule;
• Changed the disability determination process to be based solely on a current medical statement from the applicant or recipient's physician and defined what constitutes a current medical statement;
• Established how long a disability determination will remain in effect;
• Established a procedure for conducting a continuing disability review for individuals determined disabled under the proposed and prior rules; and
• Established county agency responsibilities in the disability determination process.

5101:1-5-40 "Disability Financial Assistance: Income."
This rule describes the income requirements for the DFA program. OFA reviewed this rule to comply with section 106.03 of the Revised Code, which requires each state agency to review each of its rules in the Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. OFA amended this rule for non-substantive changes to language and organization for clarity and the rule has been put into question-and-answer format. No substantive changes were made.

This rule describes the supplemental security income case management program for the DFA program. OFA amended this rule to include:
• References to the Office of Medical Assistance (OMA); Disability Determination Unit (DDU) and Medicaid eligibility were stricken;
• Removed the requirement for the county agency to refer individuals that have received a notice of termination of SSI benefits for lack of disability to the SSI case management program; and
• Removed the requirement for obtaining an interim assistance agreement as a function of SSI case management as it is now a condition of eligibility; and
• Other non-substantive changes to language for clarity.

5101:1-5-70 "Disability Financial Assistance (DFA): Interim Assistance."
This rule describes interim assistance for the DFA program. OFA amended this rule for non-substantive changes to language and organization for clarity. No substantive changes were made.

Forms

JFS 07302 "Basic Medical"
This is a new form completed by a licensed physician to indicate that an individual applying for or in receipt of DFA is unable to do any substantial or gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months.

JFS 07308 "Mental Functional Capacity Assessment"
This is a new form completed by a licensed physician, psychiatrist or licensed psychologist to indicate that an individual applying for or in receipt of DFA is unable to do any substantial or gainful activity by reason of a medically determinable mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 10/01/2016.

Chapter 2000

5101:1-1-01 "Temporary Assistance for Needy Families Definitions."
This rule describes Temporary Assistance for Needy Families (TANF) definitions. The Office of Family Assistance (OFA) amended this rule with minor language changes to improve clarity and the term "CRIS-E" was replaced with the term "statewide automated eligibility system." No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 10/01/2016.

Chapter 2000

5101:1-3-03 "Ohio works first: residence and living arrangement requirement."

The rule describes the policy for determining the residence and living arrangement requirement for the Ohio works first program. The Office of Family Assistance amended this rule. The term "legal marriage" was amended to reflect the definition of marriage recognized by the Supreme Court of the United States in the decision of Obergefell v. Hodges. Other minor language changes were made for clarity. No other substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2016.

Chapter 2000

5101:1-23-40 "Ohio Works First: Payments."

The rule describes payments for the Ohio Works First program. The Office of Family Assistance (OFA) rescinded and replaced this rule with a new rule as more than 50 percent of the original language had been stricken. This rule was rewritten in question-and-answer format for clarity. This rule restored language regarding assistance groups that are eligible for less than ten dollars.

5101:1-23-70 "Ohio Works First: Erroneous Payments."

This rule describes erroneous payments for the Ohio Works First program. OFA amended this rule to strike language in paragraph (K)(2) in order to align with Ohio Administrative Code rule 5101:1-3-12.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 11/01/2016.

Chapter 1000

5101:1-2-85 "Cash Assistance: New Hire Reporting Program (W-4)."
This rule describes the new hire reporting program and how the information is to be used by county agencies. The Office of Family Assistance (OFA) amended this rule to define "newly hired" pursuant to 42 U.S.C. 653a; remove "rehires" and add "contractors" to the type of employees for whom employers must provide information to the Ohio Department of Job and Family Services. No changes were made to the county agencies' responsibilities when a new hire alert is received.

Chapter 2000

5101:1-3-07 "Ohio Works First: Evidence of Age, Citizenship and Identity."
The rule describes the age, citizenship and identity verification requirements for the Ohio Works First program. OFA amended this rule for minor language changes to improve clarity. No substantive changes were made.

5101:1-3-09 "Ohio Works First: Social Security Number Requirement."
This rule describes the social security number requirement for the Ohio Works First program. OFA amended this rule for minor language changes to improve clarity. No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 07/01/2016.

Chapter 2000

5101:1-23-60 "Ohio Works First: Underpayments."

This rule describes the underpayment requirements for the Ohio Works First (OWF) program. The Office of Family Assistance (OFA) amended this rule with minor language changes to improve clarity. No substantive changes were made.
CAMTL 113 (Five year rule review: Prevention, retention and contingency program: excluded income and resources)
Cash Assistance Manual Transmittal Letter No. 113
June 9, 2016

TO: All Cash Assistance Manual Holders
FROM: The Office of Legal and Acquisition Services
SUBJECT: Five year rule review: Prevention, retention and contingency program: excluded income and resources.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR), and will become effective on 07/01/2016.

Chapter 2000

5101:1-24-20 "Prevention, retention and contingency program: excluded income and resources."

This rule describes the excluded income and resources for the Prevention, Retention and Contingency program. The Office of Family Assistance (OFA) amended this rule for minor language changes to improve clarity. No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: The Office of Legal and Acquisition Services

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 04/03/2016.

Chapter 1000

The rule describes the eligibility standard used to determine citizenship and alien status of individuals applying for or receiving Ohio works first (OWF) and disability financial assistance (DFA) benefits. The Office of Family Assistance (OFA) amended this rule for minor language changes to improve clarity. No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director

On June 30, 2015, Governor Kasich signed House Bill 64, the state’s biennial budget into law. Section 305.190 of the bill established the Comprehensive Case Management and Employment Program (CCMEP), to be effective on July 1, 2016, in order to leverage the strengths of both the workforce and human services systems. CCMEP seeks to improve employment and education outcomes for low-income youth and young adults by helping participants overcome barriers to employment and develop the skills local employers seek. House Bill 64 requires 16- to 24-year-old Ohio Works First (OWF) work-eligible individuals to participate in CCMEP, and permits 16-to-24-year old OWF recipients who are not work-eligibles and PRC recipients to voluntarily participate.

As a result the Office of Family Assistance amended rule 5101:1-3-11 to ensure 16- to 24-year old OWF work eligibles are assigned to participate in CCMEP; and amended rule 5101: 1-23-50 to clarify participation in the Learning, Earning and Parenting Program (LEAP) continues to be required for any required or voluntary CCMEP participant. The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 03/24/2016.

Chapter 2000

This rule describes the OWF appraisal, assessment, and self-sufficiency contract requirements. OFA amended this rule to add paragraph (J) which requires each OWF work eligible individual between the age of sixteen and twenty-four to participate in CCMEP as a condition of receiving OWF. Paragraph (J) also specifies the responsibilities of the county agency for the work eligible individuals required to participate in CCMEP.

5101:1-23-50 "Ohio Works First: Learning, Earning and Parenting Program."
The rule describes the LEAP program which encourages pregnant and parenting teens to attend and complete high school or the equivalent. OFA amended this rule for minor language changes to improve clarity and to add paragraph (S) which clarifies that LEAP required teens must still participate in LEAP regardless if they are voluntary or mandatory participants in CCMEP.
In order to align with the Supplemental Nutrition Assistance Program application requirements the Ohio Department of Job & Family Services has reviewed this rule. The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 2/1/2016.

Chapter 1000


Rule 5101:1-2-01 describes the application process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance. The Office of Family Assistance amended this rule to change the minimum application requirements from "signature and date" to "name, address and signature" in order to align with supplemental nutrition assistance program policy. In addition, the requirement for the county agency to provide a dated receipt for applications and documents submitted by the assistance group has been removed.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR), and will become effective on 2/1/2016.

Chapter 1000

5101:1-1-03 "Disclosure of recipient information, nondiscrimination, and treatment of information received from the internal revenue service and social security administration."

This rule describes the requirements for disclosure of recipient information, nondiscrimination, and treatment of information received from the Internal Revenue Service and the Social Security Administration. The Office of Family Assistance amended this rule to arrange the rule into question-and-answer format and minor language changes for clarity. No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2016.

Chapter 3000

5101:1-5-20 "Disability Financial Assistance: the Determination of a Disability."

The rule describes the determination of disability process. The Office of Family Assistance amended this rule. Minor language changes were made for clarity; and the forms required in the disability determination process were updated to reflect the new names and numbers from the Ohio Department of Medicaid. No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2016.

Chapter 4000

5101:1-2-40 "Refugee resettlement program definitions."

The rule describes definitions commonly used in the refugee resettlement program. The Office of Family Assistance is amending this rule. There were minor language changes for clarity. No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR), and will become effective on 11/01/2015.

Chapter 2000

5101:1-3-01 "Ohio Works First: Federal Work Participation Rates."

This rule describes Ohio Works First federal work participation rates, the types of assistance groups and the allowable federal work activities. Changes to the rule include arranging the rule into question-and-answer format and other minor language changes for clarity. No substantive changes were made.
TO: Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: repatriate program.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2015.

Chapter 4000

5101:1-2-60 "Repatriate program."

The rule describes the policy regarding the repatriate program. The Office of Family Assistance amended this rule. The rule was partially reorganized and there were minor language changes for clarity. No substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year review: school attendance, excluded income, allocation of income.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 11/01/2015.

Chapter 2000

5101:1-3-02 "Ohio works first: school attendance."
The rule describes the policy for the Ohio works first school attendance requirement. The Office of Family Assistance (OFA) amended this rule. Minor language changes were made for clarity; however, no substantive changes were made.

5101:1-23-20.1 "Ohio works first: excluded income."
The rule describes the types of excluded income for Ohio works first. OFA amended this rule. Minor changes were made for clarity; however, no substantive changes were made.

5101:1-23-20.2 "Ohio works first: allocation of income."
The rule describes the process on when and how to allocate income. OFA amended this rule. Minor changes were made for clarity; however, no substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 09/01/2015.

Chapter 1000

5101:1-1-13 "Assistance group records, case records, retention and transfer of records."

The rule describes provisions regarding assistance group records, case records, retention and transfer of records for the cash assistance programs. The Office of Family Assistance amended this rule. The term "CRIS-E" was replaced with "statewide automated eligibility system". No substantive changes were made.
TO: All Cash Assistance Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Five year rule review: community service

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/1/2015.

Chapter 2000

5101:1-3-12.6 "Community Service."

The rule describes the community service program for Ohio works first participants. The Office of Family Assistance amended this rule. Minor language changes were made for clarity but no substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/1/2015.

Chapter 2000

5101:1-3-14 "Ohio works first (OWF): penalties."

The rule describes Ohio Works First (OWF) penalties, how they affect OWF eligibility, and how they are to be applied to individuals and assistance groups. The Office of Family Assistance amended this rule. Changes to the rule include arranging the rule into question-and-answer format and other minor language changes for clarity. No substantive changes were made.
In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 08/01/2015.

Chapter 3000

5101:1-5-10 "Disability Financial Assistance: Nonfinancial Eligibility Requirements."

The rule describes nonfinancial eligibility requirements for the disability financial assistance program. OFA amended this rule for minor language changes to improve clarity.

5101:1-5-50 "Disability Financial Assistance: Payments."

The rule describes disability financial assistance payments. OFA amended this rule to put it into question-and-answer format and other minor language changes for clarity.
TO:      All Cash Assistance Manual Holders
FROM:    Cynthia C. Dungey, Director

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 08/01/2015.

Chapter 2000

5101:1-3-04 "Ohio Works First: Temporary Absence."

The rule describes the temporary absence requirements for the Ohio Works First program. OFA amended this rule for minor language changes to improve clarity.

5101:1-3-04.1 "Ohio Works First: Shared Parenting (Joint Custody)."

The rule describes the shared parenting provisions for the Ohio Works First program. OFA amended this rule for minor language changes to improve clarity and to replace the term “CRIS-E” with “statewide automated eligibility system”.


CAMTL 98 (Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance: Verification and Reporting Requirements)

Cash Assistance Manual Transmittal Letter No. 98

July 7, 2015

TO: All Cash Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance: Verification and reporting requirements

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 7/1/2015.

Chapter 1000

5101:1-2-20 "Ohio works first, disability financial assistance, and refugee cash assistance: verification and reporting requirements."

The rule describes the procedures for county agencies to follow regarding Ohio Works First (OWF), Disability Financial Assistance (DFA), and Refugee Cash Assistance verification and reporting requirements. OFA amended this rule. Changes to the rule include replacing the term "CRISE" with "statewide automated eligibility system" and language was added to paragraph (l) to clarify interim reporting is required only for OWF and DFA assistance groups in receipt of food assistance. Other minor language changes were made for clarity but no substantive changes were made.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Refugee Social Services Program changes

Background:
Prior to October 1, 2014 the Ohio Department of Job and Family Services (ODJFS) received an annual allocation for the Refugee Social Services Program (RSSP) from the Office of Refugee Resettlement (ORR). The allocation was distributed to the five counties with the highest refugee populations to provide RSSP services to refugees living in that county.

Effective October 2014, ODJFS began providing RSSP services by contracting directly with service providers in six regions across the state.

As a result of the changes in how services are being provided, ODJFS is rescinding rules 5101:1-2-40.2, 5101:1-2-40.3 and 5101:1-2-40.4 as the requirements are covered in the agreements.

These rules will become effective on June 1, 2015. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions:

Chapter 4000

5101:1-2-40.1: Refugee Cash Assistance
This rule sets forth the policy for the Refugee Cash Assistance Program (RCA).

This rule had significant changes and is being rescinded and replaced with a new rule of the same number. Changes to the new rule include:

- Language has been removed regarding county allocation of RSSP funding.
- The rule has other minor language and formatting changes. There were no substantive policy changes.

5101:1-2-40.2: Refugee Social Services Program: Eligibility and County Agency Responsibilities
This rule sets forth the policy for eligibility and county agency responsibilities for RSSP.

This rule is being rescinded.

5101:1-2-40.3: Refugee Social Services Program: Services
This rule sets forth the policy for services for the RSSP. This rule is being rescinded.

5101:1-2-40.4: Refugee Social Services Program: Family Self Sufficiency Plan and Individual Employnability Plan Requirements
This rule sets forth the policy for the family self-sufficiency plan and individual employability plan requirements for RSSP. This rule is being proposed for rescission.

5101:1-2-40.5: Targeted Assistance Program
This rule sets forth the policy for the Targeted Assistance Program (TAP). This rule had significant changes and is being rescinded and replaced with a new rule of the same number.

Due to the proposed rescission of the RSSP rules, the following requirements that were formerly referenced in RSSP rules have been added to the TAP rule:

- Eligibility requirements for TAP;
Criteria for employment, employment services and employability services;
Required employment and employability services;
Additional services allowed with TAP
Definition of and responsibility of development of the family self-sufficiency plan and the individual employability plan; and
County agency responsibilities.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: Voter Registration Requirement

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code 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, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 04/01/2015.

Chapter 1000
5101:1-2-15 "Voter Registration Requirement."

This rule sets forth the policy for the administration of the National Voter Registration Act (NVRA) of 1993 and the role of the county agency. OFA is amending this rule with minor language changes to improve clarity. The time limit a county agency has to transmit completed voter registration forms to their local board of elections has been updated to five calendar days from five business days to align with federal and state requirements.

Instructions:

The Cash Assistance Manual will be updated as follows:

- The amended rule will replace the previous version of the rule in the Manual.

The rules and forms can be accessed at: http://emanuals.odjfs.state.oh.us/emanuals.
TO: All Cash Assistance Manual Holders  
All Food Assistance Certification Handbook Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Background
The Ohio Department of Job and Family Services (ODJFS) and each County Department of Job and Family Services (CDJFS) are required to comply with the provisions of both the Amendments to the Americans with Disabilities Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act (504). The general requirements of the ADAAA/504 require ODJFS and each CDJFS to:

1. Provide an equal and meaningful opportunity to all individuals with disabilities to participate in, and benefit from, the programs it administers.
2. Not operate its programs in a way that has a discriminatory effect on individuals with disabilities.
3. Make reasonable modifications, where necessary, to avoid discrimination.

In order to ensure continued state and county compliance with the ADAAA/504, the ODJFS Bureau of Civil Rights (BCR) and the Office of Family Assistance (OFA) have worked with shareholders to review relevant state and county policies relating to individuals with disabilities.

Cash Assistance Manual: Chapter 1000

5101:1-2-01 "The application process for Ohio works first, disability financial assistance, and refugee cash assistance."
This rule describes the application process for the Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance programs. The changes include the requirements for:

- A county agency to adhere to its Americans with Disability Act (ADA) Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency to explain an individual's rights under the ADAAA/504 during the application interview.

5101:1-2-10 "The reapplication requirement."
This rule describes the reapplication process for the Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance programs. The changes include the following for:

- A county agency to adhere to its ADA Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency to explain an individual's rights under the ADAAA/504 during the reapplication interview.

Cash Assistance Manual: Chapter 2000

5101:1-3-11 "Ohio works first (OWF): appraisals, assessments, and self sufficiency contract."
This rule describes the process for appraising and assessing work eligible individuals and developing a self sufficiency contract in the Ohio Works First program. The changes include the following requirements:
A county agency must provide additional screening if an appraisal indicates that a work eligible individual has a physical or mental condition that substantially limits one or more major life activities; and

A self-sufficiency contract must include information about ADAAA/504.

5101:1-3-12 "Ohio works first: work activities."

This rule describes work activities in the Ohio Works First program. The changes include the requirement that assignments to work activities must be made in accordance with a county agency's ADA Plan and rule 5101:9-2-02 of the Administrative Code.

Food Assistance Manual: Chapter 2000

5101:4-2-07 "Food assistance: initial interview process."

This rule describes the application process for the food assistance program. The changes include the following requirements:

- A county agency must adhere to its ADA Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency must explain an individual's rights under the ADAAA/504 during the application interview.

Food Assistance Manual: Chapter 3000

5101:4-3-29 "Food assistance employment and training: appraisal."

This rule describes the requirement that each individual applying for or in receipt of food assistance benefits that is not exempt from work registration, must be assessed to determine the best assignment for their skills and needs. The changes include the requirement that an employability plan developed as a result of the appraisal must include an explanation of the individual's rights under the ADAAA/504 and a description of each reasonable modification made for the individual (if any).

5101:4-3-30 "Food assistance employment and training program."

This rule describes the requirements for a county agency to develop an employment and training plan. The changes include the requirements for a plan to be adopted by a county agency to include an explanation of a participant's rights under the ADAAA/504.

Forms

**JFS 03801** "Ohio Works First Self-Sufficiency Contract"

This form may be used as a model or as an actual self-sufficiency contract in the Ohio Works First program. The changes include:

- A statement about whether or not a reasonable modification is necessary in section E.
- A statement about the ADAAA/504 in Section J.
- Other technical corrections for clarity.

**JFS 07501** "Program Enrollment and Benefit Information"

This booklet contains information about various programs administered by ODJFS. The changes include the addition of ADAAA/504 information with the Civil Rights information beginning on page 12.

Instructions

When the Transmittal Letters are published, each Manual will be updated as follows:

- Each amended rule will replace the previous version of the rule in the Manual.
- Each amended form will replace the previous version of the form.

The rules and forms can be accessed at: http://emanuals.odjfs.state.oh.us/emanuals.
TO: All Cash Assistance Manual Holders  
   All Food Assistance Certification Handbook Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Ohio Works First Employment Incentive Pilot Program  

Background  
On June 16, 2014, Governor Kasich signed House Bill 483, which requires the Director of the Ohio Department of Job and Family Services (ODJFS) to establish the Ohio Works First (OWF) Employment Incentive Pilot Program. The Pilot Program will operate for three years in five participating counties. The intent of the Pilot Program is to provide a cash incentive payment to caseworkers in participating counties that help Ohio Works First (OWF) participants find employment that leads to the participant losing OWF eligibility for at least six months due to an increase in earned income.

In order to begin making incentive payments as soon as possible in state fiscal year 2015, ODJFS will begin working with the participating counties as soon as possible.

Eligibility for the Incentive  
While House Bill 483 does not define a "caseworker" for purposes of the Pilot Project, it clearly intends for individuals that helped the OWF participant find employment to be eligible for the incentive. The rule clarifies this provision by requiring each individual the county agency expects to assist the OWF participant in finding employment to sign the individual's self-sufficiency contract. "Assisting the participant" includes, but is not limited to: conducting the appraisal and assessment of the OWF participant; developing the OWF participant's self-sufficiency contract and plan; and providing supportive services to the OWF participant. There is no limit to the number of individuals that may sign the self-sufficiency contract and the incentive payment will be equally divided between the individuals that sign.

Payment of the Incentive  
The incentive payment may only be paid when there is funding available and when the individual(s) that signed the self-sufficiency contract can provide verification that the OWF participant that also signed the contract: was assigned to at least one core work activity; was determined to no longer be eligible for OWF due to income earned; had received OWF benefits for at least three consecutive months prior to termination; and since being terminated, had remained ineligible for OWF for six consecutive months. During the six month period, the former OWF participant may not have been: denied OWF benefits for any other reason than excess income; serving a disqualification period due to an intentional program violation; have otherwise been ineligible for OWF due to the time limit; subject to a sanction or penalty; or receiving fair hearing benefits.

Funding for the Incentive  
House Bill 483 requires ODJFS to allocate $50,000 from the Temporary Assistance for Needy Families (TANF) administration appropriation to each of the five participating county agencies for state fiscal year 2015. The incentive payments and any administrative costs incurred by the participating counties as part of the Pilot Program must be deducted from the $50,000 allocation.

The incentive payment is set at $300 for assisting a single parent household and $600 for assisting a two-parent household.

Participating County Agencies  
The five participating county agencies have not yet been determined. Once the county agencies are identified, ODJFS will issue an action change transmittal. Participating county agencies will be required to maintain documentation of each incentive payment made from its allocation. Additionally, county agencies
must: develop a process for processing incentive payments; process incentive payments within 30 days; and provide monthly reports to ODJFS.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

The rule will become effective on September 01, 2014.

The following describes the revisions:

CHAPTER 1000

5101:1-1-50 Written declaration of citizenship/alien status and the use of the systematic alien verification for entitlements system.

This rule sets forth the policy regarding written declaration for citizenship and alien status of noncitizens who apply for the Ohio Works First; Prevention, Retention and Contingency; and Refugee Cash Assistance programs. As part of the ongoing rule review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule has other minor language changes to improve clarity.

Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
<th>Remove and file as obsolete</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1000 JOINT PROGRAM POLICIES</td>
<td>Outline of Contents (CAMTL # 91) (effective 05/01/14)</td>
<td>Outline of Contents (CAMTL # 93) (effective 09/01/14)</td>
</tr>
<tr>
<td>Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System</td>
<td>5101:1-1-50 (effective 02/01/13)</td>
<td>5101:1-1-50 (effective 09/01/14)</td>
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<tr>
<td>CAM APPENDIX JFS CHARTS</td>
<td>Outline of Contents (effective 02/01/12)</td>
<td>Outline of Contents (effective 09/01/14)</td>
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</tbody>
</table>
| | | Budget History: Payment Standards | Budget History: Payment Standards for ADC, TANF.
| For ADC, TANF, OWF | **OWF**  
| (effective 02/01/14) |  
| Initial Eligibility Threshold | **Initial Eligibility Threshold**  
| (effective 04/01/14) |  

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Ohio Works First: erroneous payments and Disability Financial Assistance: interim assistance

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

The rules will become effective on May 01, 2014.

The following describes the revisions:

CHAPTER 2000


This rule sets forth the policy for the determination of erroneous payments for the Ohio Works First program.

This rule has been amended to clarify when an erroneous payment has occurred:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- Paragraph (H) has been revised to explain the effective date of budget adjustments.
- In order to align with food assistance policy, when an assistance group is required to report a change in circumstance and fails to do so, the budget adjustment will be effective the month following the OWF benefit month the change was required to be reported.
- A new paragraph has been added which describes what happens when a county agency discovers that an assistance group failed to report a change.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

CHAPTER 3000

5101:1-5-70: Disability financial assistance: interim assistance.

This rule sets forth the policy for the administration of Disability Financial Assistance as interim assistance.

This rule has been amended to clarify the interim assistance reimbursement process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and has been rescinded and replaced with a rule of the same number and same title.
- In 2010, the Social Security Administration (SSA) began processing interim assistance reimbursements electronically via the eIAR system. County agencies now directly receive notifications and communication with SSA and submit interim assistance reimbursement requests through this system. As part of SSA’s technology change in how interim assistance reimbursement is requested and issued, this rule has been revised to only set forth policy on defining interim assistance and when interim assistance may be requested for reimbursement from SSA. Language on the manual procedure to request interim assistance reimbursement from SSA has been stricken as it is no longer applicable.
Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
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<tr>
<td><strong>Chapter 2000</strong>&lt;br&gt;TANF: OWF AND PRC</td>
<td>Outline of Contents (CAMTL #89) (effective 01/01/14)</td>
<td>Outline of Contents (CAMTL #92) (effective 05/01/14)</td>
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<td>Ohio works first: erroneous payments</td>
<td>5101:1-23-70 (effective 02/01/09)</td>
<td>5101:1-23-70 (effective 05/01/14)</td>
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<tr>
<td><strong>Chapter 3000</strong>&lt;br&gt;DISABILITY FINANCIAL ASSISTANCE</td>
<td>Outline of Contents (CAMTL #87) (effective 08/15/13)</td>
<td>Outline of Contents (CAMTL #92) (effective 05/01/14)</td>
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<td>Disability financial assistance: interim assistance</td>
<td>5101:1-5-70 (effective 09/01/08)</td>
<td>5101:1-5-70 (effective 05/01/14)</td>
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</table>
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: Issuance of Cash Assistance Benefits.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-2-70, "Issuance of Cash Assistance Benefits".

The rule is effective on May 1, 2014.

The following describes the revisions:

**Chapter 1000**


This rule describes the different methods available for issuing a cash assistance benefit. It also explains when the benefit options are available to the recipient as well as if there is a fee associated with the card. This rule is being amended with minor language revisions to improve clarity.

Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<thead>
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<td><strong>Chapter 1000</strong></td>
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<tr>
<td><strong>JOINT PROGRAM POLICIES</strong></td>
<td>Outline of Contents (CAMTL # 90)</td>
<td>Outline of Contents (CAMTL # 91)</td>
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<td></td>
<td>(effective 05/15/13)</td>
<td>(effective 05/01/14)</td>
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<tr>
<td><strong>Issuance of Cash Assistance Benefits</strong></td>
<td><strong>5101:1-2-70</strong> (effective 05/15/13)</td>
<td><strong>5101:1-2-70</strong> (effective 05/01/14)</td>
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</table>
Camtl 90 (Five Year Rule Reviews: Victims of Trafficking and Family Members of Victims of Trafficking)
Cash Assistance Manual Transmittal Letter No. 90
April 17, 2014

To: All Cash Assistance Manual Holders
From: Cynthia C. Dungey, Director
Subject: Five year rule reviews: victims of trafficking and family members of victims of trafficking.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

This rule will become effective on May 01, 2014.

Chapter 1000

This rule sets forth the policy for the administration of determining benefit eligibility for victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

This rule sets forth the policy for the administration of determining benefit eligibility for family members of victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
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CAMTL 90 (Five Year Rule Reviews: Victims of Trafficking and Family Members of Victims of Trafficking)
Cash Assistance Manual Transmittal Letter No. 90
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This rule will become effective on May 01, 2014.

Chapter 1000

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- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

This rule sets forth the policy for the administration of determining benefit eligibility for family members of victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
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April 17, 2014

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This rule will become effective on May 01, 2014.

Chapter 1000

This rule sets forth the policy for the administration of determining benefit eligibility for victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

This rule sets forth the policy for the administration of determining benefit eligibility for family members of victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
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CAMTL 90 (Five Year Rule Reviews: Victims of Trafficking and Family Members of Victims of Trafficking)
Cash Assistance Manual Transmittal Letter No. 90
April 17, 2014

To: All Cash Assistance Manual Holders
From: Cynthia C. Dungey, Director
Subject: Five year rule reviews: victims of trafficking and family members of victims of trafficking.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

This rule will become effective on May 01, 2014.

Chapter 1000

This rule sets forth the policy for the administration of determining benefit eligibility for victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

This rule sets forth the policy for the administration of determining benefit eligibility for family members of victims of trafficking. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- This rule had significant formatting changes and is being rescinded and replaced with a rule of the same number. There were no substantive policy changes.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

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CAMTL 90 (Five Year Rule Reviews: Victims of Trafficking and Family Members of Victims of Trafficking)
Cash Assistance Manual Transmittal Letter No. 90
April 17, 2014

To: All Cash Assistance Manual Holders
From: Cynthia C. Dungey, Director
Subject: Five year rule reviews: victims of trafficking and family members of victims of trafficking.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

This rule will become effective on May 01, 2014.
<table>
<thead>
<tr>
<th>Benefit eligibility: victims of trafficking</th>
<th>5101:1-2-30.1 (effective 09/01/08)</th>
<th>5101:1-2-30.1 (effective 05/01/14)</th>
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<tr>
<td>Benefit eligibility: family members of victims of trafficking</td>
<td>5101:1-2-30.3 (effective 09/01/08)</td>
<td>5101:1-2-30.3 (effective 05/01/14)</td>
</tr>
</tbody>
</table>
CAMTL 89 (Five Year Rule Review: 5101:1-3-12.5, 5101:1-23-70.1 and 5101:1-23-70.2)
Cash Assistance Manual Transmittal Letter No. 89

December 23, 2013

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: Job Search and Job Readiness Program, Ohio works first: overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998 and Ohio works first: work allowance overpayments that occurred prior to October 1, 1997.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

These rules will become effective on 1/1/2014.

CHAPTER 2000

5101:1-3-12.5: Job search and job readiness program.
This rule sets forth the policy for the administration of the job search and job readiness program for the Ohio Works First work activity program.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-3-12.5. As part of the ongoing review process:

- The acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.
- Paragraph (B)(2) has been removed because this requirement already exists in rules 5101:1-2-01 and 5101:1-3-12 of the Administrative Code.
- This rule has other minor language changes and has been put into question and answer format to improve clarity.

5101:1-23-70.1: Ohio works first: overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998.

This rule sets forth policy for overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-23-70.1. As part of the ongoing review process:

- Paragraph (B) has been removed because this language already exists in rule 5101:1-23-70.2
- This rule has been put into question and answer format for clarity.

5101:1-23-70.2: Ohio works first: work allowance overpayments that occurred prior to October 1, 1997.

This rule sets forth policy for work allowance overpayments that occurred prior to October 1, 1997.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-23-70.2. As part of the ongoing review process:

- This rule has been put it into question and answer format to improve clarity.
<table>
<thead>
<tr>
<th>Chapter 2000 TANF: OWF AND PRC</th>
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<th>Replacement</th>
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<tr>
<td>Outline of Contents (CAMTL # 88 ) (11/01/13)</td>
<td>Outline of Contents (CAMTL # 89 ) (effective 01/01/14)</td>
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<tr>
<td>Job search and job readiness assistance. 5101:1-3-12.5 (effective 10/01/08)</td>
<td>5101:1-3-12.5 (effective 01/01/14)</td>
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<tr>
<td>Ohio works first: overpayments of aid to dependent children/temporary assistance for needy families cash assistance and/or Ohio works first that occurred prior to July 1, 1998. 5101:1-23-70.1 (effective 07/01/08)</td>
<td>5101:1-23-70.1 (effective 01/01/14)</td>
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<tr>
<td>Ohio works first: work allowance overpayments that occurred prior to October 1, 1997. 5101:1-23-70.2 (effective 07/01/08)</td>
<td>5101:1-23-70.2 (effective 01/01/14)</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders
FROM: Cynthia Callender Dungey, Director
SUBJECT: Five year rule review: Individual Development Account Program.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-3-18, "Individual development account program." As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules. The rule will become effective on 11/01/2013.

The following describes the revisions:

**CHAPTER 2000**


This rule sets forth the policy for the administration of an individual development account program. This rule is being proposed for amendment with minor language changes to improve clarity.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
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<td>5101:1-3-18 (effective 09/04/08)</td>
<td>5101:1-3-18 (effective 11/01/13)</td>
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</tbody>
</table>
TO: Cash Assistance Manual Holders

FROM: Michael B. Colbert, Director


In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-5-60, "Social security income case management program". As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

If no further revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on August 15, 2013. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions:

**Chapter 3000**

5101:1-5-60: Supplemental security income case management program

This rule contains the definition of the supplemental security income case management program, the application process, the appeal process, as well as the payment and fee structures. This rule is being proposed for amendment with minor language and formatting revisions to improve clarity.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
<th>Remove and file as obsolete</th>
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<td>Chapter 3000 DISABILITY FINANCIAL ASSISTANCE</td>
<td>Outline of Contents (CAMTL # 82) (effective 01/01/13)</td>
<td>Outline of Contents (CAMTL # 87) (effective 08/15/13)</td>
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<td>Supplemental Security Income Case Management Program</td>
<td>5101:1-5-60 (effective 07/01/08)</td>
<td>5101:1-5-60 (effective 08/15/13)</td>
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</tbody>
</table>
Background
On August 28, 2009, Ohio received notification of its failure to meet both the two-parent and all-family work participation rates for federal fiscal year (FFY) 2007. Because of this, Ohio faces a potential $32,758,572 penalty to its State Family Assistance Grant, which is its Temporary Assistance for Needy Families block grant. Ohio filed an appeal of reasonable cause for failure to meet the rate. On July 29, 2011, the U.S. Department of Health and Human Services, Administration for Children and Families, responded that the information submitted for FFY 2007 did not demonstrate Ohio’s claim of reasonable cause. As a result, the state entered into a corrective compliance plan. Included in the corrective compliance plan are changes to the Ohio Works First (OWF) sanction process.

House Bill 487 of the 129th General Assembly was signed by the Governor on June 11, 2012, and took effect September 10, 2012. This bill includes a provision that gives the Ohio Department of Job and Family Services the authority to establish rules that specify sanction compliance requirements for failure to comply with a provision of the self sufficiency contract and requirements for reinstatement of benefits. Ohio Administrative Code rules 5101:1-3-15, 5101:1-3-15.1 and 5101:4-3-09 set forth the new Ohio Works First sanction compliance and reinstatement requirements.

Cash Assistance

5101:1-3-15 Ohio works first: three tier sanctions.

Prior policy stated the failure or refusal ceased with receipt of the signed JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance" (rev. 10/2009) or the client registry information system-enhanced (CRIS-E) generated equivalent signed by the assistance group member who failed a provision of the self sufficiency contract. Effective September 1, 2013, the following changes have been made to sanction compliance, reinstatement of OWF after a sanction has been ended and consequences with assistance group movement:

Sanction compliance

For assistance group members who failed a provision of the self sufficiency contract the following must be completed in order to end the sanction:

- Serve the minimum sanction period, and
- Sign the JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance."
- In addition, for a second and any subsequent tier sanction the sanctioned individual must also complete an appropriate compliance activity as assigned by the county agency.

Reinstatement of OWF after a sanction has been ended

OWF can be reinstated the first day of the month following the expiration of the minimum sanction period when:

- The compliance activity is completed on or before the last day of the minimum sanction period,
- The sanctioned individual enters into a new or amended self sufficiency contract; and
- All other eligibility requirements are met.
If the sanction compliance is not completed until after the minimum sanction period has ended the assistance group must reapply as set forth in rule 5101:1-2-10.

**Assistance group movement with a sanctioned member**

If the individual who caused the sanction becomes a required member of a new assistance group, that assistance group is no longer eligible to receive OWF benefits until the expiration of the minimum sanction period and sanction compliance is completed.

If the adults in a sanctioned assistance group (those that did not cause the sanction) enter into a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period.

If only the minor children who no longer reside with the original sanctioned adults become required members of a new assistance group, they may be eligible for OWF and are not required to serve the minimum sanction period.

5101:1-3-15.1 Transition of Ohio works first sanctioned assistance groups and compliance.

This new rule is being adopted to explain how a failure or refusal ceases for sanctioned OWF assistance groups with a self sufficiency contract failure that occurs prior to September 1, 2013, and after September 1, 2013.

**Food Assistance**

5101:4-3-09 Food Assistance: Ohio Works First Assistance Groups

This rule contains the policies regarding sanctions and disqualifications for OWF assistance groups. This rule has been amended as a result of recent changes to OWF compliance policies. Paragraph (I) has been added to update the process for ending a sanction for an assistance group in which all members were in receipt of OWF at the time of the sanction. Paragraph (K) has been added to further clarify that the benefits of individuals sanctioned in accordance with this rule shall not increase as a result of being sanctioned. Also, references to the Ohio Revised Code have been removed and replaced with references to the Ohio Administrative Code.

**Implementation**

If no further revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on September 1, 2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

**CRIS-E**

CRIS-E programming staff at the Ohio Department of Job and Family Services are working to make changes to the system to increase the number of failure dates captured, to allow failed hours to be entered when sanctioning and to support the assignment and tracking of compliance assignments.

A CRIS-E view flash bulletin will be issued prior to the implementation date with more details.

**Instructions**

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<tr>
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<td>Chapter 2000</td>
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<tr>
<td>TANF: OWF and PRC</td>
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<td>Outline of Contents</td>
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<td>(CAMTL # 86 )</td>
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<td>5101:1-3-15</td>
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<td>5101:4-3-09 (effective 2/1/2012)</td>
<td>5101:4-3-09 (effective 9/1/2013)</td>
</tr>
</tbody>
</table>
TO: Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: EPPICard Unpinned Accounts

Background
In 2009 the Ohio Department of Job and Family Services began offering Ohioans a new way to receive their cash assistance benefits: via an electronic benefit transfer card, known as the Ohio EPPICard. The EPPICard is a prepaid MasterCard debit card that can be used at automatic teller machines, MasterCard member banks and any retailer that accepts MasterCard, such as grocery stores, retail establishments and pharmacies. In August 2009, the EPPICard and direct deposit were made the primary methods of issuance for cash assistance, and paper warrants were phased out over the six-month reapplication cycle. In order to access cash assistance benefits via the EPPICard, assistance groups must activate the card by selecting a personal identification number (PIN).

Card Activation
Beginning May 15, 2013, cash assistance benefits on unpinned EPPICards for more than 90 days from the date of issuance will be expunged on an ongoing basis until the card is pinned. Recipients will be notified of the 90-day expungement both in the card disclosure statement and on the approval notice.

No rule changes are being made affecting the eligibility of applicants or recipients, or to the way county agencies administer the cash assistance programs. Recipients have been notified of this requirement since 2009; however, we have not had the system capabilities to take the necessary action for collection until now.

If no additional revisions are made to the following rule prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on May 15, 2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Below is a brief description of the rule change:

Chapter 1000
5101:1-2-70: Issuance of cash assistance benefits

Language has been added to this rule explaining the requirement that assistance groups must activate their EPPICards within 90 days from the date of issuance or benefits will be expunged.

Instructions: The following chart identifies the material that should be removed from the Cash Assistance Certification Handbook and the material that should be added:

<table>
<thead>
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</table>
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-year rule review: Income and Eligibility Verification System Program and OWF: Child Support Requirement

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rules 5101:1-1-36, "Income and eligibility verification system program" and 5101:1-3-10, "Ohio Works First: Child Support Requirement." As part of the ongoing review process, the abbreviation "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

If no further revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on March 1, 2013. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions:

**Chapter 1000**

5101:1-1-36: Income and eligibility verification system program
This rule sets forth the definition of the Income and Eligibility Verification System (IEVS) program, how it operates, how it works in conjunction with the Client Registry Information System-Enhanced (CRIS-E), and the time frames for matching information. This rule has been amended to change "CDJFS" to "county agency" to align with the Food Assistance rules, and food "stamps" has been changed to "assistance."

**Chapter 2000**

5101:1-3-10: Ohio Works First: Child Support Requirement
This rule sets forth the definition of the child support requirement, why cooperation is mandatory in securing support, consequences for failing to cooperate, the child support enforcement and county agencies' responsibilities in securing support, and the definition of "support rights". This rule has been amended to change "CDJFS" to "county agency" to align with the Food Assistance rules.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added:

<table>
<thead>
<tr>
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<td>Chapter 1000</td>
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<td>JOINT PROGRAM POLICIES</td>
<td>Outline of Contents (CAMTL # 83) (effective 2/04/13)</td>
<td>Outline of Contents (CAMTL # 84) (effective 3/01/13)</td>
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<td>Income and Eligibility Verification System Program</td>
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<td>TANF: OWF AND PRC</td>
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<tr>
<td>Ohio Works First: Child Support Requirement</td>
<td>5101:1-3-10 (effective 5/01/10)</td>
<td>5101:1-3-10 (effective 3/01/13)</td>
</tr>
</tbody>
</table>

Note: The changes in the effective dates are due to updates and revisions in the program regulations.
Food Assistance Transmittal Letter No. 334

TO: Cash Assistance Manual Holders
    Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: JFS 07200, "Request to Apply for Cash, Food and Medical Assistance"

It was brought to the attention of the Ohio Department of Job and Family Services that the JFS 07200, "Request to Apply for Cash, Food and Medical Assistance," has at times been confusing, particularly with regard to where completed applications should be submitted. As a result, the JFS 07200 has been revised. Instructions on where to turn in the application have been rewritten, a link has been provided to help applicants locate their county agencies, and spacing has been adjusted. As a result, the following rules have been updated:

- 5101:1-1-50, "Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System."
- 5101:4-2-01, "Food assistance: initial application process."
- 5101:4-2-02, "Categorically Eligible Assistance Groups."
- 5101:4-6-19, "Food assistance: determining eligibility of supplemental security income assistance groups."
- 5101:4-7-07, "Food assistance: recertification."

If no revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on February 1, 2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

Instructions: The following chart identifies the material that should be removed from the Cash Assistance Certification Handbook and the material that should be added:

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<td>5101:1-1-13 (effective 6/1/10)</td>
<td>5101:1-1-13 (effective 2/1/13)</td>
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<td>Assistance Group Records, Case Records, Retention and Transfer of Records</td>
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<tr>
<td>Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System</td>
<td>5101:1-1-50 (effective 6/1/09)</td>
<td>5101:1-1-50 (effective 2/1/13)</td>
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</table>
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five year rule review: Disability Financial Assistance: Resources.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-5-30 "Disability financial assistance: resources." As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

If no further revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on January 1, 2013. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

**Chapter 3000**

**5101:1-5-30: Disability financial assistance: resources**

This rule sets forth the definition of disability financial assistance resources, defines different types of resources and how to transfer property. This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format to improve clarity.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
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| Chapter 3000  
DISABILITY FINANCIAL ASSISTANCE | Outline of Contents  
(CAMTL # 37 )  
(11/1/07) | Outline of Contents  
(CAMTL # 82 )  
(effective 1/1/13) |
| Disability Financial Assistance: Resources | 5101:1-5-30  
(effective 11/1/07) | 5101:1-5-30  
(effective 1/1/13) |
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: July 2012 Five-Year Rule Reviews

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on the rules listed below. If no revisions are made to the proposed rules prior to finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on October 15, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Chapter 1000
5101:1-2-01 The application process for Ohio works first, disability financial assistance, and refugee cash assistance.

This rule has been amended with minor revisions to formatting, language and grammar to improve readability and clarity. The definition for primary information person has been removed. Primary information person is a term used within the client registry information system-enhanced (CRIS-E). Having a primary information person is not a requirement of the Cash Assistance Programs.

Chapter 2000
5101:1-23-01 Ohio works first: time limited receipt of assistance.

This rule has been rescinded and replaced with a rule of the same number with revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules.

5101:1-23-01.1 Ohio works first: calculation of the twenty per cent limits for state and federal hardship extensions.

This rule has been rescinded and replaced with a rule of the same number with revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules.

Chapter 3000
5101:1-5-01 The disability financial assistance program: definitions and payment standards.

This rule has been amended with minor revisions to formatting, language and grammar to improve readability and clarity.

Instructions:
The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<tr>
<td><strong>Outline of Contents</strong></td>
<td>(CAMTL #80 October 15, 2012)</td>
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<td><strong>Ohio works first: time limited receipt of assistance.</strong></td>
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<td><strong>Ohio works first: calculation of the twenty per cent limits for state and federal hardship extensions.</strong></td>
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<th>DISABILITY FINANCIAL ASSISTANCE</th>
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<tr>
<td><strong>The disability financial assistance program: definitions and payment standards.</strong></td>
<td>5101:1-5-01 (effective 7/1/2010)</td>
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</tbody>
</table>
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director

Background

On August 28, 2009, Ohio received notification of its failure to meet both the two-parent and all-family work participation rates for federal fiscal year (FFY) 2007. As a result, Ohio faces a potential $32,758,572 penalty to its State Family Assistance Grant, which is its Temporary Assistance for Needy Families block grant. Ohio filed an appeal of reasonable cause for failure to meet the rate. On July 29, 2011, the U.S. Department of Health and Human Services, Administration for Children and Families, responded that the information submitted for FFY 2007 did not demonstrate Ohio’s claim of reasonable cause. As a result, the state entered into a corrective compliance plan. Included in the corrective compliance plan are changes to the Ohio Works First (OWF) application process.

House Bill 337 of the 129th General Assembly was signed by the Governor on January 27, 2012, and takes effect immediately. This bill includes a provision that eliminates the requirement to make an OWF eligibility determination regardless of whether the self-sufficiency contract is signed.

Action Change Transmittal #254 was issued to explain the new policy and how county agencies are to implement it. Ohio Administrative Code rules 5101:1-2-10, 5101:1-3-11, 5101:1-3-12 and 5101:1-3-13 have been revised to bring Ohio into compliance with both the overall work participation rate (50 percent) and the two-parent work participation rate (90 percent) in FFY 2012 (October 1, 2011 - September 30, 2012).

The Ohio Department of Job and Family Services met with the Ohio Job and Family Services Directors Association, county agency directors, and representatives from the metropolitan areas and other counties to solicit ideas for inclusion into the plan. The policy changes set forth below were a result of those meetings.

Ohio Administrative Code Rules included: 5101:1-2-01, 5101:1-3-11, 5101:1-3-12 and 5101:1-3-13

Implementation

If no further revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on May 7, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following is a brief description of the each rule.

5101:1-2-01 The application process for Ohio works first, disability financial assistance, and refugee cash assistance programs.

Prior policy required county agencies to authorize benefits for Ohio Works First assistance groups after eligibility was verified.

Effective May 7, 2012 the following changes have been made to the initial application process:

- The self-sufficiency contract must be signed by each work eligible individual, adult and minor head of household prior to the authorization of OWF benefits.
- County agencies that choose for work eligible individuals to complete a job search/job readiness applicant assignment as part of the eligibility determination must make an eligibility determination no later than 30 days following the submission of the application for OWF benefits.

This rule has also been amended with minor revisions to language and grammar to improve readability and clarity.

5101:1-3-11 Ohio works first (OWF): appraisals, assessments and self-sufficiency contract.
Prior policy allowed for the self-sufficiency contract to be signed no later than 30 days following the submission of an application for cash assistance. However, if all eligibility factors were verified, the authorization of OWF benefits could not be delayed.

With the new policy, each work-eligible individual, adult and minor head of household must have a signed self-sufficiency contract before the OWF benefits may be authorized.

The following additional revisions were made to this rule:

- The appraisals and assessments that were previously found in rule 5101:1-3-12 of the Administrative Code have been moved to this rule. No substantial changes were made to the appraisal or assessment process as part of its inclusion in this rule.
- Good cause reasons for failing to comply in full with the self-sufficiency contract have been removed from this rule. Good cause policy can now be found in new rule 5101:1-3-13 of the Administrative Code.

5101:1-3-12 Ohio works first: work activities

This rule has been amended to remove appraisals and assessments to improve clarity. The policy and procedure regarding appraisals and assessments can be found in revised rule 5101:1-3-11 of the Administrative Code.

5101:1-3-13 Ohio works first (OWF): good cause for work activity failures.

This new rule is being adopted to include definitions and policy for allowable good cause reasons for failing to comply with a work activity assignment. This information was previously found in rule 5101:1-3-11.

The following changes have been made to the good cause policy:

- The inclusion of a definition of “family” for instances of good cause for a death in the family. “Family” is now defined as spouse, domestic partner (domestic partner is defined as one who stands in place of a spouse and who resides with the work-eligible individual), child, grandchild, parents, grandparents, siblings, stepchild, stepparent, step-siblings, great-grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or legal guardian or other person who stands in the place of a parent.
- Requiring interviews and medical, dental or vision care appointment to be previously scheduled.
- Defining a family member to be an individual related by blood, marriage or adoption living in the same household, in situations of illness of a family member.
- When a county agency requests verification of good cause that verification must be received within 10 days from the request.

Instructions:

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<td>The application process for Ohio works first, disability financial assistance, and refugee cash assistance programs.</td>
<td>5101:1-2-01 (effective 7/1/2011)</td>
<td>5101:1-2-01 (effective 5/7/12)</td>
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<td>Ohio works first (OWF): appraisals, assessments, and self-sufficiency contract</td>
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<td>5101:1-3-12 (effective 5/7/12)</td>
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<tr>
<td>Ohio works first (OWF): good cause for work activity failures</td>
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<td>5101:1-3-13 (effective 5/7/12)</td>
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</table>
This letter transmits an amendment to Ohio Administrative Code rule 5101:1-1-90, "Ohio Works First: State Tax Refund Offset Program," with the proposed effective date of April 16, 2012. This rule was original filed on November 30, 2011 with a change to re-implement the ten-year limitation for referring claims to the State Tax Refund Offset Program; however, after clearance comments and further clarification issued via a joint letter from the Offices of Family Assistance and Fiscal and Monitoring Services on December 23, 2011 an additional change was required to align the Ohio Administrative Code rule with the new clarification. The following is a summary of the changes.

**Chapter 4000**

**5101:1-1-90, "Ohio Works First: State Tax Refund Offset Program"**

This rule has been amended to reestablish the 10-year limitation to collect on debts through the State Tax Refund Offset Program for the Ohio Works First Program. On January 1, 2011, the 10-year limitation was removed, after it also was removed for Food Assistance debts, in order to better align rules for both programs. The 10-year limit on debt collection for Food Assistance was removed effective April 15, 2010, as a result of the 2008 Farm Bill and guidance received from the U.S. Department of Agriculture's Food and Nutrition Service. However, the decision to rescind the 10-year limitation on Ohio Works First debt collection was recently reversed. Ohio Works First overpayment claims that are more than 10 years old will **not** be referred to the State Tax Refund Offset Program with two exceptions 1) claims reduced to final court judgments; and 2) claims due to an individual's intentional violation of the program requirements as set forth in rule 5101:1-23-75 of the Administrative Code.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<td>Chapter 4000</td>
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<tr>
<td>Ohio Works First: State Tax Refund Offset Program</td>
<td>5101:1-1-90 (effective 12/1/10)</td>
<td>5101:1-1-90 (effective 4/16/12)</td>
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</table>
Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

This letter transmits changes with the proposed effective date of March 1, 2012. The following is a brief description of the changes.

**Chapter 2000**

**5101:1-23-10: Ohio Works First: Assistance group determination.**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. The term "standard filing unit" has been removed and replaced with "assistance group" for consistency. No changes were made affecting the eligibility of applicants or recipients or to the way county agencies administer programs. The new rule answers the following questions:

- Who must be included in the assistance group determination?
- What are the required living arrangements for minor parents to receive Ohio Works First?
- When may a specified relative be included in an assistance group?
- Who is ineligible to be included in an assistance group?
- Who is excluded from the assistance group?
- What are the steps in determining the assistance group?

**5101:1-23-20: Ohio Works First: Income and eligibility.**

This rule sets forth the income and eligibility standards for the Ohio Works First program. It has been amended to update citations that changed with the revision of rule 5101:1-23-10 to improve clarity.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<tr>
<td><strong>Chapter 2000</strong></td>
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<tr>
<td>TANF: OWF and PRC</td>
<td>Outline of Contents</td>
<td>Outline of Contents</td>
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<td>(CAMTL # 76)</td>
<td>(CAMTL # 77)</td>
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<td>(effective 02/05/12)</td>
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<tr>
<td><strong>Ohio Works First: Assistance group determination</strong></td>
<td>5101:1-23-10 (effective 12/29/06)</td>
<td>5101:1-23-10 (effective 03/01/12)</td>
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<td>Ohio Works First: Income and eligibility</td>
<td>5101:1-23-20 (effective 08/01/10)</td>
<td>5101:1-23-20 (effective 03/01/12)</td>
</tr>
</tbody>
</table>
In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on the rules listed below.

If no revisions are made to the proposed rules prior to finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on February 5, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:1-3-12 Ohio works first: work activities.

This rule has been amended with minor revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules. This rule contains the definitions and requirements for work activities in the Ohio Works First program.

5101:1-3-12.1 Unsubsidized employment.

This rule has been amended with revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules. This rule contains the definition of unsubsidized employment and the employment types that meet the definition of unsubsidized employment.

5101:1-3-12.9 Job skills training directly related to employment.

This rule has been rescinded and replaced with a rule of the same number with revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules. This rule contains the definition of job skills training directly related to employment and the activities that meet the definition of job skills training directly related to employment.

5101:1-3-12.10 Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

This rule has been rescinded and replaced with a rule of the same number with revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules. This rule contains the definition of education directly related to employment in the case of recipients who have not received high school diplomas or certificates of high school equivalency. It also states the activities that meet the definition of education directly related to employment in the case of recipients who have not received high school diplomas or certificates of high school equivalency.

Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.
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<tr>
<th>Chapter 2000</th>
<th>5101:1-3-12 (effective 5/1/2010)</th>
<th>5101:1-3-12 (effective 2/5/2012)</th>
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<td>Ohio works first: work activities</td>
<td>5101:1-3-12.1 (effective 10/1/2008)</td>
<td>5101:1-3-12.1 (effective 2/5/2012)</td>
</tr>
<tr>
<td>Unsubsidized employment</td>
<td>5101:1-3-12.9 (effective 10/1/2008)</td>
<td>5101:1-3-12.9 (effective 2/5/2012)</td>
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<td>Job skills training directly related to employment</td>
<td>5101:1-3-12.10 (effective 10/1/2008)</td>
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<td>5101:1-3-12.10 (effective 10/1/2008)</td>
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</table>
Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

This letter transmits the updated rules with the proposed effective date of February 1, 2012. The following is a summary of the policies reviewed.

**Chapter 2000**

**5101:1-3-12.3: Work experience program**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. This rule contains the definition of a work experience program (WEP), the activities that do not meet the definition of a WEP, and the requirements the county agencies have to follow for WEP activities.

**5101:1-3-12.4: On-the-job training**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. This rule contains the definition of on-the-job training and the activities that meet the definition of on-the-job training.

**5101:1-3-12.8: Providing child care services to an individual who is participating in a community service program**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. This rule contains the definition of providing child care services to an individual who is participating in a community service program and the requirements for this activity.

**5101:1-3-15.1: Transition of Ohio Works First (OWF) Assistance Groups Under Sanctions and Penalties**

This rule is being proposed for rescission. Assistance groups with non-recipient work-eligible individuals under three-tier sanction or penalty situations were terminated effective December 31, 2006.

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<td>TANF: OWF and PRC</td>
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<td>5101:1-3-12.3 (effective 10/01/08)</td>
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<td>5101:1-3-12.4 (effective 02/01/12)</td>
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<td>Providing childcare services to an individual who is participating in a community service program</td>
<td>5101:1-3-12.8 (effective 10/01/08)</td>
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<tr>
<td>Transition of Ohio Works First (OWF) Assistance Groups under Sanctions and Penalties</td>
<td>5101:1-3-15.1 (effective 12/29/06)</td>
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</tbody>
</table>
Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

This letter transmits the updated rule with the proposed effective date of February 1, 2012. The following is a summary of the policy:

**Chapter 2000**

**5101:1-3-16: The prevention, retention and contingency employer subsidy**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format to improve clarity. This rule contains the following sections:

- What is the purpose of the Prevention, Retention and Contingency (PRC) employer subsidy program?
- What are the guidelines for employers?
- What are the guidelines for participants?
- Who can participate in the PRC employer subsidy program?
- What are the county agency requirements?

**Instructions:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<tr>
<td>TANF: OWF and PRC</td>
<td>Outline of Contents (CAMTL # 73 ) (effective 01/01/12)</td>
<td>Outline of Contents (CAMTL # 74) (effective 02/01/12)</td>
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<td>The prevention, retention, and contingency employer subsidy</td>
<td>5101:1-3-16 (effective 07/01/07)</td>
<td>5101:1-3-16 (effective 02/01/12)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Five Year Rule Review: Subsidized public and private employment and Ohio works first and prevention, retention and contingency: assistance group ineligibility due to receipt of fraudulent assistance.

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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.

A five-year review was recently conducted on Ohio Administrative Code rules 5101:1-3-12.2, "Subsidized public and private employment," and 5101:1-23-75,"Ohio works first and prevention, retention and contingency: assistance group ineligibility due to receipt of fraudulent assistance." As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with Food Assistance rules.

If no further revisions are made to the proposed rules prior to finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on February 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following describes the revisions:

**Chapter 2000**

**5101:1-3-12.2: Subsidized public and private employment**

This rule provides definitions of subsidized public and private employment as countable work activities, gives examples of acceptable models, and explains the employer subsidy payments and the hours of participation in the program. This rule is being proposed for amendment so that it can be put into question-and-answer format to improve clarity.

**5101:1-23-75: Ohio works first and prevention, retention and contingency: assistance group ineligibility due to receipt of fraudulent assistance**

This rule sets forth the definitions of fraudulent assistance and intentional program violations, explains how violations are handled when assistance groups move, and explains how repayment is made. This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format to improve clarity.

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<td>Subsidized public and private employment</td>
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<tr>
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<td>5101:1-23-75 (effective 03/01/07)</td>
<td>5101:1-23-75 (effective 02/01/12)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Ohio Works Now (OWN) Program.

Background  
The Temporary Assistance for Needy Families (TANF) program is the federal government’s primary cash assistance program for low-income families. Authorized by Title IV-A of the Social Security Act, TANF is designed to provide temporary support while families work to achieve self-sufficiency. Federal law requires most able-bodied adults receiving cash assistance to work at least 30 hours a week. States must show that at least 90 percent of adults in two-parent households and at least 50 percent of all adults are working the required number of hours each week, or face fiscal penalties. Several “work activities” also are potentially allowable, including on-the-job training, community service and education directly related to employment.

The Ohio Department of Job and Family Services (ODJFS) is committed to the goals of self-sufficiency and to strengthening Ohio families through the delivery of integrated solutions to their temporary challenges. It also recognizes that low-income working families generally receive less in food assistance benefits than they spend on food, tend not to receive TANF cash assistance, and experience increased costs as a result of being employed.

As a result, Governor Kasich signed Executive Order 2011-19K providing ODJFS the authority to develop a new state-sponsored program called Ohio Works Now. Ohio Works Now will issue additional food benefits to employed needy families with children who are receiving food assistance benefits. Although these additional food assistance benefits will be added to recipients’ Ohio Direction Cards, Ohio Works Now will be administered as part of the TANF program, with benefits issued from state maintenance-of-effort (MOE) funds.

Ohio Administrative Code Rule 5101:1-2-50 has been created to implement the Ohio Works Now program.

Implementation  
If no revisions are made to this rule prior to its finalization by the Joint Committee on Agency Rule Review, it will become effective on a permanent basis on January 1, 2012. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

This rule will not affect the eligibility of applicants or recipients for cash assistance, food assistance or Medicaid, and it will not affect the way county agencies administer these programs. The following is a brief description of the new rule.

5101:1-2-50 Ohio works now  

Eligibility  
To be eligible for Ohio Works Now benefits:

- An assistance group receiving Food Assistance must include a minor child and the biological or adoptive parents of the minor child, or a pregnant woman with no other children who is in at least her sixth month of pregnancy; and
- The employed individual must be considered a work-eligible individual; and
- The employed individual must work at least:
  - 20 hours/week (86 hours/month) for families with one parent in the home if the youngest child is under age 6;
  - 30 hours/week (129 hours/month) for families with one parent in the home if the youngest child is age 6 or older; or
• 55 hours/week (237 hours/month) for families with two parents in the home, with at least 30 hours/week (129 hours/month) completed by one parent.

Individuals must receive Food Assistance benefits but cannot receive TANF cash assistance benefits in any given month that they also receive Ohio Works Now benefits. Only one Ohio Works Now benefit will be issued per assistance group, regardless of the composition of the assistance group.

TANF requirements - such as time limits, self-sufficiency contracts, and child support assignment and enforcement cooperation - are not applicable to this program.

**Issuance**

Ohio Works Now benefits will be loaded onto recipients' Ohio Direction Cards, which is the electronic benefit transfer card used to distribute Food Assistance benefits. Ohio Works Now benefits are Food Assistance benefits, not cash benefits, and can be spent only as permitted in Ohio's Food Assistance Program.

Assistance groups will receive a monthly notice about their eligibility for Ohio Works Now. Case information about the benefit will be available in CRIS-E.

**Instructions:**

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<td>Ohio works now</td>
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<td>5101:1-2-50</td>
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<td></td>
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<td>(effective 1/1/2012)</td>
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</tbody>
</table>
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Vocational Educational Training; Alternative Activities; Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence, in the Case of a Recipient Who Has not Completed Secondary School or Received Such a Certificate; and Ohio Works First: Domestic Violence Information, Screening, Referral and Waiver of Eligibility Requirements

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rules 5101:1-3-12.7, "Vocational Educational Training"; 5101:1-3-12.12, "Alternative Activities"; 5101:1-3-12.11, "Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate"; and 5101:1-3-20, "Ohio works first: domestic violence, information, screening, referral and waiver of eligibility requirements."

The following pages describe the changes that are being proposed to each rule. In addition, as part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules. If no further revisions are made to the proposed rules prior to finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on February 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

**Chapter 2000**

**5101:1-3-12.7: Vocational Educational Training**

This rule provides a definition of vocational educational training, gives examples of acceptable types of vocational educational training, explains how the hours of participation in this activity count toward the work participation requirements, defines the federal limitation on this activity, and explains how the tuition for this activity is paid.

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity.

**5101:1-3-12.11: Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. This rule defines satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. It also defines a high school equivalence diploma and explains how this activity counts toward the work participation requirements.

**5101:1-3-12.12: Alternative Activities**

This rule sets forth the definitions of alternative activities, provides examples of alternative activities, and explains the required number of hours for work participation. This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity.
5101:1-3-20: Ohio works first: domestic violence-information, screening, referral and waiver of eligibility requirements

This rule is being proposed for amendment to revise a form number. It sets forth the Ohio Works First (OWF) policy regarding information, screening, referral and waiver of certain OWF eligibility requirements in domestic violence situations.

Instructions:
The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<td>Ohio works first: domestic violence-information, screening, referral and waiver of eligibility requirements</td>
<td>5101:1-3-20 (effective 06/01/10)</td>
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<td>Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate</td>
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<td><strong>CAM APPENDIX</strong></td>
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<td>Outline of Contents (effective 06/01/10)</td>
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<td><strong>JFS CHARTS</strong></td>
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<td>Initial Eligibility Threshold (effective 05/01/09)</td>
<td>Initial Eligibility Threshold (effective 07/01/11)</td>
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In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on the rules listed below.

If no revisions are made to the proposed rules prior to finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on October 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.


This rule has been amended with minor revisions to formatting, language and grammar to improve readability and clarity. The acronym "CDJFS" was changed to "county agency" to align with the Food Assistance rules. In addition, several new definitions were added. None of the new definitions are new to the cash assistance programs.

5101:1-5-40 Disability financial assistance: income.

This rule has been amended with minor revisions to language and grammar to improve readability and clarity. Language was removed that referenced the standard deduction for operating expenses for home day care providers because all self-employed individuals may use the 50 percent standard deduction as set forth in rule 5101:1-23-20 of the Ohio Administrative Code.

Instructions

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
<th>Remove and file as obsolete</th>
<th>Insert/Replacement</th>
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</thead>
<tbody>
<tr>
<td>Chapter 2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TANF: OWF and PRC</td>
<td>Outline of Contents (CAMTL #67) (effective 09/09/11)</td>
<td>Outline of Contents (CAMTL #69) (effective 10/01/11)</td>
</tr>
<tr>
<td>Temporary assistance for needy families: definitions</td>
<td>5101:1-1-01 (effective 10/01/08)</td>
<td>5101:1-1-01 (effective 10/01/11)</td>
</tr>
<tr>
<td>Chapter 3000</td>
<td></td>
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<tr>
<td>Disability Financial Assistance</td>
<td>Outline of Contents (CAMTL #55) (effective 7/01/10)</td>
<td>Outline of Contents (CAMTL #69) (effective 10/01/11)</td>
</tr>
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<td>---------------------------------</td>
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<td>-----------------------------------------------</td>
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<tr>
<td>Disability financial assistance: income</td>
<td>5101:1-5-40 (effective 01/01/09)</td>
<td>5101:1-5-40 (effective 10/01/11)</td>
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</tbody>
</table>
In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-2-30.2, "Benefit eligibility: Indefinite detainees or lifers." If no further revisions are made to the proposed rule prior to its finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective September 9, 2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions:

**Chapter 1000**

**5101:1-2-30.2: Benefit eligibility: Indefinite detainees or lifers**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. In addition, the acronym "CDJFS" is being changed to "county agency" to align with the Food Assistance rules. Rule 5101:1-2-30.2 sets forth the policy for those serving indefinite sentences or life in prison who have been given a final order of removal from the United States. The new rule answers the following questions:

- Who are indefinite detainees or lifers?
- What must an indefinite detainee or lifer provide when applying for benefits?
- What are the responsibilities of the county agency?

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
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<tr>
<td>Chapter 1000 JOINT PROGRAM POLICIES</td>
<td>Outline of Contents (CAMTL #67) (effective 09/09/11)</td>
<td>Outline of Contents (CAMTL #68) (effective 09/09/11)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Five-Year Rule Review: Sponsor-to-alien deeming requirements

In accordance with Ohio Revised Code section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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, amended or be rescinded, taking into consideration each rule’s scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-2-35, "Sponsor-to-alien deeming requirements." If no further revisions are made to the proposed rule prior to its finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective September 9, 2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions.

**Chapter 1000**

**5101:1-2-35: Sponsor-to-alien deeming requirements**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. In addition, the acronym "CDJFS" is being replaced with "county agency" to align with the Food Assistance rules. This rule contains answers to the following questions:

- What are the sponsor-to-alien deeming requirements?
- Who is considered a sponsor?
- Who is not subject to the sponsor-to-alien deeming requirements?
- How are the sponsor-to-alien deeming requirements applied?
- How long do the deeming requirements apply?

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
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<th>Location</th>
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<td>JOINT PROGRAM POLICIES</td>
<td>(effective 05/01/11)</td>
<td>(effective 09/09/11)</td>
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<tr>
<td>Sponsor-to-alien deeming</td>
<td>5101:1-2-35 (effective 11/01/06)</td>
<td>5101:1-2-35 (effective 09/09/11)</td>
</tr>
<tr>
<td>requirements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Food Assistance Transmittal Letter No. 319

TO: Cash Assistance Manual Holders
    Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: JFS 07501, "Program Enrollment and Benefit Information"

In order to reduce printing and mailing costs both for county agencies and the state several forms have been consolidated to streamline the application and reapplication information that is required to be provided. A new booklet JFS 07501, "Program Enrollment and Benefit Information" has been designed to replace the forms and brochures previously required. The requirement to provide a self addressed stamped envelope has also been removed. While county agencies may choose to continue to provide self addressed stamped envelopes, they are no longer required to.

As a result, the following rules have been updated:

- 5101:4-2-01, "Food assistance: initial application process."
- 5101:4-6-19, "Food assistance: determining eligibility of supplemental security income assistance groups."
- 5101:4-7-07, "Food assistance: recertification."

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on July 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

Instructions: The following chart identifies the material that should be removed from the Cash Assistance Certification Handbook and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Chapter 1000</td>
<td>5101:1-2-01 (effective 3/1/11)</td>
<td>5101:1-2-01 (effective 7/1/11)</td>
</tr>
<tr>
<td>The application process for Ohio works first, disability financial assistance, and refugee cash assistance.</td>
<td>5101:1-2-10 (effective 4/1/10)</td>
<td>5101:1-2-10 (effective 7/1/11)</td>
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<tr>
<td>The reapplication requirement.</td>
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</tbody>
</table>
Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

This letter transmits changes with the proposed effective date of July 1, 2011. The following is a summary of the policy changes.

**Chapter 2000**

**5101:1-23-60: Ohio Works First: Underpayments**

This rule is being proposed for rescission and replaced with a new rule written in question-and-answer format for clarity. This rule contains the following sections:

- What is an Ohio Works First underpayment,
- How is an underpayment calculated, and
- How is an underpayment corrected.

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
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<td>(CAMTL # 65)</td>
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<td>(effective 12/01/06)</td>
<td>(effective 07/01/11)</td>
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</table>
In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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.

A five-year review was recently conducted on Ohio Administrative Code rule 5101:1-2-30, "Citizenship and Alien Status: Ohio Works First and Disability Financial Assistance." However, after implementation of this rule, it was discovered that further clarification was needed. Neither the five-year rule review nor these revisions are intended to change the policy surrounding citizenship and alien status.

If no further revisions are made to the proposed rule prior to its finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on June 1, 2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following describes the revisions.

**CHAPTER 1000**


This rule has been revised to remove references to American Indians, the Hmong population and the Highland Laotian tribe, as well as references to the criteria for aliens under the age of 18 years. These changes are being made to accurately establish citizenship and alien status. The section regarding "qualified aliens" was also revised to include the exceptions to the five-year period of ineligibility, the limited eligibility period for aliens whose deportation is being withheld, the limited eligibility period of Cuban and Haitian entrants, and the limited eligibility period for Amerasians.

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<tr>
<td>JOINT PROGRAM POLICIES</td>
<td>Outline of Contents</td>
<td>Outline of Contents</td>
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<td>(CAMTL # 63)</td>
<td>(CAMTL # 64)</td>
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<td>(effective 03/01/11)</td>
<td>(effective 06/01/11)</td>
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<tr>
<td></td>
<td>(effective 08/01/10)</td>
<td>(effective 06/01/11)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders
    All Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Telephone Interviews at Initial Application.

This letter transmits changes with a proposed effective date of March 1, 2011. If changes are made to any of
the rules contained in this transmittal during the Joint Committee on Agency Rule review period, corrected
rules will be sent in a future transmittal.

We are proposing changes to the initial application process to allow county agencies to conduct initial
interviews by telephone without documenting the assistance group's hardship, and to no longer require the
printing of the Printed Copy of Information (PCI). These changes will apply to both the cash and food
assistance programs.

Background
These changes are being proposed to improve program access, ease program administration and alleviate
transportation costs for assistance groups. Conducting more telephone interviews at initial certification will
promote more efficient use of eligibility workers' time. Additionally, allowing telephone interviews will enable
participants to more easily complete the certification process.

The United States Department of Agriculture Food and Nutrition Service (FNS) granted Ohio a waiver that
allows county agencies to conduct telephone interviews without documenting hardship, as set forth at 7 CFR
273.2(e)(1) and (e)(2), effective March 1, 2011.

Proposed Policy
Currently, a face-to-face interview is required at each initial certification for cash and food assistance unless a
hardship criteria is met and documented. The waiver approved by FNS will allow all county agencies to waive
the face-to-face interview and conduct a telephone interview without documenting the assistance group's
hardship; however, the county agency must conduct a face-to-face interview if one is requested. Time frames
and procedures for completing the certification process for food assistance have not changed, and delayed
processing requirements still apply. The Cash Assistance Program will align with the Food Assistance
Program to ease administration and to improve program access.

The requirement to print and sign the PCI will also be eliminated. The budget information will be added to all
approval and denial notices to ensure that applicants receive the information used to determine their eligibility.

CRIS-E
We are working with the Office of Information Services to implement changes to the CRIS-E client scheduling
system to allow for telephone interviews at initial certification. Assistance groups' budget information will be
added to all approval and denial notices in February. A Caseload View Flash Bulletin (CLVB) will be issued
prior to the implementation date with more details.

Food Assistance
Ohio Administrative Code (OAC) Rule Changes

CHAPTER 2000

5101:4-2-01, "Food Assistance: Initial Application Process"
A five-year rule review has been completed on this rule, and it has been rescinded and filed as new. It was
rewritten to clarify the policy regarding processing applications. Some of the information that is currently in
this rule was previously in rule 5101:4-2-07. Assistance groups are no longer required to sign the PCI if they have signed the JFS 07200, the JFS 01846 or the JFS 07204. Assistance groups’ budget information will be listed on their approval or denial notice, eliminating the need for county agencies to print the PCI.

5101:4-2-02, "Food Assistance: Categorically Eligible Assistance Groups"
This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

5101:4-2-05.1, "Food Assistance: Primary Information Person"
This rule has been amended to remove the requirement for assistance groups to sign the PCI. It also has been updated to change the words "food stamp" to "food assistance" and to spell out "assistance group" where the abbreviation was previously used.

5101:4-2-07, "Food Assistance: Initial Interview Process"
This rule has been rescinded and filed as new. It was rewritten to clarify the policy regarding the interview process. Some of the information that is currently in this rule was previously in rule 5101:4-2-01. County agencies are no longer required to document waiving the face-to-face interview at initial applications.

5101:4-2-09, "Food Assistance: Verification Procedure"
This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

5101:4-2-11, "Food Assistance: Timeliness Standard and Benefit Verification"
This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

CHAPTER 5000
5101:4-5-03, "Food Assistance: Establishing Certification Periods"
This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

CHAPTER 6000
5101:4-6-19, "Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups"
This rule has been amended to remove the requirement for assistance groups to sign the PCI. The "Definitions" section was removed because the Food Assistance Certification Handbook has a definitions rule that defines the necessary terms used in this rule. The rule has also been updated to change "food stamp" to "food assistance," and "assistance group" was spelled out wherever the acronym was previously used.

5101:4-6-31, "Food Assistance: Sponsored Aliens"
A five-year rule review has been completed on this rule and it was rescinded and filed as new. It was rewritten to clarify the policy regarding sponsored aliens.

Instructions

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

<table>
<thead>
<tr>
<th>Location</th>
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<tr>
<td>Chapter 2000</td>
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<td>Food Assistance:</td>
<td>5101:4-2-01</td>
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### Initial Application Process
(October 2, 2008) - (March 1, 2011)

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<th>Food Assistance: Categorically Eligible Assistance Groups</th>
<th>5101:4-2-02 (November 1, 2008)</th>
<th>5101:4-2-02 (March 1, 2011)</th>
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<tr>
<td>Food Assistance: Primary Information Person</td>
<td>5101:4-2-05.1 (November 1, 2007)</td>
<td>5101:4-2-05.1 (March 1, 2011)</td>
</tr>
<tr>
<td>Food Assistance: Initial Interview Process</td>
<td>5101:4-2-07 (August 1, 2010)</td>
<td>5101:4-2-07 (March 1, 2011)</td>
</tr>
<tr>
<td>Food Assistance: Verification Procedure</td>
<td>5101:4-2-09 (August 1, 2010)</td>
<td>5101:4-2-09 (March 1, 2011)</td>
</tr>
<tr>
<td>Food Assistance: Timeliness Standard and Benefit Issuance</td>
<td>5101:4-2-11 (March 1, 2010)</td>
<td>5101:4-2-11 (March 1, 2011)</td>
</tr>
</tbody>
</table>

### Chapter 5000

| Food Assistance: Establishing Certification Periods     | 5101:4-5-03 (April 1, 2010)   | 5101:4-5-03 (March 1, 2011)  |

### Chapter 6000

<table>
<thead>
<tr>
<th>Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups</th>
<th>5101:4-6-19 (January 1, 2009)</th>
<th>5101:4-6-19 (March 1, 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Assistance: Sponsored Aliens</td>
<td>5101:4-6-31 (May 1, 2006)</td>
<td>5101:4-6-31 (March 1, 2011)</td>
</tr>
</tbody>
</table>

### Cash Assistance OAC Rule Changes

**CHAPTER 1000**


This rule has been amended to eliminate the need for county agencies to document hardship criteria, to allow them to conduct telephone interviews at initial applications, and to eliminate the requirement that they print the PCI.

**Instructions**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Chapter 1000</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-year rule review: New hire reporting, evidence of social security number, age, citizenship and identity, Learning, Earning and Parenting (LEAP) program, and excluded income for Prevention, Retention and Contingency (PRC).

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

The following rules were reviewed: OAC 5101:1-2-85, 5101:1-3-07, 5101:1-3-09, 5101:1-23-50 and 5101:1-24-20

Implementation

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on January 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs. The following is a brief description of the changes made to the rules:

5101:1-2-85 New hire reporting program (W-4).

We have reviewed this rule as part of the five-year rule review process, have rewritten it into question and answer format, removed references to client registry information system-enhanced (CRIS-E) processing and spelled out all acronyms.

5101:1-3-07 Ohio works first: evidence of age, citizenship, and identity.

We have reviewed this rule as part of the five-year rule review process, have rewritten it into question and answer format, removed references to CRIS-E processing and spelled out all acronyms.

5101:1-3-09 Ohio works first: social security number requirement.

We have reviewed this rule as part of the five-year rule review process, have rewritten it into question and answer format, removed references to CRIS-E processing and spelled out all acronyms.

5101:1-23-50 Ohio works first: learning, earning and parenting program.

We have reviewed this rule as part of the five-year rule review process, have rewritten it into question and answer format, removed references to CRIS-E processing and spelled out all acronyms.

5101:1-24-20 Prevention, retention and contingency program: excluded income and resources.

We have reviewed this rule as part of the five-year rule review process, have rewritten it into question and answer format, removed references to CRIS-E processing and spelled out all acronyms. References to rules 5101:1-29-31.1 and 5101:1-29.31.2 have been removed as they are obsoleted rules.

Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Handbook and the material that should be added.
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<tr>
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<td><strong>CASH ASSISTANCE</strong></td>
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<tr>
<td>Chapter 1000</td>
<td>Outline of contents (effective 12/1/10)</td>
<td>Outline of contents (effective 1/1/11)</td>
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<tr>
<td>Cash assistance: new hire reporting program (W-4)</td>
<td>5101:1-2-85 (effective 10/1/05)</td>
<td>5101:1-2-85 (effective 1/1/11)</td>
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<tr>
<td>Chapter 2000</td>
<td>Outline of contents (effective 8/1/10)</td>
<td>Outline of contents (effective 1/1/11)</td>
</tr>
<tr>
<td>Ohio works first: evidence of age, citizenship, and identity</td>
<td>5101:1-3-07 (effective 10/1/05)</td>
<td>5101:1-3-07 (effective 1/1/11)</td>
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<tr>
<td>Ohio works first: social security number requirement</td>
<td>5101:1-3-09 (effective 10/1/05)</td>
<td>5101:1-3-09 (effective 1/1/11)</td>
</tr>
<tr>
<td>Ohio works first: learning, earning and parenting program</td>
<td>5101:1-23-50 (effective 1/1/06)</td>
<td>5101:1-23-50 (effective 1/1/11)</td>
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<tr>
<td>Prevention, retention and contingency program: excluded income and resources</td>
<td>5101:1-24-20 (effective 10/1/05)</td>
<td>5101:1-24-20 (effective 1/1/11)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Five-year rule review: Ohio works first: State Tax Refund Offset program

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

If no revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on January 1, 2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time. This cover letter includes a summary statement of the policy change.

Background

Section 5101.184 of the Ohio Revised Code requires that the Ohio Department of Job and Family Services work with the Ohio Department of Taxation to collect overpayments of assistance from refunds of state income taxes. Overpayments which may be collected using this method include those obtained by fraud or misrepresentation, and those resulting from error made by the recipient or by the county agency.

A debtor whose claim is selected for referral to the state tax refund offset program (STOP) is mailed a 30-day notice of intent to offset. The notice informs the debtor of how to prevent the offset, and how to request a review of the intended action. Reviews are conducted by the applicable county agency, with second-level reviews being conducted by the Ohio Department of Job and Family Services.

CHAPTER 4000

5101:1-1-90 Ohio works first: State Tax Refund Offset program

We have reviewed this rule as part of the five-year rule review process and have rewritten it into question and answer format. In addition, the following changes have been made to the rule:

- The 10-year limitation on old debts has been removed. Effective April 15, 2010, Food Assistance rule 5101:4-8-30 was amended to remove this time limitation for the Treasury Offset Program. In a continuing effort to align cash and food assistance programs, we are removing the limitation for claims referred to STOP;
- We have removed Title 11 bankruptcy, as collection would be prohibited under any bankruptcy action; and
- To align with the Food Assistance policy, we have added language to enable the offset to occur from every liable adult that was part of the OWF overpayment.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
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| CHAPTER 4000 SPECIAL PROGRAMS | Outline of Contents (CAMTL #58 ) (effective 08/01/10) | Outline of Contents (CAMTL #61 ) (effective 01/01/11) |
CAMTL 60 (The Application Process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance)

Cash Assistance Manual Transmittal Letter No. 60

November 4, 2010

TO: All Cash Assistance Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: The Application Process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance

This letter transmits a change to Ohio Administrative Code rule 5101:1-2-01 with the proposed effective date of December 1, 2010. This cover letter includes a summary statement of the policy changes.

CHAPTER 1000

5101:1-2-01 The Application Process for Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance

On May 1, 2009, the Ohio Department of Job and Family Services introduced new form JFS 07204 "Request to Reapply for Cash and Food Assistance," which is being sent to assistance groups participating in telephone interview reapplications. Effective November 1, 2010, county agencies will be able to accept the signed JFS 07204 "Request to Reapply for Cash and Food Assistance" when establishing a date for existing assistance groups applying for additional benefits, such as Food Assistance, Ohio Works First, Refugee Cash Assistance and Disability Financial Assistance. In this instance, the JFS 07204 may be used instead of the JFS 07200 "Request for Cash, Food Assistance, and Medical Assistance".

In addition, the rule was revised to change all references to "CDJFS" to "county agency" to further align with Food Assistance rules. If no revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on December 1, 2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

<table>
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<td>(effective 08/01/10)</td>
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<td>JOINT PROGRAM POLICIES</td>
<td>The Application for Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance</td>
<td>5101:1-2-01 (effective 01/01/10)</td>
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<td></td>
<td>5101:1-2-01 (effective 12/01/10)</td>
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TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Refugee Cash Assistance and Refugee Social Services Program.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. If any changes are made to the rules contained in this transmittal letter during the Joint Committee on Agency Rule Review's review period, the corrected rules will be sent out in a future Cash Assistance Manual Transmittal Letter.

This letter transmits changes with an effective date of September 1, 2010. This cover letter includes a summary statement of the policy changes.

CHAPTER 4000

5101:1-2-40, "Refugee Resettlement Program Definitions"

This is a new rule with the definitions for the Refugee Resettlement Program rules, which are located in rules 5101:1-2-40.1 through 5101:1-2-40.5. This rule replaces the previous Refugee Cash Assistance rule, which has been moved to rule 5101:1-2-40.1. The rule includes Iraqi and Afghan special immigrant visa holders and alien children who are issued Interim Assistance Letters by the Department of Health and Human Services, Office of Refugee Resettlement (ORR), pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as eligible populations.

5101:1-2-40.1, "Refugee Cash Assistance"

We have rescinded the former version of this rule and created this rule written in plain language for better readability. Eligibility requirements have not changed from the previous rule. The acronym "CDJFS" has been changed to "county agency" to align with cash and food assistance rules. Form JFS 07349, "Refugee Employment and Case Management Referral," is no longer required. The policy regarding which Refugee Cash Assistance (RCA) recipients are exempt from participation in employment services and employability services has been revised to make it less restrictive and more consistent with national standards. The rule ties good cause reasons for failure to participate in employment and employability services to rule 5101:1-3-11 of the Administrative Code, which governs the Ohio Works First program. The rule also describes the RCA sanction policy, which has not changed from the previous rule.

5101:1-2-40.2, "Refugee Social Services Program: Eligibility and County Agency Responsibilities"

This rule has been rescinded and filed as new. The policy regarding mandatory versus voluntary participation has changed to align more closely with Federal regulations that state only RCA recipients who do not meet a defined exemption are required to participate in the Refugee Social Services Program (RSSP). The rule was rewritten in plain language to clarify who is eligible for services, the eligibility period, application standards, and procedures when a refugee fails to comply with RSSP requirements. The rule removes the JFS 01457, "Application for Refugee Social Services Only" and gives county agencies flexibility in the application process. The rule also ties good cause reasons for failure to participate in employment and employability services to rule 5101:1-3-11 of the Administrative Code. The rule requires counties receiving an RSSP allocation to develop a plan describing the RSSP program services within the county and to submit it to the Ohio Department of Job and Family Services (ODJFS). The county RSSP plan will allow ODJFS to more accurately prepare its annual refugee plan to the ORR.
5101:1-2-40.3, "Refugee Social Services Program: Services"

This rule has been rescinded and filed as new. It has been rewritten to define criteria for appropriate employment services, employability services and employment. It defines required RSSP services and narrows the types of RSSP services county agencies may provide without prior approval to more closely align with federal goals of the Refugee Resettlement Program, which are employment related. Form JFS 07349, "Refugee Employment and Case Management Referral," is no longer required.

5101:1-2-40.4, "Refugee Social Services Program: Family Self-Sufficiency Plan and Individual Employability Plan Requirements"

This rule has been rescinded and filed as new. Elements of the previous rule were incorporated into new rules, 5101:1-2-40.2, "Refugee Social Services Program: Eligibility and County Agency Responsibilities," and 5101:1-2-40.3, "Refugee Social Services Program Services." The rule was rewritten to plain language and explains the requirements for the family self-sufficiency and individual employability plans for both mandatory and voluntary RSSP participants. There are no significant changes to the policy related to the plans.

5101:1-2-40.5, "Targeted Assistance Program"

The previous rule has been rescinded and a new rule has been created. Elements of the previous rule were incorporated into new rules, 5101:1-2-40.2 through 5101:1-2-40.4. The new rule defines the requirements for the Targeted Assistance Program (TAP).

**APPENDIX - JFS FORMS**

**JFS 01457 "Application for Refugee Social Services Only" (Rev. 07/2005)**

The JFS 01457 "Application for Refugee Social Services Only" (Rev. 07/2005) is being removed from the RSSP rules to give county agencies flexibility with the application process for RSSP. This form is obsolete.

**JFS 07349 "Refugee Employment Registration and Case Management Referral" (Rev. 03/2002)**

The JFS 07349, "Refugee Employment Registration and Case Management Referral," has been removed from the RCA and RSSP rules, giving county agencies more flexibility in the process through which they refer and track RSSP participation. This form is obsolete.

**INSTRUCTIONS:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<thead>
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<td>Individual Employability Plan Requirements</td>
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<td>JFS 07349 Refugee Employment Registration and Case Management Referral (Rev. 3/2002)</td>
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CAMTL 58 (Five-year rule review: Citizenship, School Attendance, Residence and Living Arrangement Requirement, and the Repatriate Program)

Cash Assistance Manual Transmittal Letter No. 58

July 28, 2010

TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-year rule review: Citizenship, School Attendance, Residence and Living Arrangement Requirement, and the Repatriate Program

Background

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

This letter transmits changes with the proposed effective date of August 1, 2010. This cover letter includes a summary statement of the policy changes.

CHAPTER 1000

5101:1-2-30 Citizenship: Ohio Works First and Disability Financial Assistance

We have rescinded the former version of this rule and created a new rule that is written in plain language for better readability and to align with rule 5101:4-3-07 of the Ohio Administrative Code, which is the Food Assistance Citizenship rule. The proposed changes to the rule are formatting changes and are not substantive.

H.R. 3326, "Department of Defense Appropriations Act, 2010" (Public Law 111-118), removed the eight-month limitation on cash and food assistance benefits for Iraqi and Afghan special immigrant visa holders. These individuals will now be able to receive benefits in the same manner as individuals admitted to the United States as refugees. They will no longer be subject to the eight-month limitation or the five-year waiting period for Temporary Assistance for Needy Families benefits. This rule obsoletes Action Change Transmittal Letters #245, 246 and 248.

CHAPTER 2000

5101:1-3-02 Ohio Works First: School Attendance

We have rescinded the former version of this rule and created a new rule written in plain language for better readability.

5101:1-3-03 Ohio Works First: Residence and Living Arrangement Requirement

We have rescinded the former version of this rule and created a new rule written in plain language for better readability. We also added additional policy from section 5107.24 of the Ohio Revised Code that addresses exemptions to a minor parent or pregnant minor residing with a parent, relative, guardian or custodian.

CHAPTER 4000

5101:1-2-60 Repatriate program

This rule has been proposed for amendment. As a result of a recent clarification, we have removed the initial resettlement payment of $560 and replaced it with Ohio’s Temporary Assistance for Needy Families payment standard, which is the Ohio Works First standard for the assistance group size. The reference to the "Temporary Assistance for Repatriates" pamphlet has been removed and replaced with the "Welcome
Package," which is provided by International Social Service-United States of America branch incorporated (ISS-USA). All references to JFS forms have been removed, as the forms are provided by ISS-USA in the welcome package. The county agencies work directly with ISS-USA, and we have removed the requirement to send information to ODJFS. Counties can submit required documents directly to ISS-USA.

**Cash Assistance Manual Instructions:**

The following chart identified the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<thead>
<tr>
<th>LOCATION</th>
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<td>CHAPTER 1000 JOINT PROGRAM POLICIES</td>
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<td>Citizenship: Ohio works first and disability financial assistance</td>
<td>5101:1-2-30 (effective 10/01/08)</td>
<td>5101:1-2-30 (effective 08/01/10)</td>
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<td>5101:1-3-03 (effective 10/01/05)</td>
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<td>CHAPTER 4000 SPECIAL PROGRAMS</td>
<td>Outline of Contents (CAMTL #22) (effective 11/01/05)</td>
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<td>5101:1-2-60 (effective 08/01/10)</td>
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</table>
This letter is to inform you that a five-year review has been conducted on the rule listed below, in accordance with Section 119.032 of the Ohio Revised Code. This cover letter includes a summary statement of the policy changes. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules.

If no revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review (JCARR), it will become effective on October 1, 2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

New Policy

5101:1-1-03 Disclosure of recipient information, nondiscrimination, and treatment of information received from the internal revenue service and social security administration.

This rule has been amended with minor formatting changes and revisions to language and grammar for better readability. Language has been added to include the allowable exchange of information between law enforcement and the county agency as set forth in section 5101.28 of the ORC and 42 U.S.C. §608.

Instructions:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<tr>
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<td>CASH ASSISTANCE</td>
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<tr>
<td>Chapter 1000</td>
<td>Outline of contents (effective 05/01/10)</td>
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<td>Disclosure of recipient information, nondiscrimination, and treatment of information received from the internal revenue service and social security administration.</td>
<td>5101:1-1-03 (effective 07/01/05)</td>
<td>5101:1-1-03 (effective 10/01/10)</td>
</tr>
</tbody>
</table>
TO: All Cash Assistance & Food Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Self-Employment Standard Deduction

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, all of the rules in the packet have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the cash and food assistance programs.

Currently in both the cash and food assistance rules the client must verify all self-employment expenses to accurately determine the benefit amount. This is complex and burdensome for both the client and the county agency. The proposed rules provide clients the option of using actual expenses or a 50 percent standard deduction. In the cash assistance rules the term "CDJFS" has also been changed to "county agency" to align with the food assistance rules.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on August 1, 2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rules reviewed include the following: 5101:4-4-19, 5101:4-6-11 and 5101:1-23-20. As a result of this review, parts of the policy from current rule 5101:1-23-20 have been removed, and two new rules, 5101:1-23-20.1 and 5101:1-23-20.2, have been created.

Proposed Policy

For the Food Assistance program, 7 CFR 273.11 (b)(3)(iv) allows state agencies to elect to use actual costs for allowable self-employment expenses or determine self-employment expenses using various methods. One of the methods is to use the standard deduction the state uses for its Temporary Assistance for Needy Families (TANF) program. Currently, for the Ohio cash and food assistance programs, actual verified expenses are used for all self-employment cases except for self-employed child care providers, where 50 percent of the gross earnings is used as the standard deduction.

We are proposing to provide clients the choice of either claiming 50 percent of the gross profit or the use of actual expenses. If the client chooses to claim actual expenses, the client must provide verification of the expenses. If the client chooses the standard deduction, the client does not have to verify any expenses but must still verify the gross profits.

In considering this change, we completed an analysis of self-employed assistance groups in the Food Assistance, Ohio Works First (OWF) and Disability Financial Assistance (DFA) programs. For the cash assistance programs we reviewed data for the month of January 2009; a total of 1,078 OWF assistance groups and 85 DFA assistance groups reported self-employment. We sampled a portion of those cases to ensure that a deduction of 50 percent was a reasonable standard. We also reviewed the budgeting methodology that other states currently use, which varied from a 25 percent deduction to a 50 percent deduction.

For Food Assistance we reviewed data for the month of March 2009 and found that a total of 23,094 assistance groups reported being self-employed. According to the Public Assistance Monthly Statistics report, 618,255 assistance groups were receiving food assistance for the same time period. Self-employment cases made up approximately 3.74 percent of Ohio's Food Assistance assistance groups that month. To establish the self-employment standard deduction, the Office of Families and Children pulled cases to review the self-employment deductions. After reviewing cases with expenses, we found the average cost of doing business was 50.14 percent.
In 2007, the Office of Families and Children conducted eight Food Assistance Focus Groups, at which time the complexity of completing a self-employment budget was a common theme. To alleviate some of the complexity, the Rushmore Consulting Group recommended that we move toward a self-employment standard deduction. In January 2010, we presented the self-employment standard deduction option to the TANF/Food Assistance policy workgroup, which consisted of representatives from the Cash and Food Assistance policy sections at the Ohio Department of Job and Family Services, the Job and Family Services Directors Association, and seven county agencies. The workgroup recommended allowing the 50 percent self-employment standard deduction option, which would align with the current standard for child care providers and would not require CRIS-E programming.

New Policy: Cash Assistance

Rule 5101:1-23-20 - Ohio Works First: income and eligibility

This rule has been rescinded, and three new rules have been created. New rule 5101:1-23-20 contains the definitions of income, availability and exploration of income, calculation of benefits, and the standards in the OWF program. The 50 percent self-employment standard deduction has been added to the rule.

Section 5107.04 of the Ohio Revised Code authorizes an annual OWF grant increase based upon the cost-of-living adjustment (COLA) issued by the United States Department of Health and Human Services in the previous year. When the COLA is announced, there is insufficient time to amend the rule to include the increase. Therefore, we have removed the standards from the rules and will align with the Food Assistance program in notifying counties through the issuance of an action change transmittal letter when the standards change.


This new rule contains policy on the types of excluded income that were previously included in rule 5101:1-23-20. We also included the supplemental weekly unemployment compensation payments under the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 1115-5). The issuance of this rule obsoletes Action Change Transmittal #247.


This new rule contains policy on the allocation of income and the calculation of allocation of income that were previously in rule 5101:1-23-20. It makes no substantive changes to policy.

New Policy: Food Assistance

5101:4-4-19 - Food Assistance: countable income.

This rule has been rescinded and filed as new. The rule was rewritten to explain in detail the different types of countable income. The Volunteers in Service to America (VISTA) income section has been updated to ensure clear understanding of when this income is countable. If the assistance group member was receiving food assistance or public assistance at the time they joined the Title I program, then the VISTA income is considered excluded income.

5101:4-6-11 - Food Assistance: determining eligibility of assistance groups with income from self-employment.

This rule has been rescinded and filed as new. This rule was changed to include the new 50 percent self-employment standard deduction. Assistance groups now have an option to claim the 50 percent standard deduction or actual expenses. Verification of the deductions will have to be obtained only if the assistance group is claiming actual costs.

Implementation

The existing cases with self-employment will have the opportunity to use the self-employment standard deduction at the next recertification. New reports of self-employment will follow this new methodology effective August 1, 2010.

Instructions:
The following chart identifies the material that should be removed from the Cash and Food Assistance Handbooks and the material that should be added.

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TO: All Cash Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Disability Financial Assistance Program: Definitions and Payment Standards

Background

This letter transmits changes with an effective date of July 1, 2010. This cover letter includes a summary statement of the policy changes. As part of the ongoing review process, the acronym "CDJFS" has been changed to "county agency" to align with the Food Assistance rules. If any changes are made to the rule contained in this transmittal letter during the Joint Committee on Agency Rule Review’s review period, the corrected rule will be sent out in a future Cash Assistance Manual Transmittal Letter.

CHAPTER 3000

Rule 5101:1-5-01 The Disability Financial Assistance Program: Definitions and Payment Standards (CCN # 6735)

We have included language clarifying the procedures that county agencies must follow when they have information indicating that an individual may be a fugitive felon who is fleeing. County agencies must contact the appropriate law enforcement agencies and give them 30 days to determine whether the individual is fleeing and, if necessary, to arrest or extradite the individual. If at the end of 30 days the law enforcement agency has not been able to arrest or extradite the individual, the county agency must take action to impose ineligibility for as long as the law enforcement agency continues to take action to arrest or extradite the individual and provides written documentation.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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<td>The disability financial assistance program: definitions and payment standards</td>
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Background

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. If any changes are made to the rules contained in this transmittal letter during the Joint Committee on Agency Rule Review's review period, the corrected rule will be sent out in a future Cash Assistance Manual Transmittal Letter.

This letter transmits changes with an effective date of June 1, 2010. This cover letter includes a summary statement of the policy changes

CHAPTER 1000

Rule 5101:1-1-13, "Assistance group records, case records, retention and transfer of records" (CCN 6704)

We have developed a new rule, 5101:1-1-13, to replace former rules 5101:1-1-13 "Assistance group records" and 5101:1-1-14 "Intercounty transfers." The new rule includes the provisions regarding assistance group and case records, and information that addresses transferring information between counties when an individual, assistance group or entire case moves from one county to another.

CHAPTER 2000

Rule 5101:1-3-01 "Ohio Works First: Federal work participation rates" (CCN 6704)

This rule has been amended to add clarifying language to the definition of two-parent assistance group to conform with federal Temporary Assistance to Needy Families (TANF) data reporting requirements. The revised definition includes the condition that the two-parent assistance group must contain both work-eligible parents of the same minor child.

No other substantive changes have been made to the rule.

Rule 5101:1-3-04 "Ohio Works First: Temporary absence" (CCN 6704)

We have rescinded the existing rule and replaced it with a new rule, 5101:1-3-04. The new rule is in question-and-answer format to make it easier to read. There have been no substantive changes proposed to the policy contained in the rule.

Rule 5101:1-3-04.1 "Ohio Works First: Shared parenting (joint custody)" (CCN 6704)

We have rescinded the existing rule and replaced it with a new rule, 5101:1-3-04.1. The new rule is in question-and-answer format to make it easier to read. There have been no substantive changes proposed to the policy contained in the rule.
Rule 5101:1-3-20 "Ohio Works First: Domestic violence - information, screening, referral and waiver of Ohio Works First eligibility requirements" (CCN 6704)

This rule is amended at paragraph (C) to reflect that the JFS 8024, "Domestic Violence - You Have a Right to be Safe," brochure must be given at application only. We have removed the requirement to provide this brochure at reapplication due to the printing cost and because many of the notices that OWF assistance groups receive already contain domestic violence information.

JFS Forms

JFS 03803, "Ohio Works First (OWF) and Food Assistance: Domestic Violence Waiver Request and Verification" (rev. 01/2010) (CCN 6704)

This form has been revised to change the name of the food stamp program to the Food Assistance Program. No substantive changes to the form have been made.

JFS 03900, "Notice of Intercounty Transfer" (rev. 05/2010) (CCN 6704)

This form has been revised and updated to change the name of the food stamp program to the Food Assistance Program, and to include other miscellaneous updates. No substantive changes to the form have been made.

JFS 08024, "Domestic Violence You have a right to be safe" brochure (rev. 05/2010) (CCN 6704)

This brochure has been revised to change the name of the food stamp program to the Food Assistance Program and to add clarifying language to the definition of domestic violence. It also has been modified to comply with Ohio branding requirements. No substantive changes to the brochure have been made.

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TO: All Cash Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  

**Background**

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility.

In February 2009, we offered Ohioans a new option for receiving their cash assistance benefits. The new option was the Ohio EPPICard™, a prepaid MasterCard® debit card that can be used at automatic teller machines (ATMs), MasterCard® member retail establishments and pharmacies. Beginning in August 2009, at application and reapplication, cash assistance groups were required to select either the Ohio EPPICard™ or direct deposit as the option of benefit delivery as paper warrants were being phased out.

To assist the county agencies, the Ohio Department of Job and Family Services (ODJFS) ran an ad hoc report in December 2009, to generate a list of the cash assistance cases that are still receiving paper warrants. Another ad hoc report was generated in February 2010, to identify any remaining cases not yet converted.

Throughout the rules, we are changing all references to "county department of job and family services (CDJFS)" to "county agency" to be consistent with the term used in the food assistance rules.

This letter transmits changes with the effective date of May 1, 2010. This cover letter includes a summary statement of the policy changes. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

**CHAPTER 1000**

**Rule 5101:1-2-55 "Ohio Works First (OWF)/Disability Financial Assistance (DFA) and/ Refugee Cash Assistance (RCA): delayed cash assistance payments and replacement warrants" (CCN 6677)**

This rule is being rescinded because it is now mandatory for cash assistance benefits to be issued either on the Ohio EPPICard™ or through direct deposit. Language regarding potential reissuance of a paper warrant has been added to rule 5101:1-2-70.

**Rule 5101:1-2-70 "Issuance of Cash Assistance Benefits" (CCN 6677)**

This rule is being rescinded and replaced as more than 50 percent of the rule has been stricken.

This rule now incorporates policy on the two methods of benefit issuance delivery: the Ohio EPPICard™ or direct deposit. Because the issuance of paper warrants has been phased out, references to the mandatory period have been removed. We have included all applicable policy for both benefit delivery methods within this rule rather than maintaining two separate rules.

While these are the two methods of delivery, there may be rare circumstances in which a paper warrant may be issued, such as when there is a problem with the benefit records being transferred to the vendor for the
issuance of benefits. In the event that a paper warrant is issued but the benefit is lost, stolen, not received, destroyed or voided, the assistance group must still complete a handwriting sample and affidavit. In order to have the warrant replaced, the county agency must initiate a stop payment on the warrant and contact the TANF-FSTA unit with the request for a replacement warrant. The CRIS-E Help Desk will override the cash benefit issuance method on the AEFPY screen, from "E" to "M," in order for a replacement warrant to be issued. Once the replacement warrant has been issued, the CRIS-E Help Desk will return the "M" benefit issuance method on AEFPY back to an "E" so the next recurring benefit will be issued appropriately.

In addition, when an assistance group chooses to receive benefits on the Ohio EPPICard™, the assistance group must "pin" (activate) the card. If the assistance group does not pin the card, benefits will continue to be added monthly as long as the case remains open. For OWF recipients, these benefits may be considered months of time-limited benefits. Control D report RPT003RA provides a listing of cards that have been unpinned after 30 days. County agencies should review these reports and make contact with assistance groups after 60 days to determine if they remain eligible to receive benefits. We are working on a process to reverse the benefits after 90 days for cards that have not yet been pinned.

Rule 5101:1-2-80 "Direct deposit-electronic funds transfer of cash assistance payments" (CCN 6677)
Section 329.03 of the Ohio Revised Code was amended with the passage of Amended Substitute House Bill 1 (the biennium budget) to remove language that was no longer applicable regarding the requirement for county agencies to secure resolutions to adopt direct deposit. Direct deposit is now available statewide, and this section of the Revised Code reflects that. With this change, we opted to rescind this rule and add language regarding direct deposit to rule 5101:1-2-70.

CHAPTER 2000

Rule 5101:1-3-10 "Ohio works first: child support requirement" (CCN 6677)
Language revisions have been made throughout the rule to remove duplicative language, to reduce the number of acronyms and to remove references to "warrants." No substantive policy changes were made.

Citations to rules 5101:1-29-31 have been changed to 5101:12-80-14 and 5101:12-80-14.1, as rule 5101:1-29-31 was rescinded and replaced with these new rule numbers.

Rule 5101:1-3-12 "Ohio works first: work activities" (CCN 6703)
Revisions have been made to include the policy that wage information reported on the interim report pursuant to rule 5101:1-2-20 of the Administrative Code be used to project the hours of work participation for six months.

We also added language to clarify that in order to meet the federal work participation rate, at least one of the parents in a two-parent assistance group must participate in sufficient hours to meet the all-family rate.

Rule 5101:1-3-12.6 "Community service" (CCN 6703)
We have rescinded the former version of this rule and created a new rule written in plain language for better readability.

As with the work experience program, either the county agency or a private or government entity must pay premiums to the Bureau of Workers' Compensation on behalf of work-eligible individuals placed in community service activities. We have added this requirement to the rule.

Rule 5101:1-3-14 "Ohio Works First: Penalties" (CCN 6703)
Food Assistance rule 5101:4-1-13 was recently amended to clarify the procedures that the county agency must take when it has information that an individual may be a fugitive fleeing felon. The county agency must be in contact with the appropriate law enforcement agency and give it 30 days to determine whether the individual is fleeing and whether to arrest or extradite the individual. If, at the end of the 30 days the law enforcement agency has not been able to arrest or extradite the individual, the county agency must take action to impose ineligibility for as long as the law enforcement agency continues to take action to arrest or extradite the individual. We have amended our rule to align with the Food Assistance rule.

Rule 5101:1-23-40 "Ohio Works First: payments" (CCN 6677)
This rule is being rescinded and replaced as more than 50 percent of the rule has been stricken. We have removed the procedures for determining the concurrent receipt of DFA and OWF and the calculation of pro-rated benefits for the OWF program. Rather than setting forth procedures in the rules, we will issue desk aids that will be available online.

Language has been added to this rule reinforcing the fact that time limits may be applicable for any prorated or retroactive OWF benefit. Assistance groups have the option to refuse a partial or retroactive month's benefit.

CHAPTER 3000

Rule 5101:1-5-10 "Disability financial assistance: nonfinancial requirements" (CCN 6677)
This rule is being rescinded and replaced as more than 50 percent of the rule has been stricken.

Consistent with other cash assistance rules and in keeping with our goal to write rules in plain language, we have rewritten this rule in a question-and-answer format. We have removed duplicative language, reduced the number of acronyms and removed references to "warrants."

We have removed the policy that allowed an individual residing in a mental health institution, with an anticipated date of release, to be potentially eligible for DFA. In order to qualify for DFA, all applicants must be determined disabled through the ODJFS Disability Determination Unit; therefore, this policy is no longer applicable.

Rule 5101:1-5-50 "Disability financial assistance: payments" (CCN 6677)
This rule has been rescinded and rewritten in order to put it into plain language and to enhance the flow of the rule. Formatting changes were made, duplicative language removed, the number of acronyms reduced, and references to "warrants" removed.

We also removed reference to the calculation of concurrent benefits and pro-rated benefits and will issue these procedures as desk aids that will be posted online. No substantive policy changes were made.

FORMS

We are removing the following forms from the appendix to the Cash Assistance Manual as they are not generated by ODJFS. We also are removing the JFS 02132 as the Ohio Auditor of State form AUD 8123 should be used instead. In the rare circumstance when an assistance group is issued a warrant that is not received or is lost, stolen or destroyed, it would be appropriate to complete the forms to ensure that the initial benefit is not redeemed. Although these forms will no longer be included in the Cash Assistance Manual, they can be found on the Ohio Auditor of State Web site at http://www.auditor.state.oh.us/.

JFS 02132 "Affidavit in Support of Application for Replacement Warrant"
AUD 8123 "Affidavit"
AUD 8184 "Application for Replacement Warrant"
AUD 7202 "Auditor of State Welfare Audits and Investigation"

DESK AID

A new desk aid, "Determination of Benefits for Concurrent Assistance and Proration for Ohio Works First (OWF) and Disability Financial Assistance (DFA)" (5/2010), has been developed. This desk aid defines procedures to calculate a prorated benefit for OWF and DFA. These procedures were previously defined in rules 5101:1-23-40 and 5101:1-5-50.

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Effective April 1, 2010, Ohio's cash and food assistance programs will transition to twelve month certification periods for most assistance groups. Ohio Works First assistance groups which are "child only", without a work-eligible adult or minor head of household, will move to 24 month reapplication periods. Additionally, effective April 1, 2010, all food assistance households will be subject to simplified reporting for changes, which means that they are only required to report when their income exceeds 130% of the federal poverty guideline for their assistance group size or if an able-bodied adult without dependants (ABAWD) hours of employment fall below twenty hours per week. Reporting requirements for cash assistance are being changed to require the reporting of a change in the amount of gross monthly income of more than fifty dollars (increased from twenty-five dollars).

The cash and food assistance programs will also implement a new reinstatement policy. Effective April 1, 2010 county agencies can reinstate both cash and food assistance benefits without a new application when a case closes due to an eligibility factor, but the assistance group complies within thirty days of the termination.

If any changes are made to the rules contained in this transmittal letter during the Joint Committee on Agency Rule Review's review period, the corrected rule(s) will be sent out in a future Transmittal Letter.

Background:
In 2008, the Ohio Department of Job and Family Services Office of Families and Children began a concerted effort to review food assistance policy to improve efficiency and payment accuracy. As part of this effort, we conducted regional focus group sessions with county departments of job and family services to evaluate the need for improvements in Ohio's Food Assistance Program. In July 2008, we began working with the Rushmore Consulting Group to identify specific ways to improve Ohio's food assistance payment accuracy rate. In both instances, alignment of certification periods, and longer certification periods, were a recurring theme. Additionally, another one of the recommendations from the Rushmore Consulting Group was to expand simplified reporting (otherwise known as "semi-annual reporting") to all households, not just those with earned income.

Starting with the 2002 Farm Bill and expanded with the 2008 Farm Bill, federal law provided states with the option to move to twelve month certification periods and to expand simplified reporting to all households. In consultation with the United States Department of Agriculture (USDA) Food and Nutrition Service, representatives from county agencies, and other states, Ohio will now implement these options. Additionally, to efficiently utilize these policy options, we received a waiver from the USDA Food and Nutrition Service to allow workers to reinstate terminated benefits, instead of taking a new application, if an assistance group returns requested verifications or takes the required action within thirty days of the closure date.

With county agencies experiencing increasing caseloads and limited resources these changes should assist with caseload management and application processing. These changes should also improve program access by eliminating the requirement for recipients to be interviewed every six months and assist with further improving the state's food assistance payment accuracy rate.

New Policy: Food Assistance

Certification Periods
Previously, rule 5101:4-5-03, "Food Assistance: Establishing Certification Periods," required most assistance groups to have a six month certification period. The exceptions to this were assistance groups with all aged or disabled members with no earned income, assistance groups with unstable circumstances and assistance groups expecting a change that would make them ineligible to receive food assistance.

Effective April 1, 2010, all assistance groups will transition to twelve month certification periods at application and reapplication, with some exceptions. Assistance groups with all aged or disabled members with no earned income will continue to receive a twenty-four month certification. Assistance groups expecting a change that would make them ineligible to receive food assistance, migrant farm workers and homeless assistance groups may now receive a certification period of either four, five, six or twelve months. The certification period for these groups will be decided based on county discretion.

All new food assistance groups will be certified according to this new policy. All existing food assistance groups will transition to this policy at recertification.

Language has been removed regarding "shortening" the certification period. This rule now refers to "ending" the assistance group's benefits.

**Reporting Requirements**

Previously, rule 5101:4-7-01, "Food Assistance: Reporting Requirements During the Certification Period," limited simplified reporting requirements to assistance groups with earned income. These assistance groups were referred to as semi-annual reporting (SAR) assistance groups. SAR assistance groups were only required to report when their income exceeded 130% of the federal poverty guidelines for their assistance group size, and for assistance groups with an able bodied adult without dependents (ABAWD), there was an additional requirement to report if their work hours fell below twenty hours a week. All other assistance groups were on change reporting, which meant they had to report all changes within 10 days of the change and all changes to income over $50.

Effective April 1, 2010 all assistance groups are subject to simplified reporting. All assistance groups will now only be required to report when their income exceeds 130% of the federal poverty guidelines for their assistance group size, and for assistance groups with an able bodied adult without dependents (ABAWD), the additional requirement to report if their work hours fall below twenty hours a week. Assistance groups will be issued a one time notice advising them of their simplified reporting requirements prior to April 1, 2010. After April 1, 2010 assistance groups will be issued their reporting requirements on the notice of approval. To accommodate the expansion of simplified reporting, the JFS 04196 "Food Stamp Change Report for Assistance Groups with Earned Income" has been revised and renamed. The revised report will be titled "Food Assistance Change Reporting." The JFS 04196 will be used for all assistance groups. The JFS 07443 will be obsolete.

Additionally, as a requirement for simplified reporting, assistance groups with twelve or twenty-four month certification periods will be required to submit an interim report to provide updated information about their circumstances. Assistance groups with a twelve month certification period will receive an interim report in the fifth month of their certification period. The assistance group is required to complete and return the interim report prior to the 21st of the fifth month of certification. Similarly, assistance groups with a twenty-four month certification will receive an interim report in the eleventh month of their certification period and the report must be completed and returned by the 21st of the eleventh month of certification.

The county agency will be required to register the interim reports via CRIS-E. If the interim report has not been registered an alert will be issued informing the worker that the interim report should have been received. Assistance groups that do not return the report will be proposed for termination.

**Reinstatement**

Effective April 1, 2010 pursuant to rule 5101:4-7-01 county agencies will reinstate food assistance benefits without a new application when a case closes due to an eligibility factor, but the recipient complies within thirty days of the termination. This includes assistance groups whose benefits were terminated for failure to return an interim report. Benefits shall be prorated based on the day the assistance group provides the necessary verifications or takes the required action.
Benefits shall not be reinstated in the last month of the assistance group's certification period. If the assistance group returns requested verifications or takes a required action in the last month of their certification period the assistance group shall complete a new application.

**New Policy: Cash Assistance**

**Reapplication periods**


Effective April 1, 2010 OWF and DFA assistance groups who previously received a six month reapplication will now receive a twelve month reapplication, and OWF child-only assistance groups who previously received a six month reapplication will now receive a twenty-four month reapplication.

Any OWF and DFA assistance groups expecting a change that would make them ineligible to receive cash assistance; migrant farm workers; and homeless assistance groups may now receive a reapplication period of either four, five, six or twelve months to align with the food assistance certification period. The reapplication/certification period for these groups will be decided based on county discretion.

Refugee cash assistance benefits will remain at a six month reapplication due to the time-limited nature of these benefits.

**Reporting Requirements**

Previously, rule 5101:1-2-20, "Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance: Verification and Reporting Requirements," required all cash assistance groups to report a change in the amount of gross monthly income of more than twenty-five dollars.

The rule is being amended to change the requirement to report a change in the amount of gross monthly income of more than fifty dollars. Due to fiscal constraints and different income eligibility criteria, cash assistance programs cannot adopt simplified reporting. Increasing the threshold over which a change must be reported, however, should improve efficiency and make reporting requirements less burdensome for recipients.

Additionally, to align with food assistance and improve efficiency of case processing, the interim report required for food assistance will be used for OWF and DFA assistance groups who are receiving food assistance. OWF and DFA assistance groups that do not complete and return the interim report under the required timelines will be proposed for termination of OWF or DFA benefits. The policy has been added to rule 5101:1-2-20.

**Reinstatement**

Effective April 1, 2010 the same reinstatement policy that is being implemented for the food assistance program will also be applied to the OWF and DFA programs. The county agency will reinstate terminated benefits without a new application if an assistance group returns requested verifications or takes the required action within thirty days of the closure date as long as the assistance group is not in the last month of the food assistance certification period and is otherwise eligible for cash assistance benefits. This includes assistance groups whose benefits were terminated for failure to return an interim report. However, cash assistance benefits shall not be reinstated if the assistance group is otherwise ineligible (e.g., serving a penalty period of ineligibility or a three-tier sanction).

**Training**

Training will be conducted by the Office of Family Assistance, Program Policy Services Unit in March. Questions about the new process may be directed to the TANF-FSTA mailbox.

**CRIS-E**

CRIS-E programming staff at ODJFS are working to make changes to the system to generate the interim report, to create a new screen to register the interim report and to create a new alert to notify a worker if an interim report is not received. The programming staff are also working to make the certification/reapplication period default to twelve months and are working to more efficiently allow the reinstatement of benefits without a new application if the eligibility factor is corrected within thirty days of the termination of benefits.
A CRIS-E View Flash Bulletin (CLVB) will be issued prior to the implementation date with more details.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

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TO: All Cash Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, that program requirements are accurate and up-to-date, that unnecessary paperwork is eliminated, and that, when possible, local agencies are given more flexibility. If any changes are made to the rule contained in this transmittal letter during the Joint Committee on Agency Rule Review's review period, the corrected rule will be sent out in a future Cash Assistance Manual Transmittal Letter.

This letter transmits changes with an effective date of April 1, 2010. This cover letter includes a summary statement of the policy changes.

CHAPTER 3000

5101:1-5-20 Disability Financial Assistance: the determination of disability (CCN 6456)

We have rescinded the former version of this rule and created a new rule written in plain language for better readability. Also, the acronym "CDJFS" has been changed to "county agency," to align with food assistance rules. There are no substantive changes to the rule.

The rule contains six major subject areas:

- The definition of disability and how it is determined.
- The county agency's responsibility in the disability determination process.
- The Disability Determination Unit's responsibility in the disability determination process.
- The individual's requirements.
- How a disability determination re-review is handled.
- How the disability determination is affected when Disability Financial Assistance benefits are terminated and the individual reapplies for Disability Financial Assistance.

JFS FORMS

JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Agreement" form

The JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Agreement" form has been revised to clarify that if benefits ended during the minimum sanction period, and the form is returned after the minimum sanction period has ended, a new application will be required.

INSTRUCTIONS

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Voter Registration Requirement

This letter is to inform you of changes being made to the voter registration process, so that ODJFS can continue to meet its responsibilities to enforce the National Voter Registration Act. These changes will be effective January 1, 2010. If any changes are made to the rules contained in this transmittal letter during the Joint Committee on Agency Rule Review’s review period, the corrected rule(s) will be sent out in a future Cash Assistance Manual Transmittal Letter. These rules have been submitted to statewide clearance under Clearance Control Number (CCN) 6593.

Background
In 1993, the National Voter Registration Act (NVRA) was signed into law. The NVRA enhances voting opportunities for every American and has made it easier for all Americans to register to vote and to maintain their registration. This transmittal letter outlines some changes we are making to the voter registration process and explains how ODJFS is meeting our responsibilities to enforce the National Voter Registration Act.

Policy
Currently, rule 5101:1-2-01 of the Administrative Code requires the county departments of job and family services (CDJFS) to provide the Voter Registration Form (JFS 07200-VR) and the county-created "Notice of rights" to cash assistance groups at the time of the intake interview. Effective January 1, 2010, this will change. The two-page Voter Registration Form will become part of the application packet that is mailed or given to individuals requesting an application. In addition, we have created two new forms: the JFS 07217, "Voter Registration Notice of Rights and Declination", and the JFS 07218, "Voter Registration Transmittal". More information on these forms is provided in this letter, under "Applications/forms/brochures."

Applications/forms/brochures
Beginning in January 2010, the two-page Voter Registration Form will be attached to all ODJFS applications, reapplications and address change materials. The JFS 07200, "Request for Cash, Food, and Medical Assistance," and JFS 07204, "Request to Reapply for Cash and Food Assistance", will now include the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" "Yes" and "no" boxes will be included, along with the statement "If you do not check either box, you will be considered to have decided not to register to vote at this time." Medical applications also will include this requirement, and a transmittal letter will be sent under separate cover by the Office of Ohio Health Plans. The two-page JFS 07200-VR form will remain available to order and can be reproduced by county departments of job and family services.

A new form, the JFS 07217, "Voter Registration Notice of Rights and Declination", has been created. The Spanish version of this form also is included with this transmittal. County agencies can use this form or create their own form, provided that the form contains all of the required statements and questions found in 42 U.S.C. Chapter 20, Section 1973gg-5 and Section 3503.10 of the Revised Code. In addition, Section 3503.10 of the Revised Code requires all "Notice of Rights and Declination" forms to include the local prosecuting attorney's address and phone number for the filing of complaints. A "Notice of Rights and Declination" form must be provided at times of application, reapplication and address change to individuals applying for or in receipt of assistance from the following programs:

- Ohio Works First (OWF);
- Disability Financial Assistance;
- Prevention, Retention and Contingency;
- Medical Assistance; and
- Food Assistance.
A new form, the JFS 07218, "Voter Registration Transmittal", has been created for use by county agencies to send completed voter registration forms to their local boards of elections within five business days from the date of receipt.

The Secretary of State has additional posters, brochures, voter registration holders and other materials. They can be ordered by calling 1-877-868-3874.

Training

The NVRA coordinators at the county departments of job and family services will receive annual trainings. Staff from ODJFS and the Secretary of State provided the initial training on August 14, 2009. Quarterly videoconferences will be held to review policies, procedures and monitoring efforts, and to address questions or concerns about the NVRA.

Related rule changes


In addition to the change to provide the Voter Registration Form in the application packet rather than at the interview, and the addition of the newly created forms, we are making the following changes to this rule:

- JFS 07357, "Grant Payment Method Authorization-Mandatory", was made obsolete with Cash Assistance Transmittal Letter (CAMTL) #48, and references to it have been removed from this rule.
- The policy regarding the requirement to provide a follow-up letter no more than 20 days from the date of application has been removed from this rule. In April 2009, when the telephone interview policy was promoted in CRIS-E, we stopped generating the CM04P1 notice (application follow-up letter). This notice had been generated when outstanding verifications were needed in order to process cases. The verification codes in CRIS-E were pre-populated on this notice, and it was very difficult for applicants to understand what verifications were still needed. We revised the JFS 07105, "Application/Reapplication Verification Request", to include the statement that benefits will be denied if verifications are not received by the date indicated on the form.


The following change has been made to this rule:

- The waiver of a reapplication interview for OWF assistance groups under a three-tier sanction has been revised to align with the policy in Rule 5101:1-3-15 of the Administrative Code which was issued in CAMTL #49. If the JFS 03804, "Ohio Works First/Food Assistance Sanction Compliance Agreement", or the CRIS-E-generated equivalent form is signed and received by the CDJFS after the last day of the sanction period, the assistance group must submit a new JFS 07200 in order for OWF to be provided. If the form is received by the CDJFS on or before the last day of the sanction period, and the assistance group is otherwise eligible, benefits are reinstated without a reapplication unless required by another program.

**Rule 5101:1-2-15 "Voter Registration Requirement"**

This rule has been reformatted to provide better readability. It consists of three sections:

- Background on the National Voter Registration Act of 1993;
- The role of the CDJFS in the voter registration process;
- The requirements of the CDJFS Voter Registration Coordinator.

CRIS-E

CRIS-E programming staff at ODJFS are working to make changes to the system to track the number of voter registration forms provided to assistance groups.

The CRIS-E screen AEWPR will include a new question: "How was the voter registration form distributed?" This new field will accept four characters: "P" (for "in person"), "M" (for "mailed"), "A" (for "application"), or "N" (for "not applicable"). This screen will be accessible in four drivers: AEORE (reapplication), AECSQ
The “Notice of Rights and Declination” form will automatically print out.

A CRIS-E View Flash Bulletin (CLVB) will be issued prior to the implementation date with more details.

**INSTRUCTIONS:**

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

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TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: October 15, 2009: Changes to the Ohio Works First sanction policy

This letter transmits a proposed rule with an effective date of October 15, 2009. If there are any changes made to the rule contained in this Cash Assistance Manual Transmittal Letter (CAMTL) during the JCARR review period, the corrected rule will be sent out in a future CAMTL. The rule has also been submitted to statewide clearance under Clearance Control Number (CCN) 6553.

Amended Substitute House Bill 1 of the 128th General Assembly, was passed by the Ohio legislature and signed by Governor Strickland on July 17, 2009, amending Sections 5107.05, 5107.16 and 5107.17 of the Revised Code.

Revisions to these sections of the Revised Code will affect families who fail a provision of their self sufficiency contract on or after the effective date of the policy. The changes to the sanction policy are as follows:

- The prior law is being restored that provides for a sanction to continue until either the minimum sanction period is served or the failure or refusal ceases, whichever is longer;
- The `failure or refusal´ will be deemed to have ceased on the day that the County Department of Job and Family Services (CDJFS) receives a compliance form signed by the individual who failed a provision of the self sufficiency contract, provided that the minimum sanction period has been served. The statute requires that the Ohio Department of Job and Family Services establish the compliance form to be used by the CDJFS.
- Assistance groups that do not submit the signed compliance form by a specified date set in rule will not have benefits reinstated and will be required to reapply for OWF.

Chapter 2000


Current Policy
Currently, an individual who fails a provision of his or her self sufficiency contract and has a sanction imposed is required to only serve the sanction period of one, three or six months, depending on the sanction occurrence. There is no compliance required in order for benefits to be reinstated at the end of the sanction period. Upon the expiration of the sanction period the OWF assistance group may have OWF benefits reinstated. The reinstatement process includes:

- Notifying the sanctioned assistance group that the sanction will be ending;
- Determining if the assistance group will be eligible for reinstatement; and
- Notifying the assistance group once a determination of eligibility has been made as to whether OWF benefits can be reinstated.

New Policy
Sanction proposal
For all OWF assistance groups who have failed or refused to comply with a provision of the self sufficiency contract on or after the effective date of this policy, the policy set forth in this amended rule will be applied. A failure or refusal that occurs prior to the effective date of the policy shall have the policy of rule 5101:1-3-15 of the Administrative Code applied that was in effect at the time of the failure.

Compliance
An individual who fails a provision of his or her self sufficiency contract and has a sanction imposed will be required to serve a minimum sanction period of one, three or six months, depending on the sanction
occurrence, and also demonstrate a willingness to comply by signing the JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Agreement" form or the CRIS-E generated equivalent.

The date that the failure or refusal ceases is the date that the JFS 03804 or CRIS-E generated equivalent is received by the CDJFS. The assistance group must still serve the minimum sanction period.

This policy is applicable to all self sufficiency contract failures, including work participation and child support non-cooperation.

Reinstatement

Whether reinstatement can occur at the end of the minimum sanction period is dependent upon when the JFS 03804 or CRIS-E generated equivalent is received by the CDJFS.

- If the compliance form is signed and received by the CDJFS on or before the last day of the minimum sanction period, OWF can be reinstated the first day of the following month provided that the assistance group is otherwise eligible for OWF. The assistance group is not required to complete a JFS 07200 "Request for Cash, Food Stamp and Medical Assistance." If the CDJFS determines that eligibility cannot be established, benefits are not reinstated and the appropriate notice is sent to the assistance group.

- If the compliance form is signed and received by the CDJFS after the last day of the minimum sanction period, the assistance group must submit a JFS 07200 and reapply for OWF.

- If the compliance form is not signed and returned to the CDJFS, but the assistance group submits a new JFS 07200, OWF cannot be provided until the compliance form is signed and received by the CDJFS. The beginning date of eligibility for OWF will be the date that the compliance form is received by the CDJFS provided the assistance group is otherwise eligible for OWF on that date.

The CDJFS still has the option to schedule an appraisal prior to reinstatement even though we removed this language with the revised rule. Unlike the current policy, there will be contact with the sanctioned individual if he chooses to sign and submit the compliance form.

We did not change the policy on assistance group movement in paragraph (G) but did add more language to clarify the requirements and consequences for a sanctioned individual (non-recipient work-eligible individual) who does not sign the JFS 03804 or CRIS-E equivalent and moves into another household.

Transitional policy

For those OWF assistance groups who have self sufficiency contract failures that occur prior to October 15, 2009, the provisions set forth in rule 5101:1-3-15 of the Administrative Code at the time of the failure are applicable. Specifically, there is no requirement to sign the JFS 03804 form. At the end of the sanction period, the assistance group will be reinstated provided they meet the requirements contained in rule 5101:1-3-15 of the Administrative Code that was in effect at the time of the failure or refusal.

A revised self sufficiency contract must be signed by all OWF individuals who are required work-eligible individuals by October 15, 2009. The revised self sufficiency contract must reflect the compliance requirement. Each CDJFS can determine the process they wish to utilize to accomplish this change.

Appendix JFS Forms

JFS 03801 "Ohio Works First Self Sufficiency Contract"

- References to the "food stamp" program have been revised to "food assistance" program.
- Language has been added regarding the compliance as a requirement for sanctioned individuals in order to reinstate OWF benefits.
- Language regarding Learnfare has been removed. An administrative decision was made to remove reference to this program as no CDJFS is implementing this optional program.

JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Agreement" form

The JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Agreement" form has been developed for individuals to agree to, sign and submit before OWF or Food Assistance benefits may be
reinstated. This form will be provided to the assistance group if a CRIS-E generated form is not sent or the sanctioned member requests a compliance form.

**Food Assistance**
The Food Assistance Program is making corresponding changes to rules 5101:4-3-09 and 5101:4-3-11.2 of the Ohio Administrative Code. These were submitted to statewide clearance under CCN 6565. A Food Assistance Transmittal Letter will be issued separately detailing the changes to the Food Assistance Program.

**CRIS-E Impact**
CRIS-E system changes are currently in development. Detailed changes to the CRIS-E system will be issued via a view flash bulletin (CLVB) prior to the implementation date.

**Instructions**

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This letter transmits revisions to rules with the proposed effective date of August 1, 2009. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

**Background**

Starting February 1, 2009, we began offering Ohioans a new option for receiving their cash assistance benefits. The option is the Ohio EPPICard, a prepaid MasterCard debit card that can be used at ATMs, MasterCard member banks, and any retailer that accepts MasterCard such as grocery stores, retail establishments, and pharmacies. Effective August 2009, the Ohio EPPICard and direct deposit will be the methods of issuance for cash assistance, and paper warrants will be phased out over the six-month reapplication cycle.

**Chapter 1000**

**Rule 5101:1-2-70 Issuance of Cash Assistance Benefits (CCN 6495)**

This rule has been amended to remove language regarding the ongoing issuance of cash assistance benefits by paper warrant. All assistance groups completing an application or reapplication must have their cash benefit delivery changed from paper warrant to the Ohio EPPICard or direct deposit. The issuance of paper warrants will be phased out over a six-month period.

**Rule 5101:1-2-80 Direct Deposit-Electronic Funds Transfer of Cash Assistance Payments (CCN 6495)**

The following changes have been made to this rule:

- Language regarding the limitations of direct deposit of cash assistance payments for only recurring benefit payments has been removed because supplemental and auxiliary payments will now be issued as direct deposit as well;
- Language referring to the issuance of paper warrants for cash assistance payments has been removed;
- The good cause reasons for changing the direct deposit payment method to the electronic payment card have been revised to align with the requirements in rule 5101:1-2-70 of the Administrative Code;
- Language regarding the request for exemption to continue to receive a paper warrant has been removed;
- Reference to the JFS 07357 "Grant Payment Method Authorization-Mandatory" has been removed as this form is being obsoleted with this transmittal;
- References to the availability of direct deposit for recipients of the Refugee Cash Assistance program have been added to the rule.

**JFS Forms**

**JFS 07344 Direct Deposit Authorization**
This form has been revised and renamed to eliminate the option for assistance groups to receive a cash warrant. The JFS 07357 "Grant Payment Method Authorization-Mandatory" has been obsoleted. This form is only used for assistance groups who have chosen direct deposit as their issuance method.

**CRIS-E**

The following changes have been made in the CRIS-E system:

1. The cash payment method designation on the AEFPY screen is either "D" for direct deposit or "E" for the electronic payment card. There is no longer the option of "M" to issue a paper warrant.
2. In July 2009, an ad hoc notice will be sent to all assistance groups who are receiving cash benefits by paper warrant, notifying them of the changes in cash payment method options.
3. Supplemental and auxiliary benefits will follow the assistance group payee’s issuance method rather than being sent by paper warrant.
4. The non-payee in two-parent assistance groups will receive their work allowance on the EPPICard.

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</table>
TO: All Cash Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: 5 Year Rule Review: Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

This letter transmits changes with the proposed effective date of June 1, 2009. This cover letter includes a summary statement of the policy change.

**CHAPTER 1000**

**5101:1-1-50 Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System**

We have rescinded the former version of this rule and created a new rule that is formatted for better readability. There are no substantive changes to the rule. The rule contains six subject areas:

- Description and requirements for written declaration of citizenship/alien status;
- Documents to be provided by an individual who is not a citizen or national of the United States;
- Methods of verifying the authenticity of the documents provided;
- Description of the Systematic Alien Verification for Entitlements (SAVE) system;
- Effect of SAVE verification on eligibility; and
- Process for obtaining verification manually.

The revised United States Citizenship and Immigration Services forms are also included in this clearance packet.

**INSTRUCTIONS:**

Cash Assistance:

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<td>Outline of Contents to Chapter 1000, effective 06/01/09 (CAMTL #47)</td>
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Written Declaration of Citizenship/Alien Status and the use of the Systematic Alien Verification for Entitlements System

| 5101:1-1-50, effective 04/01/04 (CAMTL #14) | 5101:1-1-50, effective 06/01/09 (CAMTL #47) |

CAM APPENDIX

<p>| Outline of Contents to CAM Appendix, | Outline of Contents to CAM Appendix, |</p>
<table>
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<tr>
<th>OTHER AGENCY FORMS</th>
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March 31, 2009

TO: All Cash Assistance & Food Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Telephone Interviews at Recertification

This letter transmits changes with a proposed effective date of May 1, 2009. If there are changes made to any of the rules contained in this transmittal during the JCARR review period, corrected rules will be sent out in a future transmittal.

We are proposing changes to the recertification process to allow county departments of job and family services to conduct telephone interviews at recertification without establishing the assistance group would experience a hardship if compelled to attend a face-to-face interview. These changes will apply to both the cash and food assistance programs.

Introduction
With the current economic climate and rising caseloads we are striving to improve program access, ease program administration and alleviate transportation costs for assistance groups. The option to conduct telephone interviews at recertification will promote more efficient use of an eligibility worker's time in a period of increasing caseloads and reduced resources. Additionally, allowing telephone interviews enables participants to more easily complete the recertification process.

In August 2008, USDA Food and Nutrition Service granted Ohio a waiver of the food assistance requirement in 7 C.F.R. 273.14(b)(3) and 273.2(e)(1) to conduct face-to-face interviews at recertification. The waiver allows county agencies to conduct telephone interviews at recertification unless the household requests a face-to-face interview, the household does not have a telephone, or the eligibility worker determines a face-to-face interview is appropriate to resolve eligibility issues with the household.

To implement the waiver we sought input from county departments of job and family services, the ODJFS Office of Research, Assessment and Accountability, and ODJFS Office of Ohio Health Plans. We also reviewed how other states implemented similar waivers.

Program Alignment
As a result of the flexibility afforded to us by the federal Temporary Assistance for Needy Families program, we decided to align the recertification/reaplication process for the cash programs (i.e. Ohio Works First, Disability Financial Assistance & Refugee Cash Assistance) with the food assistance program. Both the cash assistance rules and food assistance rules are included in this package. We also decided to include a clarification in the cash program rule to align the initial interview process with the food assistance program to allow for telephone interviews to be conducted on a case by case basis if the county agency determines the assistance group would suffer a hardship.

The Office of Ohio Health Plans recently announced that they will also be waiving the face-to-face requirement at recertification for the Medicaid Aged, Blind and Disabled population in September, at which time the cash assistance, food assistance and Medicaid programs will all be aligned.

Proposed Policy
Currently a face-to-face interview is required at each recertification for cash and food assistance. The approved waiver will allow all county agencies the option to waive the face-to-face interview and conduct a telephone interview unless the household, or its authorized representative, requests a face-to-face interview; the household does not have a telephone; or the eligibility worker determines a face-to-face interview is appropriate to resolve eligibility issues with the household. At the time of the recertification the county does not have to document a hardship condition; however, this waiver does not change the requirement to document hardship at the time an initial face-to-face interview is waived.
For food assistance, the assistance group must provide a newly signed and dated application for benefits at the time of application for recertification. Federal regulations allow states to use existing applications, a simplified version, or other methods such as annotating changes on the existing application form. Currently, assistance groups may submit a JFS 07200 "Request to Apply for Cash, Food Stamp and Medical Assistance" form prior to the end of the certification period, or sign and date the "Printed Copy of Information" form that is generated from CRIS-E during the face-to-face interactive interview.

For telephone interviews, we have proposed the use of a new form, JFS 07204 “Request to Reapply for Cash and Food Assistance.” The use of this form alleviates the need to print out and send the assistance group a copy of the “Printed Copy of Information”, which can be quite large, or another JFS 07200, which may cause confusion among staff regarding the status of the case. The JFS 07204 has been formatted to fit a standard window envelope for mailing purposes and is to be sent to the assistance group before or after the telephone interview has been conducted along with the following forms:

- “Your Rights and Responsibilities” (JFS 07501);
- “Voter Registration Form” (JFS 07200-VR) & “Notice of Rights”;
- “Application/Reapplication Verification Checklist” (JFS 07105); and
- Self addressed stamped envelope for return to the county agency.

Timeframes and procedures for completing the recertification process for food assistance have not changed, and delayed processing requirements still apply. For cash assistance, if the assistance group fails to return the signed "Request to Reapply for Cash and Food Assistance” in a timely manner, the cash assistance case must be terminated.

**CRIS-E**

We are working with the Office of Information Systems to implement changes to the CRIS-E client scheduling system to allow for telephone interviews to be scheduled along with an accompanying notice which will notify the assistance group of the phone number at which they will be contacted along with the date and time of the telephone interview. A CRIS-E view flash bulletin (CLVB) will be issued prior to the implementation date with more details. County agencies are not required to use the CRIS-E client scheduling system, but must provide assistance groups with a notice in advance of the interview informing them of the time of the interview and the phone number at which they will be contacted. Also, for tracking and reporting purposes, county agencies electing not to use the CRIS-E client scheduling system must note in CLRC that a phone interview was completed.

**Reporting Requirement**

As a condition of the United States Department of Agriculture - Food and Nutrition Services (FNS) approving the face-to-face recertification waiver the state must prepare an interim report notifying FNS which counties elect to take advantage of waiving the face-to-face requirement at recertification. If your county elects to utilize this telephone interview option we ask that you notify Kara Wente at kara.bertke-wente@jfs.ohio.gov

**Food Assistance Changes**

1. **5101:4-2-07 Food assistance: interviewing assistance groups**

   We have added a new paragraph (I) to allow for a telephone interview to be conducted at recertification. This paragraph also explains that the JFS 07204 “Request to Reapply for Cash and Food Assistance” will be sent after the telephone interview to capture the necessary signature for recertification.

2. **5101:4-7-07 Food assistance: recertification**

   We have added language in this rule to explain that assistance groups must receive advance notice of their telephone interview. Assistance groups will receive a telephone interview notice that will include the phone number at which the caseworker will call for the interview. In this rule we also explain that the printed copy of information (PCI) does not have to be signed for the assistance group participating in a telephone interview; however, those still participating in a face-to-face interview must sign the PCI to fulfill the signature requirement at recertification.

**Cash Assistance Changes**
1. **5101:1-2-01 The application process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance**

We have revised this rule to clarify that the face-to-face interview requirement for the initial application can be waived if a hardship condition exists. The hardship conditions include but are not limited to: illness; transportation difficulties; care of a household member; residency in a rural area; prolonged severe weather; or work or training hours which prevent the assistance group from participating in a face-to-face interview. The hardship criterion aligns with the food assistance policy in rule 5101:4-2-07 of the Administrative Code.


We have revised this rule to clarify that telephone interviews can be conducted at reapplication. Language has been added to clarify that the beginning date of assistance is the date that the JFS 07204 is received by the CDJFS. Also, included in the revision are the required forms that are to be provided to the assistance group at reapplication. To reduce printing and mailing costs, and to avoid unnecessary duplication of effort, we have removed the following documents from this requirement:

- “Your Rights” (JFS 08000);
- “Notice to individuals applying for or participating in Ohio Works First regarding cooperation with the Child Support Enforcement Agency” (JFS 07092);
- “Grant payment method authorization – mandatory” (JFS 07357) or “Grant payment method authorization – voluntary” (JFS 07344);
- “Domestic Violence: you have a right to be safe” (JFS 08024).

These forms are provided to all cash assistance applicants, but are not required to be provided at reapplication. County agencies may opt to provide additional information, such as the JFS 08024 domestic violence brochure, to assistance groups at reapplication but are not required to do so.

**Medicaid**

All Medicaid applications and redeterminations should proceed under Medicaid rules and processing will not change as a result of the change to the cash and food assistance recertification process. County agencies should not use the JFS 07204, ”Request to Reapply for Cash and Food Assistance" for Medicaid redeterminations, and failure to return the form does not have any impact on eligibility for Medicaid.

**Training**

Training will be conducted by the Office of Family Stability, Program Policy Services Unit. Additionally, telephone interview training materials, tips and online materials will be available. Questions about the new process or about telephone interviewing skills training or materials may be directed to the TANF_FSTA mailbox or county agencies may call 1-866-886-3537 (Option 6) for technical assistance.

**INSTRUCTIONS:**

**Cash Assistance:**

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**Food Assistance:**

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### Appendix

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Ohio's electronic payment card

Starting February 1, 2009, we will offer Ohioans a new option for receiving their cash assistance benefits. The option is the Ohio EPPICard, a prepaid MasterCard debit card that can be used at ATMs, MasterCard member banks, and any retailer that accepts MasterCard such as grocery stores, retail establishments, and pharmacies. Food assistance benefits will still be delivered through the Ohio Direction Card. In August 2009, the Ohio EPPICard will become the primary method of issuance for cash assistance in the state, and paper warrants will be phased out.

Background

Over the past year, we have looked at ways to improve services to clients, and ease administrative costs. Electronic payment cards are a more secure and expedient method in which to deliver cash assistance benefits. Lost, stolen, or non-delivered paper warrants will be eliminated. Clients will receive benefits more timely than through the mail by paper warrant, can avoid any issues they may encounter to cash their warrant, will be able to use ATMs to access their benefits and will have thousands of locations at which they can use the Ohio EPPICard. We expect to experience a reduction of the cost of printing and mailing warrants and in time spent by the county departments of job and family services (CDJFS) dealing with time-consuming and antiquated processes to replace lost or stolen warrants and warrants not received in the mail.

We also expect that the new Ohio EPPICard will provide an enhancement in the delivery of benefits for clients as well. For clients moving from a paper warrant system of benefit delivery to the Ohio EPPICard, our clients will have the improvements of immediate access of their benefits, as well as increase in the security of benefit delivery.

Before implementing the new payment option, we conducted a survey with other states who issue benefits on an electronic payment card. Thirty states responded to the survey, providing us information on the impact of moving from a paper warrant system to an electronic payment card, fees that are assessed, problems reported by the users of the electronic payment card and feedback from the community and retailers.

We also reviewed the electronic payment card used to provide Unemployment Compensation and Child Support benefits to Ohio residents and spoke with staff in those offices. On October 20, 2008, we issued Office of Family Stability Letter #80 which provided details on the roll out of the Ohio EPPICard.

Policy

Currently, there are two methods of issuance for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance benefits, i.e. paper warrant or direct deposit (electronic funds transfer). Effective February 1, 2009, assistance groups in receipt of cash assistance benefits will have a new option to receive their monthly cash benefits on an electronic payment card.

At application and reapplication the CDJFS must review the options with the assistance group and provide them with informational material. During this voluntary enrollment period, if the assistance group elects to continue to receive their monthly benefit either through a paper warrant or by direct deposit, no action is
necessary. If they choose to have their benefit issued on the electronic payment card, the CDJFS shall make
the appropriate entry in the Issuance Method field on the AEFPY screen in CRIS-E. This entry will result in
the mailing of the electronic payment card and informational material to the assistance group.

At any time during the voluntary period, the assistance group can elect to receive cash assistance benefits on
the Ohio EPPICard, not just at application and reapplication.

During the voluntary enrollment period there will be instances where a paper warrant is issued even if the
assistance group chooses to have benefits issued on the electronic payment card. These situations are:

1. Supplemental or auxiliary benefits;
2. Work allowance payments made to an individual who is not the assistance group payee;
3. A benefit that is authorized on the electronic payment card, but does not receive a valid routing
   and account number from the vendor in time for processing.

In addition, during the voluntary period, if a direct deposit benefit is canceled, it will be reissued as a paper
warrant.

Beginning August 1, 2009, the electronic payment card will become the primary method of issuance for cash
assistance benefits and the paper warrants will be phased out over the six month period as assistance groups
complete their reapplication. Additional details and the rule outlining the mandatory phase out will be issued
prior to the August 2009 effective date.


We have written a new rule to incorporate the policy on the three methods of benefit issuance:

- Electronic payment card;
- Electronic fund transfer (direct deposit);
- Paper warrant.

The rule contains the policy on the selection of a benefit issuance method, fees and replacement of the
electronic payment card.

No changes have been made to rule 5101:1-2-80 of the Administrative Code, which contains the applicable
policy on the issuance of benefits through direct deposit. In addition, rule 5101:1-2-55 of the Administrative
Code is still applicable for the replacement process of paper warrants until they are phased out.

Use of the Card and Fees

Clients will have a number of options to access their benefits with the new Ohio EPPICard. Clients can use
their Ohio EPPICard to make purchases at any MasterCard accepting business. Many businesses also
provide "cash back" with a purchase. Clients who require cash for purposes other than purchases can also go
to any MasterCard member bank teller or credit union location in Ohio or nationwide for withdrawal without a
fee. Clients will also be able to use an ATM to access their benefits, but will incur a small fee for each
withdrawal. ATMs should be used as an option of last resort to avoid incurring fees.

Fees are listed in the table below.

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<td>ATM Cash withdrawals</td>
<td>$0.75 each withdrawal</td>
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<tr>
<td>-Additional fees may be charged if not used at in-Network ATMs-Fifth Avenue, Alliance One and PNC Bank ATMs</td>
<td>$0.40 each inquiry</td>
</tr>
<tr>
<td>ATM balance inquiry</td>
<td>$0.40 each inquiry</td>
</tr>
<tr>
<td>Card replacement (after first card issuance)</td>
<td>$5.00 each replacement after 4 free each year</td>
</tr>
<tr>
<td>International ATM cash withdrawal</td>
<td>$3.00 each time, plus 3% of the transaction amount</td>
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</table>
International point-of-sale transactions outside the domestic 50 states: 3% of the transaction amount.

Customer service calls to the Integrated Voice Response (IVR) system*: $0.25 each call after 10 free each month.

*There is no fee to select or change your PIN, call and report lost, stolen or damaged card, suspected PIN compromise or question a transaction.

Training
The Office of Family Stability County Support Section will provide training to all CDJFS in January 2009. Staff and client educational materials will be provided. We will also provide status updates at monthly video conferences.

Notification to assistance groups
In January 2009, current cash assistance recipients will receive an ad hoc notice announcing the voluntary phase. The notice will contain information the client needs to make an informed decision on choosing the new option. A second ad hoc notice will be issued in July 2009, announcing the phase out of the paper warrant and the two choices that clients will have to receive their benefits.

CRIS-E
CRIS-E system changes are currently in development. Detailed changes to the CRIS-E system will be issued via a view flash bulletin (CLVB) prior to the February 1, 2009, implementation date.

CHAPTER 2000

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

Rule 5101:1-23-70 "Ohio Works First (OWF): Erroneous payments"

This rule has been reviewed as a result of the five year rule review. In reviewing this rule, we focused specifically on the language regarding time frames under which a decrease in OWF cash assistance should occur.

Prior OWF policy about the effective date of the budget change was federally required under the AFDC program governing overpayment recovery. The prior federal policy required that the effective date of the budget decrease (or termination) be as of the first day of the month following the month in which the change occurred. This was applicable even if the change affecting the budget occurred on the last day of the month, which resulted in the creation of many overpayments due to the prior notice requirements for adverse actions.

Changes to this rule have been made to follow existing food assistance policy on the effective date of a decrease in benefits. Specifically, the new OWF policy regarding the effective date of the budget decrease or termination is effective with the month following the month in which the notice of adverse action announcing the decrease or termination expires. This change in OWF policy should have several positive results. First, it will make OWF erroneous payment policy consistent with similar food assistance policy. Second, because the new policy extends the time frame under which the change in the OWF benefits must be made to the month following the month in which the notice of adverse action expires, the incidence of OWF erroneous payments should be reduced. Additionally, the new policy change should reduce the requisite CDJFS administrative work involved in the calculation and collection of erroneous payments.

As a result, rule 5101:1-23-70 has been amended to include policy contained in food assistance rule 5101:4-7-01, which states, in part:

"...If the AG’s benefit level decreases or the AG becomes ineligible as a result of the change, the county agency shall issue a notice of adverse action within ten days of the date the change was reported unless one of the exemptions to the notice of adverse actions in Chapter 5101:6-2 of the..."
Administrative Code applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective with the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exceptions of rule 5101:6-2-05 of the Administrative Code, the decrease shall be made effective no later than the month following the change.

Other modifications to the rule are format related and are not substantive.

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CAMTL 44 (January 1, 2009: Annual OWF Grant Increase and Elimination of Dependent care Cap)

Cash Assistance Manual Transmittal Letter No. 44

November 28, 2008

TO: All Cash Assistance Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: January 1, 2009: Annual OWF Grant Increase and Elimination of Dependent care Cap

This letter transmits revisions to rules with the proposed effective date of January 1, 2009. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

Background

On June 18, 2008, the Food Stamp Program was reauthorized under The Food, Conservation, and Energy Act of 2008 (FCEA)(Public Law [PL] 110-246), otherwise known as the "Farm Bill."

A provision of the Farm Bill eliminates the cap on the deduction for dependent care expenses for the food assistance program. An administrative decision was made to align the cash programs with the food assistance program. The cap was removed in the food assistance program effective October 1, 2008. For the Ohio Works First (OWF), Refugee Cash Assistance (RCA) and Disability Financial Assistance (DFA) programs, the cap on the dependent care deduction for nonpublicly funded dependent care expenses/costs for a child or incapacitated adult is being eliminated, effective January 1, 2009. The actual verified dependent care costs are to be utilized in calculating eligibility and benefit amounts for cash assistance programs.

With the passage of Amended Substitute House Bill 119 of the 127th General Assembly, Section 5107.04 of the Revised Code was amended to provide for an increase in the OWF payment standard on January 1, 2009, and the first day of each January thereafter by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration in mid-October. On October 16, 2008, the COLA increase of 5.8% was announced. The OWF payment standards have been updated based upon the COLA. The standards for the RCA program follow OWF and have been increased.

Chapter 2000


The rule has been amended to eliminate the reference to the dependent care cap. The CDJFS must exclude the actual verified dependent care costs of the assistance group for nonpublicly funded dependent care for a child or an incapacitated adult who is residing in the home.

This provision is also applicable to the RCA program as the income eligibility and budgeting requirements of the OWF program are also used in the RCA program.

Bona fide loans and payments received under the Maine Indian Claims Settlement Act of 1980 and income tax refunds are exempt sources of income that are presently referenced in rule 5101:4-4-13 of the Administrative Code and therefore have been removed from this rule.

Reference to the Employment Retention Incentive program has been removed as this statewide program ended in 2007 and the rule has been rescinded.

Reference to child support distributions made pursuant to division (C) of Section 1 of Amended Senate Bill 170 of the 124th General Assembly has been removed as these payments have ceased.

The chart containing the OWF and the 90% payment standards has been revised to reflect the 5.8% COLA increase.

Chapter 3000
The rule has been amended to eliminate reference to the dependent care cap. The CDJFS must exclude the actual verified dependent care costs of the assistance group for nonpublicly funded dependent care for an incapacitated adult or child who is residing in the home.

**CRIS-E Changes**

A mass change is scheduled to run in CRIS-E over the Thanksgiving weekend to remove the dependent care cap and increase the OWF and RCA payment standard. Table TOWF has been updated with the new OWF grant amounts that will go into effect on January 1, 2009. A CLVB will be issued with the details of the system changes.

### Instructions

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<td>JFS 03900 &quot;Notice of Intercounty Transfer (Rev. 12/2001)&quot;</td>
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<td>&quot;Budget History: Payment Standards for ADC, TANF, OWF&quot; (effective 1/2009)</td>
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To: All Cash Assistance Manual Holders  
From: Helen E. Jones-Kelley, Director  
Subject: October 2008 CAMTL

On February 5, 2008, the Temporary Assistance for Needy Families (TANF) final rules were published by the United States Department of Health and Human Services (HHS) in the Federal Register. There are some significant changes from the interim final rules that were published on June 29, 2006. The changes resulted from comments to the interim final rules submitted during the sixty-day comment period. Those providing comments represented state human service agencies, state legislators, national associations, advocacy and disability groups, community and faith-based organizations, Indian tribes and tribal organizations, educators, and the general public.

Effective December 29, 2007, Public Law (PL) 110-161 granted certain Iraqi and Afghan aliens special immigrant status under section 101(A)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. Action Change Transmittal (ACT) #245 was issued on April 3, 2008, announcing this change. ACT #245 will be obsoleted with this CAMTL.

This letter transmits revisions to rules with the proposed effective date of October 1, 2008. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

Chapter 1000

Rule 5101:1-2-30 Citizenship: Ohio works first and disability financial assistance. (CCN 6274)

This rule is being amended to incorporate policy recently received from the Administration for Children and Families, in HHS, regarding PL 110-161 of the Consolidated Appropriations Act of 2008 and PL 110-181, National Defense Authorization Act of 2008, granting special immigrant status to certain Afghan and Iraqi aliens for a time-limited period.

An Iraqi or Afghan special immigrant is potentially eligible for Ohio Works First and Refugee Cash Assistance. Iraqi and Afghan special immigrants must meet the income, resource and other eligibility requirements to the same extent as refugees. The eligibility period starts at the date of entry and ends at six months for Afghan special immigrants, and eight months for Iraqi special immigrants. Once the six or eight month exemption period ends, the special immigrant would no longer be exempt from the five-year bar on receipt of a federal means-tested public benefit. The special immigrant is a Legal Permanent Resident (LPR) and is subject to the same treatment as other LPR’s.

Chapter 2000

Rule 5101:1-1-01 Temporary assistance for needy families (TANF) definitions. (CCN 6284)

The interim TANF final rules introduced the definition of "work eligible individual." All "work eligible individuals" must be in the denominator of the work participation rate.

The federal definition of "work eligible individual" has changed with the issuance of the TANF final rules and has been changed in this rule. The specific changes to the definition will be addressed in the narrative to rule 5101:1-3-12 of the Administrative Code.

Rule 5101:1-3-01 Ohio works first (OWF): federal work participation rates. (CCN 6284)
The definition of a two parent assistance group for purposes of meeting the federal participation rate has changed in 45 CFR 261.32. The term "severely disabled child" has been replaced with "child with a disability".

The Ohio Department of Job and Family Services (ODJFS) changed the rule to clarify that to meet the federal work participation rate at least one of the parents in a two parent assistance group must participate sufficient hours to meet the all family rate of at least an average total of thirty hours per week, twenty of which must be in a core activity.

**Rule 5101:1-3-11 Ohio works first (OWF): self sufficiency contract and good cause. (CCN 6284)**

The provisions governing the self sufficiency contract requirements and good cause for a failed provision of the contract have been moved to new rule 5101:1-3-11 of the Administrative Code. ODJFS created the new rule to make it clear that the contract included provisions other than work requirements. In addition to work activity requirements, the contract also contains requirements for child support cooperation and this was not clear since the provision was previously included in rule 5101:1-3-12 of the Administrative Code "OWF: Work Activities". The good cause reasons were also moved to the new rule as they are applicable to all failed provisions, not just work activity requirements.

**Rule 5101:1-3-12 Ohio works first (OWF): work activities. (CCN 6284)**

**Definition of "work eligible individual"**

As mentioned previously, the definition of "work eligible individual" has changed in the TANF final rules. Currently, there are four categories of individuals who are excluded from the definition of "work eligible". These categories are:

- A minor parent who is not the head of the household or spouse of the head of household;
- An alien who is ineligible due to immigration status;
- A recipient of Supplemental Security Income (at state option);
- A parent providing care for a disabled family member who is not attending school full time and the need for the care is supported by medical documentation.

In the TANF final rules, the following changes have been made to the definition:

- "Spouse of the head of household" was removed because these individuals are not required to participate when they receive OWF.
- States have the option to exclude a parent who is a recipient of Social Security Disability Insurance (SSDI) benefits. ODJFS has chosen to exclude these individuals from the definition in those situations where there is still OWF eligibility for the assistance group including the SSDI recipient.
- The provision that permitted a parent caring for a disabled family member to be excluded only if the disabled family member did not attend school on a full-time basis has been eliminated. Medical documentation is needed to support the need for the parent to remain in the home to care for the disabled family member.

**Good cause for nonparticipation**

In addition to the removal of the language regarding the self sufficiency contract requirement and good cause for non-compliance, ODJFS has added language to clarify that the good cause for nonparticipation due to the unavailability or unsuitability of child care applies only to the work requirements as set forth in 42 U.S.C. §607(e)(2).

ODJFS also added the requirement that documentation to confirm that parents have been notified of this provision must be contained in the case file. In the rule, ODJFS has provided an option to counties to include this language on their self sufficiency contracts as ODJFS has on the JFS 03801. It is a federal prohibition to reduce or terminate TANF assistance based on a refusal to engage in work if the individual is a single custodial parent caring for a child who has not attained six years of age, and the individual proves a demonstrated inability to obtain needed child care.

**Daily Supervision**
The definition of daily supervision has been clarified. The supervision does not necessarily need to be daily, in-person contact with the individual. The goal of supervision is to ensure that individuals are participating and making progress in their assigned activities. The supervision can be in-person contact, telephone or electronic contact. The TANF final rules also changed the requirement from "daily" to "no less frequently than once in each day in which the individual is scheduled to participate" to clarify that the requirement only pertained to those days in which the individual was participating.

Verification of hours of participation

Currently, hours of participation in unpaid activities must be verified at least daily or every two weeks. Hours in paid activities are projected for six months. The policy has been changed to require that attendance for unpaid activities be verified on a monthly basis. The documentation must be available in the case record to support all of the actual hours of participation. There is no change to the verification of hours in paid activities; however, ODJFS has separated the requirements in the rule for clarity.

Fair Labor Standards Act (FLSA)

The TANF final rules state that in determining the maximum number of hours of work experience and/or community service that may be required of a recipient to meet the minimum wage requirements of the FLSA, states must calculate the amount of assistance less any child support collections received in the month and retained to reimburse the state or federal government for the current month’s assistance payment. The TANF final rules do not specify the operational procedure that states must follow to determine the benefit amount, but provided two options that were available under the former Aid to Families with Dependent Children (ADC) program.

These options are:

- Retrospective budgeting, where states used the income less child support collections received in the budget month to determine the benefit amount used to calculate the work experience obligation for the payment month.
- Prospective budgeting, where states used the "best estimate" of income less child support collections for the month, based on prior experience.

ODJFS currently uses prospective budgeting in determining the OWF payment; therefore ODFJS has chosen the prospective budgeting procedure and the process is included in the rule.

Rule 5101:1-3-12.1 Unsubsidized employment. (CCN 6284)

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

Rule 5101:1-3-12.2 Subsidized public and private employment. (CCN 6284)

In paragraph (B) (1) ODJFS has changed the language from "individual" to "recipient" in accordance with 45 CFR 261.2. This change was made for consistency with other definitions and to make it clear that these activities are allowable for any work eligible individual.

Paragraph (B)(5)(c) has been added to include another model of subsidized public and private employment.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

Rule 5101:1-3-12.3 Work experience program (WEP). (CCN 6284)

Training was removed from the definition of the work experience program to clarify that formal training, education, and vocational education programs do not meet the definition of WEP.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

Rule 5101:1-3-12.4 On-the-job training (OJT). (CCN 6284)

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.
Rule 5101:1-3-12.5 Job search and job readiness assistance. (CCN 6284)

The TANF final rules have deleted the requirement that an individual be "otherwise employable" because the term was confusing and raised concerns that it could potentially deny treatment to those who have a disability or face multiple barriers to employment. Also the TANF final rules require that there must be a documented need for treatment or therapy determined necessary by a qualified medical, substance abuse, or mental health professional.

ODJFS included language regarding travel time between multiple interviews. This time is allowable under job search and job readiness assistance. Travel time from home to the first interview or from the last interview cannot be counted toward the hours of participation.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

In the TANF final rules, HHS expanded state flexibility by redefining a "week" as twenty hours for a work eligible individual who is a single custodial parent with a child under six years of age and thirty hours for all other work eligible individuals. Therefore, six weeks of job search and job readiness assistance equates to one hundred-twenty hours for single custodial parents with a twenty hour requirement and one hundred-eighty hours for all other work eligible individuals. To ensure consistency with other provisions, the time period has been modified to make these limits apply to the preceding twelve-month period, rather than each fiscal year. This concept is consistent with the excused absence time period.

For the limit of no more than four consecutive weeks of job search and job readiness assistance, the definition of seven consecutive days is still applicable. Once an individual has four consecutive weeks of participation, that individual's participation may not count for one week, i.e. seven consecutive days.

Rule 5101:1-3-12.6 Community service. (CCN 6284)

HHS has made a technical change to the wording of this definition to clarify that all work eligible individuals can count for participation in this activity rather than just those in receipt of benefits.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

Rule 5101:1-3-12.7 Vocational educational training. (CCN 6284)

In the TANF final rules HHS has expanded the definition of vocational educational training to include organized educational programs that lead to a baccalaureate or advanced degree. The Carl D. Perkins Career and Technical Education Improvement Act of 2006 (PL 109-270) was signed into law on August 12, 2006, after publication of the interim final rules. The new law changed the definition of "vocational education", now called "career and technical education", to eliminate the restriction against participation in a baccalaureate, masters or doctoral degree program. HHS used this definition to expand its own definition of vocational educational training. The twelve-month limitation on participation has not changed as this is in the federal law.

Homework time

The TANF final rules permit a state to count supervised verified homework time and up to one hour of unsupervised homework time for each hour of class time. The total homework time (supervised and unsupervised) being counted toward participation cannot exceed the hours required or advised by a particular educational program. If homework time is counted, the documentation must include a statement about the amount of homework or study time advised by the particular educational program.

Basic skills education and English as a second language (ESL)

There are circumstances in which some individuals require basic skills education or ESL as an ongoing and regular part of the vocational educational training activity. As a result, basic skills education and ESL may count as vocational educational training provided that it is a necessary or regular part of the training.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.
Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

**Rule 5101:1-3-12.9 Job skills training directly related to employment. (CCN 6284)**

The county department of job and family services (CDJFS) can count only one year of participation in vocational educational training for any individual toward the work participation rate. Education leading to a baccalaureate or advanced degree also counts under job skills training directly related to employment, as long as it is directly related to a specific job or occupation. Language has been added to the rule to clarify this. Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

**Rule 5101:1-3-12.10 Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency. (CCN 6284)**

*Homework time*

The TANF final rules permit a state to count supervised verified homework time and up to one hour of unsupervised homework time for each hour of class time. The total homework time (supervised and unsupervised) being counted toward participation cannot exceed the hours required or advised by a particular educational program. If homework time is counted, the documentation must include a statement about the amount of homework or study time advised by the particular educational program.

*Good or satisfactory progress*

Currently, individuals participating in the two non-core activities "Education directly related to employment" and "Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence" are required to make "good or satisfactory progress" in order for their hours of participation to count. ODJFS’s rules defined this as a standard of progress that is developed by the educational institution or program in which the recipient is enrolled. This will no longer be required in order for the hours to count and is removed from the rules.

The federal statute limits participation in this activity to individuals who have not received a high school diploma or a certificate of high school equivalency. Some non-citizens may have received a high school diploma (or equivalent) from countries that may not be directly comparable with an American high school diploma. It would be very difficult for the CDJFS to verify whether or not individuals have or have not obtained degrees or credentials from other countries. The CDJFS may determine on a case-by-case basis whether individuals qualify for this activity, and if so, this must be documented in the case record.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

**Rule 5101:1-3-12.11 Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. (CCN 6284)**

*Homework time*

The TANF final rules permit a state to count supervised verified homework time and up to one hour of unsupervised homework time for each hour of class time. The total homework time (supervised and unsupervised) being counted toward participation cannot exceed the hours required or advised by a particular educational program. If homework time is counted, the documentation must include a statement about the amount of homework or study time advised by the particular educational program.

*Good or satisfactory progress*

Currently, individuals participating in the two non-core activities "Education directly related to employment" and "Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence" are required to make "good or satisfactory progress" in order for their hours of participation to count. ODJFS’s rules defined this as a standard of progress that is developed by the educational institution or program in which the recipient is enrolled. This will no longer be required in order for the hours to count and is removed from the rules.

The federal statute limits participation in this activity to individuals who have not received a high school diploma or a certificate of high school equivalency. Some non-citizens may have received a high school diploma (or equivalent) from countries that may not be directly comparable with an American high school diploma. It would be very difficult for the CDJFS to verify whether or not individuals have or have not obtained degrees or credentials from other countries. The CDJFS may determine on a case-by-case basis whether individuals qualify for this activity, and if so, this must be documented in the case record.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.
program in which the recipient is enrolled. This will no longer be required in order for the hours to count and is removed from the rules.

ODJFS has changed the language from "individual" to "recipient" in accordance with 45 CFR 261.2. This change was made for consistency with other definitions and to make clear that this activity is allowable for any work eligible individual.

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

**Rule 5101:1-3-12.12 Alternative activities. (CCN 6284)**

Paragraph (C) has been removed. All language regarding verification of hours of participation is now located in rule 5101:1-3-12 of the Ohio Administrative Code.

**Rule 5101:1-3-14 Ohio works first (OWF): penalties. (CCN 6284)**

Two penalty situations were inadvertently excluded from this rule. Both are contained in the Ohio Revised Code. A person who is a fugitive felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law is not eligible to be included in the OWF grant.

**Rule 5101:1-3-15 Ohio works first (OWF): three-tier sanctions. (CCN 6284)**

This rule is being revised to change the rule citation for the self sufficiency contract provisions from rule 5101:1-3-12 to rule 5101:1-3-11 of the Administrative Code.

**CRIS-E Impact**

CRIS-E systems changes are currently in development. Detailed changes to the CRIS-E system will be issued via a view flash bulletin (CLVB).

**Appendix-JFS Forms**

JFS 03801 "Self Sufficiency Contract" (Rev. 10/2008) (model) (CCN 6284)

JFS 03801-S "Contrato De Autosuficiencia Ohio Works First" (Rev. 10/2008) (Spanish version)

JFS 03801-SO "Shaqooyinka Marka Hore Ee Ohio" (Rev. 10/2008) (Somali version)

Reference to the requirement of disabled individuals not attending school full time has been removed from the JFS 03801 "Self Sufficiency Contract (model)", JFS 03801-S "Contrato De Autosuficiencia Ohio Works First" (10/2008) (Spanish version) and the JFS 03801-SO "Shaqooyinka Marka Hore Ee Ohio" (10/2008) (Somali version). The JFS 03801, JFS 03801-S and JFS 03801-SO versions of the Self Sufficiency Contract (model) are posted on the ODJFS Forms Central internet page.

**Appendix-Other Agency Forms**

**Systematic Alien Verification for Entitlement (SAVE) Program**

The United States Citizenship and Immigration Services (USCIS) has issued a change of address for the Department of Human Services (DHS) Status Verification Operation Field Offices. SAVE program customer agencies, which include the Ohio Department of Job and Family Services and County Departments of Job and Family Services, must send all requests for Document Verification (G-845S) and Document Verification Request (Form G-845S Supplement) if needed when determining program eligibility of noncitizens to a new address. The address has been provided on the Instructions for Completion of the "Document Verification Request" (Form G-845S). The new address for requests from Ohio agencies is:

**U.S. Citizenship and Immigration Services**

101 West Congress Parkway

Chicago, IL 60604
Two charts pertaining to the special immigrant status for certain Iraqi or Afghans are attached to this transmittal. The charts were originally issued with ACT #245 on April 3, 2008. The two charts are:

- Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Eligibility Period Chart.
- Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV.

### Instructions

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**CAM APPENDIX**

**JFS FORMS**

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Cash Assistance Manual Transmittal Letter No. 42

July 24, 2008

To: All Cash Assistance Manual Holders

From: Helen E. Jones-Kelley, Director

Subject: September 1, 2008 CAMTL

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

This letter transmits changes with the effective date of September 1, 2008. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 1000

5101:1-1-40 "Administrative Subpoena" (CCN 6270)

The policy in this rule regarding the investigative responsibilities in the performance of duties by the Ohio Department of Job and Family Services, County Departments of Job and Family Services and Child Support Enforcement Agencies are identical to the language found in section 5101.37 of the Revised Code. Therefore, an administrative decision has been made to obsolete this rule. The agencies are instructed to follow section 5101.37 of the Revised Code.

5101:1-2-30.1 "Benefit Eligibility: Victims of Trafficking" (CCN 6239)

The changes to this rule are formatting changes and are not substantive.

We have added language regarding the use of the form SS-5 (05-2006) "Social Security Administration Application for a Social Security Card" in this rule. This is the form that is used for victims of trafficking to apply for a social security card. A copy of the form will be included in the Cash Assistance manual forms appendix and online at Forms Central.

5101:1-2-30.3 "Benefit eligibility: Family Members of Victims of Trafficking" (CCN 6239)

The changes to this rule are formatting changes and are not substantive.

CHAPTER 2000

5101:1-3-18 "Individual Development Account (IDA) Program" (CCN 6239)

We have rescinded the former version of this rule and have revised the format for the new rule. Section 329.14 of the Revised Code was amended with Amended Substitute House Bill 119 of the 127th General Assembly. An individual whose household income does not exceed two hundred per cent of the federal poverty level is eligible to participate in an individual development account program established by the county department of job and family services of the county in which the individual resides.

In addition, the amount that the fiduciary organization may deposit into the account increased from two times to four times the amount deposited by the participant. A fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

IDAs can only be used for three purposes: (1) postsecondary educational expenses; (2) expenses in the purchase of a home; or (3) capital expenses for a business. These purposes were added to the rule.

CHAPTER 3000
Rule 5101:1-5-70 "Disability financial assistance (DFA): interim assistance" (CCN 6278)

We have made minor changes to this rule by spelling out acronyms when first used, and adding dates to citations for laws and for forms.

Recently, we have been made aware of changes that will be implemented by the Social Security Administration in the future related to moving from paper forms to an electronic process to improve the interim assistance reimbursement process. Once we are provided with the details and time frame for the changes, we will revise the rule and related forms to reflect the new electronic reimbursement process. It is our understanding that the SSA procedural changes should be finalized later this year.

CHAPTER 4000

5101:1-2-60 "Repatriate Program" (CCN 6270)

We have rescinded the old rule and drafted a new rule for purposes of clarity.

An explanation regarding what the program is, eligibility criteria, and how the program works is provided. Under the program there are three types of temporary financial assistance:

- Cash assistance at the port of entry;
- Medical assistance; and
- Subsistence and resettlement expenses.

All forms of assistance as designated above will be the responsibility of the CDJFS if or when a repatriated individual(s) comes to its specific county. This rule also provides information regarding how much assistance a repatriate may receive within a ninety day period of arrival and the amount of potential assistance an individual may be eligible to receive in the second or third month of eligibility. The maximum amount of subsistence and resettlement assistance which may be provided to a repatriate for the first month of the ninety day period is up to $560 per individual. The remaining two months of assistance that an individual may receive is based on the appropriate Ohio Works First (OWF) payment standard for the assistance group size. This is a change from the current rule in accordance with the Department of Health and Human Services (DHHS) Office of Family Assistance Action Transmittal Repatriation FSA-AT-90-1.

Assistance benefits issued by the CDJFS will be 100% reimbursed by the International Social Service/United States of America Branch, Incorporated.

An administrative decision has been made to align the resource eligibility limit of a repatriate from $1500 to $2000 (or $3000 if elderly or disabled) in accordance with food stamp rule 5101:4-4-01 of the Administrative Code.

Several forms from the DHHS are included within this packet for your review. They are:

- Temporary Assistance for Repatriates Pamphlet;
- U.S. Repatriate Program Privacy Act Statement/Repayment Agreement; and
- Repatriation Program Consent Form immediately.

The pamphlet is to be issued to each repatriate to explain program information. The privacy statement/repayment agreement authorizes the disclosure of information about the repatriate to other federal, state or private organizations to allow DHHS and other federal agencies to carry out functions related to the repatriate's return. The repatriate must also be informed of the requirement to repay the United States government.

The program consent form allows DHHS, Administration for Children and Families, the Office of Refugee Resettlement, and the Repatriation program to collect and have access to the repatriate's protected health information and to disclose protected health information for the purpose of making program financial decisions.

The JFS 07358, "Repatriate Monthly Case Summary Report" and the JFS 07359, "Repatriate Monthly Summary of Expenditures, both revised 12/2007, are also included.

All of the forms are contained in the CAM Appendix.

CAM APPENDIX-JFS FORMS
**Social Security Administration Application for a Social Security Card SS-5 (05/2006)** this form will be available on the ODJFS website at [http://www.odjfs.state.oh.us/forms/inter.asp](http://www.odjfs.state.oh.us/forms/inter.asp) upon the issuance of this Cash Assistance Manual Transmittal Letter.

**JFS CHART**

*Initial Eligibility Threshold* has been revised and will be updated every July to include ongoing COLA increases.

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<td>JFS 07358, &quot;Repatriate Monthly Case Summary Report&quot; (Rev. 12/2007)</td>
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<td>Temporary Assistance for Repatriates Pamphlet</td>
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<td>JFS CHART</td>
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Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility. This letter transmits changes with the effective date of August 1, 2008. If there are changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL.

Chapter 1000

Rule 5101:1-2-80 Direct deposit-electronic funds transfer of cash assistance payments.

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code and is being rescinded and replaced with new rule 5101:1-2-80 of the Ohio Administrative Code with a proposed effective date of August 1, 2008. As of July 1, 2007, the Office of Budget and Management’s (OBM) Payment Issuance Team became responsible for the warrant writing and direct deposit functions. Benefits are issued through the Ohio Administrative Knowledge System (OAKS).

The following changes have been made to this rule:

- There will not be an automatic change in grant payment method from direct deposit to paper warrant if there is a change in county residence because the functionality does not exist in CRIS-E. The County Department of Job and Family Services (CDJFS) must manually change the grant payment method in CRIS-E on the AEFAM screen as appropriate.
- Language regarding pre-notification of direct deposit was removed since there is no pre-notification process in OAKS.
- The time frames for direct deposit were modified in paragraph (E)(3) due to OAKS processing requirements. Warrants will be deposited in the recipient's bank account on the first working day of the month following the month of the direct deposit entry when the entry is made on or before the CRIS-E cutoff date (eight working days before end of month). Direct deposit data entered into CRIS-E after the eighth working day from the end of the month results in the first payment through direct deposit taking place on the first working day of the second month after the direct deposit data entry.
- Language about issuance of medical assistance cards was removed since they are no longer impacted by the cancellation of direct deposit payments.
- The JFS 07357 "Grant Payment Method Authorization - Mandatory" and the JFS 07344 "Grant Payment Method Authorization - Voluntary" have been revised. The revised forms will be available on the ODJFS website at [http://www.odjfs.state.oh.us/forms/inter.asp](http://www.odjfs.state.oh.us/forms/inter.asp) upon the issuance of the Cash Assistance Manual Transmittal Letter.

Chapter 2000

5101:1-23-80 Employment retention incentive (ERI) program.

Rule 5101:1-23-80 of the Ohio Administrative Code governing the Employment Retention Incentive (ERI) program is being rescinded effective August 1, 2008. The rule issued under CAMTL # 35 addressed the policy pertaining to the replacement of ERI warrants by October 31, 2007 after the temporary law authorizing
the ERI Program expired on June 30, 2007. Amended Substitute House Bill 119 (Ohio's budget bill) did not include language that would permit the Ohio Department of Job and Family Services (ODJFS) to continue the ERI Program into state fiscal year 2008.

With the issuance of this CAMTL, the JFS 07209 "Employment Retention Incentive Program Request for Re-Issuance" (6/2007) and the JFS 07209-I "Employment Retention Incentive Program Request For Re-Issuance Instructions" (6/2007) are being removed from the Cash Assistance Manual. These forms will no longer be available to order nor will they be available online.

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<td>JOINT PROGRAM POLICIES</td>
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<td>Direct deposit-electronic funds transfer of cash assistance payments</td>
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This letter transmits revisions to rules with the proposed effective date of July 1, 2008. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

CHAPTER 1000

Rule 5101:1-2-10 Ohio works first (OWF)/disability financial assistance (DFA)/refugee cash assistance (RCA): the reapplication requirement. (CCN 6182)

The following changes have been made to this rule:

- Language pertaining to the reinstatement of benefits following a three-tier sanction, has been added to the rule in accordance with the OWF sanction policy that became effective on October 1, 2007 and was issued in CAMTL #36.
- Reference to county medical services has been changed to the Disability Determination Unit (DDU).
- References to applicant have been changed to recipient.

CHAPTER 2000

Rule 5101:1-23-70.1 Ohio works first (OWF): overpayments of aid to dependent children (ADC)/temporary assistance to needy families (TANF) cash assistance and/or OWF that occurred prior to July 1, 1998. (CCN 6182)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. All proposed changes to this rule are formatting and grammatical changes only.

Rule 5101:1-23-70.2 Ohio works first (OWF): work allowance overpayment that occurred prior to October 1, 1997. (CCN 6182)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. All proposed changes to this rule are formatting and grammatical changes only.

CHAPTER 3000

Rule 5101:1-5-60 Supplemental Security Income (SSI) Case Management Program. (CCN 6119)

Section 302 of the Social Security Protection Act (SSPA) of 2004 extends the current attorney fee withholding and payment process under title II of the Social Security Act (the Act) to claims for benefits under title XVI of the Act. Title II of the Act refers to the Retirement, Survivor's and Disability Insurance (RSDI) and Title XVI of the Act refers to the Supplemental Security Income (SSI) Program. The Social Security Administration (SSA) will make a direct payment of fees to an attorney or SSA approved non-attorney who successfully represents an SSI claimant.
Section 303 of the SSPA allows the SSA to implement a nationwide demonstration project providing an extension of fee withholding procedures to non-attorney representatives. The SSA will determine the eligibility of non-attorney applicants who wish to participate as representatives of claimants in this new process.

Rule 5101:1-5-60 of the Administrative Code contains the county department of job and family services (CDJFS) SSI case management program policy for Disability Financial Assistance (DFA) applicants and/or recipients who apply for or have claims pending with the SSA under Titles II and XVI. This rule will be rescinded and incorporated into new rule 5101:1-5-60 of the Administrative Code to reflect the policy changes initiated by the SSA.

Action Change Transmittal (ACT) Letter No. 242 “Supplemental Security Income (SSI) Case Management Program Objective and Structure” shall become obsolete with this CAMTL.

Rule 5101:1-5-70 of the Administrative Code, “DFA: interim assistance” will be revised in the near future to reflect coordinated changes in accordance with this rule.

Current Policy

Current language requires that attorneys who represent applicants or recipients applying for SSI and Social Security Disability benefits and are successful in obtaining benefits receive reimbursement for their services by the SSA prior to the issuance of the Interim Assistance Reimbursement (IAR) paid to the CDJFS by SSA. Attorneys who represent DFA applicants or recipients applying only for SSI benefits and are successful in obtaining benefits, are reimbursed for their services by the CDJFS after the CDJFS receives the IAR check from SSA. Prior to this payment, a written contract must occur between the CDJFS and the attorney/representative by completion of the JFS 07365, “Application for Release of Interim Assistance Reimbursement to Attorney or Representative of an SSI Applicant.”

Revised Policy

As a result of changes to Section 302 of the SSPA, the reimbursement policy is being revised to reflect that the CDJFS will no longer reimburse an attorney/approved non-attorney who has entered into a fee agreement with the SSA and is successful in representing the claimant for benefits. Effective February 28, 2005, an attorney/approved non-attorney representing SSI only claims will receive reimbursement directly from the SSA.

Under this new procedure, the SSA will provide the CDJFS with a SSA-L8125-F6, “IAR Payment Pending Case: State Due Payment*****Priority Handling” at the time that the individual has been awarded an SSI claim for benefits. This form will be sent to the CDJFS to complete the section “State's Account of Reimbursement Claimed.” The CDJFS will forward the completed form back to the SSA. The SSA will reimburse the CDJFS for the IAR issued to the recipient while pending the approval of SSI benefits. The attorney/approved non-attorney will then be paid directly by the SSA.

Approved Non-attorney representatives

As a result of changes to Section 303 of the SSPA, the SSA also has implemented a 5-year demonstration project on fee withholding for non-attorney representatives. The demonstration project began February 28, 2005. This project permits non-attorneys who are approved by the SSA the option to have fees withheld and paid directly from the claim by the SSA. Previously, this option was only available to attorneys.

Attorney/Non-attorney representative without fee and/or waiver agreements

Situations exist in which an attorney/non-attorney may not enter into a fee or waiver agreement with the SSA. When this occurs the attorney/non-attorney may enter into an agreement with the CDJFS by completion of the JFS 07365 for successful claim representation.

The JFS 07365, “Application for Release of Interim Assistance Reimbursement” has been revised to reflect changes as a result of this rule for completion by an attorney/non-attorney who does not enter into a fee agreement or fee agreement waiver with the SSA.

The following SSA forms: L8125-F6, 1696-U4, “Appointment of Representative” and the 3368-BK-“Disability Report-Adult” are included for insertion in the CAM Appendix.

CAM APPENDIX - JFS FORMS
This transmittal letter publishes the recently translated Somali and Spanish versions of the “JFS 03801 Self Sufficiency Contract (model)”. The “JFS 03801-S: Contrato De Autosuficiencia Ohio Works First (03/2008) (Spanish version)” and the “JFS 03801-SO: Shaqooyinka Marka Hore Ee Ohio (3/2008) (Somali version)” will not be stocked at the ODJFS warehouse.

The Spanish and Somali versions of the Self Sufficiency Contract (model) are posted at the Ohio Department of Job and Family Services (ODJFS) internet and inner web sites: [http://jfs.ohio.gov/ofam/cmandfsa.stm](http://jfs.ohio.gov/ofam/cmandfsa.stm) and [http://www.odjfs.state.oh.us/forms/inner.asp](http://www.odjfs.state.oh.us/forms/inner.asp) on the ODJFS Forms Central page.

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CAMTL 39 (January 1, 2008 CAMTL)
Cash Assistance Manual Transmittal Letter No. 39

December 6, 2007

TO: All Cash Assistance Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: CAMTL #39

This cash assistance manual transmittal letter includes the new and amended rules implementing the new Ohio Works First domestic violence policy effective January 1, 2008 and changes to the sanction policy with an effective date of December 29, 2007. If there are any changes made to the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

OWF Domestic Violence Option

Background
The federal law governing the Temporary Assistance to Needy Families (TANF) program contains a provision under which a state may certify in its TANF state plan that it has elected the option to implement comprehensive strategies for identifying and serving victims of domestic violence and waiving certain TANF program requirements.

Specifically, 42 U.S.C. §607(a)(7) states:

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.-

(A) IN GENERAL.-At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to-

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individuals to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(B) DOMESTIC VIOLENCE DEFINED.-For purposes of this paragraph, the term "domestic violence" has the same meaning as the term "battered or subjected to extreme cruelty", as defined in section 408(a)(7)(C)(iii).

Current Policy
Ohio currently does not have a statewide domestic violence policy for Ohio Works First (OWF), the state’s TANF cash assistance program. Instead, each county department of job and family services (CDJFS) has the discretion to determine when and how to screen for domestic violence, identify individuals subject to domestic violence and refer them to supportive services and counseling. Each county may opt to include domestic violence situations among the reasons to extend OWF beyond 36 months under a hardship or good cause extension. Additionally, each CDJFS has the flexibility to determine whether and how to accommodate domestic violence situations when assigning OWF participants to work activities.

Ohio has a statewide policy for determining whether an OWF participant has good cause for noncooperation with child support requirements. Current rule 5101:12-10-31.3 of the Ohio Administrative Code addresses
situations in which a Child Support Enforcement Agency (CSEA) may grant a good cause exception. Domestic violence is not explicitly listed among the good cause reasons, although it is taken into account to some degree in the existing good cause reasons.

**Considering the Domestic Violence Option**

Among welfare recipients, it is estimated that 50% to 60% have experienced domestic violence over their lifetimes, and 20% to 30% are current victims of abuse (Tolman and Raphael, 2000). While many CDJFS have policies in place to screen, identify and refer participants, no statewide policy exists to which a CDJFS can refer to modify or develop local policy.

In March 2007, Governor Ted Strickland and ODJFS Director Helen Jones-Kelley directed ODJFS to implement the TANF domestic violence option statewide. ODJFS convened a committee of stakeholders to consider the ways the option might be implemented and make recommendations. The group included staff and directors from 8 county departments of job and family services, the Ohio Job and Family Services Directors Association, domestic violence service providers and advocates, legal aid, state legislators and ODJFS staff.

As a result of the committee's work, Chapter 5107 of the Ohio Revised Code, the chapter governing the Ohio Works First program, was amended by Am. Sub. H.B. 119 of the 127th Ohio General Assembly to include a statewide OWF domestic violence policy. The changes include the addition of new sections 5107.71 - 5107.717 which require ODJFS to create a domestic violence screening process, and require each CDJFS to screen and identify for domestic violence and refer individuals to supportive services and counseling. Each CDJFS must consider whether to waive program requirements if requiring compliance with the requirement would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual. The rules set forth in this cash assistance manual transmittal letter implement these changes and are effective January 1, 2008.

**Screening Process**

The committee discussed at length the screening process and made recommendations that are incorporated into the rules set forth in this cash assistance manual transmittal letter.

We based the screening process on the experiences of other states and recommendations from members of the committee. Other states have found that using screening tools with personal questions about the family situation did not yield the desired results; participants were less willing to share personal information about abusive situations for fear of embarrassment, pity or concerns of privacy. Most workers thought the questions were too bureaucratic and artificial and stopped using the tools. As a result states have amended their approach to one of universal notification and limited screening questions related specifically to program requirements.

The screening process developed by ODJFS includes providing universal notification of the domestic violence policy, including availability of supportive services and of waivers of program requirements, to every OWF applicant and participant. The few screening questions that are being proposed are written in ways that are the least intrusive and allow individuals to reveal as little about their private lives as necessary to assess whether a referral is necessary and to explore whether program requirements might need to be waived.

**Child Support Cooperation Requirement**

In addition to the rules set forth in this cash assistance manual transmittal letter, rule 5101:12-10-31.3 of the Ohio Administrative Code is being rescinded and replaced by rule 5101:12-10-32 by the Office of Child Support. The replacement rule incorporates the requirements of ORC Chapter 5107 regarding domestic violence and describes the process the CSEA will use when a request for a good cause waiver of the requirement to cooperate with the CSEA is received. The proposed good cause waiver requirements are applicable to OWF, Medicaid, and IV-E foster care maintenance participants.

The replacement rule distinguishes between temporary good cause waivers and permanent good cause waivers. A temporary good cause waiver may be approved when cooperation would make it more difficult for the caretaker or child to escape domestic violence or when adoption proceedings are pending or are under
active consideration. A permanent good cause waiver may be approved when the child was conceived as a result of incest or rape and cooperation with the CSEA would be detrimental to the child.

The replacement rule will take effect January 1, 2008.

**Food Stamps/FSET**

Ohio will be amending its statewide FSET plan to include the provision for food stamp participants to be excused from the FSET requirements if participating in FSET activities could place the individual or family at risk or unfairly penalize them. Food stamp rules 5101:4-3-11 and 5101:4-3-29 have been amended and will also be effective January 1, 2008.

**Training**

In 2006, the Ohio Domestic Violence Network (ODVN) was awarded a TANF demonstration grant to provide domestic violence training to CDJFS and to develop a toolkit to aid CDJFS employees in screening TANF recipients for domestic violence. Staff from 46 CDJFS received training under this project. ODVN also developed the TANF Training Project Toolkit, which is available for download at www.odvn.org/PDFs/ODVN_toolkit.pdf, to provide CDJFS staff with resources to assist in working with victims of domestic violence. The TANF demonstration grant ended June 30, 2007.

ODJFS is currently developing a new TANF domestic violence training project to make domestic violence awareness training available to the remaining 42 CDJFS and to CSEAs around the state.

Additionally, ODJFS will conduct 10 regional trainings around the state. Aimed at CDJFS and CSEA administrators and supervisors, the training will present the new domestic violence policy as well as discuss domestic violence awareness and child abuse reporting requirements. These sessions will be conducted in November and December 2007. CEUs will be available for attendance at these trainings.

**CRIS-E**

CRIS-E systems changes are currently in development. Detailed changes to the CRIS-E system will be issued via a view flash bulletin (CLVB) prior to the January 1, 2008 implementation date.

**What are the specific new and amended rule changes?**

The policy set forth in the rules contained in this cash assistance manual transmittal becomes effective January 1, 2008. Following is a description of each rule included in this CAMTL.

**Chapter 1000**

**Rule 5101:1-2-01, "The application process for Ohio works first (OWF), disability financial assistance (DFA), and refugee cash assistance (RCA)" (CCN 6093)**

We have amended this rule to incorporate the universal notification of OWF applicants and participants to the new domestic violence policy and where to get help. The newly created JFS brochure titled "Domestic Violence: You Have a Right to be Safe" is a document that the CDJFS must provide at the face-to-face interview (both at application and reapplication).

The JFS 7092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency", has been revised to reflect the new child support policy on good cause for noncooperation and is also to be used to provide notification of the policy to all OWF applicants and participants. The CDJFS must send the JFS 07092 to the CSEA each time the individual signs the form to claim good cause for refusal to cooperate with child support, and any time that the individual indicates that a good cause waiver is no longer necessary.

**Chapter 2000**

**Rule 5101:1-3-10, "Ohio works first (OWF): child support requirement" (CCN 6093)**

We have added language to this rule reflecting the new policy regarding good cause for noncooperation with child support due to domestic violence. Only the CSEA may determine whether an individual may be granted good cause for noncooperation with child support. Once the determination is made, the CSEA will notify the
CDJFS of the result of the good cause determination. The CDJFS may not deny, delay or discontinue assistance pending a determination by the CSEA concerning good cause for refusal to cooperate.

**Rule 5101:1-3-12, "Ohio works first (OWF): work activities" (CCN 6075)**

*Please note: The effective date of this rule is December 29, 2007. It is being included in this CAMTL because the changes to the rule include the addition of policy addressing domestic violence.*

We have added language in paragraph (C) that requires the CDJFS to conduct a domestic violence screening with each appraisal.

We have added language in paragraph (E) which allows the CDJFS to waived the OWF work requirements for circumstances of domestic violence.

We have added language in paragraph (H) in the following manner:

- Circumstances of domestic violence as a good cause reason for a participant’s failure to comply in full with a provision of the self sufficiency contract; and
- A waiver of work participation or child support cooperation is not required in order to be approved for "good cause" for a failure to comply in full with a provision of the self sufficiency contract due to circumstances of domestic violence.

**Rule 5101:1-3-20, "Ohio works first (OWF): domestic violence" (CCN 6093)**

This new rule has been created to define the process required for the notification, screening, referral for counseling and supportive services, and the waiver of program requirements in domestic violence situations.

The rule provides:

- the statutory definition of "domestic violence,"
- a general review of the responsibilities of the CDJFS, what information should be provided and at what intervals it must be provided;
- the policy for screening assistance groups for domestic violence, and the different situations during which screening should occur;
- when a CDJFS should make a referral based on screening;
- when a CDJFS must waive OWF program requirements;
- a list of the OWF eligibility requirements that can be waived;
- how long a waiver due to domestic violence may last; and
- the requirement to provide prior written notice to the individual of the CDJFS decision on the waiver request.

Screening should occur during the appraisal interview, the review of eligibility at the expiration of OWF due to state or federal time limits, when good cause for refusal to cooperate with child support is requested by the individual, when there is a failure to comply with the terms of the self-sufficiency contract, and at other times as determined necessary by the CDJFS.

The CDJFS must refer an individual for counseling and supportive services if the individual responds affirmatively to any screening question at any interval listed in paragraph (D) of the rule. It is also important to note that the individual may decline the referral at the point of referral, or may stop counseling or supportive services at any time.

**Rule 5101:1-23-01, "Ohio works first (OWF): time-limited receipt of assistance" (CCN 6093)**

This rule now includes "domestic violence" as an additional condition under which an individual subject to the 36-month state time limit may receive benefits beyond the 36- month limit.

5101: 1-23-01.1, "Ohio works first (OWF): time limits and the calculation of the twenty per cent limits for state and federal hardship extensions" (CCN 6093)

This rule has been amended to state that months of OWF benefits that an assistance group receives in excess of the 36-month time limit due to an extension granted as a result of a domestic violence waiver do not count toward the county's 20% limit for state hardship extensions.
Months of OWF benefits received by an assistance group in excess of the federal 60 month time limit due to an extension granted as a result of a domestic violence waiver do count toward the county's 20% limit for hardship extensions.

**Forms**

New JFS form 08024, "Domestic Violence: You have a Right to be Safe" (Rev. 01/2008) is included in this CAMTL. It is a brochure that a CDJFS must provide to an assistance group during the application and reapplication interviews. The final version of this brochure will be available for order from ODJFS as well as posted to the online forms section of the ODJFS web site. In the future, the brochure will be translated into Spanish and Somali. A separate CAMTL will be issued with these translated forms.

New JFS form 03803, "Ohio Works First (OWF) & Food Stamps: Domestic Violence Waiver Request and Verification Form" (Rev. 01/2008) is also a new form created for office use only, and to be used by the CDJFS when an individual responds affirmatively to any screening question at any time whether it is at an appraisal or assessment interview, or at any other time the individual discloses potential domestic violence circumstances. The form can be used for self-attestation by the individual to verify the reason for the request for waiver due to domestic violence. This form will not be stocked at the ODJFS warehouse, but will be posted to the online forms section of the ODJFS web site.

Amended JFS form 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)", (Rev. 01/2008) is also attached. This form has been amended to include reference to the domestic violence waiver as a condition for refusal to cooperate with child support. Also, this form will be used by the CDJFS to notify the CSEA that a request for good cause waiver due to domestic violence has been made by an individual. This form will not be stocked at the ODJFS warehouse, but will be posted to the online forms section of the ODJFS web site. In the future, the brochure will be translated into Spanish and Somali. A separate CAMTL will be issued with these translated forms.

**OWF Three-Tier Sanctions**

**Chapter 2000**

Rule 5101:1-3-15, "Ohio Works First (OWF): Three-Tier Sanctions" (CCN 6075)

*Please note: The effective date of this rule is December 29, 2007.*

We have added language in paragraph (F) to clarify that a sanction shall not be held in abeyance for individuals who are serving the sanction time period for a previously imposed sanction. All other proposed changes to this rule are grammatical and formatting changes only.

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<td>JFS 07092, &quot;Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)&quot;, (Rev. 01/2008)</td>
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TO: ALL CASH ASSISTANCE MANUAL HOLDERS  
FROM: HELEN E. JONES-KELLEY, DIRECTOR  
SUBJECT: December 5, 2007 CAMTL  

This letter transmits revisions to the Income and Eligibility Verification System (IEVS) rule, 5101:1-1-36 of the Administrative Code with the proposed effective date of December 5, 2007. If there are changes to the rule contained in this CAMTL during the JCARR review period, a correction will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes along with the clearance control number (CCN) assigned when the policy was placed in the clearance process.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and when possible, local agencies are given more flexibility.

CHAPTER 1000

5101:1-1-36: Income and Eligibility Verification System (IEVS) Program (CCN 6056)

Minor changes have been made throughout the rule to reflect current acronyms. Paragraph (C) of this rule is being amended to reflect the current location of the IEVS function and procedure for the County Departments of Job and Family Services (CDJFS). The IEVS Client Registry Information System-Enhanced (CRIS-E) Alert Processing Instruction Guide is located at http://innerweb.odjfs.state.oh.us/oraa/bpi/IEVS_GUIDE_3-22-06.pdf. This guide provides instructions for processing IEVS reviews and replaces CRIS-E Flash 61, dated July 1, 1992.

We have revised paragraph (D) in the following manner:

- unemployment compensation records are matched on a weekly basis rather than twice per month;
- SWICA files are filtered so that duplicate alerts are no longer produced;
- employment information is displayed instead of earnings due to programming limitations; and
- language has been removed because the Internal Revenue Service (IRS) unearned income alerts no longer apply to the Ohio Works First (OWF) and Refugee Cash Assistance (RCA) programs. Resource limits no longer apply to either of these programs.

We have revised paragraph (F)(2) to remove the reference to priority level changes because low priority alerts will be systematically inactivated every 180 to 200 days.

We have revised paragraph (G)(3) to add rule 5101:9-9-25 of the Administrative Code which contains the policy for safeguarding requirements.

We have added paragraph (K) to reflect the monitoring of IEVS activities in the CDJFS by the Ohio Department of Job and Family Services (ODJFS).

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TO: ALL CASH ASSISTANCE MANUAL HOLDERS
FROM: Helen E. Jones-Kelley, Director
SUBJECT: November 1, 2007 CAMTL

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

This letter transmits revisions to rules with the proposed effective date of November 1, 2007. If there are any changes made to the rules during the JCARR review period, corrected rules will be sent out in a future CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

CHAPTER 3000

5101:1-5-01 The Disability Financial Assistance program: definitions and payment standards. (CCN 6012)
This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. All other proposed changes to this rule are formatting and grammatical changes only, and there are no substantive changes proposed to this rule.

5101:1-5-10 Disability Financial Assistance (DFA): nonfinancial eligibility requirements. (CCN 6012)
This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. All other proposed changes to this rule are formatting and grammatical changes only, and there are no substantive changes proposed to this rule.

5101:1-5-30 Disability financial assistance (DFA): resources. (CCN 6042)
Paragraph (C)(9) was updated to reflect the correct Public Law cites to exempt payments made from Agent Orange Settlement funds. The language reflects the policy in rule 5101:4-4-03.3 of the Administrative Code "Food Stamps: Resources Excluded By Law."
Technical changes involving paragraph placement, acronyms, grammar and spelling have been updated where appropriate, resulting in no change to policy.

Rule 5101:1-5-50 Disability financial assistance (DFA): payments. (CCN 6030)
Paragraph (J)(2)(c) has been added to include the definition of "erroneous payments" from section 5115.23 of the Ohio Revised Code.

In paragraph (M)(1)(f) the language "but excluding work expenses" is obsolete and has been stricken. Other modifications to the rule include a change in wording from "overpayment" to "erroneous benefit" throughout the entire rule. This revision has been made to align with language in section 5115.23 of the Ohio Revised Code. All other proposed changes to this rule are formatting changes only, and there are no substantive changes proposed to this rule.

CAM Appendix-JFS Forms

JFS 07095 Erroneous Benefit Determination Form (rev. 6/2007)
The following changes have been made to the JFS 07095:

- The Ohio Department of Job and Family Services is now referenced on the top of the form.
The title has been revised from "Overpayment Determination Form" to "Erroneous Benefit Determination Form" in order to have consistency in language with rule 5101:1-5-50 of the Administrative Code.

"ADC" has been revised to "OWF" throughout the form. This revision has been made to correctly reference Ohio’s Temporary Assistance for Needy Families (TANF) cash assistance program, "Ohio Works First" (OWF).

The categories "Med. /Aged, Blind, or Disabled" and "ADC/Rel.Med" throughout the form have been combined into one category labeled "Medicaid".

"DA" has been revised to "DFA" throughout the form. This revision has been made as the program name has been changed from "Disability Assistance" to "Disability Financial Assistance" as of July 1, 2003.

The box titled "Discovery date" has been changed to "Complaint date".

In the box titled "Check circumstances that changed eligibility", the option "RSDI" has been replaced with "SSA/SSI".

The boxes on the current JFS 07095 titled "Reapplication" and "If delinquent, give number of months reapplication is overdue", have been removed as this information is not necessary for an erroneous benefit determination.

The box titled "Check one item if circumstances of overpayment do indicate a question of fraud" has been revised to "Check item(s) if circumstances of erroneous benefits received do indicate a question of fraud", to allow the CDJFS to indicate if more than one option is applicable in the situation.

"Client did not report changes in circumstances with acceptable promptness" has been revised to "Client did not meet reporting responsibilities". This change has been made because the client is responsible for meeting reporting responsibilities, not reporting changes with "acceptable promptness".

The box titled "Signature of Supervisor" has been changed to "Signature of Calculator" in order to document the individual who is completing the form.

The box titled "Signature of CDJFS Director/Designee" has been changed to "Signature of CDJFS Supervisor/Reviewer" in order to document who is the individual responsible for the review of the erroneous benefit determination.

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This letter transmits proposed rules with an effective date of October 1, 2007. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, the corrected rules will be sent out in a future CAMTL. All of the rules in this CAMTL have been emergency filed for the October 1, 2007 effective date. They have also been submitted to statewide clearance under Clearance Control Number (CCN) 6075.

With the passage of Amended Substitute House Bill 119 of the 127th General Assembly, Section 5107.16 of the Revised Code has been amended. The requirement of a sanctioned assistance group to cease the failure or refusal before OWF benefits may be reinstated has been removed. Effective October 1, 2007, an assistance group under an OWF sanction must now only serve a minimum time period before OWF may resume.

As a result of the changes to Section 5107.16 of the Revised Code, we are rescinding rule 5101:1-3-15 of the Ohio Administrative Code, creating a new rule 5101:1-3-15 of the Ohio Administrative Code and revising rule 5101:1-3-12 of the Ohio Administrative Code that address the OWF sanction process. These rules are being adopted and amended to comply with the changes to Section 5107.16 of the Revised Code by removing the requirement of sanctioned individuals to complete a County Department of Job and Family Services (CDJFS) defined demonstration of compliance before OWF is reinstated and limiting the OWF sanction to one, three or six months.

Food Stamps and Medicaid

The Food Stamp Program has made corresponding changes to rule 5101:4-3-09 of the Ohio Administrative Code for the sanction imposed on an OWF food stamp assistance group as a result of an individual's failure to comply with a provision of their OWF self sufficiency contract. Food Assistance Change Transmittal No. 29 will be issued detailing the changes to the Food Stamp Program.

Federal Medicaid law, 42 U.S.C. Section 1931(b)(3), governs the state option to terminate and reinstate medical assistance for an individual's failure to meet the Temporary Assistance for Needy Families (TANF) work requirements.

As set forth in rule 5101:1-40-07 of the Ohio Administrative Code, an adult member of an OWF assistance group who is sanctioned as a result of the individual's own third or subsequent failure to comply with a provision of an OWF self sufficiency contract related to a work activity loses eligibility for Healthy Families/Low Income Families (LIF) Medicaid until the individual complies with the work activity. There is no minimum sanction period for the sanctioned adult member of the assistance group who has lost Medicaid eligibility. The sanctioned adult immediately regains Medicaid eligibility beginning the first day of the month in which the individual complies with the work activity. The CDJFS must permit the sanctioned adult to comply immediately without any delay due to the OWF sanction period. Questions on the Medicaid policy can be directed to the Medicaid email box at MEDICAID_ELIGIBILITY_TA@odjfs.state.oh.us.

Chapter 2000

Rule 5101:1-3-12 Ohio works first (OWF): work activities.

We have revised paragraph (D) by adding language which clarifies that no self sufficiency contract shall include Learning, Earning and Parenting (LEAP) program requirements. LEAP program requirements such as school attendance should not be included in the self sufficiency contract; a failure to comply with the LEAP program requirements does not result in a tiered sanction. Instead, the teen is subject to the LEAP program sanctions and penalties as set forth in rule 5101:1-23-50 of the Ohio Administrative Code.
As a result of clarification that we received on August 6, 2007 from the United States Department of Health and Human Services on Ohio's Work Verification Plan we are required to identify exactly which holidays may count toward work participation. This rule identifies the ten federal holidays as set forth in 5 U.S.C. 6103(a) as the holidays Ohio recognizes for purposes of work participation. These holidays are:

- New Years day, January first;
- Birthday of Martin Luther King, Jr., the third Monday in January;
- Washington's birthday, the third Monday in February;
- Memorial day, the last Monday in May;
- Independence day, July fourth;
- Labor day, the first Monday in September;
- Columbus day, the second Monday in October;
- Veteran's day, November eleventh;
- Thanksgiving day, the fourth Thursday in November; and
- Christmas day, December twenty-fifth.

In order to prepare for the implementation of the domestic violence provisions adopted in Chapter 5107 of the Revised Code with Amended Substitute House Bill 119 of the 127th General Assembly, we have revised language in paragraph (H) to include circumstances involving domestic violence as a good cause reason for missed hours of participation.

All other proposed changes to this rule are grammatical and formatting changes only.

**Rule 5101:1-3-15 Ohio Works First (OWF): Three-Tier Sanctions.**

Throughout this rule all language requiring sanctioned assistance groups to demonstrate a willingness to comply before OWF benefits could be reinstated has been removed. As of October 1, 2007, this language is obsolete.

**Current Policy**

Currently, an individual who fails a provision of their self sufficiency contract and has a sanction imposed is required to serve a minimum sanction period of one, three or six months, depending on the sanction occurrence, and also demonstrate a willingness to comply before the sanction ends. The requirements and process by which a sanctioned individual demonstrates a willingness to comply is determined by the CDJFS. Once the minimum sanction period has expired and the sanctioned individual demonstrates a willingness to comply the OWF assistance group will have OWF benefits reinstated.

**New Policy**

As of October 1, 2007 an individual who fails a provision of their self sufficiency contract and has a sanction imposed is required to only serve the sanction period of one, three or six months depending on the sanction occurrence. Upon the expiration of the sanction period the OWF assistance group may have OWF benefits reinstated.

Paragraph (E) contains language defining the process for reinstatement of OWF benefits following the expiration of the sanction period. The reinstatement process includes:

- Notifying the sanctioned assistance group that the sanction will be ending;
- Determining if the assistance group will be eligible for reinstatement. If the assistance group's residency is unknown, or they are not in receipt of any other benefits and the CDJFS is thus not able to make an eligibility determination then OWF benefits will not be reinstated. The assistance group may also request that OWF benefits not be reinstated; and
- Notifying the assistance group once a determination of eligibility has been made as to whether OWF benefits can be reinstated.

The CDJFS will need to determine, in accordance with Section 5107.17 of the Revised Code, if the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract. The CDJFS may also conduct an appraisal or assessment if circumstances have changed for the assistance group.
Language regarding assistance group movement in three tier sanctions is now contained in paragraph (F). Language has been added to further explain when an assistance group is eligible for OWF benefits if it contains a sanctioned individual serving a sanction period.

All other proposed changes to this rule are grammatical and formatting changes only.

**Appendix JFS Forms**

**JFS 03801 (Rev. 10/2007): Ohio Works First (OWF) Self Sufficiency Contract (model):**

We have removed language from the self sufficiency contract requiring a sanctioned individual to demonstrate a willingness to comply before OWF benefits may be reinstated.

In order to prepare for the implementation of the domestic violence provisions adopted in Chapter 5107 of the Revised Code with Amended Substitute House Bill 119 of the 127th General Assembly, we have revised the list of good cause reasons to include circumstances involving domestic violence as a good cause reason for missed hours of participation.

**JFS 07092 (Rev. 10/2007): Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Concerning Good Cause for Refusal to Cooperate with Securing Child Support**

We have revised the JFS 07092 to implement the new sanction policy and to update language in accordance with rule 5101:12-10-31.3 of the Ohio Administrative Code.

**CRIS-E Changes**

Due to the changes in OWF policy effective October 1, 2007, the following changes are being completed in the CRIS-E system:

- For OWF sanctions entered on or after October 1, 2007, end dates will be populated on the "end date" field on AEOIE. The end date of the sanction will be determined from the entered begin date of the sanction and the entered sanction occurrence.
- The OWF compliance field on AEOIE will be protected as this field is obsolete.
- An edit will be placed on AEOIE when the CDJFS runs ED/BC on a case that contains an OWF sanction for which the sanction period would have ended prior to September 30, 2007. The edit will require the worker to end the sanction with a September 30, 2007 date. For OWF sanctions that were imposed prior to October 1, 2007 but the sanction period will not expire until after October 1, 2007, the edit will require the worker to place the appropriate end date in the "end date" field on AEOIE as determined by the begin date and occurrence of the sanction.
- An alert will be sent to both the eligibility determination worker and the work activity worker the month prior to the expiration of the sanction notifying them that the case needs to be examined and run through ED/BC.
- The "cure" portion on both state and county CNRQ and CNET screens will be protected. Standardized language explaining OWF reinstatement following the sanction period will be added to client notices that are generated out of CRIS-E when a sanction is proposed. The "description" portion of the CNRQ and CNET screens will remain enterable for county codes.
- Reason code language is being updated with the new policy. A new positive reason code will be added for OWF cases that are being reinstated. Several new negative reason codes will be added when OWF benefits are not being reinstated.

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(Rev. 10/2007) |
| **JFS 07092 Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Concerning Good Cause for Refusal to Cooperate with Securing Child Support**  
(Rev. 11/2001) | **JFS 07092 Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Concerning Good Cause for Refusal to Cooperate with Securing Child Support**  
(Rev. 10/2007) |
CAMTL 35 (Termination of the Employment Retention Incentive (ERI) Program and warrant replacement procedure)
Cash Assistance Manual Transmittal Letter No. 35
July 11, 2007

TO: All Cash Assistance Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Termination of the Employment Retention Incentive (ERI) Program and warrant replacement procedure

The temporary law authorizing the ERI Program expired on June 30, 2007. Amended Substitute House Bill 119 (Ohio’s budget bill) does not include language that would permit the Ohio Department of Job and Family Services (ODJFS) to continue the ERI Program into the next state fiscal year. The ERI program was introduced in Office of Family Stability (OFS) letter #54 on July 25, 2006, and went into effect on August 1, 2006. OFS letter #62 was issued June 8, 2007 with details on the expiration of the ERI Program. With the implementation of the Ohio Administrative Knowledge System (OAKS), the last day to authorize June auxiliary warrants was the close of business on Wednesday, June 27, 2007.

As no ERI warrants can be authorized through CRIS-E on or after June 28, 2007, an alternate method to replace ERI warrants that are reported as lost, stolen, damaged or not received, has been established and is now contained in rule 5101:1-23-80 of the Administrative Code. Replacement ERI warrants will be issued from ODJFS outside of CRIS-E and that process is detailed in the rule and described below. All ERI replacement warrants must be issued by October 31, 2007.

Note: This process only applies to ERI replacement warrants. All other replacements will still be handled through CRIS-E.

Rule 5101:1-23-80 of the Ohio Administrative Code governing ERI has been rescinded and reissued to address only the policy pertaining to the replacement of ERI warrants after the ERI program has expired.

CHAPTER 2000

5101:1-23-80 Employment retention incentive (ERI) program.

Paragraph (A) of the rule contains the policy regarding the responsibilities of the County Department of Job and Family Services (CDJFS) for requesting replacement of an ERI warrant that was reported as stolen, lost, damaged or not received by the recipient. When the recipient reports that an ERI warrant has been stolen, lost, or not received, the CDJFS shall initiate the replacement of the ERI warrant after 5 business days. If the original ERI warrant was damaged, the replacement process can begin immediately. If the original ERI warrant has been stolen, lost or not received, the CDJFS shall require the recipient to complete the AUD 7202 "Auditor of State Welfare Audits and Investigation Handwriting Sample" and the JFS 02132 "Affidavit in Support of Application for Replacement Warrant". A stop payment must also be initiated on the CRIS-E SFES (ERI stop payment request) screen.

In order for the ERI warrant to be replaced, it must have a warrant disposition of returned/canceled (RC), void (VO) or issued (IS) with no disposition. If the original ERI warrant has been redeemed (RM), it will not be replaced.

No ERI warrants can be replaced through CRIS-E after June 27, 2007. The request for a replacement warrant must be submitted to the Office of Family Stability at ODJFS and if applicable, the replacement warrant will be issued by ODJFS. A new form has been created for the CDJFS to use when requesting the replacement of an ERI warrant that was lost, stolen, damaged or not received (and not redeemed). The JFS 07209 "Employment Retention Incentive Program Request for Re-Issuance" along with the instructions are included in this transmittal. If the CDJFS is requesting the replacement of an ERI warrant, the JFS 07209 shall be mailed to:

The Ohio Department of Job and Family Services
Paragraph (B) outlines the responsibilities of ODJFS in the replacement process. When the JFS 07209 is received at ODJFS, it will be reviewed for accuracy. If the form is not complete or there is not an authorizing signature, it will be returned to the CDJFS. Staff will confirm that the current disposition code in CRIS-E is either returned/canceled (RC), void (VO) or SP (stop payment in effect). If necessary, staff will contact ODJFS Office of Fiscal Services when the disposition does not yet show that a stop payment is in effect. If the disposition is RC, VO, or SP, the JFS 07209 will be submitted to the ODJFS Office of Fiscal Services for payment. Upon issuance of the ERI replacement warrant, the JFS 07209 will be noted with the voucher number and date of mailing and faxed to the CDJFS for its files. CLRC should be updated to reflect this information since the ERI replacement warrant will not appear in payment history in CRIS-E.

CAM APPENDIX - FORMS

With the issuance of this CAMTL, the JFS 07204 "Application for Employment Retention Incentive" (English, Spanish, and Somali) and the JFS 07206 "Employment Retention Incentive Brochure" (English, Spanish, and Somali) are being removed from the Cash Assistance Manual. These forms will no longer be available to order nor will they be available online. The JFS 07209 and JFS 07209-I (Instructions) have been added to the forms appendix in the manual.

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This letter transmits changes to OWF rules as a result of recent clarifications received from the United States Department of Health and Human Services in reference to the Work Verification Plans required to be submitted pursuant to 42 U.S.C. §607 (i)(2).

This letter transmits changes with the effective date of July 1, 2007. If there are changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

**CHAPTER 1000**

5101:1-2-15 Voter registration requirement. (CCN 5963)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. Most of the proposed changes to the rule are formatting changes and are not substantive. This rule is being amended to add medical assistance programs to paragraph (C)(2). Voter registration forms must be provided to all applicants and recipients of cash, medical and food stamp benefits pursuant to Section 329.051 of the Revised Code.

5101:1-3-01 Ohio works first (OWF): federal work participation rates (CCN 5961)

In paragraphs (F)(1)(a) to (F)(1)(d) the language "average of thirty-five hours a week" was revised to "at least an average total of thirty-five hours a week" to accurately reflect the language in 42 U.S.C 607(c). This additional language also clarifies that the work eligible individual’s weekly hours can fluctuate.

In paragraphs (F)(1)(b) and (F)(1)(d) language was added from 42 U.S.C. 607(c)(1)(B) regarding a two-parent assistance group receiving federally-funded child care and an adult in the family is not disabled or caring for a severely disabled child. If neither of these situations exist, the two-parent assistance group is required to participate in work activities for an average total of fifty-five hours per week.

Paragraph (F)(4)(b) has been added to clarify that a minor head of household is deemed to be meeting the work participation requirements if the individual is maintaining satisfactory attendance at secondary school or participating in education directly related to employment for at least twenty hours per week. This conforms with the language in 42 U.S.C 607(c)(2)(C).

Paragraph (F)(4)(c) has been added to clarify that deeming is allowable in an assistance group where both parents are under twenty years of age.

In paragraphs (F)(1)(a) to (F)(1)(d) language has been added to indicate the total monthly average hours required in order to meet the federal participation rate for each assistance group type.

5101:1-3-12 Ohio works first (OWF): work activities. (CCN 5961)

Language has been added throughout paragraph (C) to expand the group of individuals who are required to complete an appraisal or assessment to include work eligible individuals, adults and minor head of households in the assistance group. Aliens who are ineligible to receive OWF due to their immigration status and recipients of Supplemental Security Income (SSI) are not required to complete an appraisal or assessment. Parents who are in the assistance group who are required to be in the home to care for a
disabled family member who is not attending school full time pursuant to paragraph (B)(1)(d) are required to complete an appraisal or assessment.

All adults and minor heads of household in the assistance group and all work eligible individuals who complete an appraisal or assessment must complete a Self Sufficiency Contract and Plan as set forth in paragraph (D). Only work eligible individuals are required to participate in work activities. Those parents who are not work eligible because they are required to be in the home to care for a disabled family member who is not attending school full time pursuant to paragraph (B)(1)(d) will not have work requirements, but will still be required to cooperate in establishing a minor child’s paternity and establishing, modifying and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code. Cooperation with child support is a required component of the Self Sufficiency Contract and Plans. Parents who are work eligible but are not members of the assistance group are not required to cooperate with child support in accordance with section 5107.22 of the Revised Code. Minor heads of household who are participating in the LEAP program are required to complete a Self-Sufficiency Contract, but are not subject to the work participation requirements unless the minor head of household fails to attend an assessment, fails to enroll in school or withdraws from school.

Paragraph (D)(5)(k) has been added to reflect the requirement that the good cause reasons as set forth in paragraph (H)(3) of this rule are to be included in the contract.

The JFS 03801 "Ohio Works First Self-Sufficiency Contract" model has been revised and is included in this packet. Paragraph (D)(6) references the JFS 03801. The county department of job and family services (CDJFS) may use the JFS 03801 or develop its own contract/plan provided that the elements in paragraph (D)(5) are contained in the contract/plan.

In paragraph (E) language has been added to include the word "paragraph" before citing to (E)(4).

In paragraphs (E)(3)(b) to (E)(3)(d) language has been added to include the word "total" to reflect an average total amount of participation hours required for each assistance group.

Based upon an appraisal or an assessment, a CDJFS may determine that the participant may not be able to work the required amount of hours to meet the participation rate. In two-parent assistance groups, one work-eligible parent may complete all of the required work hours. Language has been added to paragraph (E)(4) to reflect this policy. In paragraph (E)(4) the word "exempt" has been replaced with "reduce". Language has also been changed from "individual from participation in a work activity" to "individual’s hours of participation in a work activity". The sentence "For all or some of the weekly hours otherwise required" has been changed to "less than the weekly hours otherwise required". The language change was to make the concept more understandable.

Paragraph (E)(8) has been added to clarify that the only applicant assignment is job search or job readiness in accordance with rule 5101:1-3-12.5 of the Administrative Code.

In paragraph (G)(1) language was added to indicate that work eligible individuals and members of an OWF assistance group who fail or refuse to comply with a provision of the Self Sufficiency Contract are subject to a three tier sanction as set forth in rule 5101:1-3-15 of the Administrative Code.

In paragraph (H)(3)(g) language has been revised from "due to weather or other emergency" to "for the day due to weather, emergency or for another reason" as a result of clearance comments received.

In paragraph (H)(3)(k) language has been revised from "other absences excused at the discretion of the CDJFS director or designee" to "other circumstances determined on a case by case basis, by the CDJFS, that are considered a fair and reasonable justification for the work eligible individual’s failure or refusal to comply in full with a provision of the Self Sufficiency Contract".

Paragraph (K)(7) has been added which limits any required hours of an assignment to be in a non-core activity if any portion of the first twenty core requirement has been deemed.

Throughout paragraph (L) the phrase "work eligible individual" has either replaced the phrase "OWF recipient" or is in addition to the OWF recipient.

**5101:1-3-12.1 Unsubsidized employment. (CCN 5961)**
Paragraph (B)(6) has been added to clarify that hours of employment as a result of in-kind or barter income meet the definition of unsubsidized employment. In-kind or barter income is defined as an exchange of property or services.

Paragraph (C)(4) has been stricken as the CDJFS does not need to determine the actual hours employed for an OWF recipient whose employment is terminating.

5101:1-3-12.2 Subsidized public and private employment. (CCN 5961)

In addition to the specific changes listed below, this rule was reformatted to include only the definition of subsidized employment program (SEP) as an allowable work activity for the OWF program. All requirements related to a CDJFS-administered SEP previously included in this rule have been moved to rule 5101:1-3-16 of the Administrative Code. This change was made to clarify the distinction between the definition of SEP as a work activity and requirements for CDJFS-administered programs.

Language has been included in paragraph (B) to clarify that work study which involves paid employment provided by an educational institution meets the definition of subsidized employment.

Previously, a cap of $350.00 was included in rule 5101:1-3-12.2 of the Administrative Code. This requirement has been revised and the recommendation of the employer subsidy payment of no more than fifty percent of the participant’s wages as paid by the employer has been added to rule 5101:1-3-16 of the Administrative Code. Language has also been added in paragraph (B)(3) allowing an employer to receive up to twelve monthly subsidy payments per individual placed with an employer. The current rule limited payments to six months or up to twelve months for individuals with disabilities. Longer durations may be appropriate for supported employment with individuals with disabilities if justified by individualized needs assessment.

5101:1-3-12.4 On-the-job training (OJT). (CCN 5961)

Paragraph (B)(2) has been added which clarifies that paid internships may meet the definition of OJT.

Paragraph (B)(3) has been added which clarifies that subsidized employment and training may meet the definition of OJT.

Paragraph (C)(4) has been stricken as the CDJFS does not need to determine the actual hours employed for an OWF recipient whose employment is terminating.

5101:1-3-12.5 Job search and job readiness. (CCN 5961)

In paragraph (C) language has been added requiring the submission of verified hours of participation by third party providers no less frequently than on a bi-weekly basis. This language does not change the requirement of daily supervision for participants.

5101:1-3-12.7 Vocational education. (CCN 5961)

Paragraph (B)(4) has been added for the CDJFS to count actual hours of participation in the classroom and not any semester or quarter hour credit hours that a student may have.

5101:1-3-12.8 Providing child care services to an individual who is participating in a community service program. (CCN 5961)

Paragraph (B)(3) has been added to clarify that in two-parent assistance groups, one parent cannot count as participating in this assignment by providing child care for his or her own children while the other parent participates in Community Service.

5101:1-3-12.9 Job skills training directly related to employment. (CCN 5961)

Paragraph (B)(2)(c) has been added to clarify that post-secondary education leading to a bachelor’s or advanced degree and unpaid internships may meet the definition of job skills training directly related to employment.

5101:1-3-12.11 Secondary school or program leading to a certificate of general equivalence for an individual who has not completed secondary school or received a certificate. (CCN 5961)

Language has been added to paragraph (B)(1) to include English as a second language, career training, alternative school, tutoring, drop out prevention, teen pregnancy and parenting classes to the definition for this activity.
The prevention, retention and contingency (PRC) employer subsidy. (CCN 5961)

This rule has been reformatted to include the program requirements for CDJFS-administered employer subsidy programs. In paragraph (A) a recommended employer subsidy payment of no more than fifty percent of the participant’s wages as paid by the employer has been added. Previously, a cap of $350.00 was included in rule 5101:1-3-12.2 of the Administrative Code.

Rule 5101:1-23-01 Ohio works first (OWF): time-limited receipt of assistance. (CCN 5944)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. Most of the proposed changes to the rule are formatting changes and are not substantive.

Modifications to the rule include the addition of references to the definitions of adult and minor head of household contained in Revised Code section 5107.02 to paragraph (C) which contains the listing of countable individuals for OWF time limit purposes. Specifically, the reference to Revised Code Section 5107.02 was added to paragraphs (C) (1), (C) (3) and (C) (4). Paragraph (D), "Designation of countable individuals as head of household" of the rule has also been modified. Specifically, paragraph (D) (1) is amended with the removal of a reference to "minor parents" contained in the first sentence. This language is removed because it is inconsistent with the definition of minor head of household. One of the conditions for being a minor head of household is that the minor is married, as set forth in Revised Code Section 5107.02. The sentence being amended in this paragraph refers to an assistance group containing two unmarried parents, which excludes minor parents who are not minor heads of household. In addition, paragraph (D)(3) is being deleted because it contains policy that is obsolete, as the situation contained in this paragraph does not contain an adult or minor head of household, and thus is not subject to time-limited receipt of assistance.

Rule 5101:1-23-01.1 Ohio works first (OWF): time limits and the calculation of the twenty per cent limits for state and federal hardship extensions. (CCN 5944)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. All proposed changes to this rule are formatting changes only, and there are no substantive changes proposed to this rule.

5101:1-23-40 OWF: payments. (CCN 5958)

Effective July 1, 2007, all state warrants will be processed through the Ohio Administrative Knowledge System (OAKS). As a result of this new benefit delivery system, one payment method, vendor payments, has been identified as outside of the scope of OAKS and would require significant programming. As vendor payments are not mandated under state or federal law or regulations, a decision was made to eliminate this payment method for the cash program. Therefore, this rule is being amended to remove vendor payments as a method of payment available to the OWF assistance group in money mismanagement situations. In these situations, the CDJFS may use protective payees or authorized representatives as alternatives to vendor payments. The definition of "money mismanagement" has been moved to paragraph (K)(2)(c) of this rule.

Prior to the decision to eliminate vendor payments, a report that listed all vendor pay cases for calendar year 2006 was generated from CRIS-E. During 2006, there were no more than three cases statewide per month that were identified in vendor pay status. The two OWF assistance groups that remained on vendor pay status have been moved to another pay status.

CAM APPENDIX - JFS FORMS

JFS 03801 Ohio Works First Self Sufficiency Contract (Rev. 05/2007) (CCN 5961)

On August 27, 1997, Ohio Works First (OWF) Letter #2 was issued to share a model Self-Sufficiency Contract and Plan (SSC/P) that had been developed by ODJFS. The model was revised and reissued with OWF/PRC Guidance Letter #39 in October 2001. As a result of the recent federal changes reauthorizing the TANF program, it has become necessary to revise the model document to reflect those changes. The issuance of this CAMTL containing the revised JFS 03801 will obsolete Ohio Works First (OWF) Letter #2 and OWF/PRC Guidance Letter #39.

The following changes have been made to the JFS 03801:
The section that requires the CDJFS to provide a copy of the good cause reasons for failing to comply with the Self Sufficiency Contract and Plan (SSC/P) and to provide a copy of the just cause reasons for terminating employment has been removed as these reasons are now listed in the SSP.

As set forth in paragraph (D) of rule 5101:1-3-12 of the Administrative Code, a Self-Sufficiency Contract is required for adults and minor heads of household in the assistance group and each work-eligible individual as set forth in rule 5101:1-1-01 of the Administrative Code. A paragraph has been added to page one to inform individuals that they may not have to participate in work activities if they are parents who are required to be in the home to care for a disabled family member living in the home, and not attending school full time.

The language "I understand that in order to receive OWF payments..." has been replaced with "I understand that in order for my assistance group to receive OWF payments...". This change was due to the definition of work eligible individuals in Health and Human Services (HHS) regulations including non-recipient parents in the work participation rate.

The language "food stamps" has been changed to "food stamp benefits" to align with the Food Stamp rules.

A box has been added for an OWF Ombudsperson’s name and telephone number. Each CDJFS shall have at least one OWF Ombudsperson as set forth in section 329.07 of the Revised Code. The OWF Ombudsperson shall help OWF applicants and recipients resolve complaints about the administration of OWF.

Self Sufficiency Plan

In section (C), titled Possible Barriers to Employment, space for a client’s current action on barrier removal has been added as a tool for documenting what past and current actions a client has been taking toward barrier removal.

Language in the table in section (E), titled My Responsibilities and Activity Plan, for documenting an OWF client’s assigned activities, has been revised to simplify the information captured for each assignment. Categories of the table are now: (1) activity and location, (2) assignment start date, (3) assignment end date, and (4) days of the week and time required to be at each activity. The previous category of "category type" has been removed as this information is only relevant for internal documentation for the federal participation rate.

Also in section (E), language and a table were added to identify those participants, as defined in paragraph (B)(1) of rule 5101:1-3-12 of the Administrative Code, who are temporarily exempt from participating in work activities due to a disabled family member who is not attending school full time that requires their care in the home. The table allows for the documentation of the begin, review and end date of the exemption along with identifying who is disabled. Space was also given to allow for the documentation of what type of verification was received to confirm the need to be in the home and the date the verification was provided.

In section (H), titled Sanctions for Not Following the Self-Sufficiency Plan, the paragraph regarding good cause for missed hours of participation has been moved to its own section (I).

Also in section (H) language was added to inform individuals that they may be able to make up missed hours and not be penalized for the absence. The policy pertaining to making up missed hours is contained in paragraph (H) of rule 5101:1-3-12 of the Administrative Code.

A new section (I), titled Good Cause for Missed Hours, has been added listing good cause reasons for missed hours of work participation that are now defined in paragraph (H) of rule 5101:1-3-12 of the Administrative Code. Prior to September 29, 2006 each CDJFS defined good cause for its county.

In section (J) language was added on the penalty for not cooperating with LEAP requirements. Specifically, language was added to address the penalty for a failure or refusal to enroll in school, attend an assessment or withdrawal from school.

A new section (K), titled Just Cause for a Job Quit, has been added. This section gives just cause reasons for a job quit as defined in section 5107.26 of the Ohio Revised Code. An additional section has been added for the CDJFS to enter additional just cause reasons other than those already listed.
In section (N), titled OWF Ombudsperson, a section has been added to include a name and telephone number of an OWF Ombudsperson to help Ohio Works First applicants and participants resolve complaints the applicants and participants have about the administration of Ohio Works First.

The JFS 03801 will be available for download through the JFS Forms Central site located at: http://www.odjfs.state.oh.us/forms/inner.asp. It will also be translated in the future. Counties will be notified when translated versions are available to download from the forms site.

This model is not meant to replace appraisal and/or assessment procedures that the CDJFS has in place. While the model does reflect the use of the contract/plan for only one required assistance group member, the CDJFS has the option to use one contract/plan per required assistance group member in 2 parent households. If the CDJFS chooses separate plans for assistance group members in 2 parent households, they need to ensure consistency in the scheduling of activities and other requirements to avoid a transportation or child care hardship for the assistance group members.

A CDJFS may choose to adopt the JFS 03801, modify it or create its own. The required elements that must be contained in a CDJFS Self-Sufficiency Contract are contained in paragraph (D) of rule 5101:1-3-12 of the Administrative Code. In addition to these items, Self-Sufficiency Contracts/Plans must also include information regarding assistance to individuals with disabilities and information regarding providing an interpreter to individuals whose primary language is not English.

The CDJFS is strongly encouraged to have its Self-Sufficiency Contract/Plans reviewed by its local prosecutor or agency attorney to ensure that it complies with the requirements of the Ohio Revised Code, Ohio Administrative Code, Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964.

This transmittal letter publishes the recently translated Somali and Spanish versions of the JFS 07200 "Request for Cash, Food Stamp, and Medical Assistance (Rev. 10/2006)". The JFS 07200-S "Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia Médica (Rev. 10/2006) (Spanish version)" and JFS 07200-SO "Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance) (Rev. 01/2007) (Somali version)"

This transmittal letter publishes the recently translated Somali and Spanish versions of the JFS 07200 "Request for Cash, Food Stamp, and Medical Assistance (Rev. 10/2006)".

The JFS 07200-S "Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia Médica (Rev. 10/2006) (Spanish version)" will be stocked at the ODJFS warehouse and must be re-ordered through the normal channels. The JFS 07200-SO "Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance) (Rev. 01/2007) (Somali version)" will not be stocked at the ODJFS warehouse.

The Spanish and Somali versions of the application are posted at the Ohio Department of Job and Family Services (ODJFS) internet and inner web sites: http://jfs.ohio.gov/ofam/cmandfsa.stm and http://www.odjfs.state.oh.us/forms/inner.asp on the ODJFS Forms Central page.

CAM APPENDIX

JFS Charts

Budget History: Payment Standards For ADC, TANF, OWF

This chart is being revised to include the 10/05 OWF payment increase. The chart will be updated with future increases.

Initial Eligibility Threshold

This chart has been created and will be updated every July when the threshold is adjusted as set forth in section 5107.10 of the Revised Code.

CRIS-E Impact

Currently, parents who are required to be in the home to care for a disabled family member not attending school full time (coded as C9) are not required to sign a Self Sufficiency Contract and Plan. CRIS-E currently requires that a "Y" be entered on AEOIE otherwise the OWF assistance group will fail. A CLVB was issued on
December 26, 2006 with instructions on the completion of AEOIE. Effective with the issuance of amended rule 5101:1-3-12 of the Administrative Code this procedure will no longer be necessary as these individuals will be required to sign a Self Sufficiency Contract and Plan even though they have no work participation requirements.

Vendor payment issuance type will be inactivated from the CRIS-E tables for OWF.

### INSTRUCTIONS

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<td>Budget History: Payment Standards for ADC, TANF, OWF (effective 07/2007)</td>
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<td>JFS CHARTS</td>
<td>Initial Eligibility Threshold (effective 07/2007). Insert after chart &quot;Application Situations for Cash Programs&quot;.</td>
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Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

This letter transmits changes with the effective date of March 1, 2007. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Chapter 1000

Rule 5101:1-2-55 Ohio works first (OWF)/disability financial assistance (DFA) and /refugee cash assistance (RCA): Delayed Cash Assistance Payments and Replacement Warrants (CCN 5871)

This rule has been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. Modifications to the proposed rule contained in this letter are primarily formatting changes and are not substantive. Paragraphs (N)(3) and (O)(4) of the rule contain modified language and references based on recommendations received from the Office of Fiscal Services. There were no clearance comments received on this rule.

Chapter 2000

Rule 5101:1-23-75 Ohio works first (OWF) and prevention, retention and contingency (PRC): Assistance Group Ineligibility Due to Receipt of Fraudulent Assistance (CCN 5871)

This rule has also been reviewed in accordance with the five-year rule review requirements in Section 119.032 of the Revised Code. Modifications to the rule are primarily formatting changes and are not substantive. There were no clearance comments received on this rule.

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TO: All Cash Assistance Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: December 29, 2006 CAMTL

This letter transmits proposed rules with an effective date of December 29, 2006.

CHAPTER 2000

Rule 5101:1-1-01 - Temporary assistance for needy families (TANF) definitions
Minor grammar changes were made in paragraph (Z)(2)(b) which resulted in no changes to policy.

Rule 5101:1-3-01 - Ohio works first (OWF): Federal work participation rates
The language, "who is not a parent" was removed from paragraph (D)(2) as it was redundant.

Rule 5101:1-3-12 - Ohio works first (OWF): Work Activities
A semi-colon was added after acronym OWF in paragraph (B)(1) to make it clear that paragraphs (B)(1)(a)-(d) apply to both situations in paragraph (B)(1).

The language, "previously scheduled" was removed from paragraphs (H)(3)(b) and (H)(3)(c). There is no requirement that a medical appointment or job interview be scheduled in advance of the assignment date.

The language, "or designee" was added to paragraph (H)(3)(k) to allow for the CDJFS Director to designate staff to determine additional good cause reasons for non participation.

The revision dates for forms JFS 06909 and 06910 were incorrect and have been changed. They are referenced in paragraph (J)(5).

Language has been added to paragraph (K)(4) to indicate that the CDJFS shall use the higher of the state or federal minimum wage amount when determining hours of participation allowable under the FLSA. Effective January 1, 2007, the state minimum wage will increase from $5.15 per hour to $6.85 per hour.

Rule 5101:1-3-12.1 - Unsubsidized Employment
"County department of job and family services" has been replaced with the acronym "CDJFS" in paragraph (C)(3), as it was spelled out in paragraph (A)(2).

Rule 5101:1-3-12.2 - Subsidized Public and Private Employment
The word "employee's" has been replaced with "employer's" in paragraph (B)(7)(a) and "employee" to "employer" in paragraph (B)(7)(b).

Rule 5101:1-3-12.3 - Work Experience Program (WEP)
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.5 - Job Search and Job Readiness
Language has been added to paragraph (D)(3) from 45 CFR §261.34 limiting the counting of job search and job readiness hours of participation for the federal participation rate without a seven day break following a four consecutive week assignment.

Rule 5101:1-3-12.6 - Community Service
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C).

The language "county department of job and family services" has been replaced with the acronym "CDJFS" in paragraph (E)(2) as it was spelled out in paragraph (A)(2).
Rule 5101:1-3-12.7 - Vocational Education
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.8 - Providing Child Care Services to an individual who is participating in a Community Service program
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.9 - Job skills training directly related to employment
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.10 - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.11 - Secondary school or program leading to a certificate of general equivalence for an individual who has not completed secondary school or received a certificate
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-12.12 - Alternative activities
The language "twice per month" has been replaced with "semi-monthly" in paragraph (C) as a result of concerns regarding what "twice per month" meant.

Rule 5101:1-3-15 - Ohio Works First (OWF): Three-tier sanctions
The language "of the Administrative Code" has been added to paragraph (D)(2).
The word "right" has been changed to "rights" in paragraph (D)(4).
The word "is" has been changed to "are" in paragraph (E)(2).

Rule 5101:1-3-15.1 - Transition of Ohio works first (OWF) assistance groups under sanctions and penalties
The word "assurance" has been changed to "assessment" in paragraph (B).

Rule 5101:1-3-16 The PRC employer subsidy program
The language "purposes of the PRC employer" has been changed to "purpose of PRC employer" in paragraph (A)(1).

As a result of discussion with CDJFS Directors we have revised the language in paragraph (A)(7). The language now reads:
"The PRC subsidy program shall include the expectation of continuing employment with the participating employer after the subsidy expires or a placement component that leads to employment with another employer after the subsidy expires. The expectation of employment may be contingent upon the participant's successful completion of any probationary or training period specified in the contract and abiding by the employer's rules and regulations."

The change to language removes the agreement by the employer to retain the participant after the subsidy period ends.

The language "employers participating PRC", has been changed to "employers participating in PRC" in paragraph (A)(3).
The language "or maintaining employment with the subsidized employment program (SEP) employer" has been changed to "maintaining employment with the employer" in paragraph (B)(3).
"Subsidized employment program" was inserted before the acronym "SEP" in paragraph (C)(1).
"County" was replaced with "CDJFS" in paragraphs (C)(1)(a) and (C)(2).

**Rule 5101:1-23-10 - Ohio works first (OWF): Standard filing unit**

The reference in (C)(8) has been changed from (B)(1) to (B)(8) to (C)(1) to (C)(8).

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| 5101:1-3-12    | 5101:1-3-12                 |                     |
| (effective 09/29/06) | (effective 12/29/06)     |                     |
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| 5101:1-3-12.2  | 5101:1-3-12.2               |                     |
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Outline of Contents to Forms Appendix
Outline of Contents (effective November 1, 2006)
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**JFS FORMS**

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TO: ALL CASH ASSISTANCE MANUAL HOLDERS  
FROM: BARBARA E. RILEY, DIRECTOR  
SUBJECT: DECEMBER 2006 RULE REVIEW

The rules contained in this transmittal have been reviewed in accordance with Section 119.03 of the Ohio Revised Code. Pursuant to this Revised Code section, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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 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.

This letter transmits the amended rules 5101:1-1-13, 5101:1-2-20, and 5101:1-23-60, with an effective date of December 1, 2006. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, the corrected rules will be sent out in the next CAMTL. This cover letter includes a brief description of the rules that have been reviewed and a summary statement of the changes. Clearance control number 5813 was assigned when the rules were placed in the clearance process.

CHAPTER 1000

5101:1-1-13 Assistance group records.

Acronyms and the new name for the JFS 07200 application and its revision date have been updated where appropriate and removed reference to obsolete form JFS 07100. Additional technical changes were made resulting in no significant change to policy.

5101:1-2-20 Ohio works first (OWF), disability financial assistance (DFA), and refugee cash assistance (RCA): Verification and reporting requirements.

Reference to the time frame provisions were corrected to reflect paragraphs (M)(6)(a) to (M)(6)(c) of rule 5101:1-2-01 of the Administrative Code.

Acronyms, spelling and revision dates have been updated where appropriate, resulting in no significant change to policy.

CHAPTER 2000

5101:1-23-60 Ohio works first (OWF): underpayments.

Acronyms have been updated where appropriate, resulting in no significant change to policy.

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This letter transmits revisions to rules, and the creation of new rules with the proposed effective date of November 1, 2006. There were no changes made to any of the rules during the JCARR review period. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

CHAPTER 1000


References to the Disability Financial Assistance (DFA) program have been made throughout the rule. The Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) programs have been added. Also, the Immigration and Naturalization Service (INS) has now been changed to the Department of Homeland Security (DHS).

Former paragraph (B)(10) references the Permanent Residence Under Color of Law (PRUCOL) definition which is an immigration status that no longer applies for noncitizens residing in the United States (U.S.) therefore this language has been stricken from the rule.

Current paragraph (B)(10) of this rule provides a listing of qualified aliens. Based upon a Federal Policy Announcement (TANF-ACF-PA-2005-01), this listing now contains language for Indian tribes who are and have been considered qualified aliens, lawfully admitted for permanent residence in accordance with section 4(c) of the Indian Self-Determination and Education Assistance Act and 8 CFR section 289 with evidence that s/he was born in Canada, has at least fifty per cent Native American blood, and has established and maintained residence in the U.S.

Paragraph (D)(3)(f) has been revised to reference the correct paragraph of this rule for a spouse or unmarried dependent child of an individual who is considered a veteran or on active duty and lawfully residing in Ohio.


Throughout this rule references to the Immigration and Naturalization Service (INS) have now been changed to the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS).

Paragraph (B) of this rule has been revised to reflect the addition of individuals who are released from indefinite detention and may meet the definition of a Cuban/Haitian entrant.

Paragraph (E)(2) now contains a new phone number and an e-mail address at the Office of Refugee Resettlement (ORR) to contact when a need for an eligibility determination of an indefinite detainee arises.

**Rule 5101:1-2-35 Sponsor-to-Alien Deeming Requirements: OWF and DFA (CCN 5760)**

This rule sets forth the sponsor deeming requirements for aliens. Due to substantial changes required by the U.S. Department of Health and Humans Services (HHS), former rule 5101:1-2-35 is being rescinded and new rule 5101:1-2-35 is being created.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Balanced Budget Act (BBA) of 1997 requires the attribution of a sponsor's income and resources to an alien.

When an alien who is sponsored pursuant to an I-864, Affidavit of Support applies for assistance, the County Department of Job and Family Services (CDJFS) must deem the sponsor's income and resources as well as the income and resources of the sponsor's spouse to the alien. The deeming applies until the alien becomes a United States (U.S.) citizen, has earned or can be credited with forty qualifying quarters of work, departs the
U.S. permanently, or dies. When the income or resource of a spouse or any other household member is being used to qualify an alien for sponsorship, an I-864A, "Contract between Sponsor and Household Member," is completed.

If an I-864 Affidavit is signed on or after December 12, 1997 and an application is made for Ohio Works First (OWF) or Disability Financial Assistance (DFA), the applicant is subject to the deeming requirements upon the expiration of the five-year bar for receipt of OWF or DFA.

Paragraph (B) of this rule sets forth the situations where the sponsor deeming requirement does not apply.

The income of a sponsor and sponsor's spouse shall be deemed to a sponsored alien in accordance with the income allocation methodology in rule 5101:1-23-20 of the Administrative Code.

The resources of a sponsor and sponsor's spouse shall be deemed to a sponsored alien in accordance with rule 5101:1-5-30 of the Administrative Code.

In some cases, an alien may have two sponsors, both of whom executed an I-864 and an I-864A Affidavit. In this situation, the income and resources of both the primary and joint sponsor(s), as well as their respective spouses must be deemed equally (divided and budgeted) to the sponsored alien.

A copy of forms I-864, "Affidavit of Support" under Section 213A of the INA and the I-864A, "Contract Between Sponsor and Household Member" are included for review.

INSTRUCTIONS:

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<td>FORMS APPENDIX</td>
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<tr>
<td>Outline of Contents to Forms Appendix</td>
<td>Outline of Contents (effective September 29, 2006)</td>
<td>Outline of Contents (effective November 1, 2006)</td>
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<td>Other Agency Forms</td>
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<td>I-864A, Contract Between Sponsor and Household Member</td>
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TO: All Cash Assistance Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: TANF Reauthorization

This letter transmits proposed rules with an effective date of September 29, 2006. The earlier effective date is a result of October 1, 2006 falling on a weekend. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, the corrected rules will be sent out in the next CAMTL. All of the rules in this CAMTL were submitted to statewide clearance under CCN 5834.

45 CFR 261.62 requires each state to submit a Work Verification Plan to the U.S. Department of Health and Human Services (HHS) by October 1, 2006. The Work Verification Plan includes many definitions defined in the Ohio Administrative Code (OAC) rules contained in this CAMTL. If HHS requires changes to the Work Verification Plan, a state must submit those changes within 60 days of receipt of notification and include all necessary changes as part of the final approved Work Verification Plan no later than September 30, 2007. If there are any changes made to the Plan that would require changes to the OAC rules, the rules will be submitted to statewide clearance and distributed in a future CAMTL.

On July 17, 2006, Office of Family Stability Letter #49-A was distributed announcing the June 29, 2006 issuance of the "interim final" regulations related to Temporary Assistance for Needy Families (TANF) by HHS. The interim final regulations provide states with specific direction in implementing the TANF Reauthorization provisions of the Deficit Reduction Act of 2005. The primary focus of the regulations is on defining work activities, verifying hours participated in work activities, ensuring accuracy of the work participation data reported to HHS, and meeting the federally required 50% all family and 90% two parent work participation rates. States must comply with the requirements in the regulations by October 1, 2006 or be subjected to potential penalties for Federal Fiscal Year (FFY) 2007 performance.

Section (5) of Amended Substitute Senate Bill 238 (Am. Sub. S.B. 238) of the 126th General Assembly contained uncodified law that provides the Ohio Department of Job and Family Services (ODJFS) with the authority to promulgate rules to implement the TANF Reauthorization provisions of the Deficit Reduction Act of 2005 that may be inconsistent with the Ohio Revised Code. ODJFS must submit recommended legislative changes to the Governor and General Assembly by January 1, 2007. The proposed rules addressed in this letter are intended to implement the TANF Reauthorization provisions of the Deficit Reduction Act and the HHS interim final regulations.

All of the rules which are in conflict with the Ohio Revised Code contain the language from section (5) of Amended Substitute Senate Bill 238. The rules also identify the Revised Code sections that are superseded by the rule. The County Department of Job and Family Services (CDJFS) shall apply the rule and not the conflicting statute.

Overview of the federal regulations
Pertinent changes include:

- Fair Labor Standards Act (FLSA): The new regulations permit states to deem recipients participating in work experience and community service as having met the core work activity requirement when they work the maximum number of hours under the minimum wage requirement of FLSA but the hours worked fall short of the minimum number of hours required by TANF. Families that need additional hours beyond the core activity requirement must satisfy them in some other TANF work activity. The deeming provision can only be used if the state has a food stamp workfare program and a "Simplified Food Stamp Program"(SFSP) as defined by 7 U.S.C. 2035 and approved by the U.S. Department of Agriculture Food and Nutrition Service. Ohio has received approval from FNS to operate a mini SFSP in order to apply the TANF work activity deeming provision found in the new interim final regulations.
All federally defined work activities must have daily supervision. HHS has indicated that this is the method for how a person’s activity and participation is accounted for, and that ongoing constructive guidance is provided to the person engaged in the activity. Individuals placed in federal work activities must be supervised by an employer, work site sponsor (including the CDJFS if it directly operates the activity) or other responsible third party.

All hours of actual participation must be verified. States may report projected actual hours of unsubsidized and subsidized employment or on the job training for up to six months on the basis of prior, documented actual hours of work.

While hours from self-employment may also be projected for six months, federal regulations prescribe that in calculating the countable hours of participation in self employment, the self-employed individual’s monthly self-employment income, defined as gross receipts less expenses, is divided by the federal minimum wage.

Unsupervised homework and study time no longer count toward hours of participation. If an individual is part of a monitored study session where participation is documented, those hours could count toward the hours of participation.

Baccalaureate or advanced degrees are explicitly excluded from the definitions of allowable work activities that will count toward the federal work participation rate.

HHS has added additional categories of individuals (work eligible individuals) that must be included in the calculation of the state’s work participation rate and some that may be disregarded from the calculation.

ODJFS Implementation

The proposed rules to implement the new HHS interim regulations are contained in this CAMTL and are detailed below. Following are the rules affected by the policy change and corresponding narratives for each rule.

Rule 5101:1-1-01 - Temporary assistance for needy families (TANF) definitions

This rule contains definitions used in the TANF program. Paragraph (Y), which contains language regarding the Title IV-A program as defined in section 5101.80 of the Revised Code was amended to add the kinship permanency incentive program and the Title IV-A demonstration project. Paragraph (Z) has been added to include the definition of work eligible individuals pursuant to 45 CFR 261.2.

Rule 5101:1-3-01 - Ohio works first (OWF): Federal work participation rates

This rule supersedes sections 5107.40, 5107.42 and 5107.44 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-01 rather than the Revised Code sections indicated.

Language has been added to this rule on the federal work participation rate requirement for all-family and two-parent assistance groups, the activities that count toward the federal work participation rate and the number of hours required for core and non-core federal work activities. The term "work eligible" has been added throughout the rule to identify those individuals who are required to participate in work activities pursuant to 45 CFR 261.2. Removed from this rule are references to the state work participation rate as the intent is to align state and federal law as it pertains to the work participation rate requirement. The CDJFS shall follow the requirements for the federal work participation rate contained in this rule.

Paragraph (F) of this rule contains the federal work core and non-core work activities and the participation requirements of all family and two-parent assistance groups.

Rule 5101:1-3-12 - Ohio works first (OWF): Work Activities

This rule supersedes sections 5107.01, 5107.14, 5107.16, 5107.36, 5107.40, 5107.41, 5107.42, 5107.43, 5107.60, 5107.62, 5107.64, 5107.65, 5107.67 and 5107.68 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the definition of work eligible individuals. Work eligible individual means an adult or minor head of household receiving TANF cash assistance or a non-recipient parent living with a child receiving TANF cash assistance. Excluded from the definition of work eligible are minor parents who are not
the head of household or spouse of the head of household; an alien who is not eligible for TANF cash assistance due to immigration status; and a recipient of Supplemental Security Income (SSI).

Non-recipient parents are included in the definition of work eligible unless excluded. Non-recipient parents do not include specified relatives or legal custodians or legal guardians. Non-recipient parents are not on the OWF grant for a number of reasons including certain penalty situations where a parent is not eligible to be included on the OWF grant due to an ineligibility reason either in federal law, Ohio Revised Code or OAC. In these situations, a family receives cash assistance despite a self-sufficiency contract failure or certain penalties, when a new family member enters that home. These situations will be addressed later in the cover letter under OAC rule 5101:1-3-15.1.

Effective September 29, 2006, the following situations could result in a family containing a non-recipient work eligible individual:

1. Individuals who have been convicted in state or federal court of misrepresentation of residence in two or more states, pursuant to 42 U.S.C. 608 and OAC rule 5101:1-3-14.

2. Individuals who are fugitive felons, parole or probation violators, pursuant to 42 U.S.C. 608, section 5101.26 of the Revised Code and OAC rule 5101:1-3-14.

3. Individuals who fail or refuse to provide a document that results in the removal of the parent from the OWF grant, such as social security number and proof of identity, pursuant to OAC rules 5101:1-3-14 and 5101:1-23-10.

4. Minor heads of household who are required to participate in the Learning, Earning and Parenting (LEAP) Program who fail to attend an assessment, enroll in school or who withdraw from school, pursuant to 42 U.S.C. 608 and OAC rules 5101:1-3-14 and 5101:1-23-50. If the individual is not a minor head of household or spouse of the minor head of household, they do not meet the definition of work eligible.

5. Individuals who are serving a permanent disqualification due to an intentional program violation if the disqualification period began prior to July 1, 1998.

6. Individuals who are under a three-tier sanction that was assessed on their OWF case prior to October 1, 2006 and subsequently move out of the original sanctioned assistance group and into another OWF assistance group.

In all of these situations, the individual removed from the OWF grant would be considered a non-recipient work eligible individual and would be required to sign a self-sufficiency contract and comply with it in order to continue to receive OWF for the child (ren).

Paragraph (C) includes language on the appraisal and assessment process for work eligible individuals. The language in this paragraph of the rule was contained in sections 5107.41 and 5107.70 of the Revised Code. These sections of the Revised Code required adults and minor heads-of-household to complete an appraisal or assessment; the federal definition of "work eligible" has added certain non-recipient parents to this requirement.

Paragraph (D) lists the requirement of the work eligible individual to sign and comply with a self-sufficiency contract. All of the required elements of the self sufficiency contract that were contained in Revised Code Section 5107.14 have been added to this paragraph. This section of the Revised Code required adults and minor heads-of-household to complete and comply with a self sufficiency contract; the federal definition of "work eligible" has added certain non-recipient parents to this requirement.

Paragraph (E) contains the hours of participation in work activities and alternative activities for work eligible individuals for all-family and two-parent assistance groups. With the new rules, there is now no minimum number of hours that work eligible individuals must be assigned to alternative activities. Section 5107.42 of the Revised Code had limited the CDJFS to assigning no more than 20% of the OWF caseload to alternative activities. With the issuance of these rules, there are no developmental activities. Policy regarding developmental activities was previously found in section 5107.62 of the Revised Code.

Paragraph (F) contains information pertaining to holidays. The preamble to the HHS regulations permits states to define holidays that may count toward the work participation rate. We have defined holidays as
Paragraph (G) contains information on failure to comply with a provision of the self-sufficiency contract.

Paragraph (H) contains information on good cause for non-compliance. Section 5107.16 of the Revised Code had required each CDJFS to establish standards for the determination of good cause for non-compliance. Effective September 29, 2006, good cause for non-compliance is defined in this rule with additional absences excused at the discretion of the CDJFS director. Missed hours of participation in a month may also be made up later in the month at the discretion of the CDJFS. Verification of good cause may be requested of the individual and the CDJFS shall apply a reasonableness standard when requesting verification for the situation and for the time frame in which to provide this verification.

Paragraph (I) contains language on the requirement to provide daily supervision for all activities. The HHS regulations require that all activities be supervised daily by an employer, work supervisor or other responsible third party.

Paragraph (J) contains language on the verification of hours of participation. The HHS regulations require that all hours of participation be verified and this section of the rule addresses the acceptable types of verification for activities other than unsubsidized employment, subsidized employment and on-the-job training. Verification of hours of participation in those three activities can be verified by the worker during the application and reapplication appointment and projected for the next six months or until a change occurs with the employment.

Two forms were created that can be used by the CDJFS to assist in the verification of hours of participation. These are the JFS 06909 "Record of School Attendance Report" and the JFS 06910 "Record of Attendance Report". These forms will be available at the online forms page on the innerweb at http://www.odjfs.state.oh.us/forms/inner.asp.

Paragraph (K) contains language on the application of the appliFair Labor Standards Act (FLSA) as set forth in 29 U.S.C. 201, et seq. The FLSA is applicable to work experience program (WEP) and community service activities that have employer/employee relationships. A CDJFS cannot assign more hours in these activities that what is permitted under the FLSA. The work eligible individual can make up the remainder of the core hours in another core activity or, pursuant to the federal regulations, the CDJFS can deem the remainder of the core hours to have been met. Language to advise the CDJFS on the method for calculating the maximum hours allowed under FLSA and the benefits to use has been added as a result of questions presented at the statewide training.

Paragraph (L) contains language regarding other requirements of the CDJFS in their operation of work activities for OWF. The language in this section of the rule was contained in sections 5107.65 and 5107.68 of the Revised Code.

**Rule 5101:1-3-12.1 - Unsubsidized Employment**

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.1 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of unsubsidized employment and the treatment of self-employment for work participation purposes. The hours of self-employment are determined by dividing the self-employment income (gross income less business expenses) by the federal minimum wage (currently $5.15). The result is the number of hours that will be applied toward the work participation requirement for the work eligible individual. This calculation is for work participation purposes only; budgeting to determine the OWF grant amount has not changed and is set forth in OAC rule 5101:1-23-20.

Paragraph (C) contains the requirements regarding the verification of hours of participation. Hours must be verified every six months and hours confirmed during the application and reapplication process can be projected for six months.

**Rule 5101:1-3-12.2 - Subsidized Public and Private Employment**
This rule supersedes sections 5107.40 and 5107.52 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.2 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of subsidized employment and most of the language that was previously found in OAC rule 5101:1-3-16.

Paragraphs (C) and (D) contain language that was previously found in OAC rule 5101:1-3-16.

Paragraph (E) contains the requirements regarding the verification of hours of participation. Hours must be verified every six months and those hours confirmed during the application and reapplication process can be projected for six months.

Rule 5101:1-3-12.3 - Work Experience Program (WEP)

This rule supersedes sections 5107.40, 5107.54, 5107.541 and 5107.61 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.3 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of WEP and some activities that do not meet the definition of WEP.

Paragraph (C) contains the requirement to verify WEP hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

Paragraph (D) states that hours assigned to WEP are subject to the FLSA.

Paragraphs (E) through (G) contain language that was included in section 5107.52 of the Revised Code.

Paragraph (H) contains language addressing requirements of school volunteers and classroom aides. This language was included in section 5107.541 of the Revised Code.

Rule 5101:1-3-12.4 - On-the-Job Training (OJT)

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.4 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of OJT. In order to count toward the federal work participation rate, the OJT must be in a paid status which differs from language that was in section 5107.60 of the Revised Code.

Paragraph (C) contains the requirement to verify OJT hours at least every six months and allows a projection of six months.

Rule 5101:1-3-12.5 - Job Search and Job Readiness

This rule supersedes sections 5107.40 and 5107.50 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.5 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of job search and job readiness and activities that do not meet the definition. Included in the definition of job search and job readiness are substance abuse treatment, mental health treatment, and rehabilitation activities to those who are otherwise employable.

Paragraph (C) contains the requirement to verify job search and job readiness hours on a daily basis.

Paragraph (D) contains the limitation for purposes of counting job search and job readiness toward the work participation rate of six weeks of participation in a federal fiscal year with no more than four to be consecutive, and the definition of a week.

Rule 5101:1-3-12.6 - Community Service

This rule supersedes sections 5107.40, 5107.541 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.6 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of community service and activities that do not meet the definition.
Paragraph (C) contains the requirement to verify community service hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

Paragraph (D) states that hours assigned to community service are subject to the FLSA.

Paragraph (E) contains language addressing requirements of school volunteers and classroom aides. This language was contained in section 5107.541 of the Revised Code.

**Rule 5101:1-3-12.7 - Vocational Education**

This rule supersedes sections 5107.01, 5107.40, 5107.43, 5107.58 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.7 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of vocational education and the federal prohibition against counting hours of attendance for a baccalaureate or advanced degree toward the federal work participation rate. Section 5107.58 of the Revised Code did not prohibit advanced degrees at post-secondary, private nonprofit college or universities as allowable work activities. However, with the issuance of the HHS "interim final" rules, attendance at educational institutions for a baccalaureate or advanced degrees can no longer be counted toward meeting the federal work participation rate. Attendance at educational institutions for associate degrees, instructional certificates, industrial skills certificates or non-credit coursework can still count toward the participation rate.

Unsupervised homework and study hours do not count toward vocational education participation hours.

Paragraph (C) contains the requirement to verify vocational education hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

Paragraph (D) contains the twelve month lifetime limit for purposes of counting vocational education toward the work participation rate. No more than 30% of the number of individuals assigned to vocational education in all families and in two-parent families, respectively, shall count toward the monthly work participation rate.

Paragraph (E) contains requirements of tuition assistance of OWF recipients. This language was contained in section 5107.58 of the Revised Code.

**Rule 5101:1-3-12.8 - Providing Child Care Services to an individual who is participating in a Community Service program**

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.8 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition.

Paragraph (C) contains the requirement to verify hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verification to occur at mid-month and end of month, rather than every two weeks.

**Rule 5101:1-3-12.9 - Job skills training directly related to employment**

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.9 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of job skills training directly related to employment and activities that do not meet the definition of this activity.

Paragraph (C) contains the requirement to verify hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

**Rule 5101:1-3-12.10 - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency**

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.10 rather than the Revised Code sections indicated.
Paragraph (B) of this rule contains the federal definition of education directly related to employment and the statement that unsupervised homework and study hours do not count as hours of participation for education directly related to employment for the federal work participation rate. Monitored study or homework hours can be counted toward the required monthly hours of participation.

Also included in this paragraph is a new requirement that participants in this activity should be making "good or satisfactory progress" in order for the hours of participation to count for the work participation rate. This standard is developed by the educational institution or program in which the recipient is enrolled and includes both a qualitative and quantitative measure of progress.

Paragraph (C) contains the requirement to verify hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

**Rule 5101:1-3-12.11 - Secondary school or program leading to a certificate of general equivalence for an individual who has not completed secondary school or received a certificate**

This rule supersedes sections 5107.40 and 5107.60 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.11 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the federal definition of secondary school or program leading to a certificate of general equivalence and the statement that unsupervised homework and study hours do not count as secondary school program or high school equivalency diploma (HSED) program participation hours for the federal work participation rate. Monitored study or homework hours can be counted toward the required monthly hours of participation.

Also included in this paragraph is a new requirement that participants in this activity should be making "good or satisfactory progress" in order for the hours of participation to count for the work participation rate. This standard is developed by the educational institution or program in which the recipient is enrolled and includes both a qualitative and quantitative measure of progress.

Paragraph (C) contains the requirement to verify hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

**Rule 5101:1-3-12.12 - Alternative activities**

This rule supersedes sections 5107.40, 5107.42, 5107.43 and 5107.64 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-12.12 rather than the Revised Code sections indicated.

Paragraph (B) of this rule contains the definition of alternative activities and examples of what may constitute these activities. Hours of participation in alternative activities do not count toward the federal work participation rate, but are intended to address temporary and permanent barriers to participation in federal work activities. This rule eliminates the 20% caseload limitation on number of individuals assigned to alternative activities that was included in section 5107.42 of the Revised Code. There is now no limit to the number of work eligible individuals who may be assigned to alternative activities.

Paragraph (C) contains the requirement to verify hours at least every two weeks or twice per month. The option of twice per month (semi-monthly) was added to this paragraph to allow for verifications to occur at mid-month and end of month, rather than every two weeks.

**Rule 5101:1-3-14 - Ohio Works First (OWF): Penalties**

This rule supersedes sections 5107.14, 5107.16, 5107.41 and 5107.70 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-14 rather than the Revised Code sections indicated.

This new rule contains language from current OAC rule 5101:1-3-15 and was created to separate the penalty requirements from the sanction requirements. This rule only contains policy pertaining to penalties; policy pertaining to three-tier sanctions will remain in OAC rule 5101:1-3-15. The rule distinguishes penalties that (1) result in a denial or termination of OWF; (2) result in a reduction of the OWF grant and/or the removal of an
individual; (3) are time-limited and result in the denial or termination of OWF; and (4) are time-limited and result in the reduction of OWF and the removal of the individual.

Individuals who enter the home after the failure/ineligibility date in one of the three penalty situations contained in paragraph (B)(3) of this rule will no longer be eligible to receive OWF as is currently permissible.

Current cases under one of the three penalty situations are addressed in OAC rule 5101:1-3-15.1.

**Rule 5101:1-3-15 - Ohio Works First (OWF): Three-tier sanctions**

This rule supersedes sections 5107.14, 5107.16, 5107.161, 5107.162 and 5107.17 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-15 rather than the Revised Code sections indicated.

This rule now only contains policy pertaining to three-tier sanctions. Requirements pertaining to penalties have been moved to new OAC rule 5101:1-3-14.

Paragraph (B) contains the policy on the three-tier sanction process that was in section 5107.16 of the Revised Code.

No changes have been made to paragraph (C) from the current rule.

Paragraph (D) addresses the reinstatement of OWF upon compliance. Paragraph (D)(5) has been added from section 5107.17 of the Revised Code.

Paragraph (E)(2) now states that individuals who enter the home after the time of the failure are not eligible to receive OWF regardless of whether they would otherwise meet the eligibility requirements.

Current cases under a three-tier sanction are addressed in OAC rule 5101:1-3-15.1.

**Rule 5101:1-3-15.1 - Transition of Ohio works first (OWF) assistance groups under sanctions and penalties**

This rule supersedes section 5107.16 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-3-15.1 rather than the Revised Code section indicated.

This rule explains how to treat current open OWF assistance groups under a three-tier sanction or certain penalty situations. These individuals will meet the definition of non-recipient work eligible individuals effective September 29, 2006 and this rule outlines the steps the CDJFS shall take with these individuals.

Paragraph (B) describes the six situations that are applicable with this rule:

1. Child(ren), and a parent in some instances, who were determined eligible to receive OWF because they entered the home after the fail date of the three-tier sanction;

2. Child (ren), and a parent in some instances, who were determined eligible to receive OWF because they entered the home after the date of ineligibility in the following penalty situations:
   (a) Termination of employment without just cause and an OWF case was opened for the above listed individual(s) during the six-month period of ineligibility;
   (b) Receipt of fraudulent assistance and an OWF case was opened for the above listed individual(s) after the receipt of fraudulent assistance occurred and the assistance has not been repaid in full;
   (c) Refusal to cooperate with a quality assurance review and an OWF case was opened for the above listed individual(s) during the three-month period of ineligibility; and

3. Individuals who are under a three-tier sanction that was assessed on their OWF case prior to September 29, 2006 and subsequently move out of the original sanctioned assistance group and into another OWF assistance group.

Paragraph (C) outlines the requirements for non-recipient work eligible individuals under a three-tier sanction. These individuals must demonstrate a willingness to comply, as determined by the CDJFS, with the failed provision of their self-sufficiency contract. If they fail to comply the OWF case shall be terminated no later than December 31, 2006. If they do comply and have served the minimum sanction period, they shall be reinstated provided all other eligibility factors are met. If they comply and have not yet served the minimum sanction period, the OWF case shall remain open and the parent and remaining family members are added
after the period has been served. The parent meets the definition of non-recipient work eligible individual during those sanctioned months and the provisions of OAC rule 5101:1-3-12 are applicable.

Paragraph (D) outlines the requirements for non-recipient work eligible individuals under limited penalty situations. An individual whose OWF case was terminated due to receipt of fraudulent assistance must repay the amount in full. If they fail to repay the amount in full, the OWF case shall be terminated no later than December 31, 2006. If they do repay the amount in full, they should be reinstated provided that all other eligibility factors are met.

**Rule 5101:1-3-16 - The PRC employer subsidy program**

This rule has been amended to govern only PRC employer subsidy programs. All references to OWF subsidized employment programs have been removed and are contained in the new OAC rule 5101:1-3-12.2 subsidized public and private employment.

**Rule 5101:1-23-10 - Ohio works first (OWF): Standard filing unit**

This rule supersedes section 5101.26 of the Revised Code as indicated in paragraph (A) of the rule. The CDJFS shall follow OAC rule 5101:1-23-10 rather than the Revised Code section indicated.

Language from paragraphs (C)(8), (C)(9) and (C)(11) has been stricken. The language contained in these paragraphs allowed for child (ren), and in some instances parents, who enter the home after the fail date or ineligibility date in those three situations to receive OWF. The parents who failed or caused the ineligibility were excluded from the standard filing unit. With the issuance of this rule, these children will no longer be eligible for OWF unless the parent(s) comply with the sanction or penalty and their OWF is reinstated.

**CRIS-E System Changes**

Initial CRIS-E programming changes are being made to support the effective date of the policy. We are in the process of determining additional needed system changes to implement the regulations. Further programming requirements are scheduled for design and implementation immediately after the effective date, so that we can fully support all necessary changes for reporting and processing. Further details will be issued shortly to announce the changes that have been made for the effective date of this transmittal.

**Transition Steps**

An ad hoc report has been prepared using CRIS-E data to identify the open OWF assistance groups under the sanctions and penalties outlined in OAC rule 5101:1-3-15.1.

The ad hoc report was forwarded to the CDJFS to work with these families. The ad hoc report showed 419 sanctioned families and 131 families ineligible due to receipt of fraudulent assistance. These families must comply or lose OWF eligibility no later than December 31, 2006. The ad hoc report will be used to send notification to these affected assistance groups informing them of the requirement to comply. A second notification will occur after October 1, 2006 to ensure that all of the assistance groups are adequately notified.

The expectation is that CRIS-E will run a mass change to terminate these cases by December 31, 2006 if they have not complied and had their cases reinstated. Further details will be provided as they become known.

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The purpose of this transmittal letter is to publish the ERI brochure, JFS 07206 "Employment Retention Incentive" (7/2006), and the recently translated Somali and Spanish versions of the ERI application, JFS 07204 "Application for Employment Retention Incentive (ERI)" (7/2006), and the ERI brochure, in the Cash Assistance Manual.

The JFS 07206 will be stocked at the ODJFS warehouse. An initial supply has been sent to each CDJFS; additional brochures must be re-ordered through the normal channels. The brochure will also be available at http://www.odjfs.state.oh.us/forms/inner.asp on the ODJFS Forms Central page.

The Spanish and Somali versions of the ERI application and ERI brochure will be posted to the Ohio Department of Job and Family Services (ODJFS) internet and inner web sites: http://jfs.ohio.gov/ofam/cmandfsa.stm and http://www.odjfs.state.oh.us/forms/inner.asp on the ODJFS Forms Central page. Copies of these applications and brochures will not be maintained at the ODJFS warehouse.

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TO: Food Stamp Certification Handbook Holders  
Cash Assistance Manual Holders  
Medicaid Eligibility Manual Holders  

FROM: Barbara E. Riley, Director  

SUBJECT: Revisions to the "Request for Cash, Food Stamp, and Medical Assistance," JFS 07200  

August 24, 2006

Reason for Changes

In order to comply with federal requirements outlined in the Deficit Reduction Act of 2005, the following changes are being made to the JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance". The new Medicaid citizenship requirement in rule 5101:1-38-02 of the Administrative Code will be effective September 25, 2006. Utilization of the revised JFS 07200 should be used beginning on or after October 1, 2006.

Description of the Revisions to the "Request for Cash, Food Stamp, and Medical Assistance," JFS 07200

Application Coversheet, Page Two, "What type of verification do I need?"

The first bullet immediately underneath the heading has been revised to read "If you are not a U.S. citizen and are only applying for alien emergency medical assistance, you do not have to verify your citizenship status or immigration status, or provide a social security number." Adding "or immigration status" will help to clarify that the individual does not have to provide INS documents for alien emergency medical assistance.

The second line item of the verification chart has been revised to read "Permanent Resident Card ("green card") or other INS documentation if not a U.S. citizen" to use terminology commonly understood by applicants.

Since proof of citizenship status is required for all individuals applying for any category of Medicaid and Cash Assistance Programs, "Proof of U.S. citizenship if a U.S. citizen" has been added as the third line item of the verification needed for Medical Assistance and Cash Assistance Programs.

Annuities have been included on the seventh line item, "Proof of current value of stocks/bonds, certificates of deposit, life insurance, trusts, annuities."

Page Two of the Application, Section Six: "Tell us about the people in your home"

The question "Are you married?" has been added under the chart requesting information about household members.

Page Three of the Application, Section Seven: "Tell us about your finances"

In the second question, annuities have been added as an example of resources that an assistance group may possess.

Page Four of the Application, Section Nine: "Signature of person who completed this application"

A statement has been added as the second bullet that attests that all annuities and other similar financial devices in which the assistance group has any interest have been reported by the applicant or the authorized representative.

Miscellaneous
The Spanish and Somali versions of the JFS 07200 will be issued under separate cover at a later date.

**INSTRUCTIONS: FOOD STAMPS:**

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**INSTRUCTIONS: MEDICAL ELIGIBILITY MANUAL:**

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TO: ALL CASH ASSISTANCE MANUAL HOLDERS  
FROM: BARBARA E. RILEY, DIRECTOR  
SUBJECT: EMPLOYMENT RETENTION INCENTIVE (ERI) PROGRAM

Pursuant to section 5101.801 of the Revised Code and section 206.67.10 of Amended Substitute House Bill Number 66 (Am. Sub. H.B. 66) of the 126th General Assembly, the Ohio Department of Job and Family Services (ODJFS) establishes a new Title IV-A program, the Employment Retention Incentive (ERI) Program. The ERI program will be administered by the County Departments of Job and Family Services (CDJFS) under which the cash incentives will be issued to eligible employed individuals for the purpose of promoting job retention and eliminating OWF dependency. To help the individuals served by the CDJFS to maximize their potential and achieve these goals, Am. Sub. H.B. 66 set aside $8.6 million in TANF funds in SFY 2007.

This letter transmits the proposed new ERI rule, 5101:1-23-80, with an effective date of August 1, 2006. If there are any changes made to the rule contained in this CAMTL during the JCARR review period, the corrected rule will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Clearance control number 5701 was assigned when the new ERI policy was placed in the clearance process.

ERI PROJECT BACKGROUND

ODJFS has reviewed similar and dissimilar ERI programs operating in other states and within Ohio. Based upon this analysis, the premise is that ERI payments will promote employment retention and will engage counties in providing additional services to assist employed families.

The following provides a sample of ERI programs and information obtained from other states:

- The District of Columbia reported that their bonuses of a total of $750 issued at 30, 90, and 180 days appeared to be a strong incentive to report income and keep working.
- South Carolina provides ERI in their "Moving Up Project" established 6/1/01 and reported that clients must be followed up with and "in terms of case work we found it best to give the client a list of incentives up front in their first engagement with the worker so this would motivate them to participate and meet their goals." Gift certificates and cash bonuses are used. Of 2,413 clients, 59% were new hires, 18% advanced in wages or benefits, and 20% were in educational services.
- Mississippi's ERI program issues $100 after 3 months, $200 after 6 months, $300 after 9 months, and $400 after 12 months for a total of $1000.

Several counties within Ohio provide ERI payments through their PRC programs:

- Scioto, Greene, Pike, Mahoning, Miami, and Morrow counties currently use their PRC funds to support employment retention incentive programs for clients while Montgomery and Franklin pay their contracted providers incentives if individuals remain employed.
- Scioto and Greene CDJFS operate PRC based comprehensive ERI programs and have found an ERI incentive beneficial to the transition from OWF to employment. While report data is limited, Scioto CDJFS is finding that most individuals in their ERI program are not returning to OWF.
- Based on the success of their program, Greene CDJFS has increased their bonus amounts to $100 upon approval, $200 after 3 months and $300 after 6 months. Scioto CDJFS issues $100 the 1st month, $200 after 3 months, $300 after 6 months and $500 if employed 12 months.

Scioto and Greene counties were particularly informative and crucial in their advisory capacity. They provided their unique ERI program information, applications, notices and ERI data that formed the foundation of a flexible and comprehensive ERI program that will be supported in the automated CRIS-E system. As the ERI
program development progressed, feedback was also generated from the Office of Family Stability's Executive Leadership Committee and county CRIS-E liaison business partners.

Data from the "Employed Individual Returning to Assistance Report" (GWP540RA) for 12/05, 01/06 and 02/06, shows that 65% to 66% of the employed individuals returning to OWF assistance do so within the first 3 months. The ERI program will provide two cash incentives totaling $400 within the first 3 months that, in conjunction with an individual's employment, should maximize job retention within this time frame. Two additional payments totaling $600 will be provided over the next 6 months to encourage job retention during the entire nine months following OWF termination. Best practices from other states and from our own counties include combining the ERI payments with county PRC transitional employment benefits and services to further maximize job retention. Assimilation into the workforce decreases the likelihood of OWF dependency.

**ERI APPLICATION**

A new ERI application, JFS 07204, "Application for Employment Retention Incentive (ERI)" (07/2006) has been designed to be used by individuals applying for the ERI program. The ERI application was developed to mirror the format of the JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance". It consists of an informational coversheet and a one-page application that is completed by the ERI applicant.

The coversheet provides information to the ERI applicant regarding the following application procedures:

- A description of the ERI program.
- How to apply for the ERI incentive.
- When to apply for the ERI program.
- The ERI incentive payments and when they will be issued.
- Where the ERI application should be sent and other available services.
- Information regarding the social security number.

The application page requests the ERI applicant's name, SSN, address, employment data, signature and date. Up to four employers may be listed. There is an area for the CDJFS to capture the recent case number and date the ERI application was received. Information concerning the applicant's civil rights is also provided. A face-to-face interview is not required for the ERI program.

The JFS 07204 will be stocked at the ODJFS warehouse. An initial supply will be sent to each CDJFS and additional applications must be re-ordered through the normal channels. The application will also be available online at [http://jfs.ohio.gov/ofam/cmandfsa.stm](http://jfs.ohio.gov/ofam/cmandfsa.stm) and also on the ODJFS Forms Central page at [http://www.odjfs.state.oh.us/forms/inner.asp](http://www.odjfs.state.oh.us/forms/inner.asp).

Spanish and Somali versions of the application will be available at a later date at which time a CAMTL will be issued. The Spanish and Somali versions will only be available online; copies will not be maintained at the ODJS warehouse.

**ERI INFORMATION BROCHURE**

An informational brochure about the ERI program, JFS 07206 "Employment Retention Incentive" (07/2006), was completed with assistance from the Office of Communications and will be available for use by the CDJFS. This brochure can be used to inform OWF applicants and/or recipients about the ERI program. Each CDJFS will determine the most opportune time to describe the ERI program to OWF applicants and recipients. Examples of times when the ERI program may be reviewed are during the application/reapplication process or during the appraisal/assessment process.

The JFS 07206 will be stocked at the ODJFS warehouse. An initial supply will be sent to each CDJFS and to advocate groups; additional brochures must be re-ordered through the normal channels. The brochure will also be available on the ODJFS Forms Central page at [http://www.odjfs.state.oh.us/forms/inner.asp](http://www.odjfs.state.oh.us/forms/inner.asp).

Spanish and Somali versions of the brochure will be available at a later date at which time a CAMTL will be issued. The Spanish and Somali versions will only be available online; copies will not be maintained at the ODJS warehouse.

**5101:1-23-80 EMPLOYMENT retention incentive (ERI) program.**
The ERI program is a cash incentive bonus administered by the CDJFS for individuals who are employed and have been terminated from OWF on or after July 31, 2006.

To be eligible for the ERI program, an individual's OWF case must be closed. The ERI application must be completed and returned to the CDJFS no later than the second month following OWF termination. It can be submitted prior to the termination of the OWF case.

Once an application is received, the following eligibility factors must be met:

- The ERI applicant must have been in receipt of OWF and the OWF case is closed.
- At least one OWF recipient in the last month of OWF eligibility had countable employment income in the month that OWF was terminated.
- At the time of application, the ERI applicant is employed an average of at least 25 hours per week or earning at least the equivalent gross wages of federal minimum wage times 25 hours per week.

An individual who is eligible for the ERI program may receive up to four ERI payments during the nine month ERI cycle. The ERI cycle begins with the first month for which an ERI incentive payment is issued and ends nine months later. The first ERI payment of $200 will be issued upon approval of ERI. Subsequent ERI payments are as follows:

- 3rd month ERI payment is $200;
- 6th month ERI payment is $200;
- 9th month ERI payment is $400.

For subsequent payments, there are no minimum hourly or wage requirements but existence of employment must be verified. In order to receive the subsequent months' ERI payments, employment must be confirmed as of the 20th day of the corresponding verification month. The ERI verification months are the 2nd, 5th, and 8th months of the ERI cycle.

To minimize the verification process during these time frames for the CDJFS, an ERI recipient who receives either Food Stamp or medical benefits and is still employed as of the twentieth day of the ERI verification month is eligible for the corresponding ERI payment. Employment information contained on CRIS-E screens is sufficient verification of continued employment and the CDJFS can approve the ERI payment. This verification check will be conducted through CRIS-E and an alert will be generated to let the ERI worker know that employment exists.

Example: An ERI applicant receives the first ERI payment in 10/06. CRIS-E verifies on 11/20/06 that the ERI recipient is in an open Food Stamp assistance group (AG) and is employed. An alert is generated to the ERI worker. The ERI worker approves the ERI payment 11/21/06 and the payment is sent out through the CRIS-E batch process.

Individuals not currently receiving Food Stamp or medical benefits will be issued a notice on the 20th day of the verification month requesting verification of employment. Acceptable methods of verification are set forth in rule 5101:1-2-20. If verification is not received within ten calendar days and good cause does not exist for returning the verification, the corresponding ERI payment should be denied. Denial of an ERI payment does not preclude eligibility for subsequent ERI payments.

Example: An ERI applicant receives the first ERI payment in 10/06. CRIS-E verifies on 11/20/06 that the ERI recipient is not receiving any food stamp or medical benefits and sends the ERI verification notice to the recipient providing for 10 calendar days to return the verification. The ERI recipient returns the verification of employment on 11/25/06 and the ERI worker approves the ERI payment. The ERI payment is sent out through the CRIS-E batch process.

Additional factors include:

- Residency in Ohio must be maintained;
- Ineligibility due to receipt of fraudulent assistance as set forth in section 5101.83 of the Revised Code is not applicable;
- Overpayments are subject to recovery;
- Hearing rights are applicable.
An ERI applicant/recipient in a multiple-parent assistance group who subsequently separates may continue to be eligible for ERI payments. ERI incentives are provided to an employed individual and follow that individual. If the ERI individual relocates to another county, the originating county of residence may continue to process subsequent ERI payments unless the new county contacts the original county requesting transfer of the ERI case. If the ERI recipient who moves is in receipt of Food Stamp or medical benefits, the transfer policy in rule 5101:1-1-14 is applicable.

There is a limitation on how often an individual can receive ERI payments. An individual can receive ERI payments once in a thirty-six consecutive month period that begins the month of the initial ERI incentive payment (the first month of the 9-month ERI cycle). The nine-month ERI cycle is a consecutive period and continues even if an ERI incentive payment was not issued in a subsequent month.

Language was added at the end of this rule to provide policy regarding the possible suspension of applications to stay within the confines of the appropriated funds for the ERI program. At this time, there are no plans to suspend applications for the ERI program. Once an individual is approved for the ERI program the funds will be encumbered for that individual. However, based on the projected ERI appropriations it is possible that a suspension may have to be instituted in the future should there be more ERI applicants than expected. Therefore, we included language in this rule to that effect.

MISCELLANEOUS

Language is being added to all OWF approval and termination notices providing information about the ERI program. In addition, language about the ERI program is being added to OWF reduction notices that are generated due to employment.

The CDJFS is encouraged to utilize PRC services and/or benefits to provide wrap-around support to the ERI recipient. The receipt of ERI payments does not preclude a CDJFS from issuing PRC benefits.

ERI payments are excluded as income for OWF, DFA, DMA, Medicaid and Child Care benefits. ERI payments are considered 'non-assistance' and as such does not require an assignment of child support rights. ERI payments are countable as unearned income for Food Stamp benefits; the ERI payments are budgeted over the period of time it is intended to cover pursuant to rule 5101:4-4-19 of the Administrative Code.

Example: An ERI applicant is approved for ERI payments for a nine-month cycle of 10/06 to 06/07. For Food Stamp purposes ERI is intended to cover the nine months and the total ERI issued during the nine months, $1000, should be prorated for the nine months by dividing $1000 by 9 for an amount of $111.00 to be used as unearned income in the FS budget. The FS worker should enter $111.00 as 'OTER' on AEFMI for the period 10/06 to 06/07. If the individual becomes ineligible for ERI payments the county agency must process the known change timely (i.e. remove the future prorated payments of $111.00 as OTER on AEFMI and provide proper notification of the income change).

CRIS-E

A new screen (AEOER) has been created within CRIS-E to provide the counties automated support for the ERI process. Notices, benefit issuance, and alerts will also be supported. New ERI approval and denial notices have been created. CRIS-E will confirm an open span on the employment screens and that the individual is not in receipt of OWF for those individuals receiving Food Stamp or Medical benefits and send notices to those individuals not currently on Food Stamp or Medical benefits requesting current employment verification. A new unearned income type of "Other", OTER, is being added to table TVIN so that the ERI payment can be counted in only the Food Stamp budget. A CRIS-E bulletin will be issued in July prior to the implementation date of the ERI program. The View Flash Bulletin will provide detailed information on the ERI process in CRIS-E.

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Camtl 25 (July 1, 2006 Camtl)
Cash Assistance Manual Transmittal Letter No. 25

May 18, 2006

TO: ALL CASH ASSISTANCE MANUAL HOLDERS
FROM: BARBARA E. RILEY, DIRECTOR
SUBJECT: JULY 1, 2006 CAMTL

This letter transmits revisions to rules and the creation of new rules with the proposed effective date of July 1, 2006. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

CHAPTER 2000

Rule 5101:1-23-20 OWF: income and eligibility (CCN 5687)

This rule is being amended to add to the list of income which is not countable within the Ohio Works First (OWF) program.

Throughout this rule grammatical errors have been corrected. Minor language changes were also made in paragraphs (A), (D), and (I) which resulted in no substantive changes made to policy.

In paragraph (D) of this rule, reference to (D)(2)(b)(xxiv) has been replaced by reference (D)(2)(b)(xxvi).

Paragraphs (D)(2)(xxv) and (D)(2)(xxvi) has been added to this rule to exclude as countable income from the Ohio Works First program any Kinship Permanency Incentive payments or any Employment Retention Incentive payments that may be received.

CHAPTER 3000

Rule 5101:1-5-40 DFA: income (CCN 5687)

This rule is being amended to align the excluded income rules of Disability Financial Assistance (DFA) with Ohio Works First. This rule has also been reviewed in accordance with the five-year rule review provisions set forth in Section 119.032 of the Revised Code.

Grammatical corrections were made throughout the rule and minor language changes were made to paragraph (A) which resulted in no substantive changes to policy.

Reference to (B)(21) has been replaced with reference (B)(6) as (B)(4) through (B)(18), (B)(20), and (B)(22) has been removed and encompassed within (B)(6); which excludes for DFA any income that is excluded for OWF under 5101:1-23-20 of the Administrative Code.

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To: All Cash Assistance Manual Holders  
From: Barbara E. Riley, Director  
Subject: LEAP rule changes

Amended Substitute House Bill 66 (AM. Sub. H.B. 66) contains provisions for increases in the amounts of certain LEAP bonuses earned by an eligible LEAP participant. As a result, the LEAP rule, 5101:1-23-50, is being amended to reflect the increased amounts of the affected bonuses.

This letter transmits changes with the proposed effective date of January 1, 2006. If there are any changes made to the rule contained in this CAMTL during the JCARR review period, the corrected rule will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 2000

5101:1-23-50 Ohio works first: the LEAP - learning, earning and parenting program.

Rule 5101:1-23-50 is being amended to provide the following increased LEAP bonus payments:

1. The LEAP enrollment bonus is being increased from a one-time payment of $62 to $100;
2. The LEAP grade completion bonus is being increased from $62 to $100; and
3. The LEAP graduation bonus is being increased from a one-time payment of $200 to $500.

There are no changes being made to the attendance bonus.

Corresponding changes to reflect the increased bonus payments are also being made to LEAP forms JFS 06905 and 06906.

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<td>and Parenting Program Rules Booklet: Questions and Answers</td>
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TO: Food Stamp Certification Handbook Holders  
Cash Assistance Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: "Your Rights and Responsibilities" and "Request for Cash, Food Stamp, and Medical Assistance" Forms Available in Spanish and Somali

The purpose of this transmittal letter is to publish a recently translated Somali version and a revised Spanish version of the application, JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance" and the JFS 07501, "Your Rights and Responsibilities" in the Food Stamp Certification Handbook and the Cash Assistance Manual. The Spanish version of the JFS 07105, "Application/Reapplication Verification Request Checklist" will also be published in the Cash Assistance Manual. These forms are currently posted and available on the Ohio Department of Job and Family Services (ODJFS) internet and innerweb sites. The "Application/Reapplication Verification Request Checklist" which is included in Procedure 1 of the Food Stamp Certification Handbook will not be updated at this time.

A supply of the Spanish forms may be ordered by the counties from the ODJFS warehouse. The Somali forms will not be stored in the ODJFS warehouse at this time. If the volume of usage increases a request will be made for a supply of the Somali forms to be stored for ordering by the county agencies.

**INSTRUCTIONS: FOOD STAMPS**

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### INSTRUCTIONS: CASH ASSISTANCE

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To: All Cash Assistance Manual Holders
From: Barbara E. Riley, Director
Subject: Ohio Works First: State Tax Refund Offset Program (STOP)

This letter transmits changes with the proposed effective date of November 1, 2005.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

Rule 5101:1-1-90 - Ohio Works First (OWF): State Tax Refund Offset Program (STOP)

There are no substantive changes made to the rule. Minor language changes were made to paragraphs (A), (B), (E), (K), (N) and (O). Reference to the "Offset Program Referral Cancellation Form" has been changed from ODJFS 7430 to JFS 07430.

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August 31, 2005

To: All Cash Assistance Manual Holders

From: Barbara E. Riley, Director

Subject: October 1, 2005 CAMTL

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and when possible, local agencies are given more flexibility.

This letter transmits changes with the proposed effective date of October 1, 2005. If there are any changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 1000

5101:1-2-85 New hire reporting program (W-4). (CCN 5483)

Acronyms and revision dates have been updated where appropriate, resulting in no significant change to policy.

CHAPTER 2000

5101:1-3-01 OWF: definitions of assistance group composition for work participation rates (CCN 5482)

This rule has been reviewed in accordance with the five-year rule review provisions set forth in Section 119.032 of the Revised Code. There are no substantive changes proposed to the rule as a result of our review; however clarifying language has been added to paragraphs (A) and (A)(2).

Paragraph (A) is modified to add clarifying language to make clear that the definition of a 2-parent assistance group excludes situations when both parents are minors and neither is a minor head-of-household. Paragraph (A)(2) is also modified to make clear that when a 2-parent family includes a disabled parent, the family is excluded from the 2-parent rate for work participation rate purposes.

Paragraph (B)(3) is also modified for clarity. There is no policy change contained in the modification to this paragraph.

5101:1-3-02 Ohio works first (OWF): school attendance. (CCN 5483)

Acronyms and revision dates have been updated where appropriate, resulting in no significant change to policy.

5101:1-3-03 Ohio works first (OWF): residence and living arrangement requirement. (CCN 5483)

Acronyms and revision dates have been updated where appropriate, resulting in no significant change to policy.

5101:1-3-04 Ohio works first (OWF): temporary absence. (CCN 5483)

Clarification was added to paragraph (A)(3) stating a newborn is considered to be living with the assistance group (AG) when born. When the mother goes to the hospital and gives birth and the newborn remains in the hospital after the mother is discharged, the newborn is considered to have shared the home with the AG and if the other temporary absence conditions and OWF eligibility requirements are met the newborn is in the home for purposes of eligibility under OWF. This information was formerly issued as a policy clarification.
Acronyms and revision dates have been updated where appropriate, resulting in no significant change to policy.

**5101:1-3-04.1 Ohio works first (OWF): shared parenting (joint custody). (CCN 5483)**

Acronyms have been updated where appropriate, resulting in no significant change to policy.

**5101:1-3-07 Ohio works first (OWF): evidence of age, citizenship, and identity. (CCN 5483)**

Documents used to verify identity in paragraph (C)(1) include the documents listed but are not limited to those documents. For instance, the JFS 07355 "Notice of Application for Social Security Number" contains a comprehensive listing of documents that the Social Security Administration (SSA) uses for evidence of identity which may also be used by the CDJFS.

In paragraph (D) of this rule the Northern Mariana Islands and Swain's Island were added to the list that refers to "U.S.-born".

Acronyms and spelling have been updated where appropriate, resulting in no significant change to policy.

**5101:1-3-09 Ohio works first (OWF): social security number requirement. (CCN 5483)**

The title language was changed to remove reference to Refugee Cash Assistance (RCA) because the social security number requirement does not apply to RCA. Per rule 5101:1-2-40(E)(3) of the Administrative Code, "Disclosure of a social security number is not required for RCA."

Acronyms and revision dates have been updated where appropriate, resulting in no significant change to policy.

**5101:1-3-16 The Subsidized employment program (SEP) and PRC Employer Subsidy Program (CCN 5496)**

Former rule 5101:1-3-16 has been rescinded, is replaced by new rule 5101:1-3-16 and retitled as "The Subsidized Employment Program and PRC Employer Subsidy Program."

Section 5107.52 of the Ohio Revised Code establishes the Subsidized Employment Program (SEP) as a work activity under Ohio Works First (OWF). Chapter 5108 of the Ohio Revised Code establishes the Prevention, Retention, and Contingency (PRC) program under which a county department of job and family services (CDJFS) may establish an employer subsidy program. The new rule includes language that addresses both the SEP and the PRC subsidy programs.

A few changes were made to the rule as a result of the clearance comments. Those changes are: 1) Language was added to Paragraph (A)(4) to say that full time and part time employment is defined by the employer; 2) Language was added to paragraph (A)(7) to make the requirement to retain the employee at the end of the subsidy period less restrictive; 3) Clarifying language was added to paragraph B, CDJFS responsibilities; and 4) Language was added to paragraph (C)(1)(a) to say that the monthly subsidy amount can be up to three hundred fifty dollars as determined by the CDJFS.

The new rule contains the following format and language changes:

**Paragraph A**

This section contains a general description and basic requirements for a SEP and/or PRC subsidy program. The requirement that the SEP position must be full time for at least thirty hours per week has been changed. The reissued rule states that the subsidized job may be full or part time which is defined by the employer. This change was made to conform to Ohio Revised Code Section 5107.52 which allows SEP positions to be full or part time. Language also was added to Section A which requires the employer to agree to retain the participant after the subsidy period ends for a period mutually agreed upon by the employer and the CDJFS.

**Paragraph B**

This section contains new language that was added to the rule. This language outlines the requirements of the CDJFS.

**Paragraph C**
This section outlines the requirements that are specific to SEP payments to employers and to OWF recipients participating in SEP. Language was added to clarify that SEP payments to employers would be monthly and the monthly subsidy amount can be up to three hundred fifty dollars as determined by the CDJFS. The requirements for SEP payments do not apply to a county PRC subsidy program although a county might want to consider implementing the same requirements for consistency.

**Paragraph D**

This section contains language that is specific to county PRC subsidy programs.

**5101:1-23-20 OWF: income and eligibility (CCN 5482)**

This rule is being amended to add clarifying language in several paragraphs within the rule. It is also being reviewed as a 5-year rule review, as the 5-year review is currently scheduled for 07/01/2007.

Language was added to include reference to specific paragraphs in the OWF standard filing unit rule (5101:1-23-10) at paragraph (D)(1)(a)(i). This modification and related others (specifically, paragraphs (D)(2), (G)(1), (G)(5), and (H)(3),) were made to ensure that the earned income of a parent who is not eligible for OWF due to citizenship is counted in the OWF allocation budgeting methodology. Essentially this means that a portion of the ineligible alien parent's income is disregarded to address his financial needs, prior to the rest of his income being counted as available unearned income which is counted dollar for dollar toward the eligibility of the eligible OWF assistance group members.

The other main reason for the modification was to add clarifying language regarding allocating income in minor parent situations contained in paragraph (G)(3) of the rule. This is not a change in policy, but rather a clarification of existing policy, as the policy has been misapplied in the past. Language was added to make it clear that if the minor caretaker is not included in the OWF AG with her minor child (e.g. the minor parent is receiving SSI benefits), it is not appropriate to allocate income to the OWF AG containing only the minor child from the excluded minor caretaker's parent(s).

Similar clarifying language was also added in paragraph (G)(2) that states that it is not appropriate to allocate income from a stepparent to an OWF AG containing his/her stepchildren if the natural or adoptive parent is not included in the OWF AG with the children.

There are also a few amendments - one typographical/formatting correction at paragraph (E)(3), and removal of a reference to excluded income for temporary employment in the 2000 decennial census - specifically, we retained the exclusion of income received from temporary employment in a decennial census - we simply removed "2000", in preparation for future decennial census.

The two additional October 1, 2005 OWF income changes, including changes to rule 5101:1-23-20, required by Am. Sub. H.B. 66 are:

- The OWF payment standards are increased up to 10%; and

The OWF initial eligibility threshold has been indexed up to 50% of the federal poverty level. The income threshold figures are not included in rule, as they were previously set forth in the Revised Code. However, the indexed figures have been calculated and will be provided to you prior to October 1, 2005.)

We have notified MIS of these changes and work is underway and scheduled for completion prior to the effective date of the rule. This will ensure that the changes are programmed, mass change processes are in place, the new values are included in affected tables and ready for eligibility determinations that affect October 1, 2005 benefits. A view flash bulletin will be issued prior to the mass change being run in CRIS-E.

**5101:1-24-20 Prevention, retention and contingency (PRC) program: excluded income and resources (CCN 5439)**

This rule has been rescinded and is replaced by new rule 5101:1-24-20. The new rule includes additional sources of income that must be excluded in determining eligibility for PRC benefits and services. Excluded income for purposes of this rule includes all income that is federally excluded in determining eligibility for federal needs-based programs; income that is excluded for food stamp and OWF eligibility purposes; the amounts of drug discounts and transitional assistance received under the Medicare Prescription Drug, Improvement, and Modernization Act; monetary allowances under Section 401 of the Veteran's Benefits and
Health Care Improvement Act of 2000; and child support payment distributions made by ODJFS pursuant to division C of Section 1, Amended S.B. 170 of the 124th General Assembly.

### CAM Appendix

### JFS Forms

One form has been removed from the Forms appendix with this CAMTL. The following form has been removed from the CAM because it was obsolete and replaced by the SAVE Document Verification Request (Form G 845S) in MTL 429, effective 3/1/02.

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(Effective July 1, 2005) | **Outline of Contents**
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| ODHS 7445 Consent of Disclosure | N/A |
CAMTL 20 (Disability Financial Assistance Program)
Cash Assistance Manual Transmittal Letter Number 20
July 6, 2005

TO: ALL CASH ASSISTANCE MANUAL HOLDERS
FROM: BARBARA E. RILEY, DIRECTOR
SUBJECT: Disability Financial Assistance Program

This letter transmits changes to the Disability Financial Assistance (DFA) rules 5101:1-5-01, 5101:1-5-10, and 5101:1-5-50. These rules are being proposed pursuant to the provisions set forth in Amended Substitute House Bill 66 (Am. Sub. H.B.66). Am. Sub. H.B.66 was recently signed by the governor and the changes contained in these rules are effective July 1, 2005. If there are any changes made to the rules contained in the CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL.

CHAPTER 3000

5101:1-5-01 The disability financial assistance program: definitions and payments standards.
This rule was changed to comport with the budget bill language that removes individuals who are residing in a residential treatment center certified by the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) as a covered group eligible for DFA. If an ODADAS resident meets another category of covered individuals, then eligibility for DFA may continue.

5101:1-5-10 DFA: nonfinancial eligibility requirements.
Reference to a residential treatment center certified by ODADAS was removed so that an individual residing in any residential treatment center meets the living arrangement for DFA purposes. However, in order to qualify for DFA, that individual must have met one of the covered categories for DFA, either disabled as determined by County Medical Services (CMS) or age 60 or over and received DFA in June 2003.

5101:1-5-50 DFA: payments.
There is no longer a covered group that receives DFA as a result of participation in an alcohol or drug addition program; this rule was modified to require a representative payee if a DFA eligible individual is participating in an alcohol or drug addiction treatment program.

CRIS-E: PROCESSING CHANGES TO DFA
The CRIS-E system is being modified to support the changes in the DFA program policy. The specific CRIS-E actions, activities and dates will be outlined in detail in a CRIS-E View Flash Bulletin. A description of the systems changes follows.

CRIS-E Mass Change: Current recipients
A mass change will be run prior to July cutoff to terminate or reduce DFA assistance groups (AGs) that contain an individual in receipt of DFA solely due to residence in a drug or alcohol treatment center certified by ODADAS. If the individual is in a drug and alcohol treatment center certified by ODADAS, the mass change program will explore if the recipient meets one of the following covered categories, prior to terminating or reducing the DFA:

- the individual is age 60 or older and received DFA in June 2003; or
- the individual has been determined to be disabled by CMS.

Reason Code 525 will be pre-displayed on AEWAA for the termination or reduction of the DFA. Special mass change notices (MC50T1 and MC50R1) will be sent to affected AGs notifying them of the termination or reduction of DFA benefits. The terminations and reductions will be effective 7/31/05. The provisions set forth in Chapter 5101:6 of the Administrative Code regarding timely requests for state hearings, and including continued benefits based on such requests, are applicable.

Recalculation of food stamp benefits
Recalculation of food stamp benefits for related Food Stamp AGs will not occur in the mass change.
New Applicants

Applications Submitted on or after July 1, 2005

Applications submitted on or after July 1, 2005 shall be processed in accordance with the DFA rules in effect as of July 1, 2005. Therefore, in order to qualify for DFA based on an application submitted on or after July 1, 2005, an individual must meet the two existing criteria: (1) disability as determined by CMS or (2) over 60 years of age and in receipt of DFA in June 2003. If an individual does not meet one of these requirements, the individual is ineligible for DFA, and CRIS-E will fail the individual. Reason code 528 is the appropriate code to use to deny the application.

Applications Submitted Prior to July 1, 2005 and Still Pending as of July 1, 2005

Applications submitted prior to July 1, 2005 and still pending as of July 1, 2005, must be processed using the DFA rules in effect through June 30, 2005 for eligibility periods prior to and including June 30, 2005. Eligibility for DFA benefits for the period beginning July 1, 2005 must be determined using the DFA rules in effect as of July 1. This means that an individual can meet all eligibility requirements for the period up to and including June 30, and will be eligible for DFA benefits for the prior period, but not meet the July 1, 2005 eligibility requirements for DFA. In this case, CRIS-E will fail the AG effective August 1, 2005, and the worker will need to file a retroactive benefit for prior months as appropriate.

Applications Submitted and Approved Prior to July 1, 2005

Applications submitted prior to July 1, 2005 and approved prior to July 1, 2005 based solely upon residence in an ODADAS facility, will be terminated during the mass change process.

Table Changes

TLAR

Living arrangement code 28 - ODADAS residential facility - is still a valid living arrangement code but CRIS-E will only check the two existing covered categories for potential DFA eligibility.

TSRC

TSRC changes have been made to support the DFA change. Reason codes 057 and 527 have been inactivated for DFA. Language on reason code 525 has been modified to reflect the current categories of eligibility for DFA.

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This letter transmits revisions to rules and the creation of new rules with the proposed effective date of July 1, 2005. If there are any changes made to any of the rules during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed into the clearance process.

**CHAPTER 1000**

**Rule 5101:1-1-03 Disclosure of Recipient Information, Nondiscrimination, and Treatment of Information Received from the IRS and Social Security (CCN 5408)**

Throughout this rule the Disability Assistance program has been changed to Disability Financial Assistance (DFA) program.

In paragraph (A) of this rule, policy has been revised to state that Section 5101.27 of the Revised Code includes language which provides restrictions concerning information regarding public assistance recipients.

In paragraph (B)(2)(d) through (B)(5) of this rule, policy concerning the sharing of information related to medicaid eligibility has been removed as it is addressed within rule 5101:1-37-01.1 of the Administrative Code. (CCN 5408)

Policy has also been revised to align with changes required by Senate Bill 189 of the 125th General Assembly, which states that applicant/recipient information for the Ohio Works First (OWF), Disability Financial Assistance (DFA), and Prevention, Retention, and Contingency (PRC) programs be released to public utility services administering a program assisting needy individuals.

In paragraph (E) of this rule, the JFS 03607, "Medical Information Release Form" has been replaced by form JFS 03397, "Authorization for the Release or Use of Protected Health Information."

**Rule 5101:1-1-14 Intercounty Transfers (CCN 5408)**

This rule is being revised to reflect a change in the case record transfer process. Paragraph (C)(2)(c) is being removed. This paragraph covers situations in which an individual reports that he is moving to another county, (County B) but does not have a new address and does not contact County B. The address is changed to County B's address and County B becomes the county of record. If the individual is a required work participant and does not contact the new county, County B's work participation rates and performance standards may be affected. In an effort to alleviate this problem, if the individual does not inform the transferring county, (County A) within a ten-day time frame of his new address, County A will be unable to determine the individual's continued eligibility for assistance and will propose case termination in accordance with provisions outlined in Division level designation 5101:6 of the Administrative Code.

Paragraph (C)(3) has been removed because during the transfer process no new application is required for cash assistance programs if the assistance group case is open.

Paragraph (D)(1)(a) has been revised to reflect the mandatory verifications for case file transfers and the allowance of reproduction and duplication of records to CD-ROM so long as this process complies with the minimum standard of quality approved by the national bureau of standards in accordance with Section 9.01 of the Revised Code. The records must carry a certificate of authenticity and completeness, on a form specified by the state records administrator. Rule 5101-9-22 of the Administrative Code allows the reproduction of records and, if in compliance with the rule, approves the records use for federal/state audit and review purposes.
Paragraph (D)(1)(a)(ii) has been removed because the JFS 07100, "Application for Income, Medical, and Food Assistance" form became obsolete effective May 1, 2005 with the issuance of CAMTL #18.

Paragraph (H)(5) of this rule has been removed because the JFS 02453, "Inpatient Hospital Admission" form no longer applies to the cash assistance programs.

Rule 5101:1-2-15 Voter Registration Requirement (CCN 5408)

References to the Disability Assistance program have been changed to Disability Financial Assistance (DFA) program. There are no other changes to this rule.

Rule 5101:1-2-30.1 Benefit Eligibility: Victims of Trafficking (CCN 5408)

Paragraph (D)(1) has been amended to reflect a name change that occurred from the immigration and naturalization service (INS) to citizenship and immigration service (CIS).

Paragraph (D)(2) has been changed to clarify that the department of health and human services provides access for the Systematic Alien Verification for Entitlement (SAVE) system.

In paragraph (D)(6) a new toll-free trafficking victim phone number is provided to verify the validity of the Office of Refugee Resettlement (ORR)-issued letters and to inform ORR of the benefits for which a victim has applied.

Rule 5101:1-2-30.3 Benefit Eligibility: Family Members of Victims of Trafficking (CCN 5408)

The Trafficking Victims Protection Reauthorization Act of 2003 (TVRA) effective December 19, 2003 allows certain family members of victims of a severe form of trafficking to be eligible for benefits and services to the same extent as refugees under Section 207 of the Immigration and Nationality Act (INA). Rule 5101:1-2-30.3 has been created to clarify cash eligibility requirements for this program.

This rule sets forth the eligibility criteria for family members of victims of trafficking who have potential eligibility for benefits of assistance to the same extent as a refugee. A T visa was initially established to allow victims of a severe form of trafficking to become temporary residents of the United States (U.S.) as delineated in rule 5101:1-2-30.1 of the Administrative Code. The family members of these same individuals will be holders of T-2, T-3, T-4, or T-5 visas (collectively referred to as "Derivative T Visas").

Based upon the age of the victim of trafficking at the time the T visa application was filed, certain family members such as the alien's spouse, children, unmarried siblings under eighteen and parents have the availability of Derivative T visas.

For individuals already present in the U.S. on the date the Derivative T visa is issued, the date of entry for benefits is the notice date on the I-797, Notice of Action of Approval of that individual's Derivative T-Visa.

For an individual who enters the U.S. on the basis of a Derivative T-Visa, the date of entry stamped on that individual's passport or I-94 Approval Record is the date for benefit eligibility.

Both samples of the I-797 and the I-94 are included with this clearance.

When a Derivative T Visa Holder applies for benefits or services, the county department of job and family services (CDJFS) shall follow the normal procedures for providing services and benefits to refugees except that they should accept the non-immigrant T-2, T-3, T-4 or T-5 visa.

The CDJFS shall call the toll-free trafficking verification line at 1(866) 401-5510 to notify the ORR of the benefits for which the individual has applied. (Note: at this time, the DHS Systematic Alien Verification for Entitlements (SAVE) system does not contain information about victims of a severe form of trafficking or nonimmigrant alien family members. Until further notice, do not contact SAVE concerning victims of trafficking or nonimmigrant alien family members.)

The CDJFS shall issue benefits to the same extent as a refugee, provided the Derivative T Visa holder meets other program eligibility criteria (e.g., age or income levels).

CHAPTER 2000

Rule 5101:1-3-12 OWF: Work Activity Participation (CCN 5417)
Under Section 5107.14 of the Revised Code, all adults and minor heads of household are required to sign and comply with a self-sufficiency contract. This contract includes participation in work, developmental, and/or alternative activities.

An assistance group is ineligible to participate in Ohio Works First (OWF) unless each adult or minor head of household in the assistance group enters into a written self-sufficiency contract not later than thirty days after applying for or undergoing a redetermination of eligibility for OWF. Each self-sufficiency contract shall include, based on appraisals and assessments conducted, a self-sufficiency plan which includes assignments to work, developmental, or alternative activities.

Former rule 5101:1-3-12, "OWF: work activity participation and child care" has been rescinded and replaced with new rule 5101:1-3-12, "OWF: work activity participation."

The new rule includes language that allows county departments of job and family services (CDJFS) to exempt individuals from some or all of the work and developmental activity hours required. Section 5107.43 (C) of the Revised Code states that an adult or minor head of household placed in alternative activities shall be assigned for the number of hours per week as determined by the CDJFS.

This rule allows the CDJFS to place an individual in a work or developmental activity and assign them for less than 30 hours per week (35 hours for two parent households), based on the outcome of appraisals and assessments conducted. Some individuals participating in work or developmental activities may have barriers that preclude the CDJFS from assigning them to all of the 30 (or 35) hours required.

The new rule requires the CDJFS to document the reason for exempting individuals participating in work or developmental activities from some or all of the hours required in Section 5107.43 of the Revised Code.

The rule does not affect the requirement that an individual must be assigned to a work, developmental, or alternative activity. The CDJFS shall assign each minor head of household and adult participating in OWF to one or more work and developmental activities. The only exceptions to this requirement are:

1) The CDJFS may determine that an individual has a temporary or permanent barrier to employment, in which case the CDJFS may assign the minor head of household or adult to one or more alternative activities for the number of hours determined appropriate by the CDJFS (not to exceed 20% of the CDJFS' OWF caseload), or

2) A single custodial parent or adult that is caring for a child under 12 months of age may be exempted from the work requirements (for not more than twelve months), but still must be assigned to a developmental activity for the number of hours determined appropriate by the CDJFS.

Impact on Work Participation Rates

This new rule does not affect what activities or participation is counted toward the work participation rate. Although the CDJFS must meet the participation rates set forth in Section 5107.44 of the Revised Code; moving individuals toward self-sufficiency, assisting in the removal of barriers to employment, and providing assignments that address the needs of the family are important considerations. The type of assignment and the number of weekly hours of each assignment should be based on the results of the appraisal or assessment and the individual's employment goal.

CHAPTER 4000

5101:1-2-40 Refugee Resettlement Program: Refugee Cash Assistance (CCN 5411)

This rule is being revised in accordance with the changes created in restructuring of the Refugee Social Services Program (RSSP) rules. The RSSP has been revised and simplified to reflect current policy within the program. RCA rules will be aligned with the new RSSP rules: 5101:1-2-40.2 through 5101:1-2-40.5 of the Administrative Code. All RSSP rules will now be included in the Cash Assistance Manual (CAM).

References are made throughout this rule to reflect the new RSSP rule numbers.

In paragraph (A) of this rule, the unaccompanied refugee minor program has been eliminated. Ohio does not have a written agreement with the Office of Refugee Resettlement (ORR) for the program. The program is not part of Ohio's Refugee State Plan and ORR anticipates no referrals to Ohio at this time.
A federal department name change has occurred from the immigration and naturalization service (INS) to citizenship and immigration service (CIS) which is reflected throughout this rule.

Throughout this rule the Disability Assistance program has been changed to Disability Financial Assistance (DFA) program.

Refugee Resettlement: Refugee Social Services Program

The Refugee Social Services Program (RSSP) rules will now be contained within the Cash Assistance Manual. Former rules: 5101:2-49-06, Determination of Refugee and Cuban/Haitian entrant status; 5101:2-49-07, General eligibility requirements; 5101:2-49-071, RRP social service applications, redeterminations of eligibility and hearings; 5101:2-49-08, Allowable services for refugees; 5101:2-49-09, Refugee resettlement program social service funding; 5101:2-49-091, Purchase of refugee resettlement program social services; 5101:2-49-092, Refugee special projects; 5101:2-49-093, Refugee resettlement program agreements; 5101:2-49-10, Provider contracts and amendments; 5101:2-49-11, Mandatory service participation; 5101:2-49-12, Failure or refusal to accept employability services or employment placement; 5101:2-49-13, Employment-related case management; 5101:2-49-14, Content of employability plan; 5101:2-49-15, Concentrated job search; 5101:2-49-16, Criteria for appropriate employment; 5101:2-49-17, Employment Exemption; 5101:2-49-18, Professional recertification training; 5101:2-49-19, Employment interruption service plan; 5101:2-49-20, Scheduling service delivery; 5101:2-49-21, Definition of resettlement agency; 5101:2-49-22, County refugee service planning; 5101:2-49-23, Preventing duplication of services, and 5101:2-49-24, Confidentiality governing Refugee Social Services (RSS) of the Administrative Code have been rescinded.

New rules 5101:1-2-40.2 to 5101:1-2-40.5 of the Administrative Code will replace the rescinded rules and will contain current Refugee social service program policies. The new rules cover refugee service eligibility requirements and the responsibilities of the County Department of Job and Family Services (CDJFS). They have been simplified to provide clarity concerning the required services to mandatory and voluntary refugee participants.

5101:1-2-40.2 Refugee resettlement program: refugee social services (CCN 5395)

This rule includes the eligibility requirements for the RSSP under the Refugee Resettlement Program (RRP). Included in this rule are the components of the RRP, definitions, and the priority order for refugee services for the RSSP. Eligibility requirements are detailed in paragraph (D) of this rule. A new application, the JFS 01457, "Application For Refugee Social Services Only" has been created. The JFS 01457 is located in the Appendix to the Cash Assistance Manual and at the ODJFS On-Line Forms Listing at www.odjfs.state.oh.us/forms/inter.asp. This application is for refugees applying for refugee social services only.

RSSP eligibility shall be limited to the refugees meeting the immigration requirements listed in rule 5101:1-2-40 of the Administrative Code and who reside in counties receiving an RSSP allocation.

Eligibility determinations will be completed every twelve months. Refugees are afforded the same hearing and notice rights set forth in division level designation 5101:6 of the Administrative Code.

5101:1-2-40.3 Refugee social services program (R SSP): County department of job and family services (CDJFS) responsibilities (CCN 5395)

This rule covers the management responsibilities of the CDJFS. The CDJFS shall assure that RSSP funds are used primarily for employability services that are designed to assist refugees in obtaining jobs within one year of becoming enrolled in services in order to achieve and maintain economic self-sufficiency. The CDJFS may contract with appropriate providers of eligibility services. Requirements for employability services for mandatory refugees are found under 5101:1-2-40.4 of the Administrative Code. Requirements for employability services for voluntary refugees are found in rule 5101:1-2-40.5 of the Administrative Code. The CDJFS will provide employment-related case management services to refugees. All refugees must have access to services and must not be discriminated against based upon their limited English proficiency in accordance with Title VI of the Civil Rights Act. The CDJFS will provide interpreters at no cost to the refugees. A new form for reporting, the JFS 01459, "Secondary Migrant Report" has been created for counties to
provide secondary migrant data for ODJFS submission to the Office of Refugee Resettlement (ORR). The number of refugees receiving RSSP services only or who are secondary migrants, must be tracked and reported to the ODJFS State Refugee Coordinator. The JFS 01459 is located in the Appendix to the Cash Assistance Manual and at the ODJFS On-Line Forms Listing at www.odjfs.state.oh.us/forms/inter.asp.

### 5101:1-2-40.4 Refugee social service program: mandatory participants (CCN 5395)

This rule delineates services for refugees who are required to participate in employability services. Employability services include the development of an employability plan and job search activities. The rule also covers the failure or refusal of a refugee to comply with a provision of the employability plan and the consequences for not complying with the provisions of the employability plan.

### 5101:1-2-40.5 Refugee social services program: voluntary participants (CCN 5395)

This rule delineates services for refugees who voluntarily participate in employability services. Services include the development of an employability plan and job search activities. The rule covers the failure or refusal of a refugee to comply with a provision of the employability plan and the consequences for not complying with the provisions of the employability plan.

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Application Project Background

In October 2003, the Food and Nutrition Service awarded Ohio a grant that provided an opportunity to work with the Kleimann Communication Group (KCG) for technical assistance and mentoring on redesigning and reorganizing Ohio’s combined application. KCG is an established Washington, D.C. firm that has experience in providing research-based assistance to agencies that want to improve their communication with the public. KCG is currently working with eight new states to improve their application. The goal of the project is to make sure eligible applicants get the benefits to which they are entitled. KCG’s contribution to the goal is to make sure that application forms are not a barrier to the applicants.

Workgroup

A workgroup was formed consisting of county representatives and cash assistance, food stamp assistance, and medical assistance policy staff. The workgroup made a decision to revise the JFS 07200, "Request for Cash, Medical and Food Stamp Assistance," and to eliminate the JFS 07100, "Application for Income, Medicaid, and Food Assistance." The revised JFS 07200 will be the only application utilized for cash programs and the Food Stamp program. The newly developed JFS 01846, "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," will be used by the county agencies to capture additional data needed when CRIS-E is unavailable, for off-site interviews such as home visit, and telephone interviews when applicable. The newly developed "Eligibility Information Worksheet/ Nursing Home and Community Based Services Waiver" will be used by the county agencies as appropriate for nursing home and HCBS situations.

Over the past several months KCG has provided technical assistance through forms design training, expert reviews of the JFS 07200 drafts, and ongoing assistance and advice on such things as readability, font styles, and applying emphasis techniques. The workgroup conducted a needs analysis of the application users, context, purpose, issues, and political implications to develop the revised application.

Feedback

The workgroup met with several community partners and county agencies to receive input on the revised JFS 07200, the new JFS 01846, and the new nursing home and HCBS worksheet. Some of the suggestions included addressing citizenship eligibility, listing required verifications by program, and specifying other available services. Modifications were made to the forms based upon their suggestions/input.

Testing

KCG provided training to the workgroup on conducting a usability test for the application. Usability testing tries out a document in a real world scenario. Applicants are encouraged to act as they would if they were sitting in the lobby filling out the application or if they were at home filling it out. A moderator conducts the interview while a note taker records observations and comments from applicants. Usability testing starts with a think-aloud protocol, which is an unstructured review of the form by the applicants. Applicants go through the form and attempt to fill it out, speaking aloud as they go through the form. The note taker records areas of confusion or questions the applicant has and any areas the applicant skips. After the applicant has gone
through the form on their own, the moderator asks structured questions that have been decided on in advance.

The workgroup in conjunction with KCG tested the JFS 07200 with applicants. Based on the testing we found that the applicants felt "comfortable" to "very comfortable" with the way information as presented in the form, the application provided the right information for them, the application was "simple" and written at the right level for most people to understand. In addition, the applicants indicated a number of other things they liked about the application such as the application's colors, simplicity, and overall tone. One applicant appreciated that it "wasn't condescending." Further, the use of sections and clear headings was mentioned numerous times by applicants. There was no problem with securing signatures from applicants. The overall feedback was favorable and modifications were made to the JFS 07200 based upon the testing results.

Implementation

The rules included in this FSTL/CAMTL have been modified to update language to the revised JFS 07200, the new JFS 01846, and the elimination of the JFS 07100. These rules are proposed to be effective May 1, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on May 1, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Description of the revised "Request for Cash, Food Stamp, and Medical Assistance," JFS 07200:

The JFS 07200 name has been changed to "Request for Cash, Food Stamp, and Medical Assistance." The purpose of the JFS 07200 is to obtain basic information and to screen for expedited food stamps in order to avoid collecting duplicate information gathered in the interactive interview. The JFS 07200 consists of a two-page coversheet (front and back) and a four page application. The applicant keeps the two page cover sheet for their records.

Application Coversheet

The county agency is to complete the top portion of the coversheet in the shaded area to list the appointment date and time of the interview. The coversheet is designed to provide information to the applicant regarding the following application procedures:

- How to apply for assistance.
- How to obtain help completing the application if English is not their primary language, if they are hearing impaired, or have a disability.
- How to complete the application, what to do if they cannot fill out the application the same day, and the procedures for applying for someone else.
- Where to turn in the application and that county agencies offer evening and/or weekend hours (reference Code of Federal Regulations (CFR) section 273.2 (e)(3) and Ohio Revised Code (ORC) section 329.023 for hours of operation).
- How to complete the face-to-face interview and what to do if they cannot come in for the interview.
- Types of verification needed for cash assistance, food stamps, and health coverage.
- The timelines for processing the application by program.
- What to do if they need food right away.
- Information on citizenship guidelines to let the applicant know that they should not let fear of the U.S. Citizenship and Immigration Services (USCIS), formerly known as the Immigration Naturalization Services (INS), deter them from seeking needed assistance for their family.
- List of other available services such as child care assistance, prenatal care, housing costs, work skills and help getting a job. If they need help with day care costs, they are to contact their local CDJFS for a child care application.

Page One of the Application

The first page of the application provides instructions informing the applicant to complete sections one and two for the person for whom they are applying and section three is to be completed by the authorized representative.
A shaded box is located in the first section for county agency use to record information such as the date received, application and case number, and if they are applying for expedited food stamps, Prevention Retention and Contingency (PRC), and/or child care.

The following information is provided on page one:

- Section one of the application provides information about the applicant such as name, if the individual has special needs, and if they have ever received cash, food stamp, or medical assistance.
- Section two provides information on how to reach the applicant and includes a space for an e-mail address.
- Section three provides information about the authorized representative.
- Section four is for the signature of the applicant/authorized representative.

CFR section 273.2 (b)(iv), OAC rule 5101:4-2-01, requires a place on the front page of the application where the applicant can write his/her name, address, and signature.

**Page Two of the Application**

- Section five is for applicants who need food stamp assistance right away and is used to screen for expedited food stamp assistance (reference rule 5101:4-6-09).
- Section six provides information about the people living with the applicant to assist the CDJFS in accomplishing the screening process. In addition, this section is used to determine if the applicant is applying for or in need of nursing home/in-home care.

**Page Three of the Application**

- Section six (continued) will determine if the household member(s) over age 60 and who are disabled are able to receive food stamp assistance separately from other members of the assistance group.
- Section seven provides information about the household's finances such as employment status, income, and resources.
- Section eight provides information about the household's expenses such as day care costs for a child or other dependents, child support payments, medical expenses for anyone who is disabled or age 60 or older, rent/mortgage payments, and utility payments.

**Page Four of the Application**

- Section nine contains a statement to be signed by the applicant or authorized representative which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for assistance.
- Section ten informs the applicant that they are to return the application to their local CDJFS office. A space is available for the county agency to provide their information such as an address and/or telephone number.
- The last section provides a civil rights description and how to file a discrimination complaint.

**Description of the new "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," JFS 01846:**

The JFS 01846, "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," is designed as a tool for the county agencies to use when CRIS-E is unavailable, for off-site interviews such as home visits, and telephone interviews when applicable. This form shall not be used by applicants/recipient. The form has been designed to mimic the CRIS-E screens to aid in the interview process and data entry. County agencies shall use the JFS 01846 as a guide for the interview and the applicant/recipient must sign the completed worksheet to attest that the information is correct.

**Description of the new "Eligibility Information Worksheet / Nursing Home and Community Based Services Waiver"**
The Eligibility Information Worksheet will be used by nursing home and HCBS workers as appropriate. This worksheet will be issued under separate cover by Ohio Health Plans.

**Description of the revised "Your Rights and Responsibilities," JFS 07501:**

The JFS 07501 "Your Rights and Responsibilities" has been formatted to resemble the style of the revised JFS 07200. A new paragraph on "Religious Agencies" has been added to the JFS 07501. This paragraph was developed in response to a new federal regulation commonly referred to as "Charitable Choice". Charitable choice encourages states to involve faith-based organizations in providing federally funded TANF benefits and services to eligible families. The CDJFS may have agreements with faith-based agencies to provide services to families who may be receiving PRC or act as work sites to families receiving OWF. The paragraph is designed to inform an assistance group member that he or she may elect to receive services or participate at a work site that is not faith-based and the CDJFS must provide another comparable agency as the work site or as the provider of services.

OWF cases are now subject to the state quality control review. Failure of the assistance group member to cooperate in the process could result in ineligibility for OWF for up to 3 payment months. This language has been added to the "Quality Control Review" paragraph on the JFS 07501. This penalty has been added to rule 5101:1-3-15.

**Reproduction/Translation**

The JFS 07100 is obsolete. The JFS 07200 and JFS 07501 will continue to be stored in the warehouse for ordering. The new JFS 01846 and the nursing home and HCBS worksheet will not be stored in the warehouse and will be available online to be reproduced by the county agencies.

The JFS 07200, and JFS 07501 will be translated as soon as possible following the publication of this FSTL/CAMTL. We will issue a CRIS-E view flash bulletin once the translated forms are available on the ODJFS internet and innerweb.

**Food Stamp Certification Handbook Changes:**

Rules 5101:4-1-03 and 5101:4-7-07 were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law 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. Following are summaries of the proposed changes to these rules.

**5101:4-1-03 - Food Stamps: definitions.**

This rule was updated with current definitions to the JFS 07200 and the JFS 01846. There were seven definitions that were deleted as being obsolete. Other definitions were updated with correct terminology.

**5101:4-2-01 - Food Stamps: application process.**

The references to CAF and JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. The references to a form number or abbreviated word were spelled out with the first reference in each rule.

**5101:4-6-19 - Food Stamps: determining eligibility of supplemental security income (SSI) assistance groups (AGs).**

The references to CAF and JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. The references to a form number or abbreviated word were spelled out with the first reference in each rule.

**5101:4-7-07 - Food Stamps: reapplication.**

References to the JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. Abbreviated words were spelled out the first time they were referred to in the rule.

**Application Situations for Food Stamp Programs.**
A new chart was added to the Appendix of the following rules: 5101:4-2-01, 5101:4-6-19 and 5101:4-7-07. The chart covers the application situations for use of the JFS 07200 and the JFS 01846.

Cash Assistance Manual Changes:

This letter transmits changes with the proposed effective date of May 1, 2005. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of the policy changes. The clearance control number (CCN) assigned when the policy changes were placed in the clearance process is included for reference. The clearance control number is 5360.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should continue without amendment, amended or rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork eliminated, and when possible, local agencies given more flexibility.

Based upon the amount of changes and reformatting of the processing rules we determined that the existing rules 5101:1-2-01 and 5101:1-2-10 should be rescinded and replaced with new rules 5101:1-2-01 and 5101:1-2-10. Following are summaries of the proposed changes to these rules.

Chapter 1000

Rule 5101:1-2-01 The application process for Ohio works first (OWF), disability financial assistance (DFA) and refugee cash assistance (RCA).

This rule was reformatted to combine within one rule all application processing language. This reorganization will facilitate reference to the rule and does not substantively change most of the current policy with the exceptions noted below:

The JFS 07200 was revised and is now the only application used for OWF, DFA and RCA. The CAF/JFS 07100 will no longer be used for cash programs and all references to it have been removed. The new worksheet JFS 01846 will be used to capture data needed during home visits or when CRIS-E is unavailable.

Obsolete forms and forms not mandated have been removed from the items to be included in the application packet. This change is reflected in paragraph (C) of the rule.

Language regarding applications submitted electronically has been added to paragraph (H) (9) of the rule.

The interview requirement in paragraph (J) was changed from five working days to require that a face-to-face interview be scheduled as promptly as possible. This change was made to align with food stamp rule 5101:4-2-07.

A new section was added that lists the items to provide at the face-to-face interview. This change is reflected in paragraph (K) of the rule. These items are:

- JFS 08000 "Your Rights" (Brochure of right to apply, right to a state hearing and civil rights);
- "Voter Registration Form" and "Notice of Rights";
- JFS 07092 "Notice To Individuals Applying For Or Participating In OWF Concerning Good Cause For Refusal To Cooperate With Securing Child Support" if applicable;
- JFS 07357 "Grant Payment Method Authorization -Mandatory" or JFS 07344 "Grant Payment Method Authorization -Voluntary" as appropriate;
- A copy of the CRIS-E generated rights and responsibilities page or the JFS 07501 "Your Rights and Responsibilities".

Language related to the gathering of medical documentation and referring the case to County Medical Services was added to the responsibilities of the CDJFS contained in paragraph (L) of the rule.

Paragraph (N) has been changed. It now states "all information contained in the JFS 07501" and removes those individual listings that are part of the JFS 07501. The requirement to provide a photo ID was removed from the Ohio Revised Code and subsequently removed from this section. An explanation of the medication dependent covered group has been removed, as this is a medical program no longer connected with DFA. An explanation of the self-sufficiency contract and time limit requirements has been added to the list.
The previous section titled "Unavailability of CRIS-E system for interview" has been removed and replaced with new language that was added to paragraph (N). The unavailability of CRIS-E, face-to-face interview, home visits, and telephone interviews explained in this paragraph are also detailed in the new chart "Application Situations for Cash Programs" added to the JFS Charts appendix. When the CRIS-E system is unavailable for the interview, the CDJFS worker must now complete the JFS 01846 and enter this information into the CRIS-E system as soon as the system is available. The signed and dated JFS 01846 will satisfy the requirement of having signed the Printed Copy of Information (PCI). Language was removed from this section that required the PCI to be mailed to the individual to be signed and dated and the subsequent denial of benefits is no longer appropriate for failure to return the signed and dated PCI.

Rule 5101:1-2-10 Ohio works first (OWF)/ disability financial assistance (DFA)/ refugee cash assistance (RCA): the reapplication requirement.

This rule was reformatted to remove sections containing application processing procedures. These procedures are now included in rule 5101:1-2-01.

Language related to the gathering of medical documentation and referring the case to County Medical Services was added to the responsibilities of the CDJFS contained in paragraph (B) (1) of the rule.

Language was added regarding the reapplication interview conducted as an interactive interview, home visit or phone interview as detailed in the new chart "Application situations for cash programs".

Reference to requiring a JFS 07200 when a new or additional category of cash assistance is requested had been removed from this rule. The signature on the PCI establishes the beginning date of cash assistance for that category. Language requiring the PCI be sent to the AG for signature and return has been removed.

CAM Appendix

JFS Forms

Two forms have been removed from the Forms appendix with this CAMTL. The following forms have been removed from the CAM because they have been obsoleted.

JFS 03607, Medical Information Release Form (Rev. 11/2000); and

JFS 07100, Application for Income, Medical, and Food Assistance (Rev. 4/2001).

JFS Charts

A new chart was added to the Forms appendix with this CAMTL. The chart covers the application situations in the application and reapplication process rules. The following chart was added:

Application Situations for Cash Programs (Effective 5/2005)

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be little or no fiscal impact for the county agencies to implement this FSTL/CAMTL. With the elimination of the large out-of-date JFS 07100, "Application for Income, Medicaid, and Food Assistance," county agencies will now use the revised JFS 07200 for applications. When CRIS-E is unavailable or for occasional telephone or off-site interviews the newly developed worksheets will be utilized.

INSTRUCTIONS: FOOD STAMPS

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CAMTL 17 (OWF Penalty for Failure to Cooperate with Quality Assessment Review)

Cash Assistance Manual Transmittal Letter No. 17

January 27, 2005

TO: All Cash Assistance Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: OWF Penalty for Failure to Cooperate with Quality Assessment Review

This letter transmits changes with the effective date of March 1, 2005. If there are any changes made to the rule contained in this CAMTL during the JCARR review period, the corrected rule will be sent out in the next CAMTL. This cover letter includes a summary statement of the policy change. The clearance control number (CCN) assigned when the policy change was placed in the clearance process is included for reference. The clearance control number is 5355.

In accordance with the terms of an agreement between Ohio and the U.S. Department of Health and Human Services (DHHS), our department has implemented a quality assurance program to review OWF cases. The quality assurance program reviews of OWF cases has been adopted as part of the settlement agreement between Ohio and DHHS resulting from the Aid to Families with Dependent Children (AFDC) disallowances for the period of 1992 through 1996.

The OWF cases will be reviewed by QA staff to ensure that correct OWF cash assistance eligibility determinations have been made. The purpose of the review is to evaluate the accuracy of OWF payment made to families.

Additionally, as part of the settlement agreement, the Office of Family Stability has staff dedicated to provide technical assistance to the counties. The reviews will help the Office of Family Stability identify and target areas for necessary technical assistance. The Office of Family Stability will also work with counties to establish improvement plans and take corrective actions to help prevent future errors and preserve program integrity.

The OWF assistance group's refusal to cooperate with the QA process results in the ineligibility for OWF cash for the assistance group. The refusal to cooperate with the QA review process results in a penalty, as opposed to a sanction. To that end, rule 5101:1-3-15, "OWF Penalties and Sanctions" has been amended to add language that the assistance group is ineligible for three calendar months, or until compliance, whichever is earlier, for a refusal to cooperate with a quality assurance review.

A new CRIS-E reason code to support this change has been created. The reason code to be used for the imposition of the penalty is reason code 690 on the TSRC table in CRIS-E.

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This letter transmits changes with the proposed effective date of January 1, 2005. If there are any changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

**Ohio Works First (OWF) Chapter 2000**

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

**Rule 5101:1-3-18 Individual Development Account (IDA) Program**

This rule is being amended to change CDHS to CDJFS, and ODHS to ODJFS throughout the rule. There were no substantive changes made to the rule.

**Disability Financial Assistance (DFA) Chapter 3000**

5101:1-5-20 DFA: definitions and the determination of disability (CCN 5280)

This rule has been reviewed as a result of modifications to the disability determination process included in proposed rule 5101:1-39-03 for inclusion in the Medicaid Eligibility Manual. Because the process for obtaining a determination of disability from the ODJFS County medical services (CMS) unit for medicaid and DFA is the same, the existing DFA rule is being proposed for rescission and the new rule provided in this CAMTL has been drafted to replace it. Wherever possible, the new rule parallels the provisions contained in proposed rule 5101:1-39-03 for consistency. Following are more specific modifications that are proposed.

The rule is rewritten in accordance with format changes consistent with the other rules contained in the CAM. It is also reorganized and now provides the statutory definition of disability for the DFA program at the beginning of the rule in paragraph (A).

The disability determination process is defined and outlined in the subsequent paragraphs, and is separated into three subcategories: the CDJFS responsibilities in the disability determination process; responsibilities of the individual; and the county medical services unit responsibilities. The intent of this reorganization is to parallel the organizational structure provided in proposed rule 5101:1-39-03, and to facilitate reference within the rule.

**A policy change contained within this rule of note is the provision which permits the CDJFS to determine that the disability factor is met for DFA purposes without a CMS disability determination, when the individual is approved for SSA Title II disability benefits. This provision is contained in paragraph (B) (1) (a) of the proposed rule. This is the only situation in which the CDJFS can make this determination. It is also important to note that, while an individual may be determined to meet the DFA disability requirement in this manner, it is unlikely that the individual will meet all other DFA eligibility requirements, such as income in these circumstances. In all other situations, the CDJFS must submit a CMS packet to the CMS unit for a disability determination.**

Following are descriptions of the other policy modifications of note that have been made in the proposed rule.
Language was added at paragraph (B)(1)(e), to emphasize that when necessary, the CDJFS should utilize administrative funds in order to assist an individual in obtaining requisite documentation to support the claim of disability.

Language was added to describe the CMS unit disability review process and also to identify all responsibilities of the CDJFS at paragraph (B) (1), the individual, at paragraph (B) (2), and the CMS unit at paragraph (B) (3). As a part of the addition of this language, required forms for submission to the CMS unit are also identified under CDJFS responsibilities at paragraph (B) (1).

Language was added to provide for the continued DFA eligibility for an individual who continues to meet all other DFA eligibility requirements during the CMS disability review, and to emphasize that the CDJFS must not terminate DFA solely because of the expiration of the disability review date. Added language is contained in paragraphs (B) (1) (p) and (C) (3).

Language was also added at paragraphs (D) (1) to (D) (2), to provide policy regarding situations when DFA is terminated and the individual subsequently reapply for DFA. Specifically, if the individual reapply within twelve months of the disability begin date as established by the CMS unit, the CDJFS must find that the disability factor is met without submission of a new CMS packet to the CMS unit. Conversely, if the individual reapplies beyond twelve months of the disability begin date, the CDJFS must determine that the disability factor is not met, and must complete and submit a new CMS packet to the CMS unit.

**FORMS APPENDIX**

Three forms have been removed from the JFS Forms Appendix with this CAMTL. The forms have been removed from the CAM because they are forms that belong to another area within the department, and because they are available via the ODJFS On-line Forms Listing at http://www.odjfs.state.oh.us/forms/inner.asp. We have removed the following forms: JFS 03600, County Medical Services Determination, the JFS 03605, CDJFS Referral to CMS (Rev. 7/2002), and the JFS 03606, Physicians Certification of Medication Dependency for the Disability Assistance Program (Rev. 4/2001).

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TO: ALL CASH ASSISTANCE MANUAL HOLDERS
FROM: THOMAS J. HAYES, DIRECTOR
SUBJECT: October 1, 2004 CAMTL

This letter transmits changes with the proposed effective date of October 1, 2004. If there are any changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and when possible, local agencies are given more flexibility.

CHAPTER 2000

Rule 5101:1-3-10 Ohio Works First (OWF): Child Support Requirement (CCN 5254)

Based upon our review of this rule pursuant to the five year rule review requirement, we determined that the existing rule should be rescinded and replaced with new rule 5101:1-3-10.

Following are summaries of the proposed changes to this rule.

(1) The policy describing assignment of support has been expanded to address several situations in which the assignment of support is interrupted for a specific month, requiring the treatment of support for that month to be in accordance with the provisions set forth in rule 5101:1-29-31 of the Administrative Code. In these situations, the interruption in the assignment ends beginning with the first day of the month that cash assistance resumes.

(2) Generally, the assignment is interrupted for one month in these situations, and the resumption of the assignment begins with the first day of the month that cash assistance resumes. This differs from the beginning date of the assignment at application, which is the first day of the month following the month of approval for OWF. This policy change results in the avoidance of a two-month delay in the resumption of the support assignment, because the assignment resumes immediately after the one-month interruption, instead of starting over with the month following the month that cash resumes. This is a significant change that reduces the possibility for error and potential overpayments.

(3) The rule has been reorganized to facilitate easier reference. This modification does not substantively change any policy.

(4) References to counties where the support enforcement tracking system (SETS) does not support IV-D activity have been removed as SETS is the statewide tracking system and all counties are supported by SETS. This modification does not substantively change any policy.

(5) Acronyms have been updated where appropriate, resulting in no significant change to policy.

Rule 5101:1-3-12 OWF: Work Activity Participation and Child Care (CCN 5255)

Paragraph (C)(4) defining "affordable child care arrangements" has been revised to align with OAC Rule 5101:2-16-39(A) (Child Care Manual). Family co-payments are no longer based, in part, on the number of children receiving subsidized child care and that language has been removed from this rule.

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This letter transmits changes with the proposed effective date of April 1, 2004. If there are any changes made the rule contained in this CAMTL during the JCARR review period, a corrected rule will be sent out in the next CAMTL. This cover letter includes a summary statement of the policy change, referencing the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and when possible, local agencies are given more flexibility.

CHAPTER 1000

Rule 5101:1-1-50: Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements (SAVE) Program. (CCN 5189)

The Immigration Reform and Control Act (IRCA) of 1986 was passed by Congress to establish a system for verifying the immigration status of non-citizen applicants for, or recipients of, certain types of federally funded benefits. In 1987, the Immigration and Naturalization Service (INS) established the SAVE program, an intergovernmental information-sharing initiative designed to aid benefit providers in verifying an applicant's immigration status to carry out the IRCA requirement.

The INS developed, and made accessible to federal, state and local government agencies, an efficient, secure, and cost effective system for verification, the Alien Status Verification Index (ASVI).

Currently under the ASVI (Touch-Tone Telephone) system, there are two methods of verifying alien registration status: primary verification is an automated process used to provide alien verification within seconds of inquiry and secondary verification when the automated process is unable to provide information and under other specified circumstances.

Because of security safeguards and technological enhancements, the INS, now known as the Department of Homeland Security (DHS) can no longer support the current access method of the ASVI, the Touch-Tone Telephone system. A new system, the Automated Status Verification System (ASVS), a web-enabled, server-based Customer Processing System (CPS) has been developed to provide faster and better service. A transformation to this new system offers a fully automated means for verifying immigration status and can be accessed through the Personal Computer (Windows-Based) method. There will be a reduction in response time for secondary verification queries to three or less days, there will be a cost reduction associated with filling out the Form G-845 S, (Document Verification Request) and postal service, a reduction in costs per query, and assistance in providing verification response time for quicker determinations of non citizen eligibility for benefits.

The manual secondary verification process will not change and will continue to be available when needed. The Document Verification Request forms (G-845, G-845 S) shall still remain available for additional verification requests submitted. The response times may vary, depending on the workload of the DHS offices, the resources available to process additional verification requests, and the applicant's specific circumstances. Following is the address and phone number for sending Document Verification Request forms:

Department of Homeland Security

1240 East 9th Street
ACCESS

The Web-based 1 system URL address, [http://www.vis-dhs.com/webone](http://www.vis-dhs.com/webone) will be available at the end of February, however agency access to the system will become effective March 1, 2004 for the OWF, PRC, RCA, Medicaid, and Food Stamp programs. Medicaid rules will be addressed in a separate transmittal letter. The change to the SAVE food stamp rule was issued with FSTL #256.

Passwords will be required by users and must be changed every forty-five (45) days. It is an eight (8) character password which can be either capital letters, lower case letters, or number of special characters. A user will have three (3) tries to enter into the system, then a Supervisor must unlock the system. If the system has to be reset, the password would also have to be reset. The CPS Help Desk, 1-800-741-5023 will be available for assistance to all users from 7:00 AM EST to 9:00 PM EST except for Thanksgiving, Christmas, and New Year's Day.

TRAINING

Training for the ASVS system shall be provided to the counties through a website set up by the contractor of this service, Computer Sciences Corporation (CSC). This training will be available continuously on the CSC Web-based 1 website, the same screen where actual queries will be completed. ODJFS will provide a technical Super User who will set up the County Security Coordinators at the county level. The County Security Coordinators will set up the county agency supervisors, who will set up the county General Users who are the ones that actually perform the inquiries on the Web-based 1 system.

FORMS APPENDIX

JFS 04219 (No Clearance)

JFS 04219 - "Request for Contact" has been amended to include medical assistance programs.

JFS 07341 (CCN 5202)

Amended Substitute House Bill 95 added new Section 5101.271 of the Revised Code outlining what must be included in release of information forms provided by the Ohio Department of Job and Family Services. Because of this new section, the JFS 07341, "Applicant/Recipient Authorization for Release of Information" form is being revised.

As set forth in paragraph (E) of Section 5101.27 of the Revised Code, the County Department of Job and Family Services (CDJFS) shall provide, at no cost, a copy of each written authorization to the individual who signed it.

The JFS 07341 is used to gather information to determine eligibility for cash assistance, medical and/or food stamp benefits. It will also be used to allow the CDJFS to release information to the designated entity of the applicant/recipient. This authorization is not for the release or use of protected health information (PHI); instead, counties should use the appropriate county generated medical authorization for release form.

The JFS 07341, "Applicant/Recipient Authorization for Release of Information" form, is revised. Changes to the form are as follows:

- The "Office Use Only" box was condensed to provide more room on the form for other changes.
- New box was added with the following information to be entered:
  - Enter the name of the individual who is authorizing the release
• Enter who is authorized to release the information - the covered entity such as the CDJFS or an employer
• Enter who will receive the information
• Enter the purpose the information is being released - if other than to allow the CDJFS to determine eligibility for the listed programs, e.g., verification for HEAP
• Enter a description of the information to be released

• The applicant/recipient's declaration of understanding section was expanded to conform to the ORC requirements.

• Enter the date the authorization should expire as mutually determined by the CDJFS and the individual
• Enter the "Event" - the reason the signed authorization is needed
• Enter the CDJFS address the individual may send written notice to revoke or cancel the authorization
• A statement to the effect that information used or disclosed as per this specific authorization may be re-disclosed by whoever received the information and that protections by federal or state law may no longer be applicable
• The applicant/recipient or the authorized representative must sign and date the form
• If someone different from the applicant/recipient signs the form, then they must enter their legal authority to act on the part of the applicant/recipient. Legal authority includes but is not limited to a parent who signs the form for a minor child, an individual who has power of attorney over the affairs of the applicant/recipient, a guardian of the children, or an authorized representative for the assistance group.

• Space is provided for the person supplying the information to enter their "reply" and to enter their signature, title, telephone number and the date.

Instructions for Completion of the "Document Verification Request," G-845S (No Clearance)

A name change has occurred within this document from the Immigration and Naturalization Service (INS) to the Department of Homeland Security (DHS).

Instructions

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TO: All Cash Assistance Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: December 1, 2003 - OWF: Erroneous Payments

This letter transmits changes with the proposed effective date of December 1, 2003.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL.

This cover letter contains a "Technical Changes" section to provide corrections caused by typographical errors, printing errors, and inadvertent omissions. Technical changes do not go through the clearance process.

Chapter 2000

Rule 5101:1-23-70 OWF: erroneous payments (CCN 5159)

This rule is scheduled for rule review this month. Upon review, we have determined that the rule should be rescinded and replaced by new rules 5101:1-23-70, 5101:1-23-70.1 and 5101:1-23-70.2, to eliminate confusion associated with this rule. The rescinded rule has been divided into three rules in order to facilitate easier identification of the applicable overpayment recovery policy for the CDJFS. It is our hope that even though we have created three rules to replace the existing rule, by doing so we have made this process more streamlined. There have been no substantive changes made to the policies contained in the new rules.

New rule 5101:1-23-70 has been created to address the recovery of OWF/TANF cash assistance erroneous payments that occur and are discovered on or after July 1, 1998.

Rule 5101:1-23-70.1 OWF: overpayments of ADC/TANF cash assistance and/or OWF that occurred prior to July 1, 1998 (CCN 5159)

New rule 5101:1-23-70.1 has been created to address the recovery of ADC/TANF/OWF overpayments that occurred and were discovered prior to July 1, 1998. The Appendix to this rule contains all of the overpayment recovery rules that were in existence prior to July 1, 1998 that must be used in the recovery process for overpayments defined in this rule. The Appendix to this rule was formerly Appendix A to rescinded rule 5101:1-23-70.

Rule 5101:1-23-70.2 OWF: work allowance overpayments that occurred prior to October 1, 1997 (CCN 5159)

New rule 5101:1-23-70.2 has been created to address the recovery of work allowance overpayments that occurred prior to October 1, 1997. The Appendix to this rule sets forth the policies in effect and which are applicable to the recovery of work allowance overpayments as defined in the rule. The Appendix to this rule was formerly Appendix B to rescinded rule 5101:1-23-70.

Technical Changes

Forms JFS 07501, "Your Rights and Responsibilities" and JFS 07501S, "Sus Derechos Y Responsabilidades", are contained in this CAMTL for inclusion in the Appendix of the Cash Assistance Manual. These forms were issued in FSTL #251, effective November 1, 2003, and are Appendices 102-A and 102-B respectively.

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September 18, 2003

TO: ALL CASH ASSISTANCE MANUAL HOLDERS  
FROM: THOMAS J. HAYES, DIRECTOR  
SUBJECT: November 1, 2003 CAMTL

This letter transmits changes with the proposed effective date of November 1, 2003. This cover letter includes a summary statement of the policy change. The statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

This cover letter contains a "Technical Changes" section to provide corrections caused by typographical errors, printing errors, and inadvertent omissions. Technical changes do not go through the clearance process.

5101:1-3-03 Ohio works first (OWF): residence and living arrangement requirement.

In 2001, the Prison Nursery Program was established by the Department of Rehabilitation and Correction (DRC). The program allows eligible inmates and babies born to them, while in custody of DRC, to reside together in the institution. A nursery has been set up at the Ohio Reformatory for Women at Marysville.

As set forth in revised code section 5120.651, an inmate is eligible to participate in the Prison Nursery Program if:

1. she is pregnant at the time she is delivered into the custody of DRC;
2. she gives birth on or after the date the Prison Nursery Program was implemented (3/15/01);
3. she is subject to a sentence of imprisonment of not more than 18 months;
4. she and the child meet any other criteria established by DRC.

Amended Substitute House Bill 95 revised section 5107.37 of the Ohio Revised Code to allow OWF payments for minor children residing with their mother who participates in a prison nursery program established under section 5120.65 of the Revised Code.

This rule is being revised to allow OWF payments for babies born to inmates participating in the Prison Nursery Program as established by section 5120.65 of the ORC. All other OWF eligibility factors must be met for these children to qualify for an OWF payment. The inmate would not qualify for OWF for herself as she is a resident of a prison.

Paragraph (A) of the residence requirement has a new level (4) added that states the child born to an inmate participant in a prison nursery program meets the OWF residence requirement.

Paragraph (B) (1) of the living arrangement requirement has a new sub-level (a) added that states the child born to an inmate participating in a prison nursery program meets the OWF living arrangement requirement.

Additionally, paragraph (B) (5) of the living arrangement requirement has the word 'custodian' removed since there cannot be two custodians at the same time. (CCN5089)

CRIS-E

A CRIS-E table change request has been submitted to add code 32: 'Prison Nursery Program', to the Living Arrangement Table (TLAR) as an acceptable living arrangement code on AEIID. Only the mother and child should be entered on AEIID, with the mother coded 02, public institution, and the child coded 32, prison nursery program. It has been discovered that an individual will pass for OWF, Food Stamps, and Medicaid when living arrangement code 02 is entered. A Service Request Form (SRF) has been written to correctly fail anyone in a public institution; until it is complete the CDJFS will need to FIAT as appropriate to ensure that the inmate does not receive inappropriate benefits.

TECHNICAL CHANGES
The JFS 06904, "LEAP - Learning, Earning, And Parenting Program Seven-Day Good Cause Notice" was revised and included in CAMTL #11/FSTL 250. The version of that form had text omitted. The form was corrected and made available via the ODJFS online forms listing in mid-August 2003. The hard copy of the form is included with this CAMTL.

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To: All Cash Assistance Manual and Food Stamp Certification Handbook Holders
From: Thomas J. Hayes, Director
Subject: LEAP - September 1, 2003 Changes

This letter transmits changes with the proposed effective date of September 1, 2003. If there are any changes made to the rules contained in this CAMTL/FSTL during the JCARR review period, corrected rules will be sent out in the next CAMTL/FSTL.

**LEAP Program Changes**

Due to the expiration of our federal 1115 waiver authority to operate LEAP in its existing form, the policy regarding LEAP participation is being modified to ensure that our OWF cash assistance policy comports with federal TANF provisions.

A letter was sent from the Office of Family Stability to county directors and administrators in February 2003 to provide advance notice of some of the LEAP policy changes being developed. Since the issuance of that letter, some modifications have been made to the policy changes listed in the February 2003 letter, including the date of implementation. Detailed descriptions of modifications made to the policy after clearance are included and noted as such in this letter. The policy changes have been made so that we adopt the simplest, most consistent and supportable approach to the treatment of teen parents within the parameters of federal and state law. The implementation date has been delayed until September 1, 2003, to ensure that system support for the policy changes is complete. Because September 1, 2003 is a state and federal holiday, the rules will show an effective date of August 29, 2003, however, the policy is effective September 1, 2003.

The changes to the LEAP policy and the modifications to the LEAP forms were sent out for comment in separate clearance packages. This letter contains the finalized LEAP policy as well as the modified LEAP forms. Through the clearance processes, we received several suggestions with respect to certain aspects of the draft policy and related forms, and have incorporated those recommendations in either the policy, the forms or in this cover letter as appropriate. We made every attempt to address and resolve all issues that were identified during the clearance process, and thank those who sent us their thoughtful recommendations.

A more detailed description of each of the major policy changes that are contained in the LEAP rule and related policies follow.

**Rule 5101:1-23-50: OWF - The Learning, Earning, And Parenting (LEAP) Program (CCN 5080)**

I. Ineligibility of minor parent not in school:

In accordance with federal TANF policy, a minor parent, under the age of 18, not married, who has a child in his/her care at least 12 weeks of age, and who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not participating in educational activities directed toward the attainment of a high school diploma or its equivalent; or an alternative educational or training program that has been approved by the State.

Following further analysis of this federal provision and its effect on our LEAP population, we have slightly broadened the applicability of this ineligibility provision. Specifically, our policy provides that, regardless of marital status, a minor parent under the age of 18 who is not exempt, who has a child in his/her care at least 12 weeks old, and who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not attending school or an alternative education program that has been approved by the CDJFS.

The determination of whether the minor parent meets these conditions resulting in ineligibility shall be made through the LEAP assessment process, so that the minor parent is advised of the school attendance requirement and that failure to do so results in the minor parent's ineligibility to participate in OWF until the
This specific policy change also eliminates the application of the $62 enrollment sanction previously provided in LEAP policy. As of September 1, 2003, there is no $62 enrollment sanction - instead, the minor parent is ineligible to participate in OWF until that minor parent enrolls in school (or is otherwise determined to be no longer subject to this requirement). Additionally, a minor parent who is enrolled in school who subsequently officially withdraws from school must be removed from the OWF assistance group until compliance or an exemption is met.

II. Removal of 19 year olds from LEAP participation

The LEAP target population has been revised to remove 19 year olds. The LEAP target population is applicable to pregnant and parenting teens who are under the age of 19. With this policy change, 19 year old parents are considered adults and subject to the work participation requirements set forth in sections 5107.40 to 5107.70 of the Revised Code.

III. LEAP Assessment

The LEAP assessment process is also being modified.

If a minor parent meets one of the three exemptions set forth in paragraph (D)(1) to (D)(3) of the rule and listed below, the teen does not have to attend a LEAP assessment and orientation interview, until or unless the teen's circumstances change and the teen no longer meets one of the three exemptions. At a minimum, these exemptions should be examined at each reapplication. The exemptions are:

1. the teen is a parent of a child under the age of twelve weeks;
2. the teen is excused from compulsory school attendance in accordance with Section 3321.04 of the Revised Code for the purpose of home education; and
3. the teen is participating in an internet or community-based computer school as defined in Section 3314.02 of the Revised Code.

All minor parents identified as potential LEAP teens who do not meet the three exemptions set forth in paragraphs (D)(1) to (D)(3) of the rule, must attend a LEAP assessment and orientation interview. Because of the change in the eligibility requirements applicable to teen parents, the assessment of the teen must be conducted prior to approval of OWF. This is necessary because the teen may be ineligible to be included in the OWF assistance group if the teen fails to be assessed and enroll in school. During the LEAP assessment process, the teen will be advised of the LEAP program requirements, including the consequences for not enrolling in and attending school. Also, the determination of whether the teen meets any of the exemptions from LEAP participation set forth in paragraphs (D)(4) to (D)(10) of the rule, is made during the LEAP assessment process. (A brief description of the exemptions identified in paragraphs (D)(4) to (D)(10) of the rule is contained later in this cover letter.)

Failure to attend the LEAP assessment and orientation interview results in one of two consequences, depending upon the age of the teen parent, because the policy providing for the ineligibility to participate in OWF is specific to teen parents under the age of 18. Therefore, following are the two possible consequences:

- If the teen is under age 18, and not exempt from LEAP participation pursuant to the provisions set forth in paragraphs (D)(1) to (D)(3) of the rule, failure without good cause, to attend the assessment interview results in the ineligibility to participate in OWF for the teen. Reason code 471 has been modified to reflect the new policy.
- If the teen parent is age 18, and not exempt from LEAP participation pursuant to the provisions set forth in paragraphs (D)(1) to (D)(3) of the rule, failure without good cause, to attend the assessment interview results in a referral for work participation in accordance with the provisions set forth in sections 5107.40 to 5107.70 of the Revised Code.
the LEAP assessment is applicable only to minor parents under the age of 18, the rule provides for the referral of the 18 year old teen parent who fails to attend the LEAP assessment for participation in a work activity. Several commenters asked if it would be possible to schedule 18 year old teen parents for one assessment appointment that would include a LEAP assessment as well as the work activity appraisal interview pursuant to Section 5107.41 of the Revised Code, and completion of a self-sufficiency contract, if applicable, pursuant to Section 5107.14 of the Revised Code. Upon review, we agree that scheduling one appointment for teens who are 18 makes sense, and we support this approach to addressing this issue. We have determined that there is nothing in our rule nor in existing statute that would preclude a county from utilizing this approach for teen parents who are age 18, and encourage this approach to the treatment of 18 year old parents.

IV. Exemptions from participation

The reasons for exemption from LEAP participation have been modified due to the federal TANF provisions. As stated previously in this letter, if the CDJFS determines that the teen meets one of the exemptions set forth in paragraphs (D)(1) to (D)(3) of the rule, the teen parent does not have to be assessed. The exemptions are:

1. The teen is the caretaker of a child under 12 weeks old; or
2. The teen is excused from compulsory school attendance in accordance with section 3321.04 of the Revised Code for the purpose of home education; or
3. The teen is participating in an internet or community-based computer school as defined in section 3314.02 if the Revised Code.

A teen determined exempt in accordance with the provisions in numbers (1) through (3) above, is excused from the LEAP assessment and orientation requirement, and from LEAP program participation for as long as the teen meets the exemption. In evaluating whether the teen meets one of these three exemptions, the CDJFS must obtain verification for retention in the case record, document in CLRC (running record comments) that the teen is exempt due to one of these conditions, and that the CDJFS has verification to support the exemption. An exempt teen does not earn any of the LEAP bonuses or LEAP sanctions.

There are other exemptions from participation in LEAP, which are defined in paragraphs (D)(4) to (D)(10) of the rule. The exemptions identified in these paragraphs are exemptions contained in the previous LEAP policy, including situations where child care is needed, but child care is unavailable, or transportation to or from school or day care is necessary, but it is unavailable. Eligibility for these exemptions must be determined to exist through the LEAP assessment and orientation interview process. In addition, although the teen meets one of the exemptions in (D)(4) to (D)(10) of the rule, and is exempt from regular LEAP participation, the teen must be assigned to an alternative educational or training program defined by the CDJFS in order to be eligible to participate in OWF. A teen assigned to an alternative educational or training program defined by the CDJFS due to meeting one of the exemptions set forth in paragraphs (D)(4) to (D)(10) does not earn any of the LEAP bonuses or LEAP sanctions.

V. Enrollment

A teen who does not meet any of the exemptions defined in paragraph (D) of the rule, is required to enroll in and attend school in order to be eligible to participate in OWF.

VI. Consequences for failure to enroll or withdrawal from school

If a teen does not meet an exemption, and fails to provide proof of enrollment, or officially withdraws from school, the CDJFS must propose one of the following two actions:

- A teen who is under 18 who fails to enroll in school as assigned, or officially withdraws from school is ineligible to participate in OWF. Thus, if the teen fails to enroll as required, OWF assistance for the remaining members of the assistance group should be approved, excluding the needs of the teen. If the teen is initially determined eligible because the teen complied with the assessment and enrollment requirements, and subsequently officially withdraws from school, the teen must be removed from the assistance group. Reason codes 472 and 473 have been modified to reflect the new policy.
A teen who is age 18 who fails to enroll in school as assigned, or officially withdraws from school shall be referred for participation in a work activity and completion of a self-sufficiency contract as set forth in sections 5107.14, and 5107.40 to 5107.70 of the Revised Code.

VII. Consequences for failure to comply with alternative educational or training program

Teens who meet one of the exemptions in paragraphs (D)(4) to (D)(10) of the rule must be assigned to an alternative educational or training program defined by the CDJFS, in order to be eligible to participate in OWF. Failure by the teen to comply without good cause with this assignment will result in one of the following two consequences:

- A teen who is under the age of eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the CDJFS is ineligible to participate in OWF. This is a prospective change that is outside the LEAP retrospective cycle. New negative reason code 694 has been created to address this situation.
- A teen who is age eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the CDJFS shall be referred for participation in a work activity and completion of a self-sufficiency contract as set forth in sections 5107.14 and 5107.40 to 5107.70 of the Revised Code.

VIII. LEAP Attendance bonuses and sanctions

The policy regarding the payment of the LEAP attendance bonus for a teen who is not exempt remains unchanged. A $62 attendance bonus shall be provided to each teen in the payment month who meets the attendance requirements in the attendance month set forth in the rule. A $62 attendance sanction shall be applied in the payment month to the OWF payment for the teen's assistance group if the teen fails without good cause to meet the minimum attendance requirement in the attendance month.

IX. Elimination of the mandatory face-to-face interview requirement after 2 consecutive months of LEAP sanctions

The rule provides policy that the reassessment process is an ongoing process, and it is our position that the CDJFS case manager is in the best position to determine when to require that the teen be reassessed, or appear in the agency for an interview. Thus, we have removed this requirement from the rule.

X. Elimination of the more severe LEAP sanction after 6 consecutive months of LEAP sanctions

The more severe LEAP sanction (i.e., the OWF payment was reduced by not taking into account the needs of the mandatory LEAP participant and the participant's child(ren) after the imposition of 6 consecutive months of a $62 LEAP sanction) has not provided counties with an effective tool for modifying LEAP teen behavior. As a result, this provision has been removed from the LEAP program policy. All existing sanctions under this provision will be end dated as of August 31, 2003.

Reason code 542 has been inactivated.

XI. Illustration chart

Following is a chart to illustrate the changes in the LEAP penalties:

<table>
<thead>
<tr>
<th>Age group</th>
<th>Failure</th>
<th>Penalty</th>
<th>Action Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 18</td>
<td>Assessment failure</td>
<td>$62 sanction</td>
<td>OWF grant with teen parent excluded</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Removal of teen parent and child(ren) after 6 months</td>
<td></td>
</tr>
<tr>
<td>Enrollment</td>
<td></td>
<td>$62 sanction</td>
<td>OWF grant with teen parent excluded</td>
</tr>
<tr>
<td></td>
<td>failure</td>
<td>Removal of teen parent and child(ren) after 6 months</td>
<td></td>
</tr>
<tr>
<td>Attendance</td>
<td></td>
<td>$62 sanction</td>
<td>$62 sanction</td>
</tr>
<tr>
<td>failure</td>
<td>Removal of teen parent and child(ren) after 6 months</td>
<td>Withdrawal failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
</tr>
<tr>
<td>18 - less than 19</td>
<td>Assessment failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
<td>Full grant/refer to work activities</td>
</tr>
<tr>
<td>19</td>
<td>Enrollment failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
<td>Full grant/refer to work activities</td>
</tr>
<tr>
<td></td>
<td>Attendance failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
<td>$62 sanction</td>
</tr>
<tr>
<td></td>
<td>Withdrawal failure</td>
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<td>Enrollment failure</td>
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<td></td>
<td>Attendance failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
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<td></td>
<td>Withdrawal failure</td>
<td>$62 sanction Removal of teen parent and child(ren) after 6 months</td>
<td>Full grant/refer to work activities</td>
</tr>
</tbody>
</table>

**Related Changes**

**Rule 5101:1-1-01 Temporary Assistance for Needy Families (TANF) Definitions (CCN 5080)**

**Modification of the statutory definition of "minor head of household"**:

Federal TANF regulations require the imposition of time-limited assistance and participation in work activities for all adults and minor heads of households. There is no federal definition of minor head of household, and in our research we have found that some states have re-examined their previously automatic designation of head of household status to minor parents when there is no adult included in the assistance group.

In Ohio, statutory language requires that all unmarried minor parents live with a parent, specified relative or in an adult-supervised living arrangement, in order to be eligible to participate in OWF. While the OWF check may be sent in the unmarried minor parent's name, the minor parent must live in a household situation where there is also an adult-supervised living arrangement. Based on this living arrangement requirement, we have determined that it is permissible for us to further define minor head of household by removing all unmarried minor parents from consideration as minor heads of households. Therefore, an unmarried minor parent will not be considered to be a minor head of household.

The above statutory living arrangement does not apply to married minor parents. This means that the OWF benefit is paid to a married minor parent who is not required to reside in an adult-supervised living arrangement. As a result, a married minor parent must be considered to be a minor head of household. Amended Substitute House Bill 95 included a modification to the definition of minor head of household.
contained in section 5107.02 of the Revised Code. The minor head of household definition is modified as follows:

"Minor head of household" means a minor child who is either of the following:

1. Is married, at least six months pregnant and a member of an assistance group that does not include an adult;
2. Is married, and a parent of a child included in the same assistance group that does not include an adult.

The modification to the minor head of household definition serves to remove time limit provisions for all teen parents who are required to reside in an adult-supervised living arrangement (i.e., because they will no longer meet the new definition of minor head of household.) This will allow us to provide OWF to these teen parents while they attend school and work toward the achievement of a high school diploma, without imposing the additional burden of a lifetime time limit for receipt of cash assistance. Supporting changes to rule 5101:1-1-01 have been made to modify the definition of minor head of household.

NOTE: System changes are in place to correctly identify minor heads of household under the new definition effective September 1, 2003. Since the statutory definition changed effective July 1, 2003, we will be providing a list of individuals who no longer met the new definition of minor head of household as of July 1, 2003. The months of July and August 2003 will need to be removed manually from AEITL. Another view flash bulletin will be issued when the reports are generated.

Rule 5101:1-3-01 OWF: Definitions of Assistance Group Composition for Work Participation Rates (CCN 5080)

Removal of LEAP participation by teens who are not minor heads of households as countable in the work participation rate calculation:

Because of our approved waiver, we were permitted to count LEAP participation by any assistance group member toward the work participation rate, whether they met the definition of minor head of household or not. With the expiration of the waiver, federal regulations only permit work participation by minor heads of households as countable toward the work participation rate calculation. This means that only participation by minor heads of households in LEAP, home-schooling or internet or community-based computer schooling will count toward the federal and state work participation rate. LEAP participation, home schooling, and internet community-based computer school by teens who are not minor heads of households will not count toward the calculation of the federal or state work participation rate. Modifications to rule 5101:1-3-01 and to the federal TANF reporting subsystem have been made to support this change.

Rule 5101:1-3-15 OWF: Penalties and sanctions (CCN 5080)

In addition to modifying the rule to include the ineligibility of the teen who is not exempt from LEAP participation, and who fails to comply with the assessment and orientation and/or enrollment requirements, two additional and unrelated amendments to rule 5101:1-3-15 have been made.

The two additional changes made with this rule amendment are not related to the LEAP program changes. Rather, this rule is being amended to add the following provisions:

- New paragraph (A)(2) is being amended to add another penalty condition under which the assistance group is ineligible, but not subject to a sanction. Specifically, if a required member of the assistance group fails to appear or complete an appraisal or assessment interview as required by sections 5107.41 and 5107.70 of the Revised Code, the assistance group is ineligible to participate in OWF; and
- Paragraph (A)(3) is being amended to include language regarding the applicability of the voluntary termination of employment without just cause by a member of a transitional medicaid or transitional child care assistance group. Specifically, the paragraph now includes language which requires that in order for the six month penalty to be appropriate, the transitional medicaid or transitional child care assistance group had to have been in receipt of OWF cash assistance on the day prior to the assistance group becoming eligible for transitional medicaid or transitional child care.
Rule 5101:1-23-10 OWF standard filing unit (CCN 5080)

This rule is being modified for two reasons. First, the rule is being amended to add language at paragraph (B)(11) that provides for the exclusion from the OWF standard filing unit of a minor parent under the age of eighteen who: has a child in his/her care at least 12 weeks of age; who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not participating in educational activities directed toward the attainment of a high school diploma or its equivalent; or an alternative educational or training program that has been approved by the CDJFS.

The second reason that the rule is being amended is unrelated to the LEAP program changes. This additional amendment is being made to modify the process for creation of the standard filing unit in the specific and unique situation when an adult individual and his/her child is eligible for OWF, and the adult is also the legal custodian or guardian of another child(ren) who, while not related to the adult, is a half-sibling to the adult's child. Prior to this policy change, because of the relationship between the minor children, all of these individuals would have been included in the same OWF standard filing unit.

Ohio Revised Code Section 5107.11(C) provides that: "A guardian or custodian may not be a member of the assistance group of the minor child for whom the guardian or custodian is guardian or custodian, unless the guardian or custodian is a specified relative of the minor child." While the Revised Code language is silent with respect to the specific circumstance when a minor child residing with a guardian or custodian is a half-sibling to the minor child of the guardian or custodian, a literal application of the Revised Code language would result in the creation of two separate assistance groups - one with the adult guardian or custodian and his/her biological or adoptive child, and one with the minor child for whom the [unrelated] adult is the custodian or guardian. Because the Revised Code is silent on this specific circumstance, and after significant discussion and review, we have decided to modify our standard filing unit policy by adopting the literal application of section 5107.11(C).

This modification will have a positive outcome for those assistance groups that are affected. It will result in the provision of assistance separately for the children for whom the adult is the legal guardian or custodian, and will prevent the counting of the income of the unrelated adult toward the determination of eligibility for the children for whom the adult is the guardian or custodian, as well as prevent the termination of OWF for the unrelated children if/when the adult reaches the 36 or 60-month lifetime time limits for participation in OWF. This is also a positive change for the adult who has agreed to accept the role of guardian or custodian for the unrelated child, as the OWF eligibility for the child will be unaffected by the adult's OWF eligibility.

Rule 5101:1-23-40 OWF: Payments (No clearance)

This rule has been modified for two reasons related to the beginning date of aid. One reason is related to the LEAP program modifications, specifically to ensure that the LEAP-required individual is not eligible until the teen has enrolled in school. The beginning date of OWF cash assistance for a teen parent who is required to enroll in school as a condition of eligibility, is the date that the individual enrolls in school if all other eligibility factors were met on or before that date. Paragraph (B)(3)(d) has been added to the rule to address this issue.

Paragraph (B)(3)(a) is modified with a change unrelated to LEAP. This paragraph has been modified to provide clarification with respect to the beginning date of cash assistance for a pregnant woman. The new language that is added to paragraph (B)(3)(a) was language that was formerly contained in former PAM Section 3160.1.

Also, changes have been made in the rule at paragraphs (D) and (E) to replace references to DA with references to the DFA program.

LEAP Forms Modifications (CCN 5103)

The following forms have been modified to support the LEAP policy changes.

- JFS 06904, "LEAP - Learning, Earning, And Parenting Program Seven-Day Good Cause Notice"
- JFS 06905, "LEAP - Learning, Earning, And Parenting Program, An Agreement"
- JFS 06906, "LEAP - Learning, Earning, And Parenting Program Rules Booklet"
- JFS 06907, "LEAP - Learning, Earning, And Parenting Program School Information Release Form"
There have been no other significant modifications to the forms. All of them have been modified to remove any reference to the LEAP demonstration waiver requirements, references to the independent evaluator for the demonstration project, and updated to correctly reflect the policy modifications that are effective with the issuance of the LEAP policy changes.

**FOOD STAMPS**

**Rule 5101:4-3-09 Food stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions (CCN 5085)**

This rule is being amended to add that the failure or refusal of a minor parent to attend the LEAP assessment, or to enroll in school, or withdrawal from school, will result in ineligibility for that individual. Rule 5101:4-3-09 is being modified with an effective date of September 1, 2003, to state that all minor parents who fail or refuse to complete the LEAP assessment, enroll in school, or withdraw from school, will be ineligible to participate in the food stamp program.

**System changes**

CRIS-E system modifications have been made to support the changes in the LEAP program policy, and related changes outlined in this cover letter. Specific CRIS-E actions and activities were outlined in detail in CLVB Titled "Changes to the LEAP Program" dated 7/23/03.

Instructions:

**CASH ASSISTANCE MANUAL INSTRUCTIONS:**

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<td>Outline of Contents (effective May 1, 2003)</td>
<td>Outline of Contents (effective August 29, 2003)</td>
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<td>LEAP - Learning, Earning, And Parenting</td>
<td>ODHS 6904</td>
<td>JFS 06904</td>
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<td>Program Seven-Day Good Cause Notice</td>
<td>(Revised October 1997)</td>
<td>(Revised August 2003)</td>
</tr>
<tr>
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</tr>
<tr>
<td>LEAP - Learning, Earning, And Parenting Program Rules Booklet</td>
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<td>LEAP - Learning, Earning, And Parenting Program School Information Release Form</td>
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FOOD STAMP MANUAL TRANSMITTAL INSTRUCTIONS:

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<td>5101:4-3-09 (effective August 29, 2003)</td>
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<tr>
<td>Record of Changes to Handbook</td>
<td>N/A</td>
<td>Update with the number and date of this transmittal.</td>
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</tbody>
</table>
This letter transmits changes to the Disability Assistance (DA) cash rules. The rules are being proposed, pursuant to the provisions set forth in the budget bill, Amended Substitute House Bill 95 (Am. Sub. H.B. 95). Some of the rules were also scheduled for review pursuant to the five-year rule review requirements set forth in Section 119.03 of the Revised Code. If there are any changes made to the rules contained in the CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL.

The budget bill contains many significant changes to the existing DA program. One of the changes is that the name of the Disability Assistance (DA) cash program will be changed to the Disability Financial Assistance program (DFA). As a result, all of the DA rules contained in Chapter 5101:1-5 of the Administrative Code are contained in this transmittal and are being modified to reflect the name change from DA to DFA. Additional references to the DA program contained in other rules contained in the Cash Assistance Manual will be modified to change the reference from DA to DFA as they come up for review or other policy changes. However, any reference to DA in any of the other rules contained in the Cash Assistance Manual shall be viewed as reference to the DFA program until such time as the rule is modified.

Another major change in the program that is provided in the budget bill is the elimination of the link between the cash and medical assistance provisions contained in the Disability Assistance program. The budget creates two separate programs: the Disability Financial Assistance (DFA) program and the Disability Medical Assistance (DMA) program.

Due to the separation of these programs, this CAMTL contains only changes that affect the DFA cash policy. All DFA rule language referencing DA medical assistance is being removed from the DFA rules. The Office of Health Plans (OHP) has responsibility for the DMA program policy and administration; therefore, the issuance of DMA program policy is being issued by OHP under separate cover for inclusion in the Medicaid Eligibility Manual.

A more detailed description of the major policy changes that are contained in the DFA rules follows.

Chapter 3000

5101:1-5-01 The disability financial assistance program definitions and payment standards
(CCN 5093)

The budget bill contains significant modifications to the categories of individuals who are potentially eligible for DFA. Essentially, the language in the bill provides for the elimination of the following categories of covered individuals, unless they meet the requirements of a DFA covered group:

- children under the age of eighteen;
- individuals who are pregnant; and
- individuals who are aged sixty or older and who apply on or after the effective date of the bill.

Eligibility for DFA as of the effective date of the budget bill is limited to: those individuals for whom a CMS determination finds that the individual is disabled; individuals who are residing in a residential treatment center certified by ODADAS; and, those individuals who on the day before the effective date of the budget bill were sixty years of age or older and one of the following is the case:

(a) the person was receiving or was scheduled to begin receiving financial assistance under Chapter 5115 of the Revised Code on the basis of being sixty years of age or older; or

(b) an eligibility determination was pending regarding the person's application to receive financial assistance under Chapter 5115 of the Revised Code on the basis of being sixty years of age or older.
and, on or after the effective date of the budget bill, the person receives a determination of eligibility based on that application.

As a result of these statutory modifications to the program, existing rule 5101:1-5-01 is being rescinded and will be replaced by the new rule contained in this CAMTL. Modifications to the family group, assistance group and covered individuals, including the removal of references to the DA medical program, have been made and sections of the rule have been amended to comport with the budget bill language.

Additionally, the rule has been modified to add three more conditions under which an individual is ineligible for DA. Those conditions are:

- the individual, or any of the other individuals included in determining the individual's eligibility, is involved in a strike;
- the individual is ineligible for OWF because the individual does not meet the minor parent living arrangement requirement; and
- the individual is ineligible for OWF because the individual terminated employment without just cause.

An additional modification to this rule was made after clearance. Specifically, language was added at the end of the rule in new paragraph (H) to provide policy regarding the possible suspension of applications to stay within the confines of the appropriated funds for the DFA program. At this time, there are no plans to suspend applications for the DFA program. However, based on the DFA appropriations it is possible that a suspension may have to be instituted in the future. Therefore, we included language in this rule to that effect.

5101:1-5-10 DFA: non-financial eligibility requirements. (CCN 5093)

This rule is being revised to remove all mention of DA medical assistance. DA is being changed to DFA (Disability Financial Assistance).

5101: 1-5-20 DFA: definitions and determinations of disability. (CCN 5093)

This rule is being revised to remove all mention of DA medical assistance. DA is being changed to DFA (Disability Financial Assistance). CDHS is being changed to CDJFS. All mention of ODHS forms are being changed to JFS 0 (form number).

Paragraph (C) (7) (d) has the reference to chapters struck out while adding the 'division level designation 5101:6' for the hearing and appeal rights applicable for the CMS decision.

5101: 1-5-30 DFA: resources. (CCN 5093)

This rule is being revised to remove all references to DA medical assistance. DA is being changed to DFA (Disability Financial Assistance).

As a result of the Farm Bill options adopted for the food stamp program, an administrative decision has been made to exempt the following resources to align with their treatment in food stamps: retirement plans and IDA accounts.

Paragraph (C)(26) retirement plans - The cash value of pension plans or funds, including the funds that remain in the public employees retirement system (PERS) and the other retirement systems and the Ohio public employees deferred compensation program, IRAs, Keogh plans with no contractual obligation with anyone who is not a family group member, and simplified employer pension plans (SEPIRAs), are all exempt as resources.

Paragraph (C)(27) IDA accounts - Individual development accounts (IDAs) regardless of their funding source are exempt as resources.

Currently ORC Section 5115.061 provides that tuition payments, scholarship awards, and payments made by the Ohio tuition trust authority are exempt as resources. These exemptions are being added to this rule for clarity at paragraph (C)(25).

Under the section for countable resources, accrued dividends and interest and retirement plans have been struck out as they are no longer countable resources.
Language has been added to paragraph (E) dealing with the transfer of property, clarifying that the two year transfer language also applies from the most recent redetermination, not just with the date of application, pursuant to section 5115.02 of the Revised Code.

5101:1-5-40 DFA: Income (CCN 5093)

This rule has been modified to change all references from DA to DFA. Also, language has been added to the exempt income paragraph to specifically provide for the exemption of any tuition payment contract entered into under section 3334.09 of the Revised Code or any scholarship awarded under section 3334.18 of the Revised Code, and the amount of Ohio tuition trust authority under section 3334.09 of the Revised Code pursuant to the contract or scholarship, from consideration as income in DFA. Because the language in the Revised Code states that the director shall consider as income any refund paid under section 3334.10 of the Revised Code, language to that effect was also added under the "Unearned income" paragraph of the rule.

The rule is also modified for clarity at paragraph (I) of the rule with respect to the applicability of the provisions requiring the assessment of parental responsibility for eighteen to twenty-two year old DFA applicants. This paragraph has been reorganized to provide a clearer statement of the applicability of the provisions contained within that paragraph. There are no substantive modifications made to this paragraph.

5101:1-5-50 DFA: payments. (CCN 5093)

This rule is being revised to remove all references to DA medical assistance. DA is being changed to DFA (Disability Financial Assistance). CDHS is being changed to CDJFS. All mention of ODHS forms are being changed to JFS 0 (form number).

5101:1-5-60 Supplemental Security Income (SSI) Case Management Program Objective and Structure (CCN 5093)

This rule is being revised to change the name of Ohio Department of Human Services to Ohio Department of Job and Family Services as well as to change the name of County Department of Human Services to County Department of Job and Family Services. Throughout this rule, reference to the Disability Assistance (DA) program will be changed to Disability Financial Assistance (DFA). Paragraph (J)(1)(b)(iii) of this policy is being revised to remove reference to the Third Party Query (TPQY) card for tracking the status of an SSI applicant's claim and replacing the TPQY card with the Electronic State Verification and Exchange System (SVES).

Paragraph (K) has been amended to address the issue of payment of attorney/representative fees in concurrent SSI/SSD claims. In concurrent SSI/SSD claims, the Social Security Administration (SSA) pays the fee for the SSD portion directly to the attorney/representative, up to the current maximum of $5300. If the fee paid on the SSD claim is less than the maximum amount, the attorney/representative fee can be approved out of the Interim Assistance Reimbursement, up to the amount authorized in paragraph (L), not to exceed the SSA maximum amount.

The "Application for Release of Interim Assistance Reimbursement to Attorney/Representative of an SSI Applicant," JFS 07365 has been revised to require the attorney/representative to forward a copy of each notice with the application for release so that appropriate SSI reimbursement may be determined by the county department.

5101:1-5-70 DFA: Interim Assistance (CCN 5093)

This rule is being modified to remove references to the DA program and to replace them with DFA. There are no significant or substantive policy changes made to this rule.

TECHNICAL CHANGES

The Outline of Contents to Chapter 3000 has been modified to reflect the program name changes in the rules from DA to DFA.

CRIS-E: PROCESSING CHANGES IN DA CASH ELIGIBILITY

The CRIS-E system is being modified to support the changes in the DFA program policy. The specific CRIS-E actions and activities are outlined in detail in the CRIS-E View Flash Bulletin titled "Legislative changes to the DA program ". A description of the systems changes follows.

CRIS-E Mass Change: Current recipients
A mass change will be run over the weekend of July 4, 2003 to terminate or reduce DA cash AGs that contain a pregnant woman or a child(ren) under the age of 18. If the individual is either pregnant or a child under the age of 18, the mass change program will explore if the recipient meets one of the following covered categories, prior to terminating or reducing the DA cash assistance:

- the individual is age 60 or older; or
- the individual is a resident of an ODADAS-certified residential treatment facility; or
- the individual has been determined to be disabled by CMS.

Reason Code 525 will used by mass change and will be displayed on AEWAA for the termination or reduction of the DA cash assistance. Special mass change notices (MC50T1 and MC50R1) will be sent to affected AGs notifying them of the termination or reduction of DA cash assistance benefits. The terminations and reductions will be effective 7/31/03. The provisions set forth in Chapter 5101:6 of the Administrative Code regarding timely requests for state hearings, and including continued benefits based on such requests are applicable.

Recalculation of food stamp benefits

Recalculation of food stamp benefits for related Food Stamp AGs will not occur in the mass change. Instead, mass change alert 372 -RE RUN AEABC/AEONG will be generated by mass change if there will be a food stamp allotment change as a result of the termination or reduction action.

New Applicants

**Applications Submitted on or after July 1, 2003**

Applications submitted on or after July 1, 2003 shall be processed in accordance with the DFA rules in effect as of July 1, 2003. Therefore, in order to qualify for DFA based on an application submitted on or after July 1, 2003, an individual must be determined to be disabled by CMS or must be residing in a drug or alcohol treatment facility certified by ODADAS. If an individual does not meet either of these categories, the individual is ineligible for DFA, and CRIS-E will fail the individual. Reason code 525 is the appropriate code to use to deny the application.

**Applications Submitted Prior to July 1, 2003 and Still Pending as of July 1, 2003**

Applications submitted prior to July 1, 2003 and still pending as of July 1, 2003, must be processed using the DA rules in effect through June 30, 2003 for eligibility periods prior to and including June 30, 2003. Eligibility for DFA benefits for the period beginning July 1, 2003 must be determined using the DFA rules in effect as of July 1. This means that, an individual can meet all eligibility requirements for the period up to and including June 30, and will be eligible for DA cash benefits for the prior period, but not meet the July 1, 2003 eligibility requirements for DFA cash assistance. In this case, CRIS-E will fail the AG effective July 1, 2003, but pass the AG for the prior period and issue a retroactive benefit for prior months as appropriate.

**Applications Submitted and Approved Prior to July 1, 2003**

Applications submitted prior to July 1, 2003 and approved prior to July 1, 2003 based upon pregnancy or under the age of 18, will be terminated during the mass change process.

Online system changes will be in CRIS-E for July 1, 2003 processing of cases.

Table Changes

**TBCD** - This table has been modified to reflect the new program names - Disability Financial Assistance and Disability Medical Assistance. All notices will reflect the new names.

**TSRC** - Numerous changes have been made to reason codes to support the DFA changes. Reason codes 023, 488, 489, 490 and 530 have been inactivated for DFA. Language on reason code 525 has been modified to reflect the current categories of eligibility for DFA.

**TLPF**

A new code 'CD' has been added to support the separation of the DFA and DMA programs, since eligibility for DMA is no automatic with receipt of DFA. In addition, the 'CK' B/D VR code on AEIDP will continue to PEND the DFA while a CMS decision is pending. This is a correction to the system.
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<tr>
<td>CHAPTER 3000</td>
<td>The entire contents of Chapter 3000, including the Outline of Contents to Chapter 3000</td>
<td>The attached Chapter 3000 in its entirety, including the Outline of Contents to Chapter 3000</td>
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<td>(effective July 1, 2003)</td>
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The rules contained in this transmittal have been reviewed in accordance with Section 119.03 of the Ohio Revised Code. Pursuant to this Revised Code section, each state agency is required to review its rules a minimum of once every five years. The intent of the law 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 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.

Following is a brief description of the rules that have been reviewed that are contained in this CAMTL.

**CHAPTER 1000**

**5101:1-1-40 Administrative Subpoena**

This rule is being revised to change the name of Ohio Department of Human Services to Ohio Department of Job and Family Services as well as to change the name of County Department of Human Services to County Department of Job and Family Services. There are no other changes to this rule.

**5101:1-2-80 Direct Deposit-Electronic Funds Transfer of Cash Assistance Payments**

This rule has been amended to delete obsolete references to ODHS and CDHS, and to replace those references with ODJFS and CDJFS. The rule has also been amended to delete obsolete language regarding the provision of hearing rights when an individual's request for exemption from electronic funds transfer is denied. These references are removed because the method of payment of benefits is not an appealable issue.

**CHAPTER 2000**

**5101:1-23-60 OWF: Underpayments**

This rule is amended to delete references to the CDHS and replaces them with CDJFS. No substantive changes are made in this rule.

**5101:1-23-75 OWF and PRC: Assistance Group Ineligibility Due to Receipt of Fraudulent Assistance**

Existing rule 5101:1-23-75 is being rescinded and is being replaced by new rule 5101:1-23-75. There are no substantive changes made in the new rule 5101:1-23-75; the changes made in the new rule are for rule-formatting purposes only.

**CHAPTER 4000**

**5101:1-2-60 Repatriate Program**

This rule is being revised to change the name of Department of Human Services to Department of Job and Family Services as well as to change the name of County Department of Human Services to County Department of Job and Family Services. There are no other substantive changes to this rule.

**5101:1-2-70 Disaster Relief**

This rule is being rescinded as a result of the review of statutory authority within the Department of Job and Family Services. In accordance with Section 5502.22 of the Revised Code, there is hereby established within the Department of Public Safety an emergency management agency, which shall be governed under rules adopted by the director of public safety under section 5502.25 of the Revised Code. The director, with the concurrence of the governor, shall appoint an executive director, who shall be head of the emergency
management agency. The executive director shall coordinate all activities of all agencies for emergency management within the state, shall maintain liaison with similar agencies of other states and of the federal government, shall cooperate with those agencies subject to the approval of the governor, and shall develop a statewide emergency operations plan that shall meet any applicable federal requirements for such plans. In accordance with Section 5502.26 of the Revised Code, the board of county commissioners of a county and the chief executive of all or a majority of other political subdivisions within the county may enter into a written agreement establishing a county wide emergency management agency. In accordance with Section 5502.571 of the Revised Code, all agencies, boards, and divisions having emergency management functions within the political subdivision shall cooperate in the development of the all-hazards emergency operations plan and shall cooperate in the preparation and conduct of an annual exercise. Based upon the above named sections of the revised code, a promulgated rule governing disaster relief by the Department of Job and Family Services is not required.

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<td>CHAPTER 2000</td>
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<tr>
<td>OWF and PRC: Assistance Group Ineligibility Due to Receipt of Fraudulent Assistance</td>
<td>5101:1-23-75 (effective April 1, 2000)</td>
<td>5101:1-23-75 (effective July 1, 2003)</td>
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<td>Outline of Contents (effective April 1, 2002)</td>
<td>Outline of Contents (effective July 1, 2003)</td>
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<td>Disaster Relief</td>
<td>5101:1-2-70 (effective July 1, 1998)</td>
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TO: Cash Assistance Manual Holders  
Food Stamp Certification Handbook Holders  

FROM: Tom Hayes, Director  

SUBJECT: MAY 2003 RULE REVIEW  

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law 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.

Rules reviewed include the following:
5101:4-2-05.1, 5101:4-3-01, 5101:4-3-03, 5101:4-3-05, 5101:4-3-22, 5101:4-3-23, and 5101:4-6-04.

There will be no changes to these rules which directly impact on the eligibility of applicant/recipients or how any county agency will administer the program.

Training and Technical Assistance
Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact
There will be no fiscal impact for the county agencies to implement this FSTL. The rules contain no substantive changes and no additional supplies, equipment or travel are needed.

Miscellaneous Changes
Rule 5101:4-6-04 has been revised to reflect the program name change under the Job Training Partnership Act to the Workforce Investment Act and a rule reference correction in paragraph (B)(11)(b) of this rule.

Forms
Spanish versions are now available for the following forms:
JFS 04196 "Food Stamp Change Report For Assistance Groups With Earned Income"
   - JFS 04196S "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingresos Devengados"
JFS 07200 "Request for Cash, Medical and Food Stamp Assistance"
   - JFS 07200S "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida"
JFS 07443 "Food Stamp Change Report For Assistance Groups With No Earned Income"
   - JFS 07443S "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingreso No Devengado"
JFS 07501 "Your Rights and Responsibilities"
   - JFS 07501S "Sus Derechos y Responsabilidades"

FSTL Instructions:
Remove and file as obsolete all pages headed 5101:4-2-05.1 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-01 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-03 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-05 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-22 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-23 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-04 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of the Appendix Index dated December 1, 2002 and replace with the attached corresponding pages dated May 1, 2003.

Remove and file as obsolete Appendix 17, "Notice of Expiration," JFS 07404, and replace with the attached corresponding page.

Insert the attached "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingresos Devengados", JFS 04196S, as Appendix 23-B.

Insert the attached "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingreso No Devengado," JFS 07443S, as Appendix 24-B.

Remove and file as obsolete Appendix 27, "Receipt for Application for a Social Security Number," SSA-5028/SSA-5029, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 56, "Quality Control Case Finding," JFS 04194, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 57, "County Response to Quality Control Case Finding," JFS 04195, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 65, "Registration Agreement for the Acceptance of Food Stamps by a Restaurant," JFS 07450, and replace with the attached corresponding pages.

Remove and file as obsolete Appendix 80, "Treasury Offset Programs Referral Cancellation/Refund Form," JFS 07430, and replace with the attached corresponding page.

Insert the attached "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida," JFS 7200S, as Appendix 101-B.

Insert the attached "Sus Derechos y Responsabilidades," JFS 7501S, as Appendix 102-B.

Remove and file as obsolete Procedure # 1, "Procedures for Application Processing," and replace with the attached corresponding pages.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

**Cash Assistance Manual Instructions:**

Remove and file as obsolete the Outline of Contents to the Forms Appendix dated November 1, 2002 and replace with the attached corresponding pages dated May 1, 2003.

Insert the JFS 07200S "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida" directly behind the JFS 07200. (JFS 07200S)

Insert the JFS 07501S "Sus Derechos y Responsabilidades" directly behind the JFS 07501. (JFS 07501S)
CAMTL 7 (Rule 5101:1-1-03: Disclosure of Recipient Information, Nondiscrimination, and Treatment of Information Received From the IRS and Social Security Administration)

Cash Assistance Manual Transmittal Letter No. 7

February 20, 2003

To: All Cash Assistance Manual Holders

From: Thomas J. Hayes, Director

Subject: Rule 5101:1-1-03: Disclosure of Recipient Information, nondiscrimination, and treatment of information received from the IRS and social security administration

This letter transmits changes with the proposed effective date of April 1, 2003. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL.

Former rule 5101:1-1-03 is being rescinded and is being replaced by new rule 5101:1-1-03. The federal Health Insurance Portability and Accountability Act privacy regulations (HIPAA) have a mandated effective date of April 14, 2003. It has been determined that the medical portion of the Disability Assistance program (DA), including eligibility information for that program, is subject to HIPAA. A portion of this rule has been modified to effectuate compliance with HIPAA. The format of the new rule has also been changed to be consistent with the other rules contained in the Cash Assistance Manual.

The major changes to the rule for HIPAA compliance are contained in paragraphs (B)(3)(d) to (B)(3)(d)(vii) which include elements from the HIPAA regulations that must be contained in any contract that allows the sharing of DA information, subject to HIPAA, with the contractor.

Other changes, as a result of the rule review, include the deletion of former paragraph (B)(2) which provided reference to access to nursing home records, as this reference is not relevant to OWF, DA or PRC benefits or recipients of the programs.

Also, former paragraph (C)(3) was deleted. This former provision provided that, upon a request from a public assistance recipient, ODJFS or the CDJFS were required to inform the individual of all uses of personal data, all representatives of outside agencies having access to the data, and all organizations who have obtained any data about that individual. This provision is deleted because it is not required by Ohio law. Additionally, it imposed significant record-keeping requirements on the CDJFS which are not required by law.

The proposed effective date of the rescission of former rule 5101:1-1-03 and the adoption of new rule 5101:1-1-03 is April 1, 2003.

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<td>CHAPTER 1000</td>
<td>5101:1-1-03, effective November 1, 2002</td>
<td>5101:1-1-03, effective April 1, 2003.</td>
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</table>
TO: ALL CASH ASSISTANCE MANUAL HOLDERS
FROM: THOMAS J. HAYES, DIRECTOR
SUBJECT: JANUARY 1, 2003 CAMTL

This letter transmits changes with the proposed effective date of January 1, 2003. If there are any changes made to the rule contained in this CAMTL during the JCARR review period, a corrected rule will be sent out in the next CAMTL. This cover letter includes a summary statement of the policy change, referencing the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

**CHAPTER 1000**


This rule is being rescinded as third-party and medical support apply to medical, not cash programs. New rule 5101:1-38-02.2 has been filed with JCARR and will be issued in a Public Assistance Manual Transmittal Letter by the Office of Ohio Health Plans in the near future. (CCN 4849)

**CHAPTER 3000**

**Rule 5101:1-5-10: "DA: Nonfinancial Eligibility Requirements."**

This rule is being amended to state that the requirements in new rule 5101:1-38-02.2 are also applicable to the DA Medical Program. (CCN 4849)

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<td>Outline of Contents (effective November 1, 2002)</td>
<td>Outline of Contents (effective January 1, 2003)</td>
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<tr>
<td>Public Assistance: Automatic Assignment of Third-Party and Medical-Support Payments, Right of Recovery of Third Party Resources, and Role of ODHS and the CDHS Regarding Third Party Resources</td>
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<td>DA: Nonfinancial eligibility requirements</td>
<td>5101:1-5-10</td>
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<td>(effective July 1, 1999)</td>
<td>(effective January 1, 2003)</td>
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This letter transmits changes with the proposed effective date of December 1, 2002, unless otherwise indicated in this cover letter. If there are any changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration the rule’s purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

CHAPTER 2000

Rule 5101:1-3-02 "Ohio Works First: School Attendance"
This rule is being amended to correct an administrative code rule reference, and to change CDHS to CDJFS. There were no substantive changes to the rule. (CCN 4960)

Rule 5101:1-3-03 - "Ohio Works First (OWF): residence and living arrangement requirements"
This rule is being amended to change CDHS to CDJFS. There were no substantive changes made to this rule. (CCN 4961)

Rule 5101:1-3-04 "Ohio Works First (OWF): Temporary Absence"
This rule is being amended to add a new beginning sentence to paragraph (B)(8) for clarity. Specifically, the modification provides that in order for the temporary absence condition regarding PCSA removal of a child to be applicable (i.e., continued OWF eligibility for a six month period when a child is removed from the home by the PCSA and there is a reunification plan that complies with the provisions contained in section 5107.10 of the Revised Code), the child must be in receipt of OWF cash assistance on the date of removal by the PCSA. The rule is also amended to change CDHS to CDJFS. (CCN 4960)

Rule 5101:1-3-04.1 "Ohio Works First (OWF): Shared Parenting (Joint Custody)"
This rule is being amended to change CDHS to CDJFS, and to delete an obsolete reference to a deprivation factor - formerly required in the AFDC program. There were no substantive changes made to this rule. (CCN 4960)

Rule 5101:1-3-07 - "Ohio Works First (OWF): evidence of age, citizenship and identity"
This rule is being amended to update the verifications that are acceptable as proof of eligible alien status. (CCN 4961)

Rule 5101:1-3-09 - "OWF and RCA: social security number requirement"
This rule is being amended to broaden the ways in which a social security number can be verified, including an 'official document' that contains a social security number. An 'official document' is defined as a W-2 form, railroad retirement, RSDI or SSI award letter, or another document containing the social security number that by law or regulation was required to be verified by the Social Security Administration. This change will align with the language in the Food Stamp program. In addition, CDHS and ODHS have been changed to CDJFS and ODJFS. (CCN 4961)
Rule 5101:1-3-15 - "Ohio Works First (OWF): penalties and three-tier sanctions"

This rule is being amended to include language from rule 5101:1-3-29, which is being rescinded. Language regarding the penalty for the fraudulent misrepresentation of residence has been added to paragraph (A)(5) of the rule. Clarifying language regarding the conviction date, which is the same day as the enactment of Public Law 104-193, has been added to paragraph (A)(5)(b) of the rule. (CCN 4961)

Rule 5101:1-3-29 - "Ohio works first/medicaid/ADC-related medicaid: denial of assistance to individuals convicted of fraudulently misrepresenting residence"

This rule is being rescinded and the OWF language is being added to rule 5101:1-3-15. The Medicaid language can be found in new rule 5101:1-37-02. (CCN 4961)

Rule 5101:1-23-10 - "OWF: standard filing unit"

This rule is being amended to change the rule cite in paragraph (B)(6) for fraudulent misrepresentation of residence from rule 5101:1-3-29 to 5101:1-3-15. Clarifying language has been added to paragraph (A) regarding minor parent(s) residing with self-sustaining parent(s). This language was contained in former rule 5101:1-21-011 and was inadvertently excluded when the rules were merged.

Language has also been added to paragraph (D)(8) to clarify that siblings who are related through adoption or by blood to other siblings, but are not residing with a parent, specified relative, legal guardian or custodian, are excluded from the standard filing unit. (CCN 4961)

Technical Correction

Rule 5101:1-23-01 - "Ohio Works First (OWF): Time-limited Receipt of Assistance"

This rule was included in the November 1, 2002 CAMTL #4 with a note stating that the effective date of the change to this rule was October 10, 2002. However, due to a rule-filing delay, the effective date of the change to rule 5101:1-23-01 is 10/12/2002, instead of 10/10/02. For this reason, the rule is being reissued with this CAMTL #5 so that the rule reflects the corrected effective date. We apologize for any inconvenience this may have caused.

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<td>individuals convicted of fraudulently misrepresenting residence</td>
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<td>OWF: Standard filing unit</td>
<td>5101:1-23-10 (effective July 1, 2001)</td>
<td>5101:1-23-10 (effective December 1, 2002)</td>
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</table>
This letter transmits changes with the proposed effective date of November 1, 2002, with the exception of rule 5101:1-23-01, which has an effective date of October 10, 2002. If there are any changes made to any of the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 1000

In preparation for a Medicaid-only manual, Chapter 1000 of the CAM is being revised. Current Ohio Administrative Code (OAC) rules within the chapter will be revised to remove references to the Medicaid program. Throughout the rules, the Ohio Bureau of Employment Services, the Ohio Department of Human Services, and County Department of Human Services' names have been corrected to reflect the Ohio Department of Job and Family Services and the County Department of Job and Family Services.

Rule 5101:1-1-03 "Disclosure of Recipient Information, Nondiscrimination, and Treatment of Information Received from the IRS and Social Security"

There are no significant changes to this rule. In section (F)(2)(b), the use of the State Data Exchange (SDX) for the residential state supplement (RSS) payment has been removed. (CCN 4671)

Rule 5101:1-1-13 "Assistance Group Records"

There are no significant changes to this rule. Policy language has been revised to reflect the removal of medicaid and RSS and the addition of Prevention, Retention, and Contingency (PRC) in the assistance group record. Section (A)(6) removes reference to the nursing home quarterly report. In Section (A)(7), the ODJFS State verification and exchange system (SVES) replaces TPQY verification. In section (B), the JFS 07216, Combined Programs Application has been removed and the Prevention, Retention, and Contingency (PRC) Application has been added. In section (C) of this rule, reference to the medicaid program has been removed from the assistance group eligibility and budgetary records. (CCN 4671)

Rule 5101:1-1-14 "Intercounty Transfers"

There are no significant changes to this rule. In section (D)(1)(a), policy language is revised to remove reference to the JFS 07216, Combined Programs Application (CPA). In (D)(1)(a)(iii), reference to the JFS 07216 has been deleted; healthchek and at-risk pregnancy have been removed. Section (F)(3) and (F)(4) have been deleted regarding the JFS 02453, Inpatient Hospital Admission form for pending medicaid applications, as well as the associated hospital admission CRIS-E screen, ARHA. (CCN 4671)

Rule 5101:1-1-36 "Income and Eligibility Verification System (IEVS) Program"

There are no significant changes to this rule. In sections (D)(2)(a), (4)(a), and (6)(a) of this rule, references to medicaid and ADC-related medicaid have been removed for matching of IEVS information from source agencies. In section (I)(6), medical support language has been removed.

Section (H) contains examples of medicaid case responsibility exceptions in the intercounty transfer process, which have now been removed. (CCN 4671)

Rule 5101:1-2-15 "Voter Registration Requirement"

There are no significant changes to this rule. Section (C)(2) has been revised to remove reference to the medicaid program. A revised Voter Registration Form with a new mailing address for the Office of the Secretary of State is included. Revised forms will be available from the Bureau of Business Services when the current stock of voter registration forms have been depleted. (CCN 4671)
Rule 5101:1-2-20 "OWF/DA/RCA: Verification and Reporting Requirements"

This rule is being amended to remove language from the reporting requirements section that no longer applies. In paragraph (B)(1), information on licensed vehicles has been removed as no cash program counts the value of automobiles. Changes in medical insurance has also been removed since this requirement affects Medicaid coverage. A separate section with changes just required for the DA program has been added. The removal of the language in paragraph (B)(3) coincides with what has been removed from the food stamp rule.

At the request of some county agencies, the JFS 04219 "Request for Contact" (RFC) form that was introduced in FSTL #240, is being revised to include cash assistance programs. Paragraph (A)(7) of the rule includes language on the use of the JFS 04219 in securing documentation on unclear information. A Service Request Form (SRF) has been submitted to have the form automated in CRIS-E. A view flash bulletin will be issued when the form is automated.

The reporting requirements for OWF, DA and RCA have not changed. Assistance groups are required to report all changes within ten calendar days from the date that the change occurs. Even though assistance groups with earnings receiving food stamps are only required to report if their monthly income exceeds the 130% standard, OWF, DA and RCA assistance groups are still required to report ALL changes listed in paragraph (B) of the rule.

New paragraph (B)(5) has been added to clarify that the time frame for reporting requirements follows the provisions set forth in rule 5101:1-2-10 in the calculation of the ten days.  (CCN 4944)

Rule 5101:1-2-30 "Citizenship: Ohio Works First and Disability Assistance"

This rule is being revised in paragraph (B)(16) to include language for the definition of a non-citizen known as an indefinite detainee or lifer. This individual has served time for a criminal conviction and has received a final order of removal by the Immigration and Naturalization Service, but remains indefinitely in the United States because his home country and no other country will accept him.

Paragraph (D)(3)(c) provides policy language which states that an indefinite detainee or lifer may have a status which makes him potentially eligible for refugee cash assistance in accordance with rule 5101:1-2-40 of the Administrative Code.  (CCN 4943)

Rule 5101:1-2-30.1 "Benefit Eligibility: Victims of Trafficking"

This rule is being revised to reflect the removal of the expiration date on the certification letters and letters for children of victims of a severe form of trafficking. The initial certification letters for adults and eligibility letters for children contained eight-month expiration dates. However, as of November 6, 2001, certification letters for adults and letters for children no longer contain expiration dates.

Individuals certified on or after November 6, 2001 will receive notarized certification letters without an expiration date. A sample of the new certification letter without an expiration date is attached. Individuals who were certified before November 6, 2001 received certification letters with eight-month certification dates. As these letters begin to expire, the Office of Refugee Resettlement (ORR) will issue notarized re-certification letters without expiration dates. The re-certification letters will contain a lowercase "r" beside the HHS tracking number. A sample of a re-certification letter is attached. Please note that all original letters are printed on Health and Human Services (HHS) letterhead and will have a notary public stamp and seal at the bottom to help prevent fraudulent copies.  (CCN 4943)

Rule 5101:1-2-30.2 "Benefit Eligibility: Indefinite Detainees/Lifers"This rule is being created to provide language for individuals who are non-citizens, who after having served time for a criminal conviction and being given a final order of removal by the Immigration and Naturalization Service, remain in the United States because their country and no other country will accept them. These indefinite detainees or lifers may have come to the U.S. as refugees or may have a status that makes them eligible for refugee cash assistance benefits.

Language is provided to explain the procedure for making an eligibility determination for refugee cash assistance in collaboration with Health and Human Services' Office of Refugee Resettlement.  (CCN 4943)

Rule 5101:1-2-55 "OWF/DA/RCA: Delayed Cash Assistance Payments and Replacement Warrants"
This rule is being amended to remove references to the RSS program as this language will be found in proposed rule 5101:1-37-04. A reference to rule 5101:1-2-80 regarding the replacement of EFT benefits has been added to paragraph (Q). (CCN 4671)

CHAPTER 2000

Rule 5101:1-23-01 "Ohio Works First (OWF): Time-limited Receipt of Assistance"

Please note: The effective date of this rule is October 10, 2002 - which is different from the November 1, 2002 effective date of all of the other rules contained in this CAMTL.

This rule was amended to modify the definition of good cause at paragraph (B)(2) of the rule for clarity. It was not put into clearance because the language change was very minor and did not substantively change any meaning within the rule. The modified language in paragraph (B)(2) mirrors language found in Section 5107.18 of the Revised Code, with the insertion of the word "may" in reference to defining good cause. Paragraph (B)(2) now reads that "...good cause may include..." prior to the statutory listing of conditions for good cause. (No Clearance)

CHAPTER 4000

Rule 5101:1-2-40 "Refugee Resettlement Program: Refugee Cash Assistance"

This rule is being revised in paragraph (D)(7) to correct reference to the Administrative Code section which describes the criteria for destruction of RCA assistance group records.

Paragraph (F)(4)(c) is being revised to include the income of an ineligible spouse when determining eligibility and payment level for remaining members of an eligible refugee cash assistance group. (CCN 4943)

FORMS APPENDIX

The JFS 03605 "CDJFS Referral to CMS" has been revised and is located in the Forms Appendix section of the Cash Assistance Manual.

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To: All Cash Assistance Manual Holders
    All Food Stamp Certification Handbook Holders
From: Thomas J. Hayes, Director
Subject: Revision of JFS 07200 and JFS 07501

We have recently received guidance from the Office of Civil Rights within the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) regarding language that must be included on all applications. These changes have been incorporated into the attached 07200 "Request for Cash, Medical and Food Stamp Assistance" and the JFS 07501 "Your Rights and Responsibilities". A Service Request Form (SRF) has been generated to make the necessary changes to the CRIS-E generated Rights and Responsibilities document.

The following changes have been made to the 07200:

- "Primary language of the person you are applying for" has been added to page 1.
- Language has been added to section A on page 3 regarding not having to provide a social security number if an individual is not applying for benefits.
- Race and Ethnicity have been broken out on the chart in section A on page 3. The shaded box below the chart indicates the codes that would be entered into the boxes for race and ethnicity. A SRF has been written to capture this information in CRIS-E.
- The question on page 3 of the current 07200 regarding food stamp disqualifications has been removed as it is now asked on CRIS-E screen AEISD.
- The shaded box on page 4 contains nondiscrimination information for both the USDA and HHS. The current version only carried the USDA address.

The following changes have been made to the 07501:

- At the request of the Office of Civil Rights, the paragraphs on "Prohibition against discrimination on the basis of disability" and "Assisting persons who are limited English proficient" have been moved to the 1st page of the document.
- Minor language changes have been made to the section on "Release of information on social security number".
- The "Reporting Responsibilities" section has been separated according to program (e.g., food stamps, cash). As a result of the implementation of semi-annual reporting (SAR) effective July 1, 2002 for food stamp assistance groups, the food stamp reporting requirements are separated into two categories: "Households with no earned income" and Households with earned income".

The Spanish versions of both documents will be revised and available in the warehouse.

**Cash Assistance Manual Instructions:**

Remove and file as obsolete from the Forms Appendix, the JFS 07200 "Request for Cash, Medical and Food Stamp Assistance", dated August 2001, and replace with the attached 07200 dated July 2002.

Remove and file as obsolete from the Forms Appendix, the JFS 07501 "Your Rights and Responsibilities", dated August 2001, and replace with the attached 07501 dated July 2002.

**FSTL Instructions:**

Remove and file as obsolete Appendix 101, "Request for Cash, Medical and Food Stamp Assistance", JFS 07200, dated August 2001 and replace with the attached JFS 07200 dated July 2002.
Remove and file as obsolete Appendix 102, "Your Rights and Responsibilities", JFS 07501 dated August 2001 and replace with the attached JFS 07501 dated July 2002.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

Attachments

JFS 07200 "Request for Cash, Medical and Food Stamp Assistance"

JFS 07501 "Your Rights and Responsibilities"
This letter transmits rule modifications for inclusion in the Cash Assistance Manual, the JFS 07081. The proposed effective date of the rule changes contained in this MTL is July 1, 2002. If there are any changes made to any of the rules contained in this MTL during the JCARR review period, corrected rules will be sent out with the next MTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Chapter 2000 TANF :OWF and PRC

Chapter 2000 has been renamed "TANF: OWF and PRC", and the Outline of Contents pages have been revised to reflect the name change.

Rule 5101:1-1-01 Temporary Assistance for Needy Families (TANF) Definitions

This is a new rule that was created to provide definitions of terms used in both federal and state laws. This rule was created so that, instead of including references in our other OWF rules to federal regulations such as the code of federal regulations or the Social Security Act, a reference to this rule can be included instead. It was our intent that the rule would serve to efficiently provide the actual federal and state definitions within our manual, and eliminate the additional steps necessary to find the definition within the federal and state regulations. We foresee that this rule is a work in progress, in that as federal and state regulations and definitions are added or modified, this rule will also need to be modified. (CCN 4893)

Rule 5101:1-23-01 Ohio Works First (OWF) Time-limited Receipt of Assistance

Former rule 5101:1-23-01 has been rescinded and is replaced by new rule 5101:1-23-01. New rule 5101:1-23-01 contains all of the time limit provisions contained in the former version of the rule, including the policy regarding the extension of OWF due to "state hardship", and also provides new policy regarding the extension of OWF due to "good cause", pursuant to Section 5107.18 of the Revised Code. Additionally, the rule includes language regarding the federal 60-month TANF time limit, and the extension of OWF assistance beyond the 60-month limit due to "federal hardship" as provided in 45 CFR 264.1. While the proposed effective date of this rule is July 1, 2002, no assistance group can be determined eligible for OWF under the good cause provision, nor the federal hardship provision until October 1, 2002, because both provisions are only applicable for benefits issued on or after October 1, 2002.

There are several important points to note about good cause, state hardship and federal hardship extensions:

- the extension of OWF assistance to an assistance group under the good cause provision is not subject to the 20% limit required by statute for the state and federal hardship extensions, there is NO limit to the number of families that can receive OWF due to good cause;
- there is a 24-month "waiting period" after an assistance group hits the 36-month time limit before the assistance group can qualify for OWF under the good cause extension; the 24-month "waiting period" is always the 24-month period that starts the month after the assistance group's 36th month, and ends 24 months thereafter;
- the 24- month "waiting period" does not require the assistance group to have a 24-month break in receipt of OWF assistance between the loss of OWF due to the 36-month time limit and the extension of OWF due to good cause, as a state hardship extension can be provided to the assistance group during the 24-month "waiting period" following the expiration of the 36-month limit. The receipt of the state hardship extension during the 24-month waiting period does not
interrupt the waiting period or delay the subsequent approval of good cause, 24 months after the assistance group lost OWF eligibility due to the 36-month limit;

- there is also a 24-month "durational limit" for good cause extensions, which means a good cause extension(s) may be provided to an OWF assistance group for no more than a total 24 months whether consecutive or not;

- while the months for which OWF assistance is received by the assistance group due to state hardship count toward the federal 60-month limit, thereby reducing the 24 months potentially available months under the good cause provision, the state hardship months do not delay the assistance group’s potential eligibility for a good cause extension or interrupt the 24-month "waiting period";

- once eligibility under good cause is established, no subsequent determination of good cause shall be made as long as all other OWF eligibility requirements continue to be met;

- if an assistance group loses OWF eligibility while receiving a good cause extension due to a failure to comply with the terms of a self-sufficiency contract, no new application, nor determination of good cause is necessary to re-establish OWF eligibility due to good cause once the assistance group complies and the minimum sanction period has expired;

- if an assistance group loses OWF eligibility while receiving a good cause extension for any reason other than a self-sufficiency contract failure and there is at least a one-day interruption in assistance, a new determination of eligibility for OWF under good cause must be made if the assistance group subsequently reapplies to participate; the assistance group does not lose OWF eligibility if the assistance group appeals the proposal to terminate OWF and wins the appeal;

- assistance groups who are determined eligible for OWF due a good cause extension are OWF recipients and as such are subject to all OWF eligibility requirements, as are assistance groups in receipt of OWF assistance due to state or federal hardship extensions;

- an assistance group cannot receive OWF assistance for more than 60 months, in accordance with federal TANF regulations, unless the assistance group is determined eligible for a federal hardship extension beyond the 60-month TANF limit;

- receipt of OWF assistance under both the good cause and the state hardship extension counts toward the federal 60-month time limit.

Examples to illustrate the application of good cause extensions and the interplay with hardship extensions follow.

**Example 1:** An OWF assistance group receives 36 months of OWF benefits as of June 30, 2002. The CDJFS determines that the assistance group is eligible for an extension of OWF due to state hardship for 6 months, beginning with July 1, 2002. OWF assistance for the assistance group ends December 31, 2002, when the state hardship extension ends. The assistance group has 42 countable months toward the federal 60-month limit.

On or after July 1, 2004, the assistance group is potentially eligible for an OWF extension due to good cause. This is because it has been 24 months since the assistance group lost OWF eligibility on June 30, 2002, due to the 36-month time limit. Even though the assistance group received OWF for an additional 6 months due to a state hardship extension during the 24-month "waiting period", the 6 months of state hardship do not affect the fact that the assistance group lost eligibility due to the 36-month time limit on June 30, 2002. So, on or after July 1, 2004, the assistance group can be determined to have good cause for reapplying and be eligible for a good cause extension as of that date. Receipt of OWF for the 6 months due to state hardship reduced the potentially available number of months under good cause from 24 to 18 months, but does not delay the date on which the assistance group can be determined eligible under good cause or interrupt the assistance group’s 24-month "waiting period".

**Example 2:** An assistance group receives 36 months of OWF benefits as of June 30, 2002, and OWF assistance is terminated. On January 2, 2003, the assistance group is determined to be eligible for an extension of OWF benefits due to state hardship for 10 months. On September 30, 2003, the OWF extension due to state hardship is extended for another 10-month period. OWF eligibility due to the
state hardship extension ends June 30, 2004 and OWF assistance is terminated. The assistance group has received 56 months toward the federal 60-month time limit.

As of July 1, 2004, the assistance group can be determined to be eligible for an extension of OWF benefits due to good cause, because it has been 24 months since the assistance group lost OWF eligibility on June 30, 2002, due to the 36-month time limit. However, as the assistance group has received 56 months of OWF assistance, the assistance group may be determined eligible (if otherwise eligible) under the good cause extension for only 4 additional months. After the 4 months under the good cause extension have been received due to the 60-month federal time limit, the CDJFS may determine that the assistance group is eligible for an extension beyond the 60-month limit due to federal hardship or must terminate the assistance group’s OWF because it has reached the 60-month federal time limit.

CRIS-E programming changes are being made to fully support the application of the good cause and federal 60-month time limit policy. These programming changes are scheduled to be operational by cut-off in August 2002, so that the first possible extensions under good cause and federal hardship for October 1, 2002 will be supported in CRIS-E. (CCN 4893)

**Rule 5101:1-23-01.1 OWF Time Limits: Calculation of the Twenty Per Cent Limit For State and Federal Hardship Extensions**

Former rule 5101:1-23-011 has been rescinded and is replaced by new rule 5101:1-23-01.1. New rule 5101:1-23-01.1 contains all of the provisions contained in the former rule and includes policy regarding the calculation of the 20% limit for each CDJFS for both the state and federal hardship extensions. (CCN 4893)


In accordance with the provisions set forth in Am. S.B. 170 of the 124th General Assembly, the ODJFS is required to exclude payments made to individuals under this legislation for means-tested programs, including the OWF, PRC, RCA and DA programs. Essentially, these payments represent certain child support arrearage payments paid to the state during 1997 through 2000. Rule 5101:1-23-20 sets forth the policy for the OWF program, and rule 5101:1-24-20 sets forth the policy for the PRC program. (CCN 4796)

Please note that while the counties normally have flexibility in setting income and resource methodologies for inclusion in their PRC plans, Am. H.B. 170 requires that the payments made to individuals under the provisions contained in Am. S.B. 170 be disregarded.

Am. S.B. 170 was signed by the Governor on October 25, 2001, and was effective immediately upon the Governor's signature. The policy change is effective as of October 25, 2001 and any payments received by eligible individuals under Am. S.B. 170 must be excluded in determining eligibility for OWF, DA, RCA, and/or PRC. If the CDJFS becomes aware of any assistance group that has been adversely affected because of the receipt of a payment made under Am. S.B. 170, the CDJFS shall redetermine the assistance group's eligibility for OWF, DA and/or PRC excluding such payment, and restore any benefits lost by the adverse determination.

The payments to which these exclusions refer are those made to a "support payee" which is defined below. This definition has been included in the attached amendments to rules 5101:1-23-20, 5101:1-5-30 and 5101:1-5-40, and in new rule 5101:1-24-20.

A "Support payee" means a person who is entitled to receive support payments made under a child support order and with respect to whom both of the following apply:

(a) The person is a member of an assistance group that applied for and began participating in Ohio works first on or after October 1, 1997.

(b) Prior to the person's application for participation in Ohio works first, a support arrearage accrued under the child support order to which all of the following apply:

   (i) The support arrearage was collected from payments on the support arrearages and not payments of current support.

(iii) The support arrearage was collected on and after the date the assistance group of which the person is a member ceased participating in Ohio works first.

**Chapter 3000**

**Rules 5101:1-5-30 DA: Resources and 5101:1-5-40 DA: Income**

These two DA rules have been amended to provide for the exclusion of payments made under Am. S.B. 170 as income or resources in the DA program. The specific provisions affecting the rule changes are delineated in the narrative provided in this cover letter above under the sub-heading 5101:1-23-20 and 5101:1-24-20. (CCN 4796)

**FOOD STAMP BENEFITS:**

For the purpose of determining eligibility for food stamp benefits, Am. S.B. 170 allows exclusion of these payments to the extent permitted under federal law. In accordance with federal regulations at 7 CFR 273.8(c)(1) and 273.9(c)(8), the Food Stamp Program excludes nonrecurring lump sums as income in the month received; nonrecurring lump sums are considered as resources in the month received, unless specifically excluded from consideration as a resource by other federal laws. Administrative Code rules supporting this policy are 5101:4-4-07(B) and 5101:4-4-13(J).

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Rules and forms governing the Cash Assistance Programs have been removed from the Public Assistance Manual and will be housed in the new Cash Assistance Manual (CAM), the JFS 07081. There are four Chapters and a Forms Appendix contained in the CAM - Chapter 1000 contains rules that are applicable to multiple cash assistance programs; Chapter 2000 contains Ohio Works First rules; Chapter 3000 contains Disability Assistance rules; and Chapter 4000 contains special program rules. Rather than having forms in appendices in each Chapter, they are all contained in a Forms Appendix by order of the number. Sample forms, other agency forms and charts follow the JFS forms.

The enclosed rules have not been amended from their last issuance in the Public Assistance Manual. The forms contained in the appendix were last revised as indicated on the form.

MTL 431 will be issued simultaneously with the issuance of the Cash Assistance Manual to remove the rules and forms applicable to the Ohio Works First, Disability Assistance, Refugee Cash Assistance and Special Programs from the Public Assistance Manual. A copy of the joint rules that continue to include Medicaid will be housed in both the Cash Assistance Manual and Public Assistance Manual until a Medicaid-only rule is created.

The Cash Assistance Manual will be available online, under the Office of Family Stability at: http://dynaweb.odjfs.state.oh.us:6336/dynaweb.
Disclosure of Recipient Information, Nondiscrimination, and Treatment of Information Received from the Internal Revenue Service and Social Security Administration

CAMTL 109

Effective Date: February 1, 2016

Most Current Prior Effective Date: October 1, 2010

(A) Confidential What records are confidential?

All information and records concerning a recipient of disability financial assistance (DFA) pursuant to Chapter 5115. of the Revised Code, Ohio works first (OWF) pursuant to Chapter 5107. of the Revised Code, and prevention, retention and contingency (PRC) pursuant to Chapter 5108. of the Revised Code are confidential. No information or records regarding applicants, recipients, or former recipients of any of the programs listed in this paragraph is to be released to anyone except as provided in sections 5101.27 and 5101.28 of the Revised Code, including an entity administering a program assisting needy individuals with the costs of public utility services or as otherwise delineated in this rule pursuant to section 5101.30 of the Revised Code.

(B) Allowable disclosure of When is information allowed to be disclosed?

In accordance with sections 5101.27, 5101.28 and 5101.30 of the Revised Code, recipient information and records for any of the programs identified in paragraph (A) of this rule may be released to the following entities identified in paragraphs (B)(1) to (B)(9)(8) of this rule. However, only the minimum information or records necessary to fulfill the need for the sharing of information shall be released.

(1) A provider of services or assistance connected with the programs identified in paragraph (A) of this rule. Access to information under this paragraph is limited to information that is essential for the provider to render or bill for services or assistance. Providers shall not use this information except for the purpose set out described in this paragraph and are subject to penalties set out established in section 5101.99 of the Revised Code for unauthorized use of the information.

(2) Any private contractor, grantee, or other state or county entity, performing administrative or other duties on behalf of the Ohio department of job and family services (ODJFS) or a county agency when in compliance with paragraphs (B)(2)(a) to (B)(2)(c) of this rule. Access under this paragraph includes but is not limited to exchange of information pursuant to section 307.987 of the Revised Code. Information is limited only to information needed for completion of the administrative or other duties on behalf of ODJFS or the county agency:

(a) There must shall be a signed, written agreement with the contractor, grantee, or entity, that establishes the purpose and scope of duties to be performed for ODJFS or the county agency.

(b) The agreement shall contain language that the contractor, grantee, or entity shall not use the information received pursuant to the agreement for purposes other than those set out established in the written agreement.

(c) The agreement shall include language which that establishes that the contractor, grantee, or entity is bound by relevant Ohio confidentiality laws and ODJFS rules; and, that disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the Revised Code or Administrative Code is a breach of the contract and subject to penalties set forth in section 5101.99 of the Revised Code.

(3) Any state licensing or certification authority while performing its statutory duties of conducting or assisting with investigations, prosecution or civil or criminal proceedings against medicaid providers, provided that any such licensing or certification authority agrees to be bound by the same rules and regulations regarding recipient confidentiality that binds ODJFS. To ensure agreement of confidentiality, these information requests and responses will be conducted solely between the requesting authority and the appropriate office within ODJFS.
A county child support enforcement agency when requesting relevant information needed to secure child support pursuant to rule 5101:1-3-10 of the Administrative Code.

State and local offices of women, infants and children, child and family health services, and the children with medical handicaps program. The information shared is limited to eligibility information for specific individuals or assistance groups receiving these services.

A public children services agency (PCSA) when the county agency is to report known or suspected instances of child abuse and neglect of a child receiving OWF, PRC or DFA or when the PCSA needs information in order to conduct an assessment or investigation of a report of alleged child abuse or neglect, as set forth described in rule 5101:2-33-28 of the Administrative Code. Instances of abuse and neglect situations exist when a child experiences physical or mental injury, sexual abuse, or exploitation, or negligent treatment or maltreatment under circumstances which that indicate that the child's health or welfare is threatened.

To the extent permitted by federal law, the ODJFS and county agencies shall provide information, except information directly related to the receipt of medical assistance or medical services, regarding recipients of public assistance under a program administered by the ODJFS or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to law enforcement agencies upon request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

Information about a recipient shall be exchanged, obtained, or shared only when the ODJFS, the county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under section 5101.28 of the Revised Code, or any information considered appropriate by ODJFS or the county agency.

What are the requirements regarding protection of the recipient's right to control personal data?

The following requirements must be explained at the time of application for assistance or services and are included to protect the recipient's right to control personal data.

Whenever a recipient of any of the programs identified in paragraph (A) of this rule is asked to supply personal data to the county agency or ODJFS, the legal requirements for providing or not providing such data must be explained to him.

Upon the request of any recipient of any of the programs identified in paragraph (A) of this rule, the county agency must make all data collected about that individual available to the individual. Medical, psychiatric or psychological information may not be released to the individual or his legal guardian when the county agency has reason to believe that its release may have an adverse effect on the individual.

When the county agency has reason to believe that the release of medical, psychiatric or psychological information may have an adverse effect, the county agency shall release this information to a physician, psychiatrist or psychologist designated by the individual. Once the individual provides expressed and informed consent, the county agency will send this information to the designated medical provider. The medical provider will then determine whether the information should be disclosed to the recipient.

In addition, the county agency must supply an interpretation of the data if it is not readily understandable. When the individual feels that the data is incomplete or inaccurate, the individual has the right to include additional information in the individual's files.

Upon any request for individual data through compulsory legal process, the recipient of any program identified in paragraph (A) of this rule, must be immediately informed of such request. In addition, the department must inform the court of the statutory and regulatory
provisions against disclosure of information, if when state or federal law precludes the release of the information. If when the court still seeks the information, and if when the information is not protected by any other privilege recognized by law, the county agency will furnish the specified information to the court itself along with ODJFS policies for safeguarding that information. At the same time, the county agency must shall notify the individual that the information has been furnished to the court and must shall supply duplicate copies to that individual of the information so furnished.

(4) Pursuant to division (D) of section 5101.27 of the Revised Code, ODJFS and the county agency may release information about a recipient of any of the programs listed in paragraph (A) of this rule, if when the recipient gives voluntary, written consent in compliance with section 5101.27 of the Revised Code.

(D) Nondiscrimination What are the county agency responsibilities concerning nondiscrimination?

The county agency is responsible for providing assistance without discrimination on account of race, color, religion, national origin, gender, sexual orientation, disability, age or political beliefs, in a manner consistent with the all federal and state laws relating to nondiscrimination.

(E) Release What forms are to be used to request a release of information?

A signed **JFS 07341 "Applicant/Recipient Authorization for Release of Information" (rev. 04/2004)** (rev. 4/2004) shall be obtained whenever the county agency requests information from a third party. The county agency shall use the **JFS 03397 ODM 03397 "Authorization for the Release or Use of Protected Health Information (PHI)" (rev. 07/2003)(rev. 8/2014)** when the information is medical in nature or the **JFS 06907 "LEAP-Learning, Earning, and Parenting Program School Information Release Form" (rev. 8/2003)** when requesting attendance and educational information for LEAP program participants. A copy of any signed release must shall be included in the individual's file.

(F) Confidentiality What are the confidentiality requirements for obtaining information from the social security administration (SSA)?

(1) The SSA sends information to the ODJFS about retirement, survivors and disability insurance (RSDI) and supplemental security income (SSI) beneficiaries who are an applicant for or recipients of any of the programs listed in paragraph (A) of this rule. The SSA limits use and disclosure of this SSA information.

(2) The Privacy Act of 1974, PL 93-579, (12/74) (12/1974), 88 Stat. 1896, 5 U.S.C. 522a, allows the SSA to release information to ODJFS and the county agency without a release of information from the beneficiary only as long as the information is for a "routine use" and for specified programs. Every use or disclosure of SSA information which that is not routine or is not for an approved, specified program requires the prior written permission of the beneficiary or the SSA, respectively.

(a) The routine uses and approved programs for RSDI information obtained from SSA are: to determine eligibility for and administer OWF, DFA, food assistance, Title XX social services, Title IV-E, child support and energy assistance.

(b) The routine uses and approved programs for SSI benefits obtained from SSA are: to determine eligibility for and administer OWF, food assistance, DFA, energy assistance, Title XX social services, Title IV-E, child support and interim assistance.

(G) Disclosure What are the disclosure, confidentiality, and physical safeguarding requirements of SSA and internal revenue service (IRS) information?

(1) Whenever ODJFS or the county agency discloses SSA information received from the SSA to someone who is not an employee of ODJFS or a county agency, it must shall do so only for a routine use of an approved program and must shall disclose only the information needed to accomplish the purpose of the routine use.

(2) ODJFS may disclose SSA information to another state agency, provided it is for routine use for an approved program and only the needed information is disclosed.
(3) ODJFS and/or the county agency must keep a record every time they disclose information received from SSA to anyone who is not an employee of ODJFS or a county agency, even if the disclosure is for a routine use.

(a) The required record of disclosure of SSA information must be kept in the individual case record and also in a central county agency file.

(b) The case record notation and the central file must contain the date of disclosure, the information disclosed, the purpose of the disclosure, and the person to whom the information was disclosed. For the case record, the county agency must enter the notation about the disclosure. For the central file, the county agency must maintain separate records, for each source of data disclosed.

(c) The record of disclosure must be retained for five years or the life of the application, whichever is longer. The disclosure records are subject to inspection by the SSA.

(4) The IRS sends unearned income information received from 1099 forms filed with that agency to ODJFS regarding applicants and recipients of any of the programs listed in paragraph (A) of this rule.

(5) 26 U.S.C. 6103 (1/07)(1/2013), allows the disclosure of tax return information to federal, state and local agencies by the IRS for use in their temporary assistance for needy families and food assistance programs. The return information is disclosed solely for the purpose of, and to the extent necessary in, determining eligibility for, or the correct amount of benefits under the specified programs.

(6) IRS return information may not be disclosed to, exchanged with, or utilized by any other state agency. ODJFS and county agency employees who are entitled to access tax return information generally must not disclose this information to any party outside the agency other than the taxpayer to whom the information relates or the taxpayer's duly appointed representative who has the explicit authority to obtain tax return information.

(7) To the extent that disclosure of IRS information is necessary to verify eligibility for and the correct amount of benefits, including past benefits, such disclosure may be made only when there is no other means of verifying the unearned income information, and only to the extent necessary to verify the unearned income information.

(a) All ODJFS and county agency employees with access to IRS return information shall have disclosure awareness training for safeguarding requirements and must be advised on an annual basis of IRS penalty provisions.

(b) A permanent system of standardized record keeping must be maintained by the county agency which documents requests for, and disclosure of return information. When redisclosure is authorized, the information disclosed outside the agency must be recorded on a separate list which reflects to whom the disclosure was made, what was disclosed, why and when it was disclosed.

(8) ODJFS and the county agency must physically protect SSA and IRS information from unauthorized access. The physical record number of SSA and IRS information required to be safeguarded include, but are not limited to, the following:

(a) Benefit earnings exchange record information which contains federal wage information obtained from the SSA master earnings file;

(b) IRS information return master file which contains returns filed by payers of income such as dividends, interest and retirement income.

(9) ODJFS and the county agency must:

(a) Limit access to the data to only those employees and officials who need it to perform their official duties in connection with the approved programs.

(b) Store data in an area that is physically safe from access by unauthorized persons.
(c) Store, process and use magnetic tapes, screen prints and any electronic data in any computer system in such a way that information cannot be retrieved by unauthorized persons.

(d) Advise all personnel who will have access to the data of the confidential nature of the information, the safeguards required, and the criminal and civil sanctions for noncompliance contained in federal and state statutes.

(e) Permit the SSA and internal-revenue-service IRS to make onsite inspections to ensure that adequate safeguards are being maintained.

(f) Ensure that during interactive interviews confidential information is not exposed to any individual who is not the subject of the confidential information.

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What is an assistance group record?

An "assistance group record" is a collection of hard copy and online electronic documents to support that the county agency has determined the assistance group's eligibility for the Ohio works first (OWF), disability financial assistance (DFA), refugee cash assistance (RCA), and/or prevention, retention, and contingency (PRC) programs. The assistance group record also contains information to support program eligibility and participation requirements, that the grant has been computed correctly, and that potential income and resources have been explored. The documents in the assistance group record are needed to facilitate a third-party review. The documents in the assistance group record include, but are not limited to the following:

1. Application forms, reapplication forms, self-sufficiency contracts, appraisal and assessment forms.
2. Summary of recipient and agency contacts.
3. Referrals to social services.
4. Copies of county and state hearing notices and records. State hearing notices and records are maintained by the Ohio department of job and family services (ODJFS) in accordance with paragraph (F) of rule 5101:6-7-01 of the Administrative Code.
5. Documentation of OWF work participation.
6. Correspondence from the county agency to the assistance group and from the assistance group to the county.
7. Verification such as wage reports, ODJFS state verification and exchange system (SVES) verification and birth records.

What is a case record?

The case record is a collection of assistance group records for each assistance group included on the same JFS 07200, "Request for Cash, Food, and Medical Assistance" (rev. 12/2012) (rev. 9/2014), printed copy of information (PCI), JFS 07204, "Request to Reapply for Cash and Food Assistance" (rev. 1/2013) and "Prevention, Retention, and Contingency (PRC) Application."

What are the retention requirements for the records?

Assistance group records are subject to the retention procedures set forth described in rule 5101:9-9-21 of the Administrative Code.

What are the requirements for transferring records between counties?

When an assistance group moves to another county within the state, the assistance group record shall be transferred to the county to which the assistance group has moved. If the entire household moves to another county, the case record shall be transferred. As the assistance group and case records are in both online electronic and hard copy form, the following requirements apply for transferring the records:

1. Electronic records
   On-line record transfers in the client registry information system enhanced (CRIS-E) statewide automated eligibility system, and other electronic records shall be transferred by the county agency as soon as possible, but no later than five working days from the date the county agency became aware of the address change.

2. Hard-copy records
The hard-copy record shall be transferred as soon as possible but no later than fifteen calendar days from the date the county agency became aware of the address change. The county agency sending the hard-copy records shall complete the JFS 03900, "Notice of Intercounty Transfer" (rev. 05/2010) and send the completed form with the hard-copy records. The sending county agency shall also retain a copy of the completed JFS 03900.

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Section 1137 of the Social Security Act (5/2006) mandates that state agencies administering federally funded public assistance programs develop and implement an income and eligibility verification system (IEVS). In Ohio, IEVS contains income and benefit information from the following sources:

1. The Ohio department of job and family services (ODJFS), office of unemployment compensation, bureau of program services; and

2. The social security administration (SSA).

Under the IEVS program, the match data will be furnished to the county agency. The county agency will have a forty-five day to one hundred twenty day processing time frame to receive the match data, to compare the match information to the information in the assistance group (AG) record, to obtain verification when applicable, to determine eligibility, and to initiate appropriate corrective action. The county agency shall take action to review and process the information immediately upon receipt.

How is Integration of IEVS integrated into the statewide automated eligibility system? (CRIS-E) system

1. All IEVS functions of ODJFS are provided through the statewide automated eligibility system CRIS-E. The IEVS CRIS-E alert processing instruction guide located at http://innerweb.odjfs.state.oh.us/ofc/BPE/00FCfc.shtml provides the procedure for the processing of match data reviews.

2. The regular matching of social security numbers of assistance group members is reflected through the IEVS system, which consists of the following three CRIS-E components:
   a. Data exchange;
   b. Compliance tracking; and
   c. Reporting.

What are the specific sources of IEVS matches?

Under the IEVS system, ODJFS will regularly match social security numbers of applicants and AG members are regularly matched with data from the following source agencies:

1. ODJFS - wage records.
   a. The ODJFS, office of unemployment compensation bureau of program services acts as the state's wage information collection agency (SWICA). In accordance with Section section 4141.20 of the Revised Code, all requires employers are required to report quarterly earnings of all employees by the last day of the month following the end of each calendar quarter. ODJFS will match all All Ohio works first (OWF) and supplemental nutrition assistance program (SNAP) food assistance applicants and AG members against the SWICA files on a quarterly basis. Matches are shall be displayed to the county agency as soon as they are received.
   b. The county agency shall treat information received from SWICA this source as a lead to possible employment. Verification of employment and earnings shall must be obtained from the employer or AG member in accordance with rule 5101:1-2-20 of the Administrative Code before benefits may be affected.

2. ODJFS -unemployment compensation records.
   a. ODJFS will compare compares all OWF and SNAP food assistance applicants and AG members against the unemployment ODJFS files on a weekly basis. Matches are shall
be displayed in the statewide automated eligibility system CRIS-E to the county agency as soon as they are received.

(b) Information received from the unemployment files this source should be considered verified unless the client statement and/or case record fails to support the accuracy of the information.

(3) SSA benefit earnings exchange record (BEER).

(a) SSA obtains wage records from employers on an annual basis. Twice a month ODJFS transmits a request through the SSA's BEER for all new OWF and SNAP food assistance applicants and AG members. This data is included in the master file at that agency. Whenever information is added to the master file, it is matched against all other data in the file. The SSA processes the BEER request twice a month and returns the matched file information matches to ODJFS for review.

(b) The BEER match includes out of state and federal employers. The federal wage records match includes employers who do not report to SWICA. Matches from this source are will be displayed in the statewide automated eligibility system CRIS-E to the county agency as soon as they are received and are to be considered as a lead that the county agency shall verify before benefits may be affected.

(c) Employment information received from this source is considered as a lead towards possible current employment. Data verification shall be obtained before the county agency may initiate any adjustment to the AG case.

(4) Retirement survivors disability insurance (RSDI) and supplemental security income (SSI) benefits

(a) SSA provides information on RSDI social security (SS) and SSI benefits of individual public assistance participants. The ODJFS state verification and exchange system (SVES) provides an electronic interface with the SSA. The interface allows the transfer of RSDI SS and SSI benefit and entitlement information from the SSA.

(b) Beneficiary and SSI benefit and entitlement information is considered verified. Dual entitlement information should be verified when, or if, the AG record does not support the accuracy of the information.

(E) What are the Processing time frames for processing an IEVS match?

(1) Federal regulations require the county agency to process IEVS matches in forty-five days.

(2) A county agency may only exceed the forty-five day time period on up to twenty per cent of its reviews, provided that the reason for the delay is due to nonreceipt of verifications, and provided that the review is completed by the next case action. During the forty-five and one hundred twenty day periods, the county agency shall review the AG record, contact the AG, obtain verification when necessary, determine eligibility and make appropriate case adjustments.

(3) Once the county agency completes the IEVS match process, the results will be recorded in the statewide automated eligibility system CRIS-E history.

(4) When the county agency determines that an IEVS match displayed is for an AG whose case record is now active in another county and/or is delinquent, the county agency shall refer to the statewide automated eligibility system CRIS-E transfer procedure.

(F) What are the IEVS priority levels?

Counties are assigned alerts for IEVS matches in the statewide automated eligibility system with one of two priority levels: high or low. These alerts shall be completed within the time frame specified for each priority level.

(1) High priority- error prone County agencies are assigned IEVS match information in the CRIS-E system with one of two priority levels: high or low. These priority levels are based upon ODJFS determined error prone factors.
High priority matches shall be reviewed and completed by county agencies within forty-five days.

(a) High priority matches shall be reviewed and completed by county agencies within forty-five days.

(2) Low priority matches are issued to county agencies for informational purposes only. These matches are available for a minimum of one hundred eighty days. The county agency will not be required to follow-up or report the results of these reviews. Low priority alerts will be systematically inactivated every one-hundred eighty to two hundred days.

(a) Low priority matches are issued to county agencies for informational purposes only. These matches are available for a minimum of one-hundred eighty days. The county agency will not be required to follow-up or report the results of these reviews. Low priority alerts will be systematically inactivated every one-hundred eighty to two hundred days.

(G) What are the requirements for safeguarding and disclosing IEVS safeguarding requirements and disclosure of match information?

(1) In accordance with federal law and regulations and the publications of IRS publication 1075, https://www.irs.gov/pub/irs-pdf/p1075.pdf, match information which contains federal tax data shall be protected from disclosure to unauthorized persons. Federal tax information (FTI) remains tax information even after it has been verified. The determining factor is the source of the information.

(a) If the source is the social security administration or some other federal agency authorized to release FTI, this information is tax information.

(b) If the source is the individual involved, an authorized representative of the individual or entity, or a third party (from their records), the information is not considered tax information.

(2) If the individual, or payer institution, verifies by writing the information on a separate document, the information is not tax information. Therefore, it is possible to have two documents with the same information and, depending on the source of the information, one document shall require safeguarding while the other shall not.

(3) Computer screen printouts or copies of letters mailed or received regarding FTI shall be safeguarded and are subject to the prescribed record retention schedule and safeguarding procedures as outlined in rules 5101:9-9-21 and 5101:9-9-25 of the Administrative Code.

(4) SSA federal tax information can be commingled within the AG case record, but the AG case record must then be safeguarded in its entirety, clearly labeled to indicate that SSA FTI is included.

(5) FTI must be logged and tracked so that the location of the FTI is known at all times.

(6) The IEVS match information may be disclosed only under the following circumstances:

(a) Any IEVS match information may be given to the AG member who is the subject of the information;

(b) An assistance group member may be given social security administration (SSA) information about other members in the same assistance group if the information is needed in connection with determining eligibility for benefits. A JFS 07341 "Applicant/Recipient Authorization for Release of Information" (rev. 4/2004) form shall be signed by the individual for whom the information is requested. When there is a request to review the AG case file, a member of the AG or its currently authorized representative may have access to the information provided by the release. However, the county agency may withhold confidential information, such as the names of individuals who have disclosed information about the AG without the AG’s knowledge, or the nature or status of pending criminal prosecutions.
(c) An AG member may be given tax return information if the individual is the taxpayer to whom the information relates;

(d) Tax return information may be given to the taxpayer's duly-appointed representative who has the explicit authority to obtain the tax return information if the disclosure is necessary to verify eligibility for benefits, including past benefits, and such disclosure may be made only when there is no other means of verifying the unearned income information. A signed JFS 07341 shall also be required from the taxpayer; and

(e) IEVS match information may be given to another state or local agency or official who needs the information for the purpose of determining eligibility or investigating alleged or suspected fraud or abuse for the programs as delineated in rule 5101:1-1-03 of the Administrative Code. This includes court officials, prosecutors, and investigators.

(H) How is the information obtained from IEVS matches recorded and disclosed? Records of disclosure of IEVS match information

1. ODJFS and the county agency shall keep a record of any disclosure of IEVS information, including IEVS match information, to any person or agency who is not an employee of ODJFS or the county agency. The record of the disclosure shall be retained for five years or the active life of the application, whichever is longer.

2. The ODJFS and county agency shall note in the AG record any disclosure to any person (other than the AG member), agency, or official who is not an employee of a county agency or ODJFS. The county agency shall record all such disclosures in its central file of IEVS information disclosures. The record of disclosure shall contain a description of the information disclosed, the date of the disclosure, the identity of the persons or agencies to whom the information was disclosed, and the purpose of the disclosure.

3. The county agency shall refer to rule 5101:9-9-21 of the Administrative Code for closed IEVS documentation procedure.

(I) What actions are required by the county agency upon receipt of an IEVS match?

1. Upon receipt of an IEVS match, the county agency shall:
   a. Refer to the IEVS CRIS-E statewide automated eligibility system alert processing instruction guide.
   b. Regard the match information (unless SSA beneficiary and SSI entitlement or unemployment compensation) as a lead indicating the possible receipt of income to an AG member, not as verification.
   c. Determine if the IEVS information is consistent with the information already provided by the AG. When the AG case record does not have information that resolves the IEVS match, the county agency may contact the AG.

2. When a county agency contacts an AG for verification of income, the county agency shall give the AG ten calendar days to submit verification. The request for verification shall also state that if the AG fails to provide the information and/or contact the county agency, assistance may be terminated. At the end of the time period, if there has been no contact by the AG or if there has been a refusal to provide verification, prior notice shall be sent proposing termination because the county agency is unable to determine continued eligibility. Since the information from the IEVS match does not coincide with the information from the AG case record, the county agency shall verify the match information. It is the responsibility of the AG to provide the information necessary to determine eligibility and to clarify any incomplete, inconsistent, or contradictory information received.

3. If the AG agrees to cooperate in providing the requested information but is unable to provide the information, the county agency shall obtain a JFS 07341 to forward to the third party who may have the information, such as an employer.
Any adverse action resulting from information produced by a matching program shall be processed in accordance with Chapter 5101:6 of the Administrative Code.

When the review of the IEVS match results in a determination that the benefit amounts issued were incorrect and should be increased or decreased accordingly, the county agency shall initiate at least one of the following:

(a) Ineligibility–terminate benefits or deny application;
(b) Overpayment–recover the overpayment; or
(c) Underpayment–issue the underpayment.

When the review of the IEVS match results in the discovery of previously unknown employment, the county agency shall secure appropriate third-party resource forms in accordance with rule 5101:1-2-20 of the Administrative Code.

The county agency shall investigate the IEVS match using the following guidelines:

(1) The county agency shall not deny, delay, or discontinue benefits while waiting for information when other evidence establishes the AG's eligibility;

(2) The primary task of the IEVS match review is to check previous and current eligibility. The review also attempts to find and recover all overpayments whether they are AG error or agency error;

(3) The eligibility determiner's purpose in the IEVS match is to discover the facts of the AG's situation during the match period and to decide whether the AG received the correct amount of benefits; and

(4) Fraud investigation is an activity for the county agency benefit recovery unit and the county prosecuting attorney.

ODJFS monitors the county agency IEVS activities by reviewing selected cases for timeliness, accuracy of the processing of alerts, and the safeguarding of IEVS information. Reviews are scheduled in each county agency a minimum of every three years.

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Each individual who is not a citizen or national of the United States (U.S.) is required to provide a written declaration of alien status and provide documentation to support their alien status. The county agency is required to confirm the authenticity of the documentation provided by the individual through the automated systematic alien verification for entitlements (SAVE) system.

(A) What is the written declaration of citizenship/alien status?
   (1) Each individual applying for Ohio works first; prevention, retention and contingency; or refugee cash assistance shall provide a declaration in writing under penalty of perjury of the following:
      (a) If the individual is a citizen or national of the U.S. or an alien in a satisfactory immigration status; and
      (b) The status of all dependent children for whom assistance is requested.
   (2) The written declaration of citizenship/alien status shall be considered met for all members of the assistance group when the adult, minor head of household or authorized representative signs and dates an application as defined in rule 5101:1-2-01 of the Administrative Code.
   (3) Declarations on behalf of newborn children shall be provided no later than the next scheduled recertification. The declaration requirement is met by the assistance group member's signature on the application as described in rule 5101:1-2-01 of the Administrative Code.
   (4) Any assistance group member who is not a U.S. citizen or national shall provide documentation from the U.S. citizenship and immigration services (USCIS) of their current alien status.

(B) What documents shall be provided by an individual who is not a citizen or national of the U.S.?
   (1) The following original documents are considered acceptable verification of alien status:
      (a) Alien registration card:
         (i) Alien registration cards normally have an alien registration number (A-number) referencing the individual's file at USCIS.
         (ii) The A-number contains eight or nine numerical digits preceded by the letter "A".
         (iii) The A-number is unique to an individual.
      (b) Marriage records or court orders indicating identity, immigration status or U.S. residence of the individual. These documents are not considered adequate proof of current immigration status, but may be used to verify alien status through the secondary verification process as set forth in paragraph (D)(2) of this rule.
   (2) If an individual claims to have lost the original documents or the documents expire, the county agency shall refer the individual to the local USCIS office to request new documents.
   (3) Required documentation shall be provided at application or when the alien status changes.

(C) What is the SAVE system?
   The SAVE system is an information-sharing initiative allowing authorized staff to validate a noncitizen's immigration status by accessing USCIS data. The USCIS protects the individual's privacy in accordance with the Immigration and Nationality Act (INA) of 1952 and other applicable statutes. No consent for release of information is required to use SAVE.

(D) What are the methods of verifying the documents?
There are two methods of verifying the documents provided in accordance with paragraph (B) of this rule:

(1) Initial or primary verification is used to provide alien status verification within seconds of inquiry. This verification is used for most applicants. The county agency shall compare the information provided through the SAVE system with the documents provided by the individual. If the documentation matches in SAVE, the process is complete.

(2) Additional or secondary verifications provides a more extensive validation if problems appear in the verification of alien status. Secondary verification is required in any of the following situations:
   (a) The document appears counterfeit or altered.
   (b) The individual presents unfamiliar USCIS documentation, or a document indicating immigration status, but does not contain an A-number.
   (c) A document containing an A-number in the "A60-000-000" series.
   (d) A document containing an A-number in the "A80-000-000" series.
   (e) When an individual has no immigration documentation and is hospitalized, medically disabled or can otherwise show good cause for the inability to present documentation, and securing such documentation constitutes an undue hardship.
   (f) When an individual presents a foreign passport and/or form I-94 "Arrival/Departure Record" (www.cbp.gov/I94) and the "Admission for Permanent Residence" endorsement is more than one year old.
   (g) When an automated check through the SAVE system returns with a response "institute additional verification" or when there is a discrepancy between an individual's documentation and the record contained in the SAVE system.
   (h) When an individual claims lawful permanent (or conditional) resident status because they are a battered alien, a parent of a battered child(ren) or a victim of domestic violence.

(E) How does the SAVE verification affect eligibility?

SAVE does not determine an individual's eligibility for a specific benefit or provide information unrelated to an individual's immigration status. It does not replace the requirement for noncitizens to provide verification of their immigration status as set forth in paragraph (B) of this rule.

(1) No eligibility determination shall be delayed, denied, reduced or terminated solely because of pending SAVE verification.

(2) If an individual appears eligible with available USCIS documentation and all other program eligibility criteria are met, the county agency shall issue benefits to the assistance group while awaiting a response from USCIS.

(3) If a discrepancy exists after receipt of information from the SAVE system, the county agency shall send prior notice of adverse action to the assistance group in accordance with the provisions set forth in rule 5101:2-2-04 of the Administrative Code.

(4) The provisions set forth in rule 5101:1-23-70 of the Administrative Code are applicable when payments have been erroneously issued.

(F) What is the process to manually request verification in extraordinary situations as determined by the SAVE program?

(1) In extraordinary situations, verification through a manual process may be required if the SAVE system is unable to provide determinations of alien status in a timely manner or initial inspection of an individual's documentation reveals discrepancies.

(2) Discrepancies are defined as obvious irregularities in name, date of birth or country of birth. A slight difference in the spelling of a name is not normally a discrepancy.
(3) To conduct a manual verification the county agency shall:

(a) Request and receive pre-approval from SAVE to submit the "Verification Request" (G-845)(05/29/18) and/or the "Form G-845 Supplement, Verification Request" (G-845 Supplement)(05/29/18). These forms may be found at http://www.uscis.gov/forms.

(b) When approved, the county agency shall mail the following documents to USCIS:

(i) The G-845 is used to verify the status of an alien for official purposes of a government agency not participating in the SAVE program.

(ii) The G-845 Supplement is submitted in conjunction with the G-845 to request verification and cannot be used alone.

(iii) A copy of the individual's original immigration documentation.
The Application Process for Ohio Works First, and Refugee Cash Assistance

CAMTL 139

Effective Date: January 1, 2019
Most Current Prior Effective Date: October 1, 2017

(A) Application processing definitions.

(1) "Application" includes JFS 07200 "Request for Cash, Food, and Medical Assistance" (rev. 10/2018), JFS 07204 "Request to Reapply for Cash and Food Assistance" (rev. 10/2018), or electronic equivalent or telephonic equivalent.

(4)(2) "Assistance group" is a group of recipients receiving benefits together under a specific category of assistance. In the Ohio works first (OWF) program, "assistance group" is defined in section 5107.02 of the Revised Code, and means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under OWF.

(2)(3) An "authorized representative" is an individual, eighteen years of age or older, who stands in place of the assistance group. The authorized representative may act on behalf of individuals inside or outside the household in which the authorized representative lives.

(3)(4) A "case" consists of one or more assistance groups.

(4)(5) "Household" is defined as a personal place of residence. A commercial establishment such as a hotel or boarding house is not a household. However, a household can exist within a commercial establishment.

(6) "Signature" includes:

(a) Handwritten signatures (including handwritten signatures that are transmitted by facsimile or other electronic submission):

(i) When the signatory cannot sign with a name, an "X" is a valid signature.

(ii) The county agency may require a witness to attest to an "X" signature. An employee of the county agency may serve as a witness.

(b) Electronic signatures through the online application; and

(c) Telephonic signatures obtained in accordance with procedures approved by the Ohio department of job and family services (ODJFS).

(B) What is the application process?

(1) The application process is a series of activities which includes:

(a) A request for cash assistance,

(b) An interactive interview, and

(c) Approval or denial of benefits.

(2) For OWF applicants the application process also includes:

(a) Prior to authorization, the county agency shall:

(i) For each work eligible individual between the ages of fourteen and twenty-four:

(a) Not later than seven days from the date of application, refer the individual to a lead agency for a comprehensive assessment conducted in accordance with rule 5101:14-1-04 of the Administrative Code; and

(b) Ensure the individual has signed an individual opportunity plan developed in accordance with paragraph (G) of rule 5101:14-1-04 of the Administrative Code, that includes an assignment to at least one comprehensive case management and employment program (CCMEP) service or activity.
(ii) For all other work eligible individuals, minor heads of household and adult members of the assistance group, assess, appraise, and enter into a written self sufficiency contract (SSC) for each work eligible individual, minor head of household and adult member of the assistance group, in accordance with rule 5101:1-3-11 of the Administrative Code.

(b) As agreed in the SSC, the county agency may require a work eligible individual to complete a job search and job readiness applicant assignment as set forth described in rule 5101:1-3-12.5 of the Administrative Code, prior to authorization of OWF benefits as set forth described in rule 5101:1-3-11 of the Administrative Code. In accordance with rule 5101:9-2-02 of the Administrative Code, if when the work eligible individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency shall ensure that the assignment is consistent with its Americans with Disabilities Act (ADA) of 1990 plan in accordance with rule 5101:9-2-02 of the Administrative Code.

(3) The application process requires the complete cooperation of the assistance group and the prompt responsiveness of the county agency.

(4) The application process shall be administered with courtesy, consideration, and respect.

(5) Administrative duties shall be performed in such a manner as to secure for every assistance group the full amount of benefits to which it is legally entitled according to program regulations.

(6) The distinction must be drawn between a "request for public assistance" (an application) and a "request for information" (an inquiry). An inquiry will not always result in an application. Any individual has the right to apply for benefits for themselves or on behalf of another individual.

(C) What must be included in the application packet?

At the time the application request is made, the following documents are given or sent to the applicant or authorized representative:

(1) The JFS 07200 "Request for Cash, Food Assistance, and Medical Assistance" (10/2016), which includes the voter registration form. An application that includes the voter registration form. If an assistance group is currently receiving food assistance supplemental nutrition assistance program (SNAP) benefits and decides to apply for cash assistance at recertification, the JFS 07204 "Request to Reapply for Cash and Food Assistance" (10/2016) a new application for cash assistance shall be filed. The new application shall contain, at minimum, his or her complete with a name, address and signature which shall establish the date of application for these additional benefits.

(2) The JFS 07501 "Program Enrollment and Benefit Information" (rev. 3/20174/2018).

(D) When is an application packet provided?

(1) The county agency shall provide an application upon request. When the request is made in person at the county agency, the application packet shall be given the same day as the request.

(2) When the county agency receives the request by telephone or letter, the application packet is mailed the day that the request is received.

(3) The right to apply shall not be discouraged or denied. An individual/family who appears ineligible shall still be allowed to exercise the right to apply for assistance.

(E) Who must sign the application?

(1) The application, meeting the minimum requirements described in paragraph (G)(1) of this rule, must be signed by one of the following individuals in order to register the application:

(a) A payee for the assistance group;
(b) A caretaker for the assistance group;

(c) Another responsible member of the assistance group;

(d) A spouse or natural or adoptive parent of a member of the assistance group who is not an assistance group member, who resides with the assistance group, and can reasonably be determined to be acting responsibly for the assistance group; or

(e) An authorized representative for the assistance group.

(2) For other assistance groups identified on the application, an individual meeting one of the definitions provided in paragraph (E)(1) of this rule must sign the application in order to register the request for assistance for that assistance group. The county agency shall notify the potential assistance groups of this requirement in writing no later than one working day following the interview.

(3) Since the interview may be scheduled after the actual date an application is submitted, and initial benefits are affected by the date of application, the county agency should provide a potential assistance group identified on the application an opportunity to sign and complete the minimum application requirements described in paragraph (G)(1) of this rule as soon as possible.

(4) A handwritten signature shall not be required when there is an electronic or telephonic signature. Electronic and telephonic signatures shall have the same legal effect and are enforced in the same way as a handwritten signature.

(F) What are the requirements for authorized representatives?

(1) The assistance group shall provide a written statement naming the authorized representative and the duties which the named authorized representative may perform on the assistance group's behalf.

(2) When written authorization cannot be obtained because of the individual's incompetency or incapacity, the county agency may waive the written statement and assist in naming a responsible party to act as authorized representative for the assistance group.

(3) The assistance group is responsible for notifying the county agency of any change in the named authorized representative.

(4) When the assistance group has an authorized representative named to act on its behalf, all notices and correspondence issued by the county agency on behalf of the assistance group shall be issued to both the authorized representative and the assistance group.

(5) In situations where an authorized representative provides incorrect or fraudulent eligibility information, the assistance group may still be held liable for any overpayments that occur. The authorized representative will be held responsible for overpayments when the authorized representative is the legal guardian or legal trustee for the assistance group.

(6) When it is determined that the authorized representative has given incorrect information intentionally through no fault of the assistance group, a referral shall be made to the county prosecutor to determine if fraud has occurred on the part of the authorized representative. If the prosecutor's determination is that the authorized representative committed fraud, the authorized representative may be found liable for the overpayment.

(G) How is the application completed?

(1) The application should be filled out as completely as possible by the individual, but at a minimum shall include a name, address and signature of an individual specified in paragraph (E) of this rule.

(a) When the application is completed at the county agency, the person completing it may not be able to answer all of the questions completely from memory or personal knowledge.
(b) Each question on the application shall be completed to the fullest extent possible and any missing information must be supplied during the interview or through the required verifications.

(2) The assistance group and/or authorized representative shall make an accurate and complete disclosure of all information necessary for a determination of eligibility. Such disclosure shall be made at the time of initial application, at reapplication, and within ten days of the date that any change specifically identified in rule 5101:1-2-20 of the Administrative Code occurs.

(3) The assistance group's report of an impending change in circumstances does not negate its responsibility to report any change identified in rule 5101:1-2-20 of the Administrative Code as a reporting requirement within ten days from the date the change actually occurs.

(H) What is the application date and how is an application registered?

(1) The county agency shall accept the application on the day it is turned into the county agency. The "date of application" is the date on which the county agency receives an application JFS 07200, or a JFS 07204 for existing assistance groups completing a telephone interview, that contains the minimum requirements described in paragraph (G)(1) of this rule. When an application is submitted by fax, electronically, or telephonic equivalent, the date of application shall be the date the county agency receives the application. When an application is received after business hours the date of application shall be the next business day.

(2) Upon receipt of an application containing the minimum requirements described in paragraph (G)(1) of this rule, the county agency shall enter the information into the statewide automated eligibility system.

(3) The date of application shall not be delayed by the county agency because of any local office procedure. The date of the interview shall not be used to delay the application date.

(4) The assistance group shall be given the opportunity to complete and return the application on the same date the application is requested. When this occurs, the date of application is the same day as the request.

(5) The county agency shall advise that the date of the application and the beginning date of benefits are dependent upon the date the application containing the minimum requirements described in paragraph (G)(1) of this rule is returned to the county agency provided all other eligibility factors are met on or before the date received.

(6) When an application containing the minimum requirements described in paragraph (G)(1) of this rule is returned by mail, the date of application shall be the date the county agency receives the application. When the county agency receives an application containing the minimum requirements described in paragraph (G)(1) of this rule from the social security administration, the date of application for all public assistance programs, except food assistance SNAP, shall be the date the county agency receives the application. All applications received by mail shall be date stamped the day received.

(7) Applications signed through the use of electronic signature techniques or applications containing a handwritten signature and then transmitted by fax or other electronic transmission are acceptable. When an application is submitted by fax or electronically, the date of application shall be the date the county agency receives the application.

(I) What is the role of the county agency in the completion of the application process?

(1) The county agency shall help complete the application when assistance is requested and no other family member, close friend, authorized representative, or other appropriate individual is available.

(2) When the county agency assists or completes an application, the employee of the county agency shall sign his or her name and title/relationship to the assistance group on the application.
(3) A county agency employee shall not alter any answers given by the assistance group on the application. The county agency employee may assist in completing the application by asking the assistance group for answers needed to complete the application. The county agency employee may then mark or fill in the answer on the application.

(4) The normal process of inputting data provided by the applicant during the interview shall not be construed to mean that the county agency has assisted with the completion of the application.

(J) What are the interview requirements?

(1) An interview shall be scheduled as promptly as possible after the receipt and registration of an application containing the minimum requirements described in paragraph (G)(1) of this rule, to ensure that an eligible assistance group receives an opportunity to participate within the time frames for completion of the application process pursuant to paragraph (M) of this rule.

(2) If the primary language of the individual completing the interview is not English, the county agency shall offer an interpreter at no cost to the individual. The individual shall not be required to provide his or her own interpreter or use a family member, unless they desire to do so.

(3) If the individual who satisfies the interview requirement for the assistance group is not an assistance group member (e.g., authorized representative), and the county agency questions the information provided by that individual, the county agency retains the right to contact the assistance group to clarify the information.

(K) How can the interview be conducted?

(1) The county agency may conduct an:
   (a) Office interview;
   (b) Telephone interview; or
   (c) Home visit (as long as it is scheduled in advance with the assistance group).

(2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency shall grant a face-to-face interview to any assistance group that requests one.

(L) What are the county agency's responsibilities for the interview?

(1) The county agency shall provide:
   (a) The JFS 07344 "Direct Deposit Authorization" (rev. 8/2009/2018) if applicable; and
   (b) The JFS 07501 if one has not already been provided.
   (c) To an individual who requests disability financial assistance (DFA) and alleges to be unable to engage in any substantial gainful activity because of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than nine months:
      (i) The JFS 07319 "Authorization for Reimbursement of Interim Assistance Initial Claim or Post-Eligibility Case" (rev. 4/2014);
      (ii) An application for medicaid unless one is already pending or the applicant is already in receipt of medicaid; and
      (iii) The JFS 07302 "Basic Medical" (10/2016) and/or the JFS 07308 "Mental Functional Capacity Assessment" (10/2016). The county agency shall request the form(s) in accordance with paragraph (P) of this rule and shall require that the form be returned within ninety days of the request.
If When the statewide automated eligibility system is unavailable, the JFS 01846, "Case Worksheet: Cash, Food Stamp, and Medical Assistance Interview" (rev. 5/2005), and the JFS 07501 shall be used to conduct the interview. The applicant shall be given a copy of the JFS 07501. The information obtained on the JFS 01846 shall be entered into the statewide automated eligibility system.

Assist in obtaining verification and completing the voter registration forms if when requested by the assistance group.

Determine eligibility as soon as possible after the application requirements are complete.

Document the eligibility determination in the case record.

Send the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (rev. 3/2009), to the child support enforcement agency (CSEA) each time that an individual signs the form to claim good cause for refusal to cooperate with child support.

What is the time frame for determining eligibility?

For an OWF or refugee cash assistance (RCA) application, the determination of eligibility shall be completed within thirty calendar days from the date of application.

An OWF application awaiting completion of an applicant assignment may pend up to, but no longer than, thirty days from the date of application before authorization.

No more than forty-five days may elapse between the date of application and the issuance of the benefit, or the notification of the approval or denial of assistance.

No later than thirty days after the date of application, the county agency shall determine if the DFA applicant meets the financial and nonfinancial eligibility criteria for DFA described in Chapter 5101:1-5 of the Administrative Code.

When the financial and nonfinancial eligibility criteria are not met, the county agency shall deny the application for DFA without completing a disability determination in accordance with rule 5101:1-5-20 of the Administrative Code.

When the financial and nonfinancial eligibility criteria are met and a current medical statement was requested in accordance with this rule, the county agency shall:

Determine eligibility for DFA within ten days of receipt of the current medical statement when the statement is received by the county agency within ninety days of the date it was requested; or

Deny the application for DFA when the statement is not received within ninety days of the date it was requested.

The time frames may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances which are considered beyond the control of the county agency or assistance group such as:

Failure, with good cause, to secure necessary verifications;

Failure or delay on the part of an examining physician to provide all needed information.

When calculating the thirty or, forty-five or ninety-day time periods, the following provisions are applicable:

The initial day is excluded from the computation and the last day is included;

When the last day of the time period falls on a Saturday, Sunday or legal holiday, the time period shall end on the next working day;

This method shall be used in calculating all time periods, unless specified as working days.
(5)(4) When the application pends longer than thirty days, running record comments shall be documented at least every thirty days with the reason for the delay.

(N) What is the purpose and location of the application interview?

(1) The interview shall be scheduled as promptly as possible after the receipt of an application containing the minimum requirements described in paragraph (G)(1) of this rule to ensure that an eligible assistance group receives an opportunity to participate within the time frames for completion of the application process pursuant to paragraph (M) of this rule.

(2) The interview is used to inform the assistance group of all required verifications, the time period in which the verifications must be submitted to the county agency, and the responsibility of the county agency to assist if help is needed in obtaining any items. The interview is also used to determine if the application has been thoroughly completed and if the information provided accurately represents the assistance group’s situation.

(3) If the interview cannot be conducted in the county agency offices or by telephone, alternative locations and/or hours must be arranged.

(O) What shall be covered in the application interview?

(1) The eligibility requirements for cash, medical and food assistance SNAP, including issuance and use.

(2) All information contained on the JFS 07501.

(3) The required verifications and information that must be provided. This will include a review of those verifications already provided and those verifications remaining to be secured. The county agency shall also inform the assistance group of assistance that they can provide in securing the required verifications and information.

(4) The importance of abiding by the time limits for providing the verifications and additional information. The county agency shall emphasize that the application cannot be processed until the verifications and additional information are submitted.

(5) The joint responsibility for exploring all the factors of eligibility and the circumstances under which the assistance group will be held responsible for presenting records or documents in its possession to support statements.

(6) The consequences for failing to accurately report the circumstances of the assistance group at the point of application and later if the circumstances should change. Possible recoupment of overpayments and/or referral to law enforcement officials for civil or criminal prosecution could result from a failure to fully and honestly report the circumstances at all times.

(7) The availability, purpose, and provision of appropriate social services programs within and outside the agency regardless of an individual’s receipt of financial assistance.

(8) The responsibility of the parent for minor children and spouses for each other.

(9) The ability of the assistance group to meet its needs pending the receipt of the first benefit.

(10) The availability of free legal services through legal aid.

(11) For individuals applying for DFA, interim assistance for individuals who have a supplemental security income (SSI) application pending and an explanation of the SSI case management program.

(12) An explanation of eligibility for a pregnant minor or minor parent and child to receive assistance as set forth described in section 5107.24 of the Revised Code.

(13) An explanation of the SSC and the time limit requirements and extensions for the OWF program.

(14) An explanation of the waiver of OWF eligibility requirements due to domestic violence, including the good cause exception for refusal to cooperate with child support when applicable.
An explanation of the individual's rights under the ADA, including the right to request reasonable modification in program activities.

Follow-up after the application interview.

During the interview, the county agency shall offer assistance in getting any additional verifications or information that is needed in order to process the case. The county agency shall use the JFS 07105 "Application/Reapplication Verification Request Checklist" (rev. 10/2016). The checklist must provide a date for the return of the verifications. If the required information and verifications are not received by this date, benefits are denied.

What is considered a failure in the application process?

Failure to cooperate in the application process and the verification requirements shall result in a denial of the OWF, DFA or refugee cash assistance (RCA) application. Failure occurs:

1. When the information/verification is not provided after the county agency properly advised what information/verification is needed to determine eligibility provided no request for assistance in obtaining information/verification is received by the county agency; or

2. When the county agency is not given necessary information to assist in obtaining the verification needed to determine eligibility; or

3. When the assistance group fails to participate in a scheduled application interview.

4. For OWF, when any work eligible individual, minor head of household, or adult member of the assistance group fails to enter into a written SSC with the county agency.

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CAMTL 151

Effective Date: June 1, 2020

Most Current Prior Effective Date: January 1, 2019

(A) What is the recertification process?

The recertification process is a periodic review and confirmation that the assistance group continues to meet all of the eligibility requirements of the program that benefits are being issued.

(B) When is a recertification of eligibility required?

(1) Every twelve months for Ohio works first (OWF) assistance groups not included in paragraph (B)(2)(5) of this rule.

(2) OWF assistance groups under a three-tier sanction who sign the JFS 03804 “Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement” (rev. 11/2016) or the statewide automated eligibility system generated equivalent form and when it is received by the county agency on or before the last day of the sanction period as described in rule 5101:1-3-15 of the Administrative Code are not required to complete a recertification.

(3) Four, five, six or twelve months for OWF assistance groups who are:

(a) Expecting a change that would make them ineligible to receive cash assistance;
(b) Migrant farm workers; or
(c) Homeless.

(4) Twenty-four months for child only assistance groups receiving OWF.

(5) The inability to complete the recertification within the prescribed length of time shall not interfere with the prompt payment of benefits or be the basis for termination unless the assistance group fails to cooperate with the recertification.

(C) What is the responsibility of the county agency in the recertification process?

The county agency is responsible for:

(1) Conducting an interview;
(2) Informing the assistance group of its required involvement and cooperation in the recertification process;
(3) Providing assistance in securing verifications and completing the voter registration forms when requested;
(4) Providing an interpreter at no charge to assistance groups with limited English proficiency;
(5) Obtaining verification of information that is new, has changed or is subject to change;
(6) Reviewing basic eligibility factors and explaining rights and reporting responsibilities;
(7) Completing the recertification in a timely manner;
(8) Updating all files upon completion of the recertification process; and
(9) Complying with rule 5101:9-2-02 of the Administrative Code and the Americans with Disabilities Act (ADA) plan adopted by the county agency in accordance with rule 5101:9-2-02 of the Administrative Code. This includes, but is not limited to, providing the assistance group...
with an explanation of their rights under the ADA and offering additional screening to any work eligible individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.

(D) How is a recertification completed?

(1) The county agency shall conduct a recertification with a member of the assistance group or its authorized representative through:

(a) Telephone interview; or

(b) Face-to-face interview.

(2) Telephone interview

(a) A telephone interview may be conducted instead of a face-to-face interview.

(b) The county agency does not need to determine whether a hardship exists.

(c) The telephone interview notice shall be mailed in advance with the date, time and telephone number that the county agency worker will use to contact the assistance group.

(d) The county agency worker will gather the same information and verifications and take the same actions during the telephone interview as during a face-to-face interview.

(e) Once completed, the county agency worker shall provide the assistance group the following documents:

(i) JFS 07501 "Program Enrollment and Benefit Information" (rev. 4/2018);

(ii) JFS 07204 "Request to Reapply for Cash and Food Assistance" (rev. 10/2018) An application as defined in rule 5101:1-2-01 of the Administrative Code; and

(iii) JFS 07217 "Voter Registration Notice of Rights and Declination" (8/2009) or the statewide automated eligibility system generated equivalent.

(f) For statewide automated eligibility system purposes, the signature date is the date that the county agency receives the signed JFS 07204 or its telephonic or electronic equivalent.

(g) To expedite the recertification process, the county agency may send the documents identified in paragraph (D)(2)(e) of this rule with the interview appointment letter.

(h) The recertification is not considered complete until all of the required documents are returned by the assistance group excluding the JFS 07501 and the JFS 07217 that are not required to be returned. This includes all of the documents listed on the JFS 07105 "Application/Reapplication Verification Request Checklist" (rev. 10/2016).

(3) Face-to-face interview

(a) The county agency shall conduct a face-to-face interview when:

(i) The assistance group or authorized representative requests a face-to-face interview;

(ii) The assistance group or authorized representative does not have a telephone; or

(iii) The county agency worker determines that it is appropriate in order to resolve eligibility determination issues for the assistance group.

(b) When the recertification interview is conducted as a face-to-face interview, the provisions described in paragraphs (D)(2)(e) and (D)(2)(h) of this rule are applicable, with the exception of the completion of the JFS 07204.

(4) Availability of the statewide automated eligibility system
When the statewide automated eligibility system is down or unavailable for an extended period of time, the JFS 01846, "Case Worksheet: Cash, Food Stamps and Medical Assistance Interview" (rev. 5/2005) shall be used.

(E) When can an OWF assistance group that has already been approved have their established eligibility period adjusted to align with SNAP?

(1) When the assistance group applies for OWF within a certification period for SNAP, the OWF eligibility period may be adjusted to align with the certification dates already established for SNAP.

(2) When the assistance group has already been approved for OWF and applies for SNAP, the OWF eligibility period may be terminated early and a new eligibility period may be established.

(E)(F) What is considered a failure to cooperate in the recertification process?

Failure to cooperate in the recertification process and the verification requirements shall result in the termination of OWF or RCA. Failure occurs:

(1) When the information/verification is not provided after the county agency properly advised what information/verification is needed to determine eligibility provided no request for assistance in obtaining information/verification is received by the county agency;

(2) When the county agency is not given necessary information to assist in obtaining the verification needed to determine eligibility; or

(3) When the assistance group fails to participate in a scheduled recertification interview.

(F)(G) Reinstatement of benefits

(1) County agencies can reinstate benefits for assistance groups that have terminated for failure to provide required verifications or take a required action.

(2) The county agency shall reopen an assistance group that has been proposed for termination without requiring a new application when the required verifications are provided or actions are taken within thirty days of the benefit termination date.

(3) The county agency shall prorate the assistance group's benefits beginning the day the verifications were received or the action was taken.

(4) The assistance group has the option to refuse the pro-rated benefit.

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CAMTL 96

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(A) What is the National Voter Registration Act (NVRA) of 1993?
   (1) The NVRA, (Public Law 103-31)52 U.S.C. 20501 (1993), establishes procedures to increase the number of eligible citizens who register to vote in elections for federal office.
   (2) The NVRA requires each state to provide voter registration services at designated government agencies that provide public assistance. In Ohio, the designated agencies include the county agencies departments of job and family services (CDJFS).

(B) What is the role of the CDJFS county agency?
   The CDJFS county agency shall do the following:
   (1) In accordance with Public Law 103-31 the NVRA and section 329.051 of the Revised Code, make voter registration applications available, as set forth in paragraph (B)(2) of this rule, to individuals applying for or in receipt of the following programs:
      (a) Ohio works first;
      (b) Disability financial assistance;
      (c) Prevention, retention and contingency;
      (d) Medical assistance; and
      (e) Food assistance.
   (2) Provide the following forms with every application, reapplication or change of address:
      (a) The JFS 07200-VR "Voter Registration and Information Update Form" (07/2008)(06/2014) or the national mail voter registration application. The voter registration form shall be attached to all applications, and reapplication and change of address materials.
      (b) The JFS 07217 "Voter Registration Notice of Rights and Declination" (088/2009), or the county-created equivalent form or the CRIS-E computer generated equivalent. If when the CDJFS county agency creates its own form, the questions and statements set forth in 42 U.S.C. 20, section 1973gg-5 (05/93) the NVRA and section 3503.10 of the Revised Code must be on the form.
         (i) Individuals who wish to register should check the "yes" box and individuals who do not wish to register should check the "no" box. Failure to check either box will be deemed a decision not to register to vote at that time.
         (ii) The secretary of state does not require the submission of the notice of rights and declination form.
         (iii) If when an individual checks "no" on the notice of rights and declination form, but completes the voter registration form, the CDJFS county agency shall send the form to the local county board of elections.
         (iv) Information relating to a declination to register to vote in connection with an application made at the CDJFS county agency may not be used for any purpose other than voter registration.
   (3) Assist the individual in completing the voter registration forms, unless the individual refuses such assistance. Each individual shall be provided the same degree of assistance with completion of the voter registration form as is provided with the completion of any public assistance application form.
(4) Accept the completed voter registration form (regardless of whether the form was distributed by the CDJFS\textit{county agency}) for transmittal to the appropriate local county board of elections. Completed voter registration forms may be returned to the CDJFS\textit{county agency} in person or through another person. When voter registration forms are accepted, they shall be date stamped using a date stamp that will not disclose the identity of the CDJFS\textit{county agency} or if no such date stamp is available, the date may be written on the voter registration form.

(5) Transmit completed voter registration forms to the appropriate local county board of elections no later than five business calendar days after the date of receipt by the CDJFS\textit{county agency}. The JFS 07218 "Agency-Based Registration Voter Registration Transmittal" (088/2009) shall be used for this purpose.

(6) Maintain confidentiality in voter registration procedures. The identity of the CDJFS\textit{county agency} from which voter registration forms are received shall remain confidential except as required by the secretary of state for record-keeping purposes.

(7) Establish an internal procedure for collection of all voter registration forms. The internal procedure shall include the selection of a designated individual within the agency to serve as coordinator for all activities related to the voter registration program. The requirements of the coordinator are listed in paragraph (C) of this rule.

(C) What is the role of the CDJFS\textit{county agency} voter registration coordinator?

The voter registration coordinator is responsible for administering all aspects of the voter registration program within the CDJFS\textit{county agency} and has the following specific responsibilities:

1. Collect all voter registration forms.
2. Transmit voter registration forms to the local county board of elections.
3. Train all CDJFS\textit{county agency} employees who provide assistance in processing applications, reapplications, and changes of address with respect to the voter registration requirements:
   a. New CDJFS\textit{county agency} staff who have NVRA-related responsibilities shall receive training within the first month of their employment or before their first public contact, whichever occurs first.
   b. Current CDJFS\textit{county agency} employees shall receive training at least annually.
   c. Records of staff training shall be maintained by the CDJFS\textit{county agency} and provided to ODJFS the Ohio department of job and family services upon request.
4. Maintain an adequate supply of the applications and forms identified in paragraphs (B)(2)(a) and (B)(2)(b) of this rule.
5. Monitor voter registration activities.
6. Resolve questions and problems that arise, in coordination with state or county election officials.
7. Administer all aspects of the voter registration program for the CDJFS\textit{county agency} as prescribed by the secretary of state.
8. The coordinator shall receive no additional compensation for performing such duties.

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(A) What is verification?

(1) "Verification" is a document or statement from a third party or collateral contact which confirms statements made by the assistance group regarding need and/or a specific eligibility factor.

(2) Verification establishes that the factors of eligibility are met and the assistance group is eligible to receive benefits under the program. Verification is not an eligibility requirement in its own right, but a method for assuring that an eligibility requirement is met.

(3) A telephone contact may be made by the county agency to secure verification. Written consent from the assistance group is necessary unless an exception set forth in rule 5101:1-1-03 of the Administrative Code is met. The following information must be included:

(a) The name and telephone number of the person who gave the information;
(b) The name of the agency or business contacted, if appropriate;
(c) The date of the contact; and
(d) An accurate summary of the information.

(B) What is required to be verified?

(1) All eligibility factors required to establish initial and continuing eligibility and items subject to change must be verified at the time of application, reapplication and when a change in circumstances occurs in the assistance group. A change in circumstances includes the discovery of a discrepancy in income and a change in income amounts.

(2) All income of a member of the assistance group and any person whose income affects the assistance group must be verified.

(C) What happens when verifications are not received?

(1) It is the assistance group's responsibility to provide the information necessary to establish eligibility.

(2) When the assistance group is aware of the requirements of verification but refuses to provide both consent and necessary verification, the county agency shall deny or terminate assistance as eligibility cannot be established.

(3) Assistance may not be terminated when the assistance group refuses to cooperate in validating past eligibility because past eligibility has no bearing upon present need and eligibility.

(4) The assistance group may not be compelled to cooperate in giving testimony or records which may prove guilt of a crime because of protections of the Fifth Amendment to the Constitution of the United States.

(D) When is verification not required?

(1) When the assistance group's own statement on the application establishes that the assistance group is ineligible for cash assistance, verification is not required. The county agency shall confirm the statement on the application to assure it was an accurate statement and not a mistake in completing the form.

(2) Verification of earned or unearned income is not necessary when the assistance group either alleges no income or employment in the current period and there is no reason to question the statement, or the assistance group reports earnings sufficiently high to make them clearly ineligible for benefits.
(3) Verification is not required if when some other factor of eligibility, such as age or citizenship, is clearly not met.

(E) What are the county agency's responsibilities?

The county agency shall:

(1) Explain what verifications and information are necessary to establish eligibility for cash assistance programs. Explain where and how to obtain the required verifications.

(2) Assist in securing all the required verifications necessary to establish eligibility when the assistance group requests such assistance because of an inability to provide them without the agency's help.

(3) Obtain the verifications when the assistance group is not financially able or is not competent to secure them. This shall not be interpreted as noncooperation, nor shall it be used to deny assistance.

(4) The JFS 07341 "Applicant/Recipient Authorization for Release of Information" (rev. 4/2004) shall be obtained each time verification of an eligibility factor is required.

(a) Verification of information from public records does not require written consent.

(b) Verification need be obtained only once if when the eligibility factor is not subject to change.

(F) How is verification handled between reapplications?

(1) The county agency shall pursue clarification and verification of the assistance group's circumstances by issuing the JFS 04219 "Request for Contact Important Notice" (rev. 4/201011/2016) or the statewide automated eligibility system generated equivalent, which that clearly advises the assistance group of the verification it must provide or the actions it must take to clarify its circumstances.

(a) The JFS 04219 or the statewide automated eligibility system generated equivalent shall afford the assistance group at least ten days to respond and to clarify its circumstances, either by telephone or by correspondence, as the county agency directs. It shall further state the consequences if when the assistance group fails to respond to the county agency.

(b) When the assistance group does not respond to the county agency, or does respond but refuses to provide sufficient information to clarify its circumstances, the county agency shall terminate the cash assistance case.

(c) When the assistance group responds to the county agency and provides sufficient information, the county agency shall act on the new circumstances and adjust the budget accordingly.

(G) What happens when verification is not available or there is a discrepancy?

(1) When verification is not available through no fault of the assistance group, the determination is based on the best possible evidence.

(2) Where information from another source contradicts statements made by the assistance group, the assistance group shall be afforded a reasonable opportunity to resolve the discrepancy prior to an eligibility determination.

(3) In situations in which there is no available verification, the county agency shall not deny or terminate the case but shall accept a signed affidavit, a third-party statement, notarized statement, or the statement on the application as verification if when the information is consistent with other facts and statements.

(4) When the statement provided is incomplete and/or inconsistent and the assistance group is unable to clarify the statement, the county agency shall deny or terminate the case as eligibility cannot be established.
The county agency **must** exhaust all possibilities for verification before accepting these statements. The use of a statement shall be on a case-by-case basis. This approach shall not be used for the sole purpose of meeting the promptness requirement of rule 5101:1-2-01 of the Administrative Code.

Homeless and migrant assistance groups may not have easy access to required verifications that may exist. In order to ensure that these assistance groups do not experience a lengthy delay in receiving Ohio works first (OWF) and or refugee cash assistance (RCA) benefits, the following procedures shall be followed:

(a) Once the homeless or migrant assistance group has submitted verification of identity, the county agency shall approve the application for assistance **if when** the assistance group appears to meet eligibility criteria based on statements on the application or a signed affidavit, and the best evidence available.

(b) The county agency shall attempt to obtain verification of all other eligibility factors by the next reapplication. When the verifications cannot be obtained by the next reapplication, the county agency shall continue the attempt and document in the case record.

The methods used for verification shall be thoroughly documented in the case record. All documents submitted to the county agency shall be photocopied and retained in the case record.

What are the assistance group’s change reporting requirements and the time frames?

1. The following changes **must** be reported within ten calendar days of the date that the change occurs for OWF, disability financial assistance (DFA) and or RCA assistance groups:
   (a) Change in the source of earned and unearned income. This includes new employment, loss of employment, changing of jobs and initial receipt of unearned income;
   (b) Change in the amount of gross monthly income of more than fifty dollars;
   (c) Changes in the legal obligation to pay child support;
   (d) Change in the assistance group composition;
   (e) An assistance group member becomes pregnant, or a pregnancy ends when there are no other children;
   (f) Change in residence;
   (g) Withdrawal from school for individuals subject to the learning, earning and parenting program requirements;
   (h) Change in address, job or other information related to an absent parent;
   (i) Change in living arrangement for a minor parent;
   (j) An assistance group member violates a condition of his probation or parole or becomes a fugitive felon.

2. The following changes must be reported within ten calendar days of the date that the change occurs for a DFA assistance group:
   (a) Change in the amount of resources if the total for the family group equals or exceeds one-thousand dollars;
   (b) Receipt of non-recurring lump-sum payment;
   (c) Change in the status of an application with the social security administration (SSA) for social security disability insurance (SSDI) and/or supplemental security income (SSI), including but not limited to when:
      (i) The application is approved or denied by the SSA;
      (ii) The assistance group files an administrative appeal of a denial with the SSA; or
The assistance group receives any decision regarding an administrative appeal from the SSA.

(3)(2) The county agency shall use the time frame provisions set forth described in paragraph (M) of rule 5101:1-2-01 of the Administrative Code when calculating the ten day reporting time period.

(I) Interim reporting

OWF and DFA assistance groups in receipt of food assistance benefits and subject to the twelve or twenty-four month reapplication as set forth in rule 5101:1-2-10 of the Administrative Code, shall be required to submit an interim report to the county agency. The interim report will provide the county agency with updated information on the assistance group's circumstances.

(1) For assistance groups subject to the twelve-month reapplication and in receipt of food assistance benefits, the following policy is applicable:

(a) An interim report shall be sent to the assistance group during the fifth month through the statewide automated eligibility system.

(b) The county agency shall propose termination for an assistance group who fails to return the interim report by the twenty-first day of the fifth month.

(c) The county agency shall reopen an assistance group that has been proposed for termination, without requiring a new application when the assistance group returns the interim report during the sixth month.

(2) For assistance groups subject to the twenty-four month reapplication and in receipt of food assistance benefits, the following policy is applicable:

(a) An interim report shall be sent to the assistance group during the eleventh month through the statewide automated eligibility system.

(b) The county agency shall propose termination for an assistance group who fails to return the interim report by the twenty-first day of the eleventh month.

(c) The county agency shall reopen an assistance group that has been proposed for termination, without requiring a new application when the assistance group returns the interim report during the twelfth month.

(3) The county agency shall reopen an assistance group that has been terminated, without a new application when the assistance group returns the interim report within thirty days of the closure date. The county agency shall prorate the assistance group's benefits beginning the day the report was returned. The assistance group has the option to refuse the pro-rated benefit.

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This rule sets forth the eligibility standard used to determine citizenship and alien status of individuals applying for or receiving Ohio works first (OWF) and disability financial assistance (DFA) benefits. To receive program benefits an individual must be one of the following:

1. A United States (U.S.) citizen or non-citizen national:
   - The "United States" is defined as the fifty states, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, and the American Virgin Islands. In addition, non-citizen nationals from American Samoa or Swain’s Island are considered U.S. citizens for purposes of the OWF and DFA programs.

2. Qualified alien:
   - An alien who at the time of application or at the time of receipt of OWF or DFA is:
     a. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (1952);
     b. An alien granted asylum under the INA;
     c. A refugee who is admitted to the U.S. under section 207 of the INA, 8 U.S.C. 1157 (05/2005);
     d. An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1101 (12/2008);
     e. An alien paroled into the U.S. under section 212 of the INA for a period of at least one year;
     f. An alien whose deportation is being withheld under section 243 of the INA;
     g. An alien granted conditional entry pursuant to section 203 of the INA as in effect prior to April 1, 1980;
     h. An alien who is a Cuban or Haitian entrant pursuant to 45 C.F.R. 401 (1982);
     i. An Amerasian admitted pursuant to section 584 of Public Law (P.L.) 100-200, 114 Stat. 1464 (2000), as amended by P.L. 100-461 (10/1988);
     j. An alien or an alien’s child battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse’s or parent’s family. This shall not apply to an alien during any period when the individual responsible for the abuse is residing in the same residence. Verification and documentation procedures for this status are defined in exhibit B of attachment 5 of the U.S. Department of Justice interim guidance dated November 17, 1997 (62 FR 61344); and
(b) Residents of the U.S. prior to August 22, 1996:
A qualified alien who entered the U.S. prior to August 22, 1996 and continuously resided in the U.S. until attaining qualified alien status shall continue to meet the citizenship requirements for OWF and DFA.

(c) Residents of the U.S. on or after August 22, 1996:
A qualified alien who enters the U.S. on or after August 22, 1996 does not meet the citizenship requirement for OWF and DFA with the following exceptions:

(i) Refugee’s as set forth described in paragraph (A)(2)(a)(iii) of this rule, eligibility is limited to five years from the date of entry into the U.S.;

(ii) Victims of severe forms of trafficking who are potentially eligible for benefits and services to the same extent as an alien admitted to the U.S. as a refugee in accordance with rules 5101:1-2-30.1 and 5101:1-2-30.3 of the Administrative Code;

(iii) Indefinite detainees or lifers after being convicted of a crime that triggers a final order of removal, may have a status making them potentially eligible in accordance with rule 5101:1-2-30.2 of the Administrative Code;

(iv) An alien granted asylum under the INA. Eligibility is limited to five years from the date asylum was granted;

(v) An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1101 (12/2008)(1/2014). Eligibility is limited to five years from the date of entry into the U.S.;

(vi) An alien whose deportation is being withheld under section 243 of the INA. Eligibility is limited to five years from the date of entry into the U.S.;

(vii) An alien who is a Cuban or Haitian entrant pursuant to 45 CFR C.F.R. 401 (1982). Eligibility is limited to five years from the date the status as a Cuban or Haitian entrant is granted;

(viii) An Amerasian admitted pursuant to section 584 of Public Law (P.L.) 100-202 (12/1987), as amended by P.L. 100-461 (10/1988). Eligibility is limited to five years from the date the individual was admitted into the U.S. as an Amerasian immigrant;

(ix) Aliens lawfully admitted into the U.S. for permanent residence under the INA and have worked forty qualifying quarters of coverage under Title II of the Social Security Act or can be credited with quarters that are creditable for any period beginning after December 31, 1996 and did not receive any federal means-tested public benefit during any quarter.

(a) Qualifying quarter shall be credited as follows:

(i) All quarters of coverage worked by a natural or adoptive parent if when the quarters were worked before the date the alien attains age eighteen; and

(ii) All quarters worked by a spouse of such alien during their marriage if when the alien remains married to such spouse or such spouse is deceased.

(iii) A qualifying quarter does not include any quarter after December 31, 1996, in which when the individual worked and also received a federal means-tested public benefit.

(x) Veterans and active duty service personnel lawfully residing in Ohio and are:

(a) A veteran with an honorable discharge and not on account of alienage; or
(b) On active duty (other than active duty for training) in the U.S. armed forces as defined in section 5303A(d) of Title 38, United States Code (U.S.C.) (2007) 38 U.S.C. 5303A(d) (1998).

(c) The surviving spouse of a deceased veteran or individual on active duty, provided the spouse has not remarried and the marriage fulfills the requirements of 38 U.S.C. 1304 (2004) (1991) or the unmarried dependent child(ren) of an individual as defined in paragraph (A)(2)(x) of this rule.


(B) Eligibility categories: each category of eligible alien status stands alone for purposes of determining eligibility. Subsequent adjustment to a more limited status does not override eligibility based on an earlier less rigorous status. Likewise, if eligibility expires under one eligibility status, the county agency must determine if eligibility exists under another status.

(C) Timeframe for verification submission: the county agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status. A reasonable opportunity must be at least ten days from the date of the county agency's request for an acceptable document.

(D) Validity of documents:

(1) The county agency shall verify the authenticity of the documentation of eligible alien status of applicant aliens. If an alien does not wish the county agency to contact the department of homeland security to verify his or her immigration status, the county agency must give the assistance group the option of withdrawing its application or participating without that assistance group member. The U.S. department of justice interim guidance dated November 17, 1997 (62 FR 61344) contains information on acceptable documents and INS codes.

(2) The county agency shall verify the validity of the documents presented by applicant aliens through the systematic alien verification for entitlements (SAVE) program. In some instances validity of documents shall be verified by submitting the department of homeland security, "Document Verification Request" form G845S (07/08) to the appropriate office, along with the proper documentation. SAVE procedures are set forth in rule 5101:1-1-50 of the Administrative Code.
What is the definition of a "severe forms form of trafficking in persons?"

As described in 22 U.S.C. 7102 (10/2018) Under section 103(8) of the Trafficking Victims Protection Act of 2000, the term "severe forms form of trafficking in persons" means:

1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or

2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Who determines if an individual is a victim of a severe forms form of trafficking?

The office of refugee resettlement (ORR) within the department of health and human services will make certification determinations for victims of a severe forms form of trafficking.

1. For adults, ORR will issue notarized letters of certification for an adult victim of a severe forms form of trafficking.

2. For children, ORR will issue notarized letters, similar to adult certification letters, stating that the child is a victim of a severe form of trafficking.

What are the county agency responsibilities in determining eligibility for a victim of a severe forms form of trafficking?

1. The county agency shall:
   a. Accept the letters described in paragraph (B) of this rule in place of the citizenship and immigration service documentation and retain a copy in the case file.
   b. Call ORR for assistance if an individual presents an expired letter when applying for benefits or when a redetermination is being completed and the county agency finds that a certification letter has expired.
   c. Call the trafficking verification telephone line to confirm the validity of the certification letter before providing benefits. During the verification telephone call, notify ORR of the benefits for which the victim of trafficking has applied.
   d. Note the individual's entry date for refugee benefit purposes once the letter described in paragraph (B) of this rule is received and the validity of the document is verified by calling the trafficking verification telephone line. The entry date is the date of certification.
   e. Determine eligibility or redetermine eligibility in accordance with the appropriate program rules.
   f. Issue benefits and services to the same extent as a refugee, if when the applicant meets other program eligibility criteria (e.g., income levels).

2. The county agency shall not:
   a. Require a victim of a severe forms form of trafficking to provide any other immigration documents to receive benefits.
(b) Contact the systematic alien verification for entitlements (SAVE) to confirm eligibility for benefits. The SAVE system does not contain information about a victim of a severe form of trafficking.

(c) Automatically deny benefits if the individual is unable to provide verification of identity. The county agency shall call the trafficking verification telephone line for assistance.

(d) Delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a social security number. If an individual is required to provide or apply for a social security number for another benefit program, such as medicaid, Ohio works first, or food assistance; the victim of a severe form of trafficking does not yet have or is unable to obtain a social security number for work purposes, the individual shall:

(i) Complete the SS-5, "Social Security Administration Application for a Social Security Card" form;

(ii) Provide all department of homeland security documents;

(iii) Provide a passport; and

(iv) Provide a state identification card or driver's license.

(D) What if an individual does not have certification from ORR?

The county agency shall contact ORR if it encounters:

(1) An individual or a child that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification; or

(2) A child believed to have been subjected to a severe form of trafficking who lacks an eligibility letter.
(A) Are indefinite detainees or lifers eligible for benefits?

Some indefinite detainees or lifers released from detention may have a status as refugees or may receive a status that makes them potentially eligible for refugee cash assistance (RCA), disability financial assistance (DFA) or Ohio works first (OWF).

(B) Who are indefinite detainees or lifers?

Indefinite detainees or lifers are non-citizens who, after having served time for a criminal conviction and are given a final order of removal by the department of homeland security (DHS) United States citizenship and immigration services (USCIS), remain indefinitely in the United States (U.S.) because their home country and no other country will accept them. On June 28, 2001 the U.S. Supreme Court issued a decision that limits an alien's detention is limited to a period reasonably necessary to bring about the alien's removal from the U.S. and does not permit indefinite detention.

(C) What must an indefinite detainee or lifer provide when applying for benefits?

(1) An "Order of Supervision" (USCIS I-220B) in accordance with 8 C.F.R. 241.5 (8/2011). The order of supervision should include the individual's alien registration number and notation concerning exclusion, deportation or removal. The order shall specify the conditions of supervision including but not limited to a requirement that the alien:

(a) Report to a specified officer periodically and provide information under oath as directed;
(b) Continue efforts to obtain a travel document and assist in obtaining a travel document;
(c) Report as directed for a mental or physical examination or examinations as directed;
(d) Obtain advance approval of travel beyond previously specified times and distances; and
(e) Provide a written notice of any change of address on form AR-11 "Alien's Change of Address Card" within ten days of the change.

(2) An officer authorized to issue an order of suspension may require the posting of a bond in an amount determined by the officer to ensure compliance with the conditions of the order, including surrender for removal.

(3) Employment authorization. An officer authorized to issue an order may, in his or her discretion, grant employment authorization. The individual may also have an "Employment Authorization Document" (USCIS from I-766).

(D) What are the responsibilities of the county agency?

The county agency shall:

(1) Collect as much of the following information from the applicant as possible;

(a) Name;
(b) Alien registration number ("A number");
(c) Date of birth;
(d) Social security number;
(e) Home country;
(f) Number on the I-94 "Arrival-Departure Record";
(g) Parent's name;
(h) Driver's license number; and
(i) Copies of any immigration documents.

(2) Call the office of refugee resettlement (ORR) at (202) 401-9246 to inform them about the need for an eligibility determination for an indefinite detainee.

(3) Send a fax with the collected information from the applicant and contact information for the eligibility determiner handling the case at the county agency to the ORR at (202) 401-5487. The ORR will work with the USCIS to determine the applicant's original status, entry date and eligibility.

(4) After information has been received by the county agency, the ORR may contact the county agency for additional information. The ORR will notify the county agency of the applicant's status, entry date and eligibility.

(5) Based upon the information received from ORR, the county agency shall determine eligibility of the indefinite detainee or lifer for refugee cash assistance or Ohio works first RCA benefits in accordance with rule 5101:1-2-40 of the Administrative Code, for DFA benefits in accordance with Chapter 5101:1-5 of the Administrative Code or for OWF benefits in accordance with division 5101:1 of the Administrative Code.

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(A) Who is considered a family member of a victim of trafficking?

A holder of a T-2, T-3, T-4, T-5, or T-6 visa (hereafter, "derivative T visa") is considered a family member of a victim of a severe form of trafficking.

(B) What are the county agency responsibilities in determining eligibility for family members of a victim of trafficking?

The county agency shall:

1. Accept the derivative T visa of a non-immigrant (i.e., an alien who is allowed to enter the United States for a specific purpose and for a limited period of time).
   
   (a) For an individual who is already present in the U.S. on the date the derivative T visa is issued, the date of entry for benefits and services is the notice date on the I-797 form, "Notice of Action" on the individual's derivative T visa.
   
   (b) For an individual who enters the U.S. on the basis of a derivative T visa, the date of entry for benefits and services is the date of entry stamped on that individual's passport or I-94 arrival record.

2. Call the trafficking verification telephone line to notify the office of refugee resettlement of the benefits for which the individual has applied for.

The health and human services systematic alien verification for entitlements (SAVE) system does not contain information about non-immigrant alien family members. The county agency shall not contact the SAVE system to confirm eligibility for benefits.

3. Determine eligibility or redetermine eligibility in accordance with the appropriate program rules.

4. If the applicant meets other program eligibility criteria (e.g., income levels), the county agency shall issue benefits and services to the same extent as a refugee.
5101:1-2-35  Sponsor-to-Alien Deeming Requirements: Ohio Works First and Disability Financial Assistance

CAMTL 127

Effective Date: May 1, 2017

Most Current Prior Effective Date: September 9, 2011

(A) What is the sponsor-to-alien deeming requirement?

In the determination of eligibility for cash assistance benefits, the county agency is required to deem a sponsor's income and resources to the alien. The United States citizenship and immigration services (USCIS) form I-864, "Affidavit of Support" has been developed for the determination of the sponsor-deeming directive and is available at https://www.uscis.gov/i-864.

(B) Who is considered a sponsor?

1. A sponsor is anyone who executes the I-864 "Affidavit of Support" on behalf of an alien as a condition of the alien's entry into the United States (U.S.).
2. Pursuant to section 213A of the Immigration and Nationality Act (INA) (1954), the I-864 is completed when the income and or resources of the sponsor and any other household member are used to qualify an alien for sponsorship.

(C) Who is not subject to the sponsor-to-alien deeming requirements?

An assistance group that consists of:

1. An alien who is a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien;
2. An alien admitted to the U.S. as a refugee;
3. An alien paroled into the U.S. for a period of at least one year;
4. An alien granted political asylum by the attorney general of the U.S.;
5. A lawful permanent resident who applied for an immigrant visa at a consular's office or adjustment of status to lawful permanent resident before December 19, 1997;
6. A qualified alien who is sponsored by an organization or who is not a lawful permanent resident and who is not required to have a sponsor;
7. A victim of a severe form of trafficking, as defined in rule 5101:1-2-30 of the Administrative Code;
8. Certain family members of a victim of a severe form of trafficking as described in rule 5101:1-2-30.3 of the Administrative Code;
9. A lawful permanent resident entering employment or other non-family categories, such as the diversity category (i.e., lottery immigrants) where a person did not have to sign the I-864 affidavit. Persons from countries with low rates of immigration are allowed into the U.S. through a lottery system;
10. An alien or alien's child who has been determined to be a victim of domestic violence or extreme cruelty is exempt for a period of twelve months:
   a. A county agency may use any credible evidence of abuse that is available to make a determination. This would include, but is not limited to reports or affidavits from police, judges, other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel, protection orders, affidavits from family members or others who have a personal knowledge of the battery or extreme cruelty, photographs of injuries, and the applicant's own credible affidavit.
   b. The deeming exemption may not apply to the alien's benefits during any period in which the individual responsible for such battery or cruelty resides in the same
household or family eligible unit as the individual who was subjected to such battery or cruelty.

(c) The exemption can be extended beyond twelve months if, when the abuse or cruelty is recognized by a court order, an administrative law judge or the United States citizenship and immigration services (USCIS), and the victim does not live with the batterer. However, the county agency must notify the Ohio department of job and family services, office of families and children, of each such determination so information may be forwarded to the USCIS. The name of the sponsor(s) and the sponsored lawful permanent resident(s) involved should be provided;

(11) An alien child of a battered parent, pursuant to as described in rule 5101:1-2-30 of the Administrative Code;

(12) An indigent alien who has been determined by the county agency to be unable to obtain food and shelter taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor. In this instance, only the amount of income and resources actually provided by the sponsor or sponsor's spouse should be considered. The exemption is granted for a twelve-month period beginning on the date the determination is made;

(13) An alien whose sponsor signed an affidavit(s) of support other than the I-864 affidavit of support; and

(14) Cuban and Haitian entrants.

(D) How is the sponsor-to-alien deeming requirement applied?

(1) The sponsor and sponsor's spouse do not have to reside in the household of the sponsored alien or any member of the alien's assistance group for the deeming provision to apply.

(2) An alien whose sponsor signed an I-864 affidavit on or after December 12, 1997 and applies for OWF or DFA benefits is subject to the deeming requirement upon the expiration of the five-year ban on receipt of OWF or DFA benefits in accordance with as described in rule 5101:1-2-30 of the Administrative Code.

(3) The income of the sponsor and the sponsor's spouse shall be deemed in accordance with the income allocation methodology pursuant to as described in rule 5101:1-23-20 of the Administrative Code.

(4) Resources For purposes of DFA eligibility, resources of the sponsor and the sponsor's spouse shall be deemed pursuant to rule 5101:1-5-30 of the Administrative Code.

(5) Deemed income shall be considered unearned income, and unearned income and resources shall be equally divided and budgeted among the sponsored aliens. This deeming applies until the alien meets one of the requirements outlined in paragraph (D)(1)(C) of this rule.

(6) When an alien has two sponsors, both of whom executed an I-864 and an I-864A, "Contract Between Sponsor and Household Member" affidavit, the income and resources of both the primary and joint sponsor(s), as well as their respective spouses shall be deemed to the sponsored lawful permanent resident.

(7) An alien sponsored pursuant to an I-864 and an I-864A affidavit shall be required to provide such information and documentation with respect to the alien's sponsor as may be necessary in order to make a determination of eligibility required by this rule, and to obtain any cooperation from the sponsor necessary for any such determination. This includes such information and documentation which the alien or the alien's sponsor provided in support of the alien's immigration application.

(8) When an accepted I-864 and an I-864A affidavit provides that an alien is not excludable as a public charge, the sponsor agrees to financially support the alien so that the alien will not become a public charge. Upon notification that a sponsored alien has received a benefit, the county agency shall request reimbursement by the sponsor for the alien's assistance. A public
charge means an alien who has become (for deportation purposes) or who is likely to become (for admission/adjustment purposes) primarily dependent on the government for subsistence.

(E) How long do the deeming requirements apply?

Deeming applies until the alien:

1. Becomes a U.S. citizen;

2. Has earned or can be credited with forty qualifying quarters of work as defined in rule 5101:1-2-30 of the Administrative Code; or

3. Departs the U.S. permanently or dies.

Effective: 06/01/2017

Five Year Review (FYR) Dates: 01/31/2017 and 06/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 04/19/2017

Promulgated Under: 119.03

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**CAMTL 138**

**Effective Date:** January 1, 2019

**Most Current Prior Effective Date:** May 1, 2014

(A) What are the options for the issuance of cash assistance benefits?

1. Assistance groups applying for or in receipt of Ohio works first (OWF), disability financial assistance (DFA), and/or refugee cash assistance (RCA) have two options for the issuance of monthly cash benefits. The two options are:
   a. Electronic payment card; or
   b. Electronic funds transfer or direct deposit.

2. The assistance group shall be informed of the two options at application and reapplication and provided informative material.

(B) What is the difference between the electronic payment card and electronic funds transfer?

1. The electronic payment card is a pre-paid card system which transfers cash benefits to an account accessed by a magnetic strip card.

2. The electronic funds transfer is a direct deposit system that transfers cash benefits electronically to individual bank accounts.

(C) How does the assistance group select one of the benefit issuance methods?

1. Direct deposit
   a. When the assistance group selects direct deposit it shall complete the JFS 07344 "Direct Deposit Authorization" (rev. 8/2009)(rev. 1/2018). This form shall be retained by the county agency in the assistance group record.
   b. If the assistance group fails to designate an account suitable for direct deposit and submit the JFS 07344 within ten days of the assistance groups request for direct deposit, the county agency shall issue the benefits on the electronic payment card.

2. Electronic payment card
   a. When the assistance group chooses the electronic payment card, the county agency shall make the appropriate designation in the statewide automated eligibility system. This will result in the mailing of the electronic payment card and informational material to the assistance group payee or protective payee.
   b. If the assistance group has not completed the process to activate the electronic payment card within sixty days from the day the benefits were authorized by the county agency, the county agency shall attempt to make contact with the assistance group to ensure that eligibility for cash benefits exists. If the assistance group has not completed the process to activate the electronic payment card within ninety days of the issuance of cash benefits, the benefits will be expunged on an ongoing basis ninety days from the benefit issuance date until the card is pinned.

3. When a benefit issuance method is selected, no change will be made until the next reapplication, unless the county agency determines that there is good cause for a change before the next scheduled reapplication or the financial institution dishonors the assistance group’s direct deposit account.
(D) Are there fees associated with these methods of issuance?

   1. Direct deposit
      (a) There may be fees associated with direct deposit that are imposed by the financial institution. These fees are the responsibility of the assistance group.
      (b) The financial institution cannot impose any charge for an account that it does not impose on its other customers for the same type of account.

   2. Electronic payment card
      (a) Certain transactions may incur fees associated with the electronic payment card. A complete list of fees is provided by the vendor in the client disclosure statement materials.
      (b) Fees associated with the use of the electronic payment card will be deducted from the balance on the card.
      (c) Fees deducted from the balance on the card will be identified on the assistance group's account. The assistance group can confirm the balance by tracking the account on the internet or calling the electronic payment card vendor's customer service number.
      (d) If the assistance group disputes the fees associated with the use of the card, the county agency shall refer them to the electronic payment card vendor's customer service number for resolution.

(E) What happens if the assistance group's benefit is lost, stolen or not received?

   1. Direct deposit
      (a) If the assistance group receives benefits by direct deposit and the bank account has closed or the direct deposit has been dishonored, the assistance group must notify the county agency.
      (b) If the assistance group fails to notify the county agency of the change to the designation of the bank account prior to the issuance of the benefit, the payment will not be accepted by the financial institution for deposit and will be returned to the Ohio department of job and family services (ODJFS).
      (c) If a direct deposit has been rejected by a financial institution the county agency shall make contact with the assistance group to determine if either a change in the direct deposit bank account is needed or if there is good cause to change the issuance method to the electronic payment card.

   2. Electronic payment card
      (a) If the electronic payment card is lost, stolen or not received, the assistance group must contact the electronic payment card vendor's customer service number to request a replacement card.
      (b) Each assistance group can receive up to four replacement cards at no cost every twelve months. The twelve month period of time is calculated from the initial card issuance date.
      (c) There is a fee for additional replacement cards after the four free replacements.

   3. There may be a rare situation where a paper warrant is issued. If a paper warrant is issued and is either lost, stolen or not received, the county agency shall take the action necessary to stop payment on the missing warrant and contact ODJFS to request a replacement warrant to be issued. The issuance payment method in CRIS-E, the statewide automated eligibility system, must be overridden by ODJFS before a replacement warrant can be issued. A handwriting sample and affidavit may still be required to be completed by the assistance group before a replacement warrant is issued.

(F) Who does an assistance group contact if there are problems?
Direct deposit

(a) The assistance group shall be advised to report changes to the county agency so that the direct deposit payment can continue with as little interruption as possible. This includes a change in the account number, financial institution, or a change in the payee for the assistance group.

(b) When there is a change in a bank account or savings and loan account number or transit routing number, all direct deposit data must be re-entered on the appropriate screen in CRIS-E, the statewide automated eligibility system.

(c) A change in county of residence will not result in a change in benefit payment method from direct deposit.

(d) When there is a dispute or question relating to purchases or fees assessed on the direct deposit bank account, the assistance group shall contact the financial institution who holds the direct deposit bank account.

Electronic payment card

(a) When there is an issue or question regarding the amount of cash assistance benefits that are issued, the assistance group shall contact the county agency.

(b) When there is a technical issue related to use of the electronic payment card, the assistance group shall contact the electronic payment card vendor's customer service.

(c) When there is a dispute or question regarding purchases or fees assessed on the account, the assistance group shall contact the electronic payment card vendor's customer service.

What happens when an assistance group elects to receive an electronic payment card but fails to activate an electronic payment card?

For purposes of this rule, "activate" means taking all necessary steps to be able to use the electronic payment card, including creating a personal identification number (PIN). When an electronic payment card is not activated:

(1) Within sixty days from the date the first electronic payment card was issued for the account, the county agency shall attempt to make contact with the assistance group to ensure that eligibility for cash benefits continues. The county agency shall notify the assistance group that if it fails to activate the electronic payment card, benefits shall be expunged.

(2) Within ninety days of the date the first electronic payment card was issued for the account, all benefits issued during the preceding ninety-day period shall be expunged; and all benefits issued after the ninetieth day shall be expunged on a monthly basis until the electronic payment card is activated. Expunged benefits are no longer available to the assistance group and shall not be reissued.

Effective: 1/1/2019

Prior Effective Dates: 05/01/1971, 05/01/1975, 02/01/1984 (Emer.), 02/09/1984 (Temp.), 05/01/1984, 06/01/1984, 04/19/1985, 01/01/1986 (Emer.), 02/03/1986 (Emer.), 04/01/1986, 10/01/1988 (Emer.), 12/20/1988, 10/01/1991, 01/01/1994 (Emer.), 03/18/1994, 01/01/1995, 01/01/1996, 05/01/1997, 07/01/1998,
**Effective Date: November 1, 2016**

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

(A) **What is the new hire reporting program?**

Pursuant to section 3121.891 of the Revised Code, all employers are required to provide information to the Ohio department of job and family services (ODJFS) about employees who are newly hired, rehired, or who have returned to work or a contractor of a person who resides, works, or will be assigned to work in this state to whom the employer anticipates paying compensation within twenty days from the date of hire. A newly hired employee means an employee who has not previously been employed by the employer; or was previously employed by the employer, but has been separated from such prior employment for at least sixty consecutive days. This requirement was mandated under the Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193 (1996), according to the requirements of 42 U.S.C. 653a (2012).

(B) **How is the new hire information used?**

Pursuant to section 3121.898 of the Revised Code, the county agency shall use new hire information to ensure all employment information has been reported, verified and used appropriately when determining cash assistance benefits. Alerts are generated in the client registry information system-enhanced (CRIS-E) statewide automated eligibility system when there is a match with new hire information.

(C) **What is the county agency's responsibility when a new hire alert is received?**

(1) Immediately upon receipt of a new hire alert, but no later than three working days, the county agency shall make telephone contact with the assistance group. The information obtained as a result of the telephone contact shall include, but not be limited to, the following:

   (a) Hourly rate of pay;
   (b) Hours worked per week; and
   (c) Correct mailing address of the employer.

(2) If the assistance group does not have a telephone or cannot be immediately reached, the JFS 04219 "Request for Contact Important Notice" (rev. 4/2010) or the CRIS-E Statewide automated eligibility system equivalent shall be sent within three working days.

(3) All information reported by the client shall be immediately followed up with a request for hard copy verification (e.g. pay stubs, employment verification form). If the assistance group is having trouble obtaining the verification, the best available documentation may be acceptable (e.g. third party statement, call to the employer, or client statement).

(4) Information reported by client statement shall be used in determining eligibility for cash assistance benefits until employer verification can be obtained.

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Five Year Review (FYR) Dates: 04/12/2016 and 11/01/2021

Certification: CERTIFIED ELECTRONICALLY

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Prior Effective Dates: 7/1/98, 3/1/02, 10/1/05, 1/1/11
Chapter 2000 - TANF: OWF and PRC
The definitions described in this rule are contained in federal regulations related to the temporary assistance for needy families (TANF) program. There are also definitions included in this rule that are set forth in the Revised Code.

(A) "Adult" is defined in 45 C.F.R. 260.30 (10/1999) as an individual who is not a minor child, as defined in this rule.

(B) "Assistance" is defined in 45 C.F.R. 260.31 (10/1999) as described below:

(1) Assistance includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs for food, clothing, shelter, utilities, household goods, personal care items and general incidental items. Except as provided in paragraph (B)(2) of this rule, assistance includes supportive services such as transportation and child care provided to families who are not employed. It includes such benefits even when they are:

(a) Provided in the form of payments by a TANF agency or other agency on its behalf, to individual recipients; and

(b) Conditioned on participation in work experience or community service, or any other activity under 45 C.F.R. 261.30 (10/1999), that defines work activities as: unsubsidized employment, subsidized private-sector employment; subsidized public-sector employment; work experience when sufficient private-sector employment is not available; on-the-job training (OJT); job search and job readiness assistance; community service programs; vocational educational training; job skills training directly related to employment; education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and providing child care services to an individual who is participating in a community service program.

(2) Assistance excludes:

(a) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(b) Work subsidies - payments to employers or third parties to help cover the costs of employee wages, benefits, supervision and training;

(c) Supportive services such as child care and transportation provided to families who are employed;

(d) Refundable earned income tax credits;

(e) Contributions to, and distributions from individual development accounts (IDA);

(f) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(g) Transportation benefits provided under a job access or reverse commute project to an individual who is not otherwise receiving assistance.
"Assistance group" means those persons potentially eligible or determined eligible to receive benefits together under one assistance group name. This was formerly referred to as the food assistance household. The assistance group is also known as the standard filing unit (SFU) in the statewide automated eligibility system.

"Case" means all assistance groups who live in the same household.

"Cash assistance", when provided to Ohio works first (OWF) participants has the meaning described in paragraph (B) of this rule and in rule 5101:1-23-01 of the Administrative Code.

"Commingled State TANF expenditures" means expenditures of state funds that are made within the TANF program and commingled with federal TANF funds.

"Custodian" as defined in section 5107.02 of the Revised Code means, an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

"Erroneous payment" as defined in section 5107.76 of the Revised Code and rule 5101:1-23-70 of the Administrative Code, means payments of cash assistance under OWF to assistance groups not eligible to receive the assistance, including assistance paid as a result of misrepresentation or fraud and assistance paid due to an error by a member of an assistance group or a county agency.

"Fraudulent assistance" as defined in section 5101.83 of the Revised Code and rule 5101:1-23-75 of the Administrative Code, means assistance and services, including cash assistance provided under OWF established under Chapter 5107. of the Revised Code, or benefits and services provided under prevention, retention and contingency (PRC) as provided in Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirement. Fraudulent assistance does not include assistance or services to or on behalf of an assistance group that is provided as a result of an error that is the fault of the county agency or the Ohio department of job and family services (ODJFS).

"Guardian" as defined in section 5107.02 of the Revised Code means, an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

"Indian" as defined in section 5107.02 of the Revised Code, means a person who is a member of an Indian tribe.

"Indian country", as defined in section 5107.02 of the Revised Code, means a person who is a member of an Indian tribe.

"Indian country", as defined in 18 U.S.C. 1151 (5/1976) of the United States Code, means:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent and, including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) All Indian allotments, the Indian titles that have not been extinguished, including rights-of-way running through the same.

"Indian tribe", as defined in section 5107.02 of the Revised Code, means any Indian tribe, band, nation, or other organized group or community, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (12/2004) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; except that the term "Indian tribe" means, with respect to the state of Alaska, only the Metlakatla Indian community of the Annette islands reserve and the following Alaska native regional nonprofit corporations:

(1) Arctic slope native association;

(2) Kawerak, inc.;
(3) Maniilaq association;
(4) Association of village council presidents;
(5) Tanana chiefs council;
(6) Cook inlet tribal council;
(7) Bristol bay native association;
(8) Aleutian and Pribilof island association;
(9) Chugachmuit;
(10) Tlingit Haida central council;
(11) Kodiak area native association; and
(12) Copper river native association.

"Indian Tribal Organization" or "tribal organization" as defined in 25 U.S.C. 405b-5304 means, the recognized governing body of any Indian tribe; any legally established organization of Indians that is controlled, sanctioned, or chartered by such governing body or that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of its activities provided that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be the prerequisite to the letting or making of such contract or grant.

"Individual Development Account (IDA)" as defined in 45 C.F.R. 263.20 (10/1999) means an account established by or for an individual who is eligible for assistance under the TANF program, to allow the individual to accumulate funds for specific purposes. The funds in an IDA account shall be disregarded in determining eligibility for, or the amount of, assistance in any federal means-tested programs.

"Minor child" as defined in 45 C.F.R. 260.30 means an individual who:
(1) Is not eighteen years of age; or
(2) Who has not turned nineteen years of age and is a full-time student in a secondary school (or the equivalent level of vocational or technical training).

"Minor head of household" as defined in section 5107.02 of the Revised Code means a minor child who is either of the following:
(1) Is married, at least six months pregnant and a member of an assistance group that does not include an adult; or
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.

"Ohio Works First (OWF)" as defined in section 5107.02 of the Revised Code means the program established by section 5107.03 of the Revised Code. OWF is Ohio's TANF cash assistance program. OWF is a program that provides time-limited cash assistance, as defined in paragraph (B)(1) of this rule, to eligible families.

"Payment standard" as defined in section 5107.02 of the Revised Code means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under OWF from state and federal funds.

"Prevention, Retention and Contingency (PRC)" as defined in Chapter 5108. of the Revised Code means the program established under Chapter 5108. of the Revised Code and funded in part with federal TANF funds to provide non-cash benefits and services, as defined in paragraph (B)(2) of this rule, that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility.

"Specified relative" as defined in section 5107.02 of the Revised Code means the following individuals who are age eighteen and older:

1. The following individuals related by blood or adoption;
   a. Grandparents, including grandparents with the prefix "great", "great-great", or "great-great-great";
   b. Siblings;
   c. Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great", "great-great", "grand", or "great-grand"; and
   d. First cousins and first cousins once removed.
2. Stepparents and stepsiblings; and
3. Spouses and former spouses of individuals named in paragraphs (V)(1) and (V)(2) of this rule.

"State TANF expenditures" as defined in 45 C.F.R. 260.30 means the expenditure of state funds within the TANF program.

"Statewide automated eligibility system" means the centralized statewide automated system that supports all eighty-eight county agencies.

"Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act (8/1997), to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.

"Supplemental security income (SSI) recipient" means a person who receives SSI payments.

"Temporary assistance for needy families (TANF)" as defined in 45 C.F.R. 260.30 is a block grant program to help move recipients into work and turn welfare into a program of temporary assistance. Under the welfare reform legislation of 1996, TANF replaced the old welfare programs known as the aid to families with dependent children (AFDC) program, the job opportunities and basic skills training (JOBS) program, and the emergency assistance (EA) program.

"TANF Program" as defined in 45 C.F.R. 260.30 means a state program of family assistance operated by an eligible state under its state TANF plan.

"Title IV-A" as defined in 45 C.F.R. 260.30 means the title and part of the Social Security Act that now includes TANF, but previously included the now obsolete aid to families with dependent children (AFDC) and emergency assistance (EA) programs.

"Title IV-A program" as defined in section 5101.80 of the Revised Code means all of the following that are funded in part with funds provided under the TANF block grant:

1. The OWF program established under Chapter 5107. of the Revised Code;
2. The PRC program established under Chapter 5108. of the Revised Code;
3. A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the ODJFS; and
4. A component of a Title IV-A program identified in paragraphs (DD)(1) to (DD)(3) of this rule, that the Title IV-A state plan identifies as a component.
5. The kinship permanency incentive program created under section 5101.802 of the Revised Code.
6. The Title IV-A demonstration program created under section 5101.803 of the Revised Code.

"Work eligible individual" as defined in 45 C.F.R. 261.2 (10/1999) means the following:
(1) An adult (or minor child head-of-household) receiving assistance under TANF or a separate state program or a non-recipient parent living with a child receiving such assistance unless the parent is:
   (a) A minor parent and not the head-of-household;
   (b) A non-citizen who is ineligible to receive assistance due to his or her immigration status; or
   (c) At state option on a case-by-case basis, a recipient of supplemental security income (SSI) benefits or aid to the aged, blind or disabled in the territories.

(2) The term excludes:
   (a) A parent providing care for a disabled family member living in the home, provided that there is medical documentation to support the need for the parent to remain in the home to care for the disabled family member;
   (b) At state option on a case-by-case basis, a parent who is a recipient of social security disability insurance (SSDI) benefits; and
   (c) An individual in a family receiving maintenance-of-effort funded assistance under an approved tribal TANF program, unless the state includes the tribal family in calculating work participation rates, as permitted under 45 C.F.R. 261.25 (10/1999).

(FF) "Work participation rate" means the minimum federal work participation rates pursuant to 45 C.F.R. 261.21 (10/1999) and 45 C.F.R. 261.23 (10/1999). The minimum federal work participation rates are ninety per cent for two-parent assistance groups and fifty per cent for all family assistance groups.

(GG) For purposes of division 5101:1 of the Administrative Code:
   (1) The terms "appraisal" and "assessment" shall be read to include a comprehensive assessment conducted in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four years of age.
   (2) The terms "self sufficiency contract" and "self sufficiency contract and plan" shall be read to include an individual opportunity plan developed in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four years of age.

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CAMTL 132

**Effective Date: September 1, 2018**

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

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (8/1996). When necessary to bring the state into compliance with 42 U.S.C. 607(i)(2), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county agencies shall be adopted in accordance with section 111.15 of the Revised Code when they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40, 5107.42 and 5107.44 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

(B) What are the federal work participation rates?

(1) Each federal fiscal year each county agency must achieve the minimum federal work participation rates pursuant to 45 C.F.R. 261.21 (10/2012) and 45 C.F.R. 261.23 (10/2012). The minimum federal work participation rates are ninety per cent for two-parent assistance groups and fifty per cent for all family assistance groups.

(2) For purposes of calculating federal work participation rates, the definitions described in this rule are applicable. In order to meet the definitions of two-parent assistance groups or all-family assistance groups as described in paragraphs (C) and (D) of this rule, the work-eligible individuals must be included in the assistance group. Learning, earning and parenting (LEAP) participation by a minor head of household, as defined in section 5107.02 of the Revised Code and rule 5101:1-1-01 of the Administrative Code, is included in the two-parent or all-family assistance group definitions for federal work participation calculation purposes.

(C) What is a two-parent assistance group?

(1) Definition

A two-parent assistance group includes at least one minor child and two natural or adoptive parents of the same minor child who are work-eligible individuals and living in the home. This includes a two-parent assistance group that is deemed to include a minor child when the only minor child is in receipt of supplemental security income (SSI) benefits, or is a child for whom federal, state, or local adoption assistance or foster care maintenance payments are made.

(2) Exception

When an assistance group contains two work-eligible parents of the same minor child, and one of the parents is disabled, the assistance group shall be excluded from the two-parent work participation requirements. Disability of a parent shall be deemed to exist when at least one parent has a physical or mental illness or impairment. The disability shall be supported by competent medical documentation and must be of such a debilitating nature as to reduce substantially or eliminate the parent’s ability to work. The disability must be expected to last for a period of at least thirty days. A finding of eligibility for retirement, survivor’s, and disability insurance (RSDI) or SSI benefits based on disability or blindness is acceptable proof of a disability for OWF purposes.
What are all-family assistance groups?

All-family assistance groups include two-parent assistance groups as defined in paragraph (C) of this rule, and assistance groups described in paragraphs (D)(1) to (D)(6) of this rule.

(1) An assistance group containing a minor child and a work-eligible individual.

(2) An assistance group containing a minor child and a specified relative in need as described in rule 5101:1-23-10 of the Administrative Code.

(3) An assistance group as identified in paragraph (C)(2) of this rule shall be included in the all-family assistance group definitions.

(4) An assistance group containing only a pregnant woman who is at least in her sixth month of pregnancy.

(5) When the only minor child is in receipt of SSI benefits, or is a child for whom federal, state or local foster care maintenance or adoption assistance payments are made, the assistance group is deemed to include that minor child for purposes of determining eligibility to participate in OWF.

(6) An assistance group containing a minor child, a work-eligible individual and a parent who is a recipient of SSI benefits.

What are child-only assistance groups?

Child-only assistance groups are excluded from the federal work participation rate calculation. A child-only assistance group is an assistance group containing a minor child residing with a parent, legal guardian, legal custodian, or other specified relative whose needs are not included in the assistance group and who does not meet the definition of a work-eligible individual pursuant to paragraph (B) of rule 5101:1-3-12 of the Administrative Code. This includes situations when the minor child resides with both parents, and both parents are recipients of SSI; and when the parent of the minor child is a child for whom federal, state or local foster care maintenance or adoption assistance payments are made.

What are the federal work participation requirements and work activities?

(1) Activities in paragraph (F)(3) of this rule are core activities and will meet all the hours of participation for the federal work participation rate. Non-core activities in paragraph (F)(4) of this rule will meet the hours of participation for the federal work participation rate only after the required hours of participation have been completed in a core activity.

For purposes of meeting the federal work participation rates:

(a) The work-eligible individuals in two parent assistance groups containing at least two work-eligible individuals and not receiving federally funded child care must participate at least an average total of thirty-five hours per week (one hundred fifty-one hours monthly), thirty hours of which must be in a core activity.

(b) The work-eligible individuals in two-parent assistance groups containing at least two work-eligible individuals and an adult in the family is not disabled or is not caring for a child with a disability and receiving federally funded child care must participate at least an average total of fifty-five hours per week (two hundred thirty-eight hours monthly), fifty hours of which must be in a core activity.

(c) The work-eligible individuals in all family assistance groups must participate at least an average total of thirty hours per week (one hundred twenty-nine hours monthly), twenty hours of which must be in a core activity.

(d) A work-eligible individual who is the single custodial parent or specified relative of a child under six years of age meets the federal work participation rate by participating at least an average total of twenty hours per week in core activities (eighty-six hours monthly).
In order to meet the federal work participation rate at least one of the parents in a two-parent assistance group must participate sufficient hours to meet the all-family rate as described in paragraph (F)(1)(c) of this rule.

The following are the core work activities:
(a) Unsubsidized employment;
(b) Subsidized private sector employment;
(c) Subsidized public sector employment;
(d) Work experience program (WEP);
(e) On-the-job training (OJT);
(f) Job search and job readiness assistance;
(g) Community service;
(h) Vocational educational training; and
(i) Providing child care services to an individual who is participating in a community service program.

The following are the non-core work activities:
(a) Job skills training directly related to employment;
(b) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and
(c) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

Deeming of hours of participation
(a) A recipient who is married or a head of household and has not attained twenty years of age is deemed to be participating the required number of hours for a month in a fiscal year when the recipient:
   (i) Maintains satisfactory attendance at secondary school or the equivalent during the month; or
   (ii) Participates in education directly related to employment for an average of at least twenty hours per week during the month.
(b) For a married recipient, such participation counts as the greater of twenty hours or the actual hours of participation.
(c) When both parents in the family are under twenty years old, the federal work requirements specified in paragraph (F)(1)(b) of this rule are met when both meet the conditions of paragraph (F)(5)(a)(i) or (F)(5)(a)(ii) of this rule.

Single custodial parent disregarded
For any fiscal year, a county agency may, at its option, not require a work-eligible individual who is a single custodial parent caring for a child under the age of twelve months to engage in work activities, and may disregard such an individual in determining the participation rates as described in paragraph (B) of this rule.

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Prior Effective Dates: 10/01/1997 (Emer.), 12/30/1997, 10/01/1999, 01/01/2001, 08/29/2003 (Emer.),
A minor child's attendance in school shall be monitored in the following situations:

1. The teen parent or pregnant teen is subject to participation in the learning, earning and parenting program (LEAP) as set forth in accordance with rule 5101:1-23-50 of the Administrative Code.

2. The child is subject to participation in the learnfare program as set forth in accordance with section 5107.28 of the Revised Code.

3. The teen parent is employed, to determine if when the policy set forth described in rule 5101:1-23-20 of the Administrative Code is applicable.

4. To determine if a child is approaching his or her eighteenth birthday to determine if the child may remain on the grant until the nineteenth birthday, as set forth in section 5107.02 of the Revised Code.

What are the requirements for children under age eighteen who are not attending school?

1. In accordance with federal temporary assistance for needy families (TANF) law, the county agency shall assess the skills, prior work experience, and employability of each participant of Ohio works first (OWF) who:
   - Has not attained eighteen years of age; and
   - Has not completed high school or obtained a certificate of high school equivalency, and is not attending secondary school.

2. On the basis of the assessment, the county agency shall work with the assistance group to create an employment goal for the child, including a plan for moving the individual into unsubsidized employment or requiring the child to attend school.

3. The county agency shall incorporate the plan into the assistance group's self-sufficiency contract and require the minor's parent or specified relative to ensure the child complies with the plan. The child is not required to complete a self-sufficiency contract, unless that child is a minor head of household, as defined in section 5107.02 of the Revised Code.
CAMTL 117

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Most Current Prior Effective Date: August 1, 2010

(A) What is the residence requirement for the Ohio works first (OWF) program?

(1) Residence in the state of Ohio is a requirement and is met by a person who meets one of the following:

(a) Living voluntarily with the intention of making his or her home in Ohio; or
(b) Living in Ohio and not receiving assistance from another state; and entered Ohio with a job commitment or seeking employment in Ohio, whether or not currently employed.

(2) A child is a resident of the state in which the parent, legal guardian, custodian or specified relative caring for the child is a resident.

(3) Absence from the state for more than thirty days constitutes evidence of intent to establish residence elsewhere, unless a written statement has been submitted to indicate intent to return to Ohio.

(a) The written statement shall be retained in the case record.

(b) The county agency shall consider the written statement as acceptable proof of intent to return to Ohio if the statement includes the reason for the absence and the expected date of return.

(c) A statement is not considered acceptable proof of intent to return to Ohio when the applicant or recipient contradicts the statement by giving up Ohio living arrangements, applying for public assistance in another state, or securing long-term housing arrangements in another state.

(4) An individual who resides in a county home, city infirmary, jail, or other public institution does not meet the residence requirement for OWF. Rule 5101:1-23-10 of the Administrative Code addresses individuals under house arrest.

(5) A child born to an inmate participating in the prison nursery program pursuant to section 5120.65 of the Revised Code meets the OWF residence requirement.

(B) What is the living arrangement requirement for children?

(1) To be eligible for OWF, a child's home must be with a parent, specified relative, custodian or legal guardian.

(2) A child born to an inmate participating in the prison nursery program pursuant to section 5120.65 of the Revised Code meets the OWF living arrangement requirement.

(3) A parent is an individual who has the legal duty to support the child. A legal parent includes the following individuals as long as their parental rights are not legally terminated:

(a) The biological mother and father of the child.

(b) Any person who is adjudged by a court of competent jurisdiction or a local child support enforcement agency to be the parent of the child and under legal duty to support the child.

(c) An individual who has legally adopted the child. Adoption severs the legal relationship between parent and child, but it does not sever the biological relationship.

(d) An individual who has an acknowledgment of paternity affidavit filed with the division of child support that has become final and enforceable.
Specified relatives are limited to those individuals as set forth defined in section 5107.02 of the Revised Code.

Legal guardians and custodians are defined in section 5107.02 of the Revised Code.

While another individual or agency may hold legal custody of a child, a parent, specified relative or legal guardian may receive benefits for the minor child(ren) who physically resides with that individual, even if the child(ren) is temporarily absent, as set forth in rule 5101:1-3-04 of the Administrative Code.

In Ohio, a legal marriage is:

(a) Ceremonial; one which meets the requirements of Chapter 3101. of the Revised Code; or

(b) One marriage which meets the requirements of Chapter 3101. of the Revised Code; or, between individuals required to be recognized as married pursuant to the United States supreme court decision Obergefell v. Hodges, 576 U.S., 135 S. Ct. 2584 (2015); or

(c) Common-law marriages that occurred in this state prior to October 10, 1991, when they became prohibited in the state of Ohio.

What is the living arrangement requirement for minor parents?

(1) In accordance with section 5107.24 of the Revised Code, unmarried minor parents, unmarried pregnant minors, or the child of an unmarried minor parent must reside in a place of residence maintained by a parent, legal guardian, custodian or specified relative of the pregnant minor or minor parent as the parent’s, guardian’s, custodian’s or specified relative's own home to meet the living arrangement requirement for OWF. The individual is exempt from this requirement if any of the following apply:

(a) The minor parent or pregnant minor does not have a parent, guardian, custodian, or specified relative living or whose whereabouts are known.

(b) No parent, guardian, custodian, or specified relative of the minor parent or pregnant minor will allow the pregnant minor, minor parent, or minor parent's child to live in the parent's, guardian's, custodian's, or specified relative's home.

(c) The Ohio department of job and family services (ODJFS), the county agency, or a public children services agency determines that the physical or emotional health or safety of the pregnant minor, minor parent, or minor parent's child would be in jeopardy if the pregnant minor, minor parent, or minor parent's child lived in the same home as the parent, guardian, custodian, or specified relative.

(d) ODJFS, a county agency, or a public children services agency otherwise determines that it is in the best interest of the pregnant minor, minor parent, or minor parent's child to waive the requirement of paragraph (C)(1) of this rule.

(2) An unmarried pregnant minor, unmarried minor parent, or child of an unmarried minor parent exempt from the requirement to live with a parent, specified relative, custodial or legal guardian, must reside in an adult-supervised living arrangement to be eligible to participate in OWF.

(3) The county agency shall be responsible for either directly assisting the unmarried minor parent in locating an acceptable adult-supervised living arrangement or entering into an agreement with another agency (e.g., public children services agency) to serve as their designee.

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**Effective Date:** August 1, 2015  
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(A) **What is temporary absence?**

The absence of a member of the Ohio works first (OWF) assistance group is temporary if all of the conditions set forth in paragraphs (A)(1) to (A)(3) of this rule are met. A temporarily absent individual is considered to be in the home for purposes of OWF eligibility.

1. The location of the absent individual is known;
2. There is a definite plan for the return of the absent individual to the home; and
3. The absent individual shared the home with the assistance group prior to the onset of the absence. A newborn is considered to be sharing the home with the assistance group at the time of birth.

(B) **How long can an OWF recipient be temporarily absent?**

An OWF recipient may be considered temporarily absent for up to forty-five consecutive days. An OWF recipient who is, or is expected to be absent from the home without good cause for longer than forty-five consecutive days does not meet the temporary absence requirement for OWF.

(C) **What are the good cause reasons for temporary absence?**

Good cause is limited to the following reasons for absences of more than forty-five consecutive calendar days:

1. Hospitalization (includes inpatient drug and alcohol treatment);
2. Detention in a juvenile home until a court commitment;
3. Attendance at school;
4. Vacationing;
5. Trip made in connection with current or prospective employment;
6. Shared parenting situations;
7. Service in the military when it is the sole reason for absence;
8. Removal of a child(ren) by the public children services agency (PCSA) that meets the reunification requirements as set forth in section 5107.10 of the Revised Code. OWF payments for the child may continue for up to six payment months after the removal date. In order for this exception to apply, the child must be in receipt of OWF cash assistance on the date of the removal by the PCSA.

(D) **What happens when good cause is not met?**

1. If good cause, as set forth in paragraphs (C)(1) to (C)(7) of this rule, is not met and the absence lasts or is expected to last longer than forty-five consecutive days, the county agency shall remove the absent member from the assistance group. Ineligibility for the absent member begins on the forty-sixth day from the date that the member left the household.
2. The forty-five consecutive calendar day requirement is not applicable for children who are temporarily absent due to a removal by the PCSA as set forth in paragraph (C)(8) of this rule.

(E) **What happens if the absence of a minor child is not reported as required?**

The child’s absence must be reported by the end of the five-day period that begins with the date that it becomes clear to the parent or specified relative that the minor child will be absent for more than forty-five consecutive days and good cause does not exist. A parent or specified relative who fails to notify the county agency of the absence of the minor child from the home within the time period set
forth in this paragraph is ineligible for inclusion in the OWF assistance group. The remaining assistance group members may continue to receive OWF. This regulation is applicable to paragraphs (C)(1) to (C)(7) of this rule.

(F) How long is an individual ineligible for failure to report the child's absence?

The parent or specified relative is ineligible beginning with the same day that the absent child becomes ineligible. The parent or specified relative remains ineligible until the day that the absence was reported by the parent or specified relative or was discovered by the county agency. When the assistance group is otherwise eligible, the parent or specified relative may be eligible for OWF the following day. The erroneous payment provisions set forth in rule 5101:1-23-70 of the Administrative Code are applicable. This regulation is applicable to paragraphs (C)(1) to (C)(7) of this rule.

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Is there eligibility for Ohio works first (OWF) when there is a shared parenting (joint custody) arrangement?

1. Potential OWF eligibility may exist in a shared parenting arrangement. A dependent child can only be considered to be sharing a home with one parent despite a shared parenting/joint custody order permitting the child to reside with each parent for a part of the month.

2. For OWF eligibility purposes, a child can only have one home and cannot be considered to be temporarily absent from another home (i.e., both of the child's parents cannot receive benefits concurrently for the same child in the same month.)

3. The provisions set forth in this rule shall be used by the county agency in determining eligibility for a dependent child in a shared parenting arrangement.

What happens when only one of the parents in a shared parenting arrangement applies for OWF?

1. When only one parent applies for assistance, the county agency shall determine if the child resides with the parent who submits the application for assistance.

2. If there is no application submitted by the other parent, and there is not an existing OWF assistance group containing the other parent and the child, the child shall be considered to be living and sharing a home with the parent who submitted the application for assistance.

What happens when both parents in the shared parenting arrangement apply for OWF for the same child?

When both parents apply for assistance for the child and both parents claim that the child is living with and sharing a home with them, the county agency must first determine whether each applicant is maintaining a home for the child.

1. If both parents agree and one of the applications is withdrawn, the county agency shall proceed to determine if the other parent is otherwise eligible for OWF.

2. If the parents cannot agree and neither application is withdrawn, the county agency shall review the following list of parental activities and responsibilities to determine with which parent the child shares a home.

   a. Is there a court order granting sole custody to one parent, or designating one of the parents' residences as the child's home for public assistance purposes?

   b. When the parents reside in different school districts, where does the child attend school? Who selected the school?

   c. Who assists the child with homework or school-related tasks?

   d. Who attends parent/teacher conferences and who works with the school regarding the child's educational progress?

   e. When the child is enrolled in child care, who makes the child care arrangements?

   f. Who takes the child to and from school and/or child care?

   g. Which parent is listed as the contact for emergencies at the child's school or child care provider? When both parents are listed, who is the one to be contacted first?

   h. Who arranges and transports the child to medical and dental appointments? Who selects the physician and dentist? Who maintains the child's medical records?

   i. Who initiates decisions regarding the child's future?
(j) Who responds to medical or law enforcement emergencies involving the child? When both parents are to be contacted, who is the one to be contacted first?

(k) Who arranges for food, clothing, and other household necessities on an ongoing basis?

(l) Who disciplines the child?

(m) Who plays with the child and arranges for entertainment?

(n) Which parent supervises the child's daily dressing and personal hygiene tasks?

The list of parental activities contained in paragraphs (C)(2)(a) to (C)(2)(n) of this rule is not an all-inclusive list, and other factors may need to be examined in making this determination. There will be situations in which these questions will be answered positively for both parents. However, in reviewing parental activities, one parent is often identified more than the other. The parent most often identified is the parent who is considered to be sharing a home with the child, and the parent with whom the child's eligibility shall be explored.

(3) When the result of the exploration of conditions set forth in paragraph (C) of this rule reveals this parent is not otherwise eligible for OWF, eligibility for the other parent shall also be explored when that parent has a pending application.

(D) What should the county agency do to document its decision?

The county agency shall document the decision made on the case and the basis for the decision in the assistance group record(s), as well as in running record comments in the client registry information system-enhanced (CRIS-E) statewide automated eligibility system.
Verification of age, citizenship, and identity must be completed before any individual, adult or child, is eligible to be included in the assistance group.

(A) What is acceptable documentation of age?
   (1) A civil birth record or a church record of birth or baptism established before age five are primary documents used to verify age.
   (2) Alternate documents are acceptable and must be used to avoid delaying assistance to an otherwise eligible individual. Examples of alternate documents include but are not limited to:
      (a) School records;
      (b) Insurance policies;
      (c) Draft card; and
      (d) Official hospital records.
   (3) The alternate document must show the applicant's name and date of birth or age and should be at least one year old (unless it is for a child under age one).

(B) What is acceptable documentation of identity?
   (1) Documents used to identify an individual include but are not limited to:
      (a) Driver's license;
      (b) Day care or nursery school records;
      (c) Voter's registration;
      (d) Insurance policies;
      (e) Military papers;
      (f) United States (U.S.) passport; and
      (g) Vaccination certificates.
   (2) The county agency must be able to compare the information on the documentation with the information on the application or with the individual to ensure identification.
   (3) A birth or baptismal certificate is not evidence of identity. Children under age seven will generally have some type of evidence of identity in addition to a birth certificate. However, if such a child (e.g., a newborn infant) has absolutely no other documentary evidence, the birth certificate alone will be acceptable as long as the eligibility worker has no reason to doubt that the child actually exists.

(C) What is acceptable documentation of citizenship?
   (1) Every assistance group member is required to establish U.S. citizenship or legal alien status, and must submit at least one document showing U.S. birthplace or in some way indicating U.S. citizenship. "U.S.-born" refers to an individual born in one of the fifty states, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, Swain's Island, or American Samoa.
      (a) When the applicant is a U.S.-born citizen, a civilian birth, baptismal, or church certificate specifically displaying a U.S. birthplace may be used as verification.
      (b) When the applicant is a foreign-born U.S. citizen, a citizen certification, U.S. passport, consular's certification of birth, or certificate of naturalization may be used as verification.
(c) When the applicant is an alien, his status may be verified by forms issued from the United States citizenship and immigration services (USCIS).

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(A) What is the requirement related to social security numbers?

(1) As a condition of eligibility for OWF, each assistance group member shall furnish or apply for a social security number.

(2) The county agency is required to refer the individual who does not possess a social security number to the local social security office to apply for a social security number. When the assistance group has complied with the requirement of providing or submitting verification of an application for a social security number, the county agency shall not and is prohibited from denying, delaying, or terminating benefits pending the issuance or verification of the social security number if the assistance group has complied with the requirement of furnishing or submitting verification of making an application for a social security number.

(3) For each assistance group member who physically possesses a social security card, the county agency shall retain a copy of the social security card in the assistance group record.

(B) What happens if an assistance group does not cooperate with providing or applying for a social security number?

(1) When an assistance group member who refuses to furnish or apply for a social security number, or to apply for one will be excluded from the payment or shall be removed from the assistance group resulting in a reduction of the OWF grant. The assistance group member may be the payee for children for whom a social security number has been applied for or furnished.

(2) The assistance group member who supplies his or her own number or cooperates in applying for one but refuses to furnish or apply for a social security number for his or her child/children will remain in the assistance group, but the child/children will be removed from the assistance group. In some cases, the only remaining member of the assistance group may be the parent or specified relative. In these cases, assistance shall be denied.

(C) How is a social security number verified?

(1) Matching A social security number may be verified by matching the reported social security number with information supplied by the social security administration (SSA) such as BENDEX beneficiary data exchange (BENDEX) or SDX state data exchange (SDX) computer tapes or printouts: or

(2) Observing the assistance group member's social security card or any official document containing the social security number.

An "official document" is defined as a W-2 form, a railroad retirement, retirement, survivors, disability, and health insurance (RSDI) or supplemental security income (SSI) award letter, or another document containing the social security number that by law or regulation was required to be verified by the social security administration.

(3) When the assistance group member does not possess a social security card, or any "official document" containing the social security number or when the social security number appears questionable, the county agency shall either verify the number by matching it with SSA records or by completing the top portion of the JFS 07355 "Notice of Application for Social Security Number" (rev. 4/2001). The assistance group member shall take the JFS 07355 to the local social security district office. The local social security district office will complete the bottom portion of the JFS 07355 and return the form to the county agency by mail.

(D) When is the social security number requirement considered met?
(1) For the purposes of the beginning date of aid, the social security number eligibility requirement will be considered to have been met the date the social security administration employee certifies that the individual applied for a social security number.

(2) For newborns, if when the social security number is applied for no later than the first day of the second month following birth or the mother's discharge from the hospital, the social security requirement is considered met on the child's date of birth.

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(A) Assignment

What is an assignment of support?

In accordance with section 5107.20 of the Revised Code, participation in Ohio works first (OWF) constitutes an assignment to the Ohio department of job and family services (ODJFS) of any rights that members of an assistance group have to support from any other person, not exceeding the total amount of assistance paid to the assistance group which that accrue or have accrued as of and including the date that the OWF cash assistance is terminated. This assignment excludes medical support assigned pursuant to section 5101.59 5160.38 of the Revised Code. The rights to support assigned to ODJFS pursuant to this rule constitutes an obligation to ODJFS for the amount of cash assistance paid to the assistance group. The child support enforcement agency (CSEA) is responsible for the collection and distribution of support payments owed to OWF participants whether assigned to ODJFS or unassigned.

1. The assignment of support rights includes:

   a. The rights to support that the assistance group has on its own behalf or on the behalf of any other member of the assistance group applying for or in receipt of OWF. This includes ongoing monthly child support, spousal support and support for a spouse or former spouse, whether included or not in the child support order, is assigned.

   b. The rights to support that the assistance group has on behalf of any other member of the assistance group applying for or in receipt of OWF. This is the assignment of ongoing monthly child and spousal support.

2. The assignment gives ODJFS the right to claim any support collected for the assistance group not exceeding the total amount of cash assistance paid to the assistance group. For child support enforcement collection purposes, the total amount of "cash assistance" paid to the assistance group for child support enforcement collection purposes has the same meaning as set forth described in paragraph (B) of rule 5101:1-1-01 of the Administrative Code. This includes all forms of cash assistance as defined in rule 5101:1-23-01 of the Administrative Code, including support services paid to families who are unemployed, unless such payments meet the definition of nonrecurrent short-term benefits. As provided in rule 5101:1-23-01 of the Administrative Code, nonrecurrent, short-term benefits and support services provided to employed families are not considered to be cash assistance, and are not subject to reimbursement.

3. The assignment of support rights is effective the first of the month following the date of approval for OWF cash assistance and continues until the assistance group is no longer participating in OWF cash assistance. The ODJFS shall notify the CSEA when the effective date of the assignment is determined. This notification shall be transmitted to the CSEA within two working days of authorization of OWF cash assistance.

4. In the following situations, the assignment is interrupted for a specific month, and child support for that month is treated in accordance with the provisions set forth in rule 5101:1-23-01 of the Administrative Code. However, the interruption in the assignment ends beginning with the first day of the month that cash assistance resumes.

   a. If an assistance group received OWF cash assistance in the form of a warrant, check, voucher, electronic funds transfer or electronic payment card for a month, but returned the uncashed check, warrant or voucher to the county agency, or returned the full amount of the benefit paid to the assistance group, the assistance group is not considered to have received cash assistance in accordance with the provisions set forth in rule 5101:1-23-01 of the Administrative Code, and child support for that same month is
treated in accordance with the provisions set forth in rule 5101:12-80-14.1 of the Administrative Code.

(b) When an assistance group's OWF is reduced to zero dollars to repay an OWF overpayment, the assistance group is not considered to have received cash assistance in accordance with the provisions set forth in rule 5101:1-23-01 of the Administrative Code, and child support for that same month is treated in accordance with the provisions set forth in rule 5101:12-80-14.1 of the Administrative Code.

(c) When an erroneous OWF payment occurs because the assistance group was not eligible to receive assistance for a month, and the assistance group repays that erroneous payment in full, the assistance group is not considered to have received cash assistance in the month for which the overpayment occurred as set forth described in rule 5101:1-23-01 of the Administrative Code, and child support for that same month is treated in accordance with the provisions set forth in rule 5101:12-80-14.1 of the Administrative Code.

(5)(4) When an individual is added to an existing assistance group, the assignment of support rights is effective the first day of the month following the date the county agency adds the individual to the assistance group.

(6)(5) Any direct payments received by an assistance group prior to the effective date of the support assignment are budgeted as unearned income in accordance with rule 5101:1-23-20 of the Administrative Code.

(7)(6) Once the assignment of support is effective, any direct payment (including voluntary payments) by the absent parent shall be evaluated in accordance with paragraph (N) of rule 5101:1-23-70 of the Administrative Code in determining if when an erroneous payment has occurred, and if so, whether the payment is a cash assistance (IV-A) or a child support enforcement (IV-D) overpayment.

(B) "County agency/CSEA interface" What is the "county agency/CSEA interface"?

(1) The "county agency/CSEA interface" refers to the cross-program relationship between the IV-A and IV-D programs.

(2) The county agency shall make use of the interview in the application or reapplication process to gain timely, complete and accurate information concerning absent parent(s) attached to the assistance group.

(3) Referrals are sent automatically through the interface. A referral from the county agency to the CSEA is not required when the assistance group contains only a pregnant woman with no eligible child.

(4) At the point of authorization for cash assistance, the county agency shall send copies of relevant information collected during the application process, such as birth certificates, court orders and paternity acknowledgments to the CSEA.

(5) The county agency shall collect all relevant information so that the CSEA will not routinely be required to schedule an interview with the assistance group to establish and develop the IV-D case record.

(6) The county agency is responsible for reporting relevant changes to the CSEA, including information concerning new members added to an existing assistance group. Most routine changes are automatically transmitted through the two statewide automated systems. However, copies of relevant documentation received by the county agency are to be sent within two working days of receipt to the CSEA.

(7) The county agency shall not delay the processing of an application because of the assistance group's failure to provide information needed solely by the CSEA.

(8) Even if when an application for cash assistance is denied, if when an applicant has requested child support services, the county agency shall send a referral to the CSEA.
Mandatory cooperation in securing support

What is cooperation with child support and who shall cooperate with child support?

1. In accordance with section 5107.14 of the Revised Code, cooperation with child support is a requirement included in the self sufficiency contract. All applicant/recipient adults or minor heads of households as defined in section 5107.02 of the Revised Code, who are or will be included in the OWF assistance group, are required to sign and comply with a self sufficiency contract.

2. In accordance with section 5107.22 of the Revised Code, unless good cause for failure or refusal exists, the caretaker of a minor child shall cooperate, if the caretaker is a member of the child’s assistance group, in establishing the child’s paternity and establishing, modifying and enforcing a support order for the child.

3. In a three-generation assistance group that includes a grandparent, minor parent, and child, there are two caretakers. The caretaker parent who is responsible for the child is the one who is required to cooperate in establishing paternity and securing support.
   - The grandparent must cooperate for his/her children including the minor parent.
   - The minor parent must cooperate for his/her children.

1. Cooperation with child support includes establishing the child’s paternity, and establishing, modifying and enforcing a support order for the child. Cooperation with child support is required unless there is good cause for the failure or refusal to cooperate as determined by the CSEA.

2. All applicant and recipient adults and minor heads of household shall sign a self sufficiency contract that includes a requirement to ensure that caretaker members of the assistance group cooperate with child support.

3. Caretakers, as defined in 5107.22 of the Revised Code, who are members of the OWF assistance group, shall cooperate with child support. In a three-generation assistance group that includes a grandparent, a minor parent and a minor child of the minor parent, there are two caretakers:
   - The grandparent shall cooperate with child support for his or her minor child(ren), including the minor parent; and
   - The minor parent shall cooperate with child support for his or her minor child(ren).

4. When a caretaker signs the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (rev. 03/2009) indicating that the individual wants to claim good cause for refusal to cooperate in securing support, the county agency shall forward the JFS 07092 to the CSEA. If the request for good cause for refusal to cooperate with child support is documented on the JFS 03803, "Ohio Works First (OWF) & Food Assistance: Domestic Violence Waiver Request and Verification" (rev. 01/2010/2016), the county agency shall also have the individual sign the JFS 07092. The CSEA is responsible for determining good cause and cooperation in accordance with rule 5101:12-10-32 of the Administrative Code.

   This determination includes waiving the cooperation with child support requirement if when the CSEA determines that the individual has been subjected to domestic violence as defined in section 5107.02 of the Revised Code, and requiring cooperation would not be in the best interests of the child or would make it more difficult for the individual or child to escape domestic violence.

5. The county agency shall not deny, delay, or discontinue cash assistance pending a determination by the CSEA concerning good cause for refusal to cooperate.

Failure to cooperate with CSEA

What are the consequences when an individual fails to cooperate with the child support requirement?
(1) Adults or minor heads of households who fail to cooperate with the child support requirement in the self sufficiency contract without good cause as determined by the CSEA, are subject to the imposition of the three-tier sanction in accordance with section 5107.16 of the Revised Code.

(2) Assistance groups that do not contain a member required to sign a self sufficiency contract as defined in rule 5101:1-3-11 of the Administrative Code, are not subject to the sanction set forth in section 5107.16 of the Revised Code for non-cooperation with the CSEA.

(3) When a request for a state hearing on the issue of cooperation has been made, both the county agency and the CSEA must participate in the hearing.

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Conflict with the Revised Code

When should an appraisal be conducted?

(1) An appraisal shall be conducted as soon as possible after an assistance group submits an application to participate in Ohio Works First (OWF). The county agency that receives the application shall schedule and conduct an appraisal of each work eligible individual and each member of the assistance group who is an adult or minor head of household as defined in rule 5101:1-3-01 of the Administrative Code. A minor head of household who is subject to the learning, earning, and parenting (LEAP) program shall be assessed pursuant to rule 5101:1-23-50 of the Administrative Code.

(2) The county agency shall conduct more appraisals at times that the county agency determines.

What is included in an appraisal?

(1) An appraisal may include evaluation of the employment, educational, physiological, and psychological abilities or liabilities, or both, of the work eligible individual, adult or minor head of household.

(2) An appraisal shall include screening for domestic violence, as set forth in rule 5101:1-3-20 of the Administrative Code.

(3) At the appraisal, the county agency shall develop with the adult, minor head of household or work eligible individual a plan for the assistance group to achieve the goal of self sufficiency and
personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first (OWF) established by section 5107.18 of the Revised Code.

(a) The plan developed for the work eligible individuals shall include assignments to one or more work activities or alternative activities. The county agency shall include the plan in the self sufficiency contract as set forth in paragraph (F) of this rule.

(b) If the adult, minor head of household or work eligible individual claims to have a medically determinable physiological or psychological impairment, illness, or disability, the county agency may require the adult, minor head of household or work eligible individual undergo an independent medical or psychological examination at a time and place reasonably convenient to the work eligible individual.

(4) As part of the appraisal, if a work eligible individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency shall offer additional screening to the individual consistent with the requirements of rule 5101:9-2-02 of the Administrative Code and the Americans with Disabilities Act (ADA) (1990) plan adopted by the county agency in accordance with rule 5101:9-2-02 of the Administrative Code. If additional screening indicates the presence of a disability, the plan for self-sufficiency made in accordance with this paragraph, shall be consistent with the county agency's ADA plan.

(D) When should an assessment be completed?

An assessment may be completed by the county agency, at times it determines, for assistance groups participating in OWF.

(E) What should an assessment include?

(1) An assessment is conducted to determine whether any work eligible individual or members of the assistance group are in need of other assistance or services provided by the county agency or other private or government entities. Assessments may include the following:

(a) Whether any member of the assistance group or work eligible individual has a substance abuse problem; or

(b) Whether there are any other circumstances that may limit the employability of an assistance group member or work eligible individual.

(2) At the first assessment, the county agency shall inquire as to whether any member of an assistance group is the victim of domestic violence, including child abuse. The county agency shall provide this information to the Ohio department of job and family services (ODJFS) who will maintain the information for statistical analysis purposes.

(3) The county agency may refer an assistance group member to a private or government entity that provides assistance or services the county agency determines the member needs. The entity may be a public children services agency (PCSA), chapter of alcoholics anonymous, narcotics anonymous, or cocaine anonymous, or any other entity the county agency considers appropriate.

(F) What is the self sufficiency contract?

(1) The self sufficiency contract sets forth the rights and responsibilities of work eligible individuals and members of the assistance group as applicants and participants of OWF. The contract is designed to assist in achieving self sufficiency and personal responsibility.

(2) The contract includes work activity assignments and child support requirements including cooperation in the establishment of a minor child's paternity and the establishment, modification and enforcement of a support order for the minor child in accordance with section 5107.22 of the Revised Code.
(3) The self sufficiency contract is part of the OWF eligibility process and must be completed before OWF benefits can be authorized.

(4) The county agency shall provide without charge a copy of the contract to each work eligible individual or assistance group member who signs a contract.

(G) What shall be included in the self sufficiency contract?

(1) Each self sufficiency contract shall include, based on appraisals and assessments conducted pursuant to paragraphs (C) and (E) of this rule, the following:

   (a) The assistance group’s plan to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in OWF established by section 5107.18 of the Revised Code.

   (b) For each work eligible individual, work activities and alternative activities assigned pursuant to rule 5101:1-3-12 of the Administrative Code.

   (c) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code.

   (d) Other responsibilities that members of the assistance group must satisfy to participate in OWF and the consequences for failure or refusal to satisfy the responsibilities.

   (e) An agreement that the assistance group will comply with conditions of participating in OWF in accordance with division 5101:1 of the Administrative Code, Chapter 5107. of the Revised Code and sections 5160.37, 5160.38 and 5101.83 of the Revised Code.

   (f) Assistance and services the county agency will provide to the assistance group and work eligible individuals.

   (g) Assistance and services the child support enforcement agency and public children services agency (PCSA) will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code.

   (h) Other provisions designed to assist help the assistance group in achieving self sufficiency and personal responsibility.

   (i) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended.

   (j) Procedures for amending the contract.

   (k) The good cause reasons for missing hours of participation or appointments as defined in rule 5101:1-3-13 of the Administrative Code.

   (l) An explanation of the individual's rights under the ADA, including the right to request another appraisal when the individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.

   (m) A description of each reasonable modification made for an individual with a disability.

(2) No self sufficiency contract shall include the learning, earning and parenting program (LEAP) requirements.

(3) The county agency may use the JFS 03801 "Ohio Works First Self Sufficiency Contract" (rev. 7/2014) or develop its own self sufficiency contract and plan provided all of the elements identified in paragraph (G) of this rule are included.

(H) Who shall sign the self sufficiency contract?

(1) In accordance with paragraph (B)(2)(a) of rule 5101:1-2-01 of the Administrative Code, each work eligible individual, minor head of household and adult member of the assistance group, shall enter into a written self sufficiency contract with the county agency prior to approval of OWF benefits.
Each work eligible individual, minor head of household, and adult member of the assistance group must sign an amendment any time the self sufficiency contract is revised.

A minor head of household who participates in LEAP pursuant to rule 5101:1-23-50 of the Administrative Code is required to complete a self sufficiency contract but is not subject to the work participation requirements unless the minor head of household fails to attend an assessment, fails to enroll in school or withdraws from school.

What are the consequences if a self sufficiency contract is not signed or a provision of the contract is not met?

Work eligible individuals, minor heads of household, and adult members of the assistance group who fail or refuse, without good cause, to sign the self sufficiency contract shall have OWF benefits denied or terminated.

If a work eligible individual, minor head of household, or an adult member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self sufficiency contract the county agency shall sanction the assistance group pursuant to rule 5101:1-3-15 of the Administrative Code.

What is the comprehensive case management and employment program (CCMEP)?

In accordance with section 5116.10 of the Revised Code and paragraph (B)(2) of rule 5101:1-2-01 of the Administrative Code, each work eligible individual between the ages of fourteen and twenty-four shall participate in CCMEP as a condition of participating in OWF. Therefore, prior to the authorization of OWF benefits, the individual will be referred to a lead agency to undergo a comprehensive assessment and develop and sign an individual opportunity plan (IOP). The comprehensive assessment and IOP conducted and developed by the lead agency replace the appraisal and self sufficiency contract required to be conducted and developed by the county agency pursuant to this rule.

As part of the referral process, the county agency shall provide the lead agency with at least the following information:

- The number of required hours expected to be assigned in accordance with rule 5101:1-3-12 of the Administrative Code; and
- The number of months a work eligible individual has participated in OWF that were subject to the time-limit described in rule 5101:1-23-01 of the Administrative Code.

A signed IOP meets all of the requirements of a signed self sufficiency contract and plan developed in accordance with this rule.

- A failure or refusal to comply with a provision of an individual opportunity plan without good cause shall result in a sanction of the assistance group member pursuant to rule 5101:1-3-15 of the Administrative Code.
- The lead agency shall be solely responsible for determining if the individual had good cause for a failure or refusal and for requesting the imposition of a sanction in accordance with rule 5101:1-3-15 of the Administrative Code.
- When a sanction is imposed at the request of a lead agency, the lead agency shall be solely responsible for determining a compliance activity consistent with the provisions of paragraph (H) of rule 5101:1-3-15 of the Administrative Code.

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(A) Conflict with the Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.01, 5107.14, 5107.16, 5107.36, 5107.40, 5107.41, 5107.42, 5107.43, 5107.60, 5107.62, 5107.64, 5107.65, 5107.67 5107.68 and 5107.70 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

(B) Who is a work eligible individual?

(1) A work eligible individual means an adult or minor head of household receiving Ohio works first (OWF) or a non-recipient parent living with a child who is in receipt of OWF unless the parent is:
   (a) A minor parent who is not the head of household;
   (b) A non-citizen who is not eligible to receive OWF due to his or her immigration status;
   (c) A recipient of supplemental security income (SSI) benefits;
   (d) A recipient of social security disability insurance (SSDI) benefits; or
   (e) A parent providing care for a disabled family member, when the following criteria are met:
       (i) The disabled family member must be living in that home; and
       (ii) There is medical documentation to support the need for the parent to remain in the home to care for the disabled family member.

(2) Disability shall be deemed to exist when there is a physical or mental illness or impairment. The disability shall be supported by competent medical documentation and must be of such a debilitating nature as to reduce substantially or eliminate the individual's ability to work. The disability must be expected to last for a period of at least thirty days.

(C) What are the required hours of work participation?

(1) All work eligible individuals shall be assigned to one or more work activities or alternative activities, and participate at least the following number of hours except as provided in paragraphs (C)(2) to (C)(4) of this rule:
   (a) In an assistance group that includes only one work eligible individual, at least an average weekly amount of thirty hours.
   (b) In an assistance group that includes two work eligible individuals and receiving no federally funded child care, at least an average total weekly amount of thirty-five hours for the two work eligible individuals.
(c) In an assistance group that includes two work eligible individuals and is receiving federally funded child care, at least an average total weekly amount of fifty-five hours for the two work eligible individuals.

(d) In an assistance group that includes two work eligible individuals where one parent is disabled as described in paragraph (C)(2) of rule 5101:1-3-01 of the Administrative Code, at least an average total weekly amount of thirty hours.

(e) In an assistance group that includes a work eligible individual who is the only parent or specified relative in need in the family of a child under six years of age, at least an average weekly amount of twenty hours.

(f) When a county agency determines that an assignment to a work activity is not appropriate for an assistance group that includes a single custodial parent with a minor child under twelve months of age:

(i) A failure to meet the work participation rate by the work eligible individual is disregarded from the federal work participation rate for no more than twelve months in the work eligible individual's lifetime; and

(ii) The county agency may assign the work eligible individual to one or more alternative activities for a number of hours a week determined by the county agency.

(g) A recipient who is married or a head of household and has not attained twenty years of age is deemed to be engaged in work for a month in a fiscal year when the recipient:

(i) Maintains satisfactory attendance at secondary school or the equivalent during the month; or

(ii) Participates in education directly related to employment for an average of at least twenty hours per week during the month.

(2) There are circumstances when the county agency may reduce a work eligible individual's hours of participation in a work activity to less than the weekly hours otherwise required. The county agency shall document the reason for not assigning the participant to all or some of the required hours. The appraisal or assessment shall be used to determine when it is appropriate to assign a reduced number of hours.

(a) In accordance with rule 5101:9-2-02 of the Administrative Code, a reduction in the hours of participation may be a reasonable modification for an individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.

(b) When an individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency shall act in accordance with rule 5101:9-2-02 of the Administrative Code and the Americans with Disabilities Act (ADA) plan adopted by the county agency in accordance with rule 5101:9-2-02 of the Administrative Code.

(3) After a work eligible individual is assigned to a work activity or alternative activity a county agency shall place the work eligible individual in the assigned activity as soon as the activity becomes available. Until the activity is available, a county agency shall assign a work eligible individual to another activity as appropriate.

(4) Participation in a work activity may be waived due to domestic violence, as described in rule 5101:1-3-20 of the Administrative Code.

(5) One work eligible parent may complete all required work activity hours for a two-parent assistance group.

(6) Alternative activities
When a county agency determines that a work eligible individual has a temporary or permanent barrier to participation in a work activity, it may assign a work eligible individual to one or more alternative activities pursuant to rule 5101:1-3-12.12 of the Administrative Code.

There are no minimum number of hours required for assignment in alternative activities.

There are no limitations as to the number of work eligible individuals who may be assigned to alternative activities.

A county agency may reassign a work eligible individual when the county agency determines reassignment will aid the assistance group in achieving self sufficiency and personal responsibility and shall make reassignments when circumstances requiring reassignment occur, including when a temporary barrier to participating in a work activity is eliminated.

Can a work eligible individual applicant(s) be assigned to a work activity?

Job search and job readiness activities, as defined in rule 5101:1-3-12.5 of the Administrative Code, are the only activities an applicant(s) of OWF can be assigned.

What holidays may be counted towards work participation?

Holidays are limited to the ten federal holidays as established by the United States government in 5 U.S.C. 6103(a) (10/1998).

- New Years day, January first;
- Birthday of Martin Luther King Jr., the third Monday in January;
- Washington's birthday, the third Monday in February;
- Memorial day, the last Monday in May;
- Independence day, July fourth;
- Labor day, the first Monday in September;
- Columbus day, the second Monday in October;
- Veteran's day, November eleventh;
- Thanksgiving day, the fourth Thursday in November; and
- Christmas day, December twenty-fifth.

In order to count a holiday as actual hours of participation, the work eligible individual shall have been scheduled to participate on that day but for the holiday.

What occurs when a work eligible individual fails to complete the assigned hours?

Single custodial parent with a child under six:

The county agency shall inform single custodial parents caring for a child under six years of age of the following requirements, and may include this information on the participant's self sufficiency contract.

- The provisions in rule 5101:1-3-13 of the Administrative Code;
- The exception to imposing a three-tier sanction when the single custodial parent demonstrates an inability to obtain needed child care;
- The county agency procedures for determining a single custodial parent's inability to obtain needed child care;
- The fact that the exception to participation in work activities does not extend the OWF time limits; and
- The right to a state hearing.
Documentation to confirm that parents have been informed of this provision shall be contained in the case file.

(2) All others with missed hours:
Missed hours of participation in a month may be made up by a work eligible individual within the same month at the discretion of the county agency. Any missed hours of participation that are not made up by an individual may be considered good cause when they meet one of the good cause reasons described in rule 5101:1-3-13 of the Administrative Code. Any missed hours of participation that are not made up within the month or that good cause cannot be established are subject to the three-tier sanction provisions as described in rule 5101:1-3-15 of the Administrative Code.

(3) When the county agency determines that the provisions of rule 5101:1-3-13 of the Administrative Code do not apply, the county agency shall apply the sanction policy pursuant to rule 5101:1-3-15 of the Administrative Code.

(G) What are the supervision requirements for unpaid work activities?
(1) Participation in unpaid activities shall be supervised no less frequently than once each day that the individual is scheduled to participate.
(2) Daily supervision means that a responsible party has daily responsibility for oversight of the individual's participation, not necessarily daily, in-person contact with the participant.
(3) Work eligible individuals shall be supervised by one of the following:
   (a) The employer;
   (b) The work supervisor; or
   (c) Other responsible third party.

(H) How are hours of participation in unpaid activities verified?
(1) All actual hours of participation shall be verified on a monthly basis.
(2) Verification is considered to be met when the county agency has received confirmation of the actual hours of participation.
(3) All assigned hours of participation shall be accounted for by the county agency.
(4) Verified hours of participation shall be entered into the statewide automated eligibility system in a timely manner.
(5) Acceptable types of verification for hours participated include but are not limited to the following:
   (a) The statewide automated eligibility system generated schedule;
   (b) JFS 06910 "Record of Attendance Report" (rev. 9/2006);
   (c) JFS 06909 "Record of School Attendance Report" (rev. 9/2006);
   (d) Data exchange report;
   (e) Documented phone contact with the work site or other methods determined acceptable by the county agency as long as the following are included:
      (i) The participant's name;
      (ii) An accounting of all assigned hours of participation at that participation site;
      (iii) The name and location of the participation site;
      (iv) The name of the participant's work site supervisor; and
      (v) The name and phone number of the person verifying the hours.

(I) How are hours of participation in paid activities verified?
A county agency shall verify the participation hours for unsubsidized employment, subsidized employment program (SEP) and on-the-job training (OJT) at least once every six months.

The hours have been reported on the interim report issued and verified pursuant to rule 5101:1-2-20-5101:4-7-01 of the Administrative Code, the verified hours shall be used as a six month projection of hours of participation.

The hours verified during the application and reapplication process as described in rules 5101:1-2-01 and 5101:1-2-10 of the Administrative Code shall be used as a six month projection of hours of participation.

The county agency shall determine monthly work participation hours by multiplying the average weekly number of hours by 4.3433.

How are the work assignments affected by the Fair Labor Standards Act (5/2011) (FLSA)?

Work eligible individuals assigned to the work experience program (WEP) and community service activities are subject to FLSA requirements contained in 29 U.S.C. 201.

"To employ" is defined for purposes of complying with FLSA as "to suffer or permit to work."

WEP and community service activities should be examined by the county agency to determine whether each assigned activity is subject to FLSA.

The maximum monthly hours of participation allowable under FLSA are determined as follows:

(a) The OWF grant (before recoupment) and food assistance allotment (before recoupment) are added together;

(b) Child support collections received in the month and retained to reimburse the state or federal government for the current month's OWF payment are subtracted from the total in paragraph (J)(4)(a) of this rule.

(c) The net amount in paragraph (J)(4)(b) of this rule is divided by the higher of the state or federal minimum wage to determine the maximum allowable hours of monthly participation in WEP or community service.

When the child support received is fluctuating or not representative of the current child support payments, the county agency shall convert the child support payments to a monthly average using the process defined in paragraph (E) of rule 5101:1-23-20 of the Administrative Code. The county agency shall use child support payments collected and retained in the immediately preceding three month period to determine an average amount to be used in the calculation of maximum monthly hours of participation allowable under FLSA.

Any work allowance amount issued is excluded from the calculation of monthly FLSA hours of participation.

When a work assignment is subject to the requirements of the FLSA and the allowable assignment for hours of participation falls below the core hour requirement as described in paragraph (F)(1) of rule 5101:1-3-01 of the Administrative Code one of the following shall occur, except as provided in paragraph (C)(4) of this rule:

(a) The work eligible individual can make up the remainder of the core hours in a core activity not subject to FLSA; or

(b) The county agency can deem the remainder of the core hours to have been met.

When core hours are deemed for a work eligible individual, as allowed in paragraph (J)(7)(b) of this rule, any remaining hours assigned can only be completed in a non-core activity.

What other requirements pertain to OWF work activities?

No work eligible individual shall be assigned to a work activity or alternative activity when the employer removes or discharges a person, for the purpose of substituting the individual in the person's place in any of the following circumstances:
(a) The person is already employed as a regular full-time or part-time employee of the employer;
(b) The person has been employed full time or part time as a work eligible individual in a work activity or alternative activity;
(c) The person is or has been involved in a dispute between a labor organization and the employer; or
(d) The person is on layoff from the same or any substantially equivalent job.

(2) No employer shall hire an OWF recipient or work eligible individual part-time to circumvent hiring a full-time employee.

(3) The county agency shall establish and maintain a grievance procedure for resolving complaints by individuals or their representatives that the assignment of a work eligible individual violates the provisions described in paragraph (K)(1) of this rule.

(4) Except for a work eligible individual who is assigned to subsidized employment as described in rule 5101:1-3-12.2 of the Administrative Code or unsubsidized employment as described in rule 5101:1-3-12.1 of the Administrative Code, credit for work performed by a work eligible individual in a work activity or alternative activity does not constitute remuneration for the purposes of Chapter 124., 144., or 145. of the Revised Code and services performed by the work eligible individual do not constitute employment for the purposes of Chapter 4141. of the Revised Code.

(5) The county agency shall implement and enforce the requirements of this rule. State and local agencies shall cooperate with the county agency to the maximum extent possible in the implementation of these sections.

(6) In employing persons to administer and supervise work activities and alternative activities, a county agency shall give first consideration to applicants for OWF and work eligible individuals provided such applicants and work eligible individuals qualify for the administrative and supervisory positions to be filled. An applicant or work eligible individual shall be eligible for first consideration only within the county that the applicant applies for OWF or a work eligible individual participates in OWF.

(7) Subject to the availability of funds and except as limited by section 5107.58 of the Revised Code, a county agency shall provide support services it determines to be necessary for OWF participants placed in a work activity, developmental activity, or alternative work activity. A county agency may provide support services it determines to be necessary for OWF applicants placed in a job search or job readiness activity established under section 5107.50 of the Revised Code. Support services may include publicly funded child care under Chapter 5104. of the Revised Code, transportation, and other services.

(8) The assignment of a work eligible individual pursuant to this rule or its supplemental rules shall be consistent with rule 5101:9-2-02 of the Administrative Code and the ADA plan adopted by the county agency.

Effective: 9/1/2018
Five Year Review (FYR) Dates: 3/1/2023
Certification: CERTIFIED ELECTRONICALLY
Date: 08/20/2018
Promulgated Under: 119.03
Statutory Authority: 5107.16, 5107.05
Rule Amplifies: 5107.05, 5107.66
Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

What is unsubsidized employment?

(1) Unsubsidized employment means full or part time employment in the private or public sector that is not subsidized by temporary assistance for needy families (TANF) or any other public program.

(2) When an employer received a direct subsidy for hiring a recipient from TANF or other public funds, that recipient is considered to be in a subsidized public or private sector employment, not unsubsidized employment.

(3) Recipients whose employers claim a tax credit for hiring economically disadvantaged workers are considered to be participating in unsubsidized employment.

(4) Self employment will count as unsubsidized employment.

What hours of participation in unsubsidized employment may count toward work participation?

(1) Verified hours of unsubsidized employment shall count toward work participation. Hours for unsubsidized employment shall be verified at least once every six months, as set forth described in rule 5101:1-3-12 of the Administrative Code.

(2) Hours of self employment are determined by dividing the individual's self employment income (gross receipts less business expenses) by the federal minimum wage.

(3) Hours of employment resulting from in-kind or barter income, defined as an exchange of property or services, shall count toward work participation.
(A) Conflict with Revised Code

(1) Section (5) of the Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 4542 U.S.C., 607(i)(2) (08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county department of job and family services (CDJFS) county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.52 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

(B) What is the definition of subsidized private and/or public sector employment?

(1) Subsidized private and/or public sector employment (SEP) means that employment for which the employer receives a subsidy from temporary assistance for needy families (TANF) or other public funds to offset some or all of the wages and costs of employing an individual. Work study that involves paid employment provided by an educational institution meets the definition of subsidized employment if when the individual's earnings are subsidized by the educational institution.

(2) Hours of participation in supportive services such as substance abuse treatment, mental health treatment or rehabilitation activities or various other barrier removal or educational activities may count if when the individual is paid for these hours as part of SEP subsidized employment.

(3) An employer can receive up to twelve monthly subsidy payments per individual placed with that employer. Longer durations may be appropriate for supported employment with individuals with disabilities as long as they are justified by an individualized needs assessment. The CDJFS county agency shall determine when the subsidy will begin and when the subsidy shall end in accordance with the SEP subsidized employment contract.

(4) A SEP subsidized employment program shall include the expectation of continuing employment with the participating employer after the subsidy expires or a placement component that leads to employment with another employer after the subsidy expires. The expectation of employment may be contingent upon the participant's successful completion of any probationary or training period specified in the contract and abiding by the employer's rules and regulations.

(5) What are acceptable models of a SEP subsidized employment?

Acceptable models of a SEP subsidized employment include but are not limited to:

(a) The use of a third party who acts as the employer of record for a trial period, such as a temporary staffing agency. The organization receives a fee from the county agency or other public agency to cover the participant's salary and supportive services; or

(b) The use of supported work for individuals with disabilities, as defined under the Rehabilitation Act of 1973, 29 U.S.C. 705(35). Supported work for individuals with disabilities means work in an integrated setting (i.e. where people with and without...
disabilities work in the same place) for a wage consistent with those paid to non-disabled workers with similar job functions.

(c) The use of transitional jobs for hard-to-employ Ohio works first participants. Transitional jobs provide time-limited, paid work experience combined with a comprehensive set of services in order to help participants overcome barriers to employment and build work related skills.
5101:1-3-12.3 Work Experience Program

CAMTL 120

Effective Date: January 1, 2017
Most Current Prior Effective Date: February 1, 2012

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly
(09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the
director of job and family services shall adopt rules as necessary for the state to comply with 42
607(i) (2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code.
Rules adopted under this section that govern financial and other administrative requirements
applicable to the department of job and family services and county departments of job and
family services shall be adopted in accordance with section 111.15 of the Revised Code as if
they were internal management rules. All other rules adopted under this section shall be
adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agencies shall administer the work activity programs in accordance with the
requirements contained in this rule and not in accordance with sections 5107.40, 5107.54,
5107.541 and 5107.61 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)
(2) of this rule have been incorporated into this rule.

(B) What is the definition of a work experience program (WEP)?

(1) A work experience program (WEP) is a work activity that is:

(a) Performed in return for cash assistance; and

(b) Provides an individual an opportunity to acquire the general skills, knowledge, and work
habits necessary to obtain employment.

(2) Work experience program (WEP) activities may include, but are not limited to:

(a) Work associated with the refurbishing of publicly assisted housing;

(b) Service as an Ohio works first (OWF) ombudsperson pursuant to sections 329.07 and
5107.61 of the Revised Code; and

(c) Work as a school volunteer or classroom aide. A work-eligible individual may be assigned
at a nonpublic or public school if when they have a minor child enrolled in that school.
Assignments pursuant to this paragraph must shall meet the definition of work experience (WEP).

(i) A county agency may contract with the chief administrator of a nonpublic school or
with any school district board of education that has adopted a resolution under section 3319.089
of the Revised Code.

(ii) A contract shall provide for a participant to volunteer or work at the school as a
classroom aide. If when that is impossible or impractical, the contract may provide
for the participant to volunteer to work in another position at the school.

(iii) A contract may provide for the nonpublic school or board of education to receive
funding to pay for coordinating, training, and supervising participants volunteering
or working in schools.

(iv) Notwithstanding section 3319.088 of the Revised Code, a participant volunteering
or working as a classroom aide under this section is not required to obtain an
educational aide permit or paraprofessional license. The participant shall not be
considered an employee of a political subdivision for purposes of Chapter 2744. of
the Revised Code and is not entitled to any immunity or defense available under that chapter, the common law of this state, or section 9.86 of the Revised Code.

(C) What activities do not meet the definition of a work experience program WEP?
(1) Job search and job readiness activities;
(2) Vocational education;
(3) Caring for a disabled family member; and
(4) Attending medical appointments.

(D) What requirements apply to the work experience program WEP?
(1) Hours assigned to the work experience program activity WEP are subject to the Fair Labor Standards Act (05/00)(5/2011) requirements pursuant to paragraph (J) of rule 5101:1-3-12 of the Administrative Code.
(2) Each county agency shall make a list of work experience program WEP sites available to the public.
(3) Work-eligible individuals assigned to work experience WEP are not employees of the Ohio department of job and family services (ODJFS) or the county agency. The operation of a work experience program WEP does not constitute the operation of an employment agency by the ODJFS.
(4) Unless a county agency pays the premiums for an entity, a private or government entity with which a work eligible individual is placed for work experience WEP activities shall pay premiums to the bureau of workers' compensation on account of the work eligible individual.

Effective: 01/01/2017
Five Year Review (FYR) Dates: 09/27/2016 and 01/01/2022
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Promulgated Under: 119.03
Statutory Authority: 5107.05
Rule Amplifies: 5107.05
CAMTL 120

Effective Date: January 1, 2017

Most Current Prior Effective Date: February 1, 2012

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2)(08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i) (2) (08/96)(8/1996), the rules may deviate from Chapter 5107 of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119 of the Revised Code.

(2) The county agencies shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated into this rule.

(B) What is on-the-job training?

(1) On-the-job training means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides the knowledge and skills essential to the full and adequate performance on the job.

(2) Paid internships and situations in which someone is engaged in subsidized employment and training may be considered on-the-job training.
CAMTL 145

Effective Date: September 5, 2019
Most Current Prior Effective Date: January 1, 2014

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.50 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

(B) What is the definition of job search and job readiness assistance?

(1) Job search and job readiness assistance means the act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, and substance abuse treatment, mental health treatment, or rehabilitation activities. Treatment or therapy must be determined to be necessary and documented by a qualified medical, substance abuse, or mental health professional.

(2) The following activities do not meet the definition of job search and job readiness assistance:
   (a) Child's dental checkups, immunizations, and school attendance;
   (b) Parenting skills training;
   (c) Participating in head start;
   (d) Personal care;
   (e) Activities that promote a healthier lifestyle, such as smoking cessation.

(3) A county agency may utilize the services of private and governmental entities under contract with the county agency in operating the program.

(C) What are the limitations in counting job search and job readiness assistance participation hours toward the federal work participation rate?

(1) An individual's participation in job search and job readiness assistance counts for a maximum of no more than six weeks in the preceding twelve months.

(2) Travel time to and from work sites does not count toward the participation requirements. However, the time an individual spends in job search and job readiness assistance traveling between multiple interviews may be counted in the hours of participation.

(3) For the six week limitation on participation, a week is defined as:
   (a) Twenty hours for a work eligible individual who is a single custodial parent with a child under six years of age; or
   (b) Thirty hours for all other work eligible individuals.
(4) Six weeks of job search and job readiness assistance equals:
   (a) One hundred twenty hours in a twelve-month period for each work eligible individual described in paragraph (C)(3)(a) of this rule; and
   (b) One hundred eighty hours in a twelve-month period for each work eligible individual described in paragraph (C)(3)(b) of this rule.

(5) No more than four weeks of the six weeks may be consecutive.

(6) For purposes of the four consecutive week period, the following provisions are applicable:
   (a) A week means seven consecutive days;
   (b) Any hours of participation in job search and job readiness assistance activities in the seven consecutive day period shall count as an entire week.

(7) Once an individual has four consecutive weeks of participation, that individual's participation in job search and job readiness assistance may not count for one week (i.e., seven consecutive days).

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Five Year Review (FYR) Dates: 6/18/2019 and 09/05/2024
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Statutory Authority: 5107.05, Section 5 of Amended Substitute Senate Bill 238 of the 126th General Assembly.
Rule Amplifies: 5107.05
Community Service

CAMTL 102

Effective Date: September 1, 2015

Most Current Prior Effective Date: May 1, 2010

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/069/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2)(08/968/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2)(08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services agencies shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county department of job and family services shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40, 5107.541 and 5107.60 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

(B) What is community service?

Community service means structured programs and embedded activities in which Ohio works first (OWF) work eligible individuals perform work for the direct benefit of the community under the auspices of public or nonprofit organizations, and are also designed to improve the employability of individuals not otherwise able to obtain unsubsidized full-time employment.

(C) What activities meet the definition of community service?

(1) Community service programs shall be limited to projects that serve a useful community purpose in fields such as:
   (a) Health;
   (b) Social service;
   (c) Environmental protection;
   (d) Education;
   (e) Urban or rural development;
   (f) Welfare;
   (g) Recreation;
   (h) Public facilities;
   (i) Public safety; and
   (j) Child care.

(2) The following activities do not meet the definition of community service:
   (a) Substance abuse treatment programs;
   (b) Mental health and family violence counseling;
   (c) Life skills classes;
   (d) Parenting classes;
(e) Job readiness instruction; and
(f) Caring for a disabled household member.

(3) A county agency shall take into account to the extent possible, the prior training, experience and skills of an assistance group member in making an appropriate community service assignment.

(D) Are community service activities subject to the Fair Labor Standards Act (05/0005/2000) (FLSA)?

Hours assigned to community service shall be in compliance with the FLSA requirements set forth in paragraph (J) of rule 5101:1-3-12 of the Administrative Code.

(E) Who is responsible for workers compensation premiums?

Unless a county agency pays the premiums for an entity, a private or government entity with which a work eligible individual is placed for community service activities shall pay premiums to the bureau of workers compensation on account of the work eligible individual unless a county agency pays the premiums for an entity.

(F) What educational activities meet the definition of community service?

(1) A county agency may contract with the chief administrator of a nonpublic school or with any school district board of education that has adopted a resolution under section 3319.089 of the Revised Code.

(2) A work eligible individual who has a minor child enrolled in a nonpublic school or a public school in the district may be assigned under the community service program to volunteer or work for compensation at the school in which the child is enrolled.

(3) Unless it is not possible or practical, a contract shall provide for a work eligible individual to volunteer or work at school as a classroom aide. If that is impossible or impractical, the contract may provide for the work eligible individual to volunteer to work in another position at the school.

(4) A contract may provide for the nonpublic school or board of education to receive funding to pay for the coordination, training, and supervision of work eligible individuals who are volunteering or working in schools.

(5) Notwithstanding section 3319.088 of the Revised Code, a work eligible individual volunteering or working as a classroom aide under this section is not required to obtain an educational aide permit or paraprofessional license. The work eligible individual shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code and is not entitled to any immunity or defense available under that chapter, the common law of this state, or section 9.86 of the Revised Code.

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Date: 08/04/2015
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Statutory Authority: 5107.05, Section 5 of Amended Substitute Senate Bill 238 of the 126th General Assembly
Rule Amplifies: 5107.05
A. Conflict with Revised Code

Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (9/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2)(8/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2)(8/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county agencies shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

B. The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.01, 5107.40, 5107.43, 5107.58 and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule.

C. What is vocational educational training?

(1) Vocational educational training means organized education programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training.

(2) Vocational educational training must be provided by education and training organizations.

(3) Acceptable types of vocational educational training include, but are not limited to:
   (a) Baccalaureate or advanced degrees;
   (b) Associate degree;
   (c) Instructional certificate program;
   (d) Industrial skills certificate;
   (e) Non-credit coursework; and
   (f) Basic skills education and English as a second language (ESL) courses if they are a necessary and regular part of the vocational educational training.

D. What hours of participation in vocational educational training may count toward work participation?

(1) Hours of participation are actual hours spent in the classroom not semester or quarter credit hours.

(2) The county agency may count supervised homework time and up to one hour of unsupervised time for each hour of class time. Total homework time counted for participation cannot exceed the hours required or advised by a particular education institution. The county agency must document the homework expectations of the educational program in order to count homework time.

E. What are the limitations on counting vocational educational training toward work participation?

(1) For each work eligible applicant or participant no more than twelve months of vocational educational training will count toward the federal work participation rate in a lifetime.

(2) Not more than thirty per cent of the number of individuals assigned to vocational educational training in all families and in two parent families shall count toward the monthly work participation rate pursuant to as described in rule 5101:1-3-01 of the Administrative Code.
(F) How is tuition covered?

(1) The participant shall make reasonable efforts, as determined by the county agency, to obtain a loan, scholarship, grant or other assistance to pay for the tuition, including a federal pell grant under 20 U.S.C. 1070a(10/98)(12/2015), an Ohio instructional grant under section 3333.12 of the Revised Code, and an Ohio college opportunity grant under section 3333.122 of the Revised Code.

(2) If the participant is unable to obtain sufficient assistance to pay the tuition the Ohio works first program may pay the tuition. The county agency may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years.

(3) If the participant volunteers to participate in the vocational education program for more hours each week than the hours assigned, the program may pay or the county agency may loan the cost of the tuition for the assigned number of hours.

(4) A county agency that provides loans pursuant to paragraph (F)(2) of this rule shall establish procedures governing loan application for and the approval and administration of loans granted.

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Five Year Review (FYR) Dates: 01/27/2017 and 06/01/2022
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Rule Amplifies: 5107.05
(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (9/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (8/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (8/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agencies shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated into this rule.

(B) What does providing child care services to an individual who is participating in a community service program mean?

(1) Providing child care services to an individual who is participating in a community service program is a work activity in which a work-eligible individual provides child care to enable another work-eligible individual to participate in a community service program as set forth in rule 5101:1-3-12.6 of the Administrative Code.

(2) Providing child care to enable Ohio works first recipients to participate in other work activities does not meet this definition.

(C) What are the requirements for this activity?

(1) The activity must be a structured program designed to improve the employability of work-eligible individuals who participate in this activity.

(2) In a two-parent family, one parent cannot count as participating by providing child care for his or her own children while the other parent participates in a community service activity.
(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

(B) What is job skills training directly related to employment?

(1) Job skills training directly related to employment means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.

(2) Job skills training includes, but is not limited to the following:

   (a) Customized training to meet the needs of a specific employer. Customized training can include literacy instruction or language instruction when such instruction is explicitly focused on skills needed for employment or combined in a unified whole with job skills training;

   (b) General training that prepares an individual for employment; and

   (c) Unpaid internships if directly related to employment.

(3) Post-secondary education leading to a baccalaureate or advanced degree may fall within the definition as long as it is directly related to a specific job or occupation. Participants can be assigned to this activity after the twelve months of vocational educational training has been used.

(4) The following activities do not meet the definition of job skills training directly related to employment:

   (a) Substance abuse counseling and treatment;

   (b) Mental health services; and

   (c) Other rehabilitative activities.

(C) When may homework count toward the job skills training directly related to employment?

The county agency may count supervised homework time and up to one hour of unsupervised homework time for each hour of class time. Total homework time counted for participation may not exceed the hours required or advised by a particular educational institution. The county agency shall document the homework expectations of the educational program in order to count homework time.
5101:1-3-12.10 Education Directly Related to Employment in the Case of a Recipient who has Not Received a High School Diploma or a Certificate of High School Equivalency

CAMTL 121

Effective Date: May 1, 2017

Most Current Prior Effective Date: February 5, 2012

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) (9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96) (8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96) (8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule.

(B) What is the work activity known as "education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency?"

(1) Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency is defined as education related to a specific occupation, job or job offer.

(2) When required as a prerequisite for employment by employers or occupation this activity may include, but is not limited, to the following:

(a) Courses designed to provide the knowledge and skills for specific occupations or work settings;
(b) Adult basic education;
(c) English as a second language; or
(d) Education leading to a high school equivalency diploma. The county agency may determine on a case-by-case basis whether an immigrant or refugee who holds a high school diploma from another country, but not from an American high school or its equivalent, can qualify to participate in this activity. The determination will be based upon the appraisal or assessment, documenting the fact that verification is either unattainable or the overseas diploma is not comparable to an American diploma or high school equivalency diploma.

(C) When may homework count toward the work participation requirement?

The county agency may count supervised homework time and up to one hour of unsupervised homework time for each hour of class time. Total homework time counted for participation cannot exceed the hours required or advised by a particular educational institution. The county agency must document the homework expectations of the educational program in order to count homework time.

(D) What is the high school equivalence diploma?

High school equivalence diploma means a diploma attesting to the achievement of the equivalent of a high school education as measured by scores on a test of general educational development (GED) as
published by the "American Council on Education." High school equivalence diploma includes a certificate of high school equivalence. This program formerly issued the general equivalency diploma or GED.

Effective: 05/01/2017
Five Year Review (FYR) Dates: 12/09/2016 and 05/01/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 03/20/2017
Promulgated Under: 119.03
Statutory Authority: 5107.05
Rule Amplifies: 5107.05
(A) Conflict with Revised Code

Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2)(08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2)(08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county agencies shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule.

(C) What is the work activity known as "satisfactory attendance at secondary school or in a course of study leading to a certificate of general high school equivalence, in the case of a recipient who has not completed secondary school or received such a certificate?"

(1) This work activity is defined as regular attendance in the secondary school or course of study at a secondary school, or in a course of study leading to a certificate of general high school equivalence for a work eligible individual who has not completed secondary school or received such a certificate. This includes hours of attendance in the following activities as long as they are an integral part of attaining a certificate of high school equivalence:

(a) English as a second language;
(b) Career training;
(c) Alternative schooling;
(d) Tutoring;
(e) Dropout prevention; and
(f) Teen pregnancy or parenting programs.

(2) This activity may not include other related education activities, such as adult basic education or language instruction unless it is linked to attending a secondary school or leading to a certificate of high school equivalence.

(D) When may homework count toward the work participation requirement?

The county agency may count supervised homework time and up to one hour of unsupervised homework time for each hour of class time. Total homework time counted for participation cannot exceed the hours required or advised by a particular educational institution. The county agency shall document the homework expectations of the educational program in order to count homework time.

(E) What is the certificate of high school equivalence?

The certificate of high school equivalence is a diploma attesting to achievement of the equivalent of a high school education as measured by scores obtained on tests of general educational development. This includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school
education as measured by scores obtained on tests of general educational development. This program formerly issued the general equivalency diploma or GED (GED).

Effective: 06/01/2017
Five Year Review (FYR) Dates: 01/27/2017 and 06/01/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 04/19/2017
Promulgated Under: 119.03
Statutory Authority: 5107.05
Rule Amplifies: 5107.05
Alternative Activities

CAMTL 126

Effective Date: May 1, 2017

Most Current Prior Effective Date: February 1, 2012

(A) Conflict with Revised Code

Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county agencies shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40, 5107.42, 5107.43 and 5107.64 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule.

(C) What are alternative activities?

(1) Alternative activities are activities designed to promote self sufficiency and personal responsibility that are intended to address temporary and permanent barriers to participating in work activities.

(2) The county agency shall establish and administer alternative activities for work eligible individuals participating in Ohio works first (OWF). In establishing alternative activities, the county agency is not limited by the restrictions imposed by Title IV-A.

(3) Acceptable types of alternative activities include, but are not limited to:

(a) Parenting classes and life-skills training;

(b) Participation in an alcohol or drug addiction program certified by the department of alcohol and drug mental health and addiction services under section 3793.06 5119.36 of the Revised Code;

(c) Finding a home in the case of a homeless assistance group;

(d) Residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence or participating in criminal justice activities against the domestic violence offender; and

(e) Attending English as a second language course.

(4) What hours may count toward work participation?

(a) Hours of participation that individuals complete in alternative activities do not count toward the federal work participation rate.

(b) There is no minimum number of hours required for participation in alternative activities.

(c) There are no limitations as to the number of work eligible individuals who may be assigned to alternative activities.
Conflict with the Revised Code

(A) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.14, 5107.161 and 5107.162 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

What is good cause for work activity failures?

(C) Good cause reasons are limited to the following:

1. Illness of the work eligible individual or of another family member related by blood, marriage or adoption, living in the same household, if a court ordered appearance is necessary;
2. For either the work eligible individual or a family member living in the same household, a previously scheduled appointment necessary for medical, dental, or vision care.
3. A previously scheduled job interview for a work eligible individual, including any subsequent interviews and/or testing requirements.
4. Court ordered appearances.
5. Appointment with another social service agency or program.
6. Death in the family, with the length of absence to be determined by the county agency. "Family" is defined as spouse, domestic partner (domestic partner is defined as one who stands in place of a spouse and who resides with the work eligible individual), child, grandchild, parents, grandparents, siblings, stepchild, stepparent, step-siblings, great-grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or legal guardian or other person who stands in the place of a parent.
7. A school, place of work or worksite is closed for the day.
8. Lack of child care.

How is lack of child care determined?
In determining if good cause exists for nonparticipation with a work requirement for a work eligible individual, the county agency shall determine if child care is a necessary supportive service when a single custodial parent caring for a minor child under age six proves a demonstrated inability for one or more of the following reasons:

(a) Unavailability of a licensed or certified child care provider within a reasonable distance from the parent’s home or work site. "Reasonable distance" is defined by each county agency and is based on availability of transportation.

(b) Unavailability or unsuitability of informal child care by a relative or other arrangements. "Unsuitability of informal child care" is a decision made by the county agency and is based on information received from the public children services agency (PCSAs) that the PCSA determines is relevant to share with the county agency in order to protect children pursuant to rule 5101:2-33-21 of the Administrative Code.

(c) Unavailability of appropriate and affordable formal child care arrangements. "Affordable child care arrangements" means that work eligible individuals are guaranteed eligibility for child care subsidy with copayments based on family size and income.

(9) A failure of the county agency to provide supportive services.

(10) A failure of the county agency to provide the work eligible individual with all information necessary about the assignment.

(11) Circumstances involving domestic violence which make it difficult for the individual to comply in full with a provision of the self sufficiency contract, in accordance with rule 5101:1-3-20 of the Administrative Code.

(12) Other circumstances determined on a case by case basis by the county agency.

(D) How should a claim of good cause be documented?

(1) Verification of good cause may be required of the work eligible individual at the county agency's discretion.

(2) The county agency may request verification by a third party for a good cause claim.

(3) The county agency shall allow the work eligible individual no more than ten days from the request of verification to provide requested good cause verification.

(4) The work eligible individual has primary responsibility for providing verification to support the claim of good cause and resolve any questionable information.

(5) A work eligible individual may supply good cause verification in person, through the mail, by fax, electronically, through an authorized representative, or through the primary information person. The county agency shall not require the work eligible individual to present verification in person.

(E) What happens if good cause is not found?

(1) Allow the work eligible individual to make up the missed hours of participation within the same month in accordance with rule 5101:1-3-12 of the Administrative Code; or

(2) Impose a new or continue an existing sanction in accordance with rule 5101:1-3-15 of the Administrative Code.

Effective: 05/01/2017

Five Year Review (FYR) Dates: 12/09/2016 and 05/01/2022

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Date: 04/04/2017

Promulgated Under: 119.03

Statutory Authority: 5107.05
Rule Amplifies: 5107.05, 5107.14, 5107.16

CAMTL 101

Effective Date: September 1, 2015

Most Current Prior Effective Date: May 1, 2010

(A) Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county department of job and family services agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.14, 5107.16, 5107.41 and 5107.70 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

(B) Penalties

What is a penalty?

A penalty is a negative action that occurs in certain situations that are not subject to the three tier sanction policy set forth in rule 5101:1-3-15 of the Administrative Code but continue to be subject to existing statutory and administrative rule penalties even if the requirement is included as part of the assistance group’s self sufficiency contract. The individual who is under penalty remains a work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code. The following list of penalties is not all inclusive.

(1) The following penalties result in the denial or termination of Ohio works first (OWF):

(a) Failure or refusal to sign the self sufficiency contract by a work eligible individual as set forth in rule 5101:1-3-11 of the Administrative Code.

(b) Failure without good cause to attend an appraisal or assessment interview, or complete an appraisal or assessment, by a work eligible individual required to do so in accordance with paragraph (C) of rule 5101:1-3-12 of the Administrative Code.

(c) Failure or refusal to cooperate in the application and reapplication process (including failure to appear for scheduled appointments) and provide required verifications necessary to determine eligibility as set forth described in rules 5101:1-2-01 and 5101:1-2-10 of the Administrative Code.

(d) Failure or refusal to accept unconditionally available income as set forth described in rule 5101:1-23-20 of the Administrative Code.

The individual who is under penalty remains a work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code.

(2) The following penalties result in a reduction of the OWF grant and/or the removal of an individual:

(a) Failure to cooperate in the enumeration process as set forth described in rule 5101:1-3-09 of the Administrative Code results in the removal of the individual(s) for whom enumeration verification has not been provided for the OWF benefits.
(b) A teen parent who is not exempt from learning, earning and parenting (LEAP) participation as provided in rule 5101:1-23-50 of the Administrative Code, and who meets the following conditions is not eligible to participate in OWF:

(i) The teen is under the age of eighteen;
(ii) The teen has a child and his or her child is at least twelve weeks of age;
(iii) The teen has not successfully completed high school or its equivalent; and
(iv) The teen is not attending school, or an alternate education or training program defined by the county agency.

(c) A LEAP attendance failure as set forth in section 5107.30 of the Revised Code and rule 5101:1-23-50 of the Administrative Code results in a reduction of the OWF grant.

(d) A learnfare failure as set forth in section 5107.28 of the Revised Code results in a reduction of the OWF grant.

(e) An individual who is a fugitive felon as defined in section 5101.20 of the Revised Code is not eligible to be included in the OWF grant. An individual who is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the state of New Jersey, a high misdemeanor) as defined in section 5101.20 of the Revised Code is not eligible to be included in the OWF grant.

(f) An individual who is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law for a felony is not eligible to be included in the OWF grant.

The county agency shall utilize the following procedure when it has information that an individual may be ineligible under paragraphs (B)(2)(e) and (B)(2)(f) of this rule:

(i) The county agency shall contact the appropriate law enforcement agency to give the law enforcement agency thirty days to determine if the individual is fleeing and to arrest or extradite the individual.

(ii) If within the thirty days when the law enforcement agency arrests or extradites the individual within thirty days, the county agency shall take appropriate action to remove the individual from the assistance group if he or she is no longer a member of the household.

(iii) If by the end of the thirty days when the law enforcement agency has not been able to arrest or extradite the individual by the end of the thirty days, the county agency shall take appropriate action to impose ineligibility under this section for as long as the law enforcement agency continues to take appropriate action to arrest or extradite the individual and provides written documentation.

(iv) If within the thirty days when the law enforcement agency indicates it will not attempt to arrest or extradite the individual within thirty days or that the individual is not fleeing, the county agency shall not impose ineligibility under this section.

(3) The following time-limited penalties result in the denial or termination of OWF:

(a) Termination of employment without just cause as set forth described in section 5107.26 of the Revised Code results in the imposition of a six month period of ineligibility for OWF.

For OWF participants, the six month period begins the month after the month in which employment is terminated. For transitional medicaid or transitional child care participants, the six month period begins the month in which the employment is terminated. This penalty only applies to transitional medicaid or transitional child care assistance groups that were in receipt of OWF cash assistance on the day prior to the day that the assistance group began receiving the transitional medicaid or transitional child care
benefits. There is no penalty if the individual who terminated employment without just cause is not an OWF, transitional medicaid or transitional child care participant.

(b) Receipt of fraudulent assistance as set forth in section 5101.83 of the Revised Code and rule 5101:1-23-75 of the Administrative Code results in ineligibility for the assistance group until the fraudulent assistance is repaid.

(c) Refusal to cooperate with a quality assessment (QA) review results in termination of OWF for the assistance group. "Refusal to cooperate with a quality assessment review" means that the assistance group is able to cooperate but refused to take the actions that it can take to assist in verifying the assistance group's eligibility. The OWF assistance group is ineligible for OWF for a period of three calendar months or until the assistance group cooperates with the QA review, whichever is earlier.

When the QA reviewer determines that the QA review cannot be completed because the OWF assistance group member responsible for cooperating with the QA review refuses to cooperate as defined in this paragraph, the QA reviewer will notify the CDJFS in writing of the individual's refusal to cooperate. In accordance with the provisions set forth in rule 5101:6-2-04 of the Administrative Code, the CDJFS must send prior notice of adverse action to the assistance group prior to imposing the penalty. OWF assistance must be terminated as of the next recurring month following the expiration of the adverse action period, unless a hearing is timely requested pursuant to the provisions set forth in division 5101:6 of the Administrative Code.

(4) The following penalty is time-limited and results in the reduction of OWF and the removal of the individual?

Fraudulent misrepresentation of residence resulting in a federal or state court conviction results in a ten year period of ineligibility for OWF for the individual convicted.

(a) The individual must have been convicted in federal or state court of having made a fraudulent statement or misrepresentation with respect to the place of residence in order to receive assistance simultaneously from two or more states.

(b) The ten year period begins on the date the individual is convicted in federal or state court provided that the conviction date is on or after August 22, 1996.

(c) The provision shall not apply with respect to a conviction of an individual for any month beginning after the president of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

(C) Assistance What provisions apply to assistance group movement in penalty situations?

(1) The following provisions apply to the penalties listed in paragraph (B)(3) of this rule:

(a) An individual who causes the penalty carries the penalty into another assistance group which becomes ineligible due to the penalty until the period of ineligibility ends. The remaining members of the new assistance group are not affected by that penalty, unless they were members of the original assistance group at the time of the penalty. The individual who is under penalty remains a work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code.

(b) A minor child who ceases to reside with the penalized assistance group is eligible for OWF provided all eligibility requirements are met.

(c) The period of ineligibility shall be served by all remaining assistance group members in situations where the individual who caused the period of ineligibility leaves the household. This provision is not applicable to the penalty set forth in paragraph (B)(3)(c) of this rule.

(d) Individuals in a two parent assistance group who separate carry the penalty with them into the next assistance group.
(e) All individuals in the OWF assistance group or those individuals who would have been required to be included in the OWF assistance group in accordance with rule 5101:1-23-10 of the Administrative Code at the time of the failure are not eligible to receive OWF until the penalty has been served.

(f) Individuals who enter the home after the date of ineligibility are not eligible to receive OWF regardless of whether they would otherwise meet the eligibility requirements.

Effective: 09/01/2015

Five Year Review (FYR) Dates: 04/20/2015 and 09/01/2020

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Statutory Authority: 5107.05, 5107.16

Rule Amplifies: 5107.05

CAMTL 134

**Effective Date: October 1, 2018**

**Most Current Prior Effective Date: September 1, 2013**

(A) Conflict with the Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.14, 5107.161 and 5107.162 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

(B) What is a sanction?

A sanction is the denial or termination of an assistance group's eligibility to participate in Ohio works first (OWF) due to a member of the assistance group failing and/or refusing to comply in full with a provision of the self sufficiency contract without good cause as set forth in rule 5101:1-3-13 of the Administrative Code.

(C) When shall a sanction be imposed and how long shall it last?

For purposes of this rule a payment month means a calendar month and sanctions shall be imposed as follows:

(1) For a first failure or refusal, the county agency shall deny or terminate benefits for one calendar month or until the failure or refusal ceases, whichever is longer;

(2) For a second failure or refusal, the county agency shall deny or terminate benefits for three calendar months or until the failure or refusal ceases, whichever is longer;

(3) For a third or subsequent failure or refusal, the county agency shall deny or terminate benefits for six calendar months or until the failure or refusal ceases, whichever is longer.

(4) An adult who is sanctioned, pursuant to paragraph (C)(3) of this rule for a failure and/or refusal, without good cause, to comply in full with a provision of a self sufficiency contract related to work activities, loses eligibility for medicaid as set forth in rule 5101:1-40-02.1 of the Administrative Code unless the adult is otherwise eligible for medicaid pursuant to another division of section 5111.01 of the Revised Code.

(5) Subsequent failures and/or refusals without good cause to comply with a provision in the self sufficiency contract that occur up until the imposition of the sanction are considered the same occurrence.

(6) In a two-parent assistance group, the assistance group's number of occurrences is the higher amount that either individual incurred prior to the formation of the two-parent assistance group.

(7) Individuals in a two-parent assistance group who separate carry only the occurrences caused by their own failure and/or refusals into another assistance group.

(D) Who is included in the sanction?
All individuals in the OWF assistance group in accordance with rule 5101:1-3-10 of the Administrative Code at the time of the failure and/or refusal are included in the sanction. An assistance group must include the non-recipient work eligible individual as set forth in rule 5101:1-3-12 of the Administrative Code.

(E) When does an imposed sanction become effective?

(1) For applicant assistance groups the sanction period begins with the date of application.

(2) For recipient assistance groups the sanction period begins with the next recurring month following the expiration of the adverse action period as set forth in rule 5101:6-2-04 of the Administrative Code unless a hearing is requested pursuant to the provisions of division 5101:6 of the Administrative Code. If a hearing is requested timely and the assistance group continues to receive OWF the work requirements are applicable.

(3) If a hearing request is made within fifteen calendar days after the mailing of the notice, the imposition of the sanction is postponed. If a hearing request is made after the fifteenth day, but on or before the ninetieth day, the hearing shall be conducted but the sanction is not postponed.

(4) Sanctions shall not be held in abeyance. For assistance groups whose OWF benefits are terminated for another reason, the sanction period begins with the month after OWF is terminated for the assistance group, subject to the prior notice of adverse action requirements as set forth in rule 5101:6-2-04 of the Administrative Code.

(F) How is an assistance group notified of the proposed sanction?

Before a county agency sanctions an assistance group pursuant to paragraph (C) of this rule, the Ohio department of job and family services (ODJFS) shall provide the assistance group with written notice of the sanction failure and/or refusal dates and failed and/or refused hours when applicable.

(G) How is a sanction ended?

The assistance group member who failed or refused a provision of the self sufficiency contract must:

(1) Sign and submit to the county agency a JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Request"Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement" (rev. 08/2013)(rev. 11/2016) or the client registry information system-enhanced (CRIS-E) the statewide automated eligibility system equivalent; and

(2) Serve the minimum sanction period.

(3) For a second and any subsequent sanction the assistance group member who failed and/or refused, to comply with a provision of the self sufficiency contract without good cause, must demonstrate a willingness to comply with the self sufficiency contract through the completion of an appropriate compliance activity as assigned by the county agency as set forth in paragraph (H) of this rule.

(H) What are acceptable compliance activities?

(1) For applicant and recipient sanctions imposed due to a failure and/or refusal to complete a work activity and/or alternative activity without good cause, the compliance assignment shall:

(a) Consist of no more than the missed hours listed on the notice provided in paragraph (F) of this rule for a consecutive fourteen day period.

(b) The consecutive fourteen day period begins with the first work or alternative activity failure and/or refusal date indicated on the notice.

(c) Compliance assignments must be completed in no more than fourteen consecutive days.

(d) Work eligible individuals may not complete work and/or alternative activity hours in a compliance activity prior to the imposition of the sanction.

(2) For recipient sanctions proposed due to a failure and/or refusal to cooperate with the child support enforcement agency without good cause, the sanctioned assistance group member’s child support compliance activity shall be determined by the child support enforcement agency.
(3) For recipient sanctions proposed due to all other types of failures or refusals without good cause the work eligible individual's compliance activity shall be determined by the county agency.

(I) What if the compliance activity is not completed?

(1) The county agency shall determine if good cause exists for each failure, refusal or absence. If the county agency determines the failure, refusal or absence was a result of a good cause reason the hours or other compliance activity shall be considered completed by the sanctioned individual. Good cause reasons are limited to:

(a) Holidays as set forth in rule 5101:1-3-12 of the Administrative Code; and

(b) Good cause reasons as defined in rule 5101:1-3-13 of the Administrative Code.

(2) If the county agency does not find good cause for a failure and/or refusal to complete a compliance activity:

(a) For work and/or alternative compliance activities, the sanctioned individual shall start all work and/or alternative compliance activities again.

(b) For compliance with the child support enforcement agency, the sanctioned individual shall work with the child support enforcement agency until compliance is met.

(c) For other compliance activities, the sanctioned individual shall work with the county agency until the county agency determined compliance is met.

(J) When shall OWF be reinstated?

OWF shall be reinstated the first day of the month following the expiration of the minimum sanction period when all of the following are met:

(1) The assistance group member who failed and/or refused a provision of the self sufficiency contract has entered into a new or amended self sufficiency contract with the county agency;

(2) The sanction compliance activity is completed on or before the last day of the minimum sanction period; and

(3) All other eligibility requirements are met. If the assistance group's circumstances have changed such that the county agency questions the eligibility for OWF, the county agency shall request the necessary verifications, as set forth in rule 5101:1-2-20 of the Administrative Code, to establish eligibility. Every effort shall be made by the county agency to determine eligibility before the expiration of the minimum sanction period. This time frame for reinstating OWF benefits following the expiration of the sanction period may be exceeded if the following occurs:

(a) There is a failure, with good cause, to secure the necessary verifications; and

(b) The failure to secure the verifications is considered beyond the control of the county agency or the assistance group.

(K) When shall OWF benefits not be reinstated?

The situations in which OWF shall not be reinstated are when:

(1) The assistance group was sanctioned as an applicant assistance group;

(2) It is time for the assistance group's regularly scheduled eligibility redetermination; or

(3) The individual who caused the sanction has not completed sanction compliance, as set forth in paragraphs (G) and (H) of this rule, or failed and/or refused to enter into a new or amended self sufficiency contract, before the last day of the minimum sanction period.

(L) How can an assistance group get OWF benefits if they are not reinstated?

When OWF is not reinstated:

(1) The assistance group must reapply as set forth in rule 5101:1-2-01 of the Administrative Code.
(2) OWF eligibility begins either when sanction compliance has been met or the date of application, whichever is later.

(M) Does a sanction move with an assistance group member?

(1) If the individual who caused the sanction becomes a required member of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period and the completion of the sanction compliance as set forth in paragraphs (G) and (H) of this rule by the sanctioned individual.

(2) If the adults in a sanctioned assistance group who did not cause the sanction become required member(s) of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period.

(3) If only the minor children who no longer reside with the original sanctioned adults become required members of a new assistance group, they may be eligible for OWF and are not required to serve the minimum sanction period.

(N) What social services are sanctioned assistance groups eligible for?

An assistance group that would be participating in OWF if not for a sanction shall continue to be eligible for all of the following:

(1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;

(2) Support services in accordance with section 5107.66 of the Revised Code; and

(3) To the extent permitted by the Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C.A. 201 (05/00), to participate in work activities and alternative activities.
(A) How is a sanction ended for Ohio works first (OWF) assistance groups with a self sufficiency contract failure and/or refusal that occurred prior to the effective date of this rule?

Individuals sanctioned due to a self sufficiency contract failure and/or refusal that occurred prior to the effective date of this rule must serve the minimum sanction period. The sanction shall be ended once the minimum sanction period has expired.

(B) How does an OWF assistance group sanctioned due to a self sufficiency contract failure and/or refusal that occurred prior to the effective date of this rule begin receiving OWF?

Once the sanction has been ended as set forth in paragraph (A) of this rule, the OWF assistance group must do the following:

1. Reapply under section 5107.12 of the Revised Code and rule 5101:1-2-01 of the Administrative Code; and

2. Enter into a new self sufficiency contract as set forth in rule 5101:1-3-11 of the Administrative Code.

(C) How does a failure or refusal cease for a sanctioned OWF assistance group with a self sufficiency contract failure and/or refusal that occurred on or after the effective date of this rule?

Individuals sanctioned due to a self sufficiency contract failure and/or refusal that occurred on or after the effective date of this rule must complete the compliance process as set forth in rule 5101:1-3-15 of the Administrative Code.

Five Year Review (FYR) Dates: 6/27/2018 and 06/27/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 06/27/2018

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 5107.05, 5107.16, 5107.17

Prior Effective Dates: 09/01/2013
What is the prevention, retention, and contingency (PRC) employer subsidy program?

Chapter 5108. of the Revised Code establishes the PRC program under which a county agency may establish an employer subsidy program.

1. The purpose of the PRC employer subsidy programs is to provide eligible individuals an opportunity to obtain employment and provide employers an incentive to hire participants who are in need of benefits and services to overcome barriers to employment.

2. Public, private non-profit, and private for profit employers are eligible to participate in PRC employer subsidy programs.

3. Employers participating in PRC employer subsidy programs shall receive a subsidy for a specific period of time to assist in the cost of hiring and providing training to the participant.

4. The subsidized job position may be full or part time. "Full time" and "part time" is defined by the employer.

5. Participants in a PRC employer subsidy program shall be considered regular, permanent employees of the employer. They shall be paid the same rate as other employees doing similar work and shall be entitled to the same employment benefits and opportunities for the advancement and affiliations with employee organizations that are available to other regular employees of the employer.

6. The county agency or contract program provider and the participant shall enter into a written contract with the employer.
   a. The contract shall be written effective with the first day of employment.
   b. The contract shall specify the number of hours of employment and the number of months of employer subsidy.
   c. The contract shall specify the amount of the monthly subsidy the employer will be receiving. It is recommended that this amount not exceed fifty per cent of the wages paid by the employer.

7. The PRC subsidy program shall include the expectation of continuing employment with the participating employer after the subsidy expires or a placement component that leads to employment with another employer after the subsidy expires. The expectation of employment may be contingent upon the participant's successful completion of any probationary or training period specified in the contract and abiding by the employer's rules and regulations.

What are the county agency requirements?

1. The county agency shall work with the employer to determine the requirements for the subsidized job and screen participants for placement with the employer.

2. The county agency shall track the subsidy payments to the employer and monitor the participant's progress in employment during the subsidy period.

3. Subject to the availability of funds, the county agency shall provide support services the county agency determines to be necessary to assist the participant in obtaining or maintaining employment with the employer.

4. The county agency should encourage employers to build career ladders to enable participants to move into higher skilled and higher paying positions that will lead them toward self sufficiency.
Who may participate in a PRC employer subsidy program?

(1) Ohio works first (OWF) assistance groups who are participating in the subsidized employment program pursuant to rule 5107.14-3-12.2 of the Administrative Code and subsequently become ineligible for Ohio works first OWF may potentially continue to be eligible to participate in a PRC employer subsidy program provided that:

(a) The county agency has designated the employer subsidy as a PRC program under the county's PRC plan and the individual is otherwise eligible in accordance with the requirements of Chapter 5108. of the Revised Code; and

(b) The individual is still working for the employer and the terms of the original contract are met.

(2) An individual who is not in receipt of Ohio works first OWF may potentially be eligible to participate in the employer subsidy program provided that the county agency has designated the employer subsidy as a PRC program under the county's PRC plan and the individual is otherwise eligible in accordance with the requirements of Chapter 5108. of the Revised Code.

Effective: 01/01/2017

Five Year Review (FYR) Dates: 09/27/2016 and 01/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 12/08/2016

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 5107.05, 5107.14, 5107.16, 5107.30, 5107.40, 5107.69

(A) What is an individual development account program?
   (1) An "individual development account" (IDA) is a trust created or organized in the United States to enable an eligible individual the opportunity to accumulate funds for purposes defined in paragraph (D)(1) of this rule.
   (2) Pursuant to sections 329.11 to 329.14 of the Revised Code, a county agency may establish an IDA program for residents of the county. The program shall provide for establishment of accounts for participants and acceptance of contributions from individuals and entities, including the county agency, to be used as matching funds for deposit in the accounts.

(B) How can a county agency establish an IDA program?
   (1) The county agency shall select a fiduciary organization to administer its IDA program. As set forth described in section 329.11 of the Revised Code, a "fiduciary organization" is defined as a nonprofit fundraising organization exempt from federal taxation pursuant to 26 U.S.C. 501(a) and (c)(3) (2006).
   (2) The responsibilities of a fiduciary organization include but are not limited to:
      (a) Ensuring that the organization is bonded for the amount of money the individuals have contributed plus the amount of interest generated by the account;
      (b) Marketing the program to individuals and matching fund contributors;
      (c) Depositing the individual's contributions and matching contributions in a financial institution in accordance with section 329.13 of the Revised Code within twenty-four hours of receipt of those contributions;
      (d) Ensuring that the allowable matching contribution does not exceed four times the deposited amount and that the account does not exceed ten thousand dollars at any time. Interest generated by an IDA is part of the IDA;
      (e) Creating an investment plan to ensure the IDA accounts will obtain a return with a minimal risk of loss;
      (f) Creating a plan to prevent unauthorized use of matching contributions and to enforce any penalties pursuant to paragraph (C) of this rule;
      (g) Providing financial counseling for account holders;
      (h) Conducting verification of eligibility for an IDA;
      (i) Complying with federal and state requirements for IDAs; and
      (j) Evaluating the IDA program as required by the county agency and/or the Ohio department of job and family services (ODJFS).
   (3) Matching funds may be provided by or through a nonprofit, tax exempt organization, or a state or local government agency that works cooperatively with a nonprofit, tax-exempt organization.
   (4) If a fiduciary organization participating in the IDA program wants to terminate its participation in the program, it shall give thirty days written notice to the county agency. The county agency shall be responsible for selecting another fiduciary organization to administer the program. In the event the IDA program is terminated, the funds in any existing IDA, including matching contributions, will be disbursed to the individual.
When a fiduciary organization does not fulfill its responsibilities, the fiduciary organization shall not be allowed to participate in the IDA program until it can prove to the satisfaction of the county agency that it can fulfill those responsibilities. If the fiduciary organization misuses the IDA funds, the organization shall be permanently excluded from participation and shall be referred to the county prosecutor. Pursuant to section 329.13 of the Revised Code, a county agency cannot stand alone as a fiduciary organization. It can however, work in cooperation with a nonprofit fundraising organization.

Who can participate in an IDA program?

An individual whose household income does not exceed two hundred percent of the federal poverty level is eligible to participate in an IDA program established by the county agency in which the individual resides.

An individual who does not use IDA funds in the manner mandated in section 329.14 of the Revised Code shall be:

- Terminated from participation in the IDA program;
- Denied participation in any IDA program for a period of six months for the first occurrence and for one year for the second or subsequent occurrence. The penalty period shall begin the month following the month of withdrawal of IDA funds; and
- Referred to the county prosecutor for misuse of the funds.

Any remaining money in the IDA less matching contributions from outside entities shall be disbursed to the individual at the beginning of the penalty period. The remaining contributor matching funds are to be returned to the contributor.

For what purposes can an IDA be used?

The money from an IDA account can only be used for the following purposes:

- Postsecondary educational expenses paid directly from the account to an eligible education institution or vendor on behalf of the IDA participant;
- Qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034 (2006), paid directly from the account to the person or government entity to which the expenses are due;
- Qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

A fiduciary organization shall permit a participant to withdraw money deposited by the participant if it is needed to deal with a personal emergency of the participant or a member of the participant's family or household. Withdrawal shall result in the loss of any matching funds in an amount equal to the amount of the withdrawal.

Regardless of the reason of the withdrawal, a withdrawal from an IDA shall be made only with the approval of the fiduciary organization.

What IDA reports shall be submitted?

When the county agency establishes an IDA account(s) it shall require the fiduciary organization to collect and maintain information regarding the IDA program pursuant to the provisions of section 329.12 of the Revised Code. The fiduciary organization shall report account information to the county agency on the JFS 05101, "The Ohio Department of Job and Family Services, Individual Development Account Report" (rev. 8/20062/2018).

The county agency shall prepare a semi-annual report on its IDA program pursuant to the requirements of division (E) of section 329.12 of the Revised Code.

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5101:1-3-20  Ohio Works First: Domestic Violence- Information, Screening, Referral and Waiver of Eligibility Requirements

CAMTL 124

Effective Date: May 1, 2017

Most Current Prior Effective Date: February 1, 2012

Effective January 1, 2008, each applicant for and recipient of Ohio works first (OWF) shall receive information, screening, referral and waiver of certain OWF eligibility requirements if when the individual has been subjected to domestic violence. This rule complies with sections 5107.71 to 5107.717 of the Revised Code, which were contained in Amended Substitute House Bill 119 (Am. Sub. H.B. 119, 127th General Assembly,(2007)).

(A) What is the definition of domestic violence?

"Domestic violence" means being subjected to any of the following:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;
(2) Sexual abuse;
(3) Sexual activity involving a dependent child;
(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
(5) Threats of, or attempts at, physical or sexual abuse;
(6) Mental abuse (including emotional harm);
(7) Neglect or deprivation of medical care.

(B) What are the responsibilities of the county agency?

The county agency shall be aware and recognize the signs of domestic violence and develop a process for addressing the domestic violence. The county agency shall:

(1) Inform all applicants for OWF that waivers of OWF eligibility requirements are available for victims of domestic violence;
(2) Screen all applicants for domestic violence as provided in this rule;
(3) Refer all individuals who respond affirmatively to any screening question to counseling and supportive services;
(4) When the county agency determines that the individual has been subjected to domestic violence and requiring compliance with the OWF eligibility requirement(s) would make it more difficult for the individual to escape the domestic violence, identify and waive the OWF eligibility requirements;
(5) Report information regarding domestic violence waivers to the Ohio department of job and family services (ODJFS) for statistical and federal reporting purposes.

(C) When does the county agency need to provide information and what information should be provided?

Each county agency shall provide the JFS 07501, "Program Enrollment and Benefit Information", (rev. 07/2011) (rev. 11/2016) to every applicant as set forth described in paragraph (L) of rule 5101:1-2-01 of the Administrative Code. The county agency may provide additional information about local supportive services or programs.

(D) What screening is required and when must individuals be screened?

Each county agency shall screen for domestic violence. Screening is an ongoing process and shall be conducted at several different intervals including the following:

(1) Appraisal
At each appraisal and reappraisal conducted in accordance with section 5107.41 of the Revised Code, and rule 5101:1-3-12 of the Administrative Code. The county agency shall use the screening questions developed by ODJFS that are in the statewide automated eligibility system. The county agency must maintain confidentiality. Except as provided in paragraph (G)(5) of this rule, the county agency shall maintain and protect the confidentiality of the information about an individual who has been subjected to domestic violence.

(2) OWF time limits

Each time an individual requests or applies for an extension beyond the thirty-six month time limit for receipt of cash assistance due to a state hardship or good cause condition; and each time an individual requests or applies for an extension beyond the federal sixty-month limit for receipt of cash assistance due to a federal hardship condition, as set forth described in section 5107.18 of the Revised Code, and rule 5101:1-23-01 of the Administrative Code.

(3) Cooperation with child support (IV-D)

When an individual claims good cause for refusal to cooperate in establishing paternity and securing support, that information is sent to the county child support enforcement agency (CSEA) for a determination of good cause. This information will be transmitted to the CSEA via the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (rev. 03/2009) (rev. 3/2009).

(4) Good cause for failure to comply with self-sufficiency contract

Each time the county agency reviews whether an individual has good cause for a failure to comply with the self-sufficiency contract required by rule 5101:1-3-11 of the Administrative Code.

(5) Other

At any other time the county agency determines that a review of the family's circumstances and continued eligibility for OWF should be completed.

(E) When must a county agency make a referral?

The county agency shall refer an individual for counseling and supportive services if when that individual responds affirmatively to any screening question asked at any of the intervals listed in paragraph (D) of this rule. The county agency shall also refer an individual for counseling and supportive services if when the county agency otherwise becomes aware that the individual is, or is at risk of becoming, a victim of domestic violence.

The individual may decline the referral for counseling and supportive services at the point of referral or may stop counseling or refuse supportive services at any time.

(F) When shall a county agency grant a waiver?

If When a county agency determines that the individual has been subjected to domestic violence and requiring compliance with the requirement would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual, the county agency shall waive the requirement and exempt the individual from that requirement.

The county agency shall collect supporting documentation including the following:

(1) Where available, records from any of the following sources:
   (a) Police, courts and other governmental entities;
   (b) Shelters, and legal, religious, medical and other professionals from whom the individual sought assistance in dealing with domestic violence;
   (c) Other persons with knowledge of the domestic violence.

(2) In the absence of any of the above documentation, the individual's allegation of domestic violence, as identified by the individual requesting the waiver on the JFS 03803, "Ohio Works
First (OWF) & Food Assistance: Domestic Violence Waiver Request and Verification Form” (rev. 1/2010), unless the county agency has an independent, reasonable basis to find that the individual's allegation is not credible.

(1) Collect supporting documentation including the following:
   (a) Where available, records from any of the following sources:
      (i) Police, courts and other governmental entities;
      (ii) Shelters, and legal, religious, medical and other professionals from whom the individual sought assistance in dealing with domestic violence;
      (iii) Other persons with knowledge of the domestic violence.
   (b) In the absence of any of the above documentation, the individual's allegation of domestic violence, as identified by the individual requesting the waiver on the JFS 03803, “Ohio Works First (OWF) & Food Assistance: Domestic Violence Waiver Request and Verification Form” (rev. 01/2010), unless the county agency has an independent, reasonable basis to find that the individual's allegation is not credible.

(G) What OWF eligibility requirements can be waived?

(1) The following OWF eligibility requirements shall be waived if when the requirements set forth described in paragraph (F) of this rule are met:
   (a) Mandatory participation in a work activity
      An individual may be assigned to and engaged in an activity; however the individual cannot be sanctioned for failure to comply with any activities outlined in the individual's self-sufficiency contract.
   (b) Cooperation with child support in establishing paternity and support
      Waiver of cooperation with child support is determined by the CSEA pursuant to rule 5101:12-10-32 of the Administrative Code.
   (c) OWF thirty-six month time limit for receipt of OWF cash assistance
      Extensions beyond the thirty-six month time limit, as set forth described in rule 5101:1-23-01 of the Administrative Code, due to a domestic violence waiver will not count in the determination of the county twenty per cent limit for hardship extensions, as provided described in rule 5101:1-23-01.1 of the Administrative Code.

(2) The following OWF eligibility requirements may be waived at county option depending upon the individual's or family's circumstances.
   (a) Verification of income
      The requirement to verify income as set forth described in rules 5101:1-2-20 and 5101:1-23-20 of the Administrative Code may be waived. However, in the absence of verification, the county agency shall document in the case record that verification was unavailable, and that the income that was used to determine eligibility was based on the individual's signed statement.
   (b) Penalty for quitting a job without just cause
      The penalty for quitting a job as provided described in section 5107.26 of the Revised Code, and rule 5101:1-3-14 of the Administrative Code may be waived.

(3) How long does a waiver last?
   The county agency shall review the individual's continued eligibility for the waiver of OWF eligibility requirements set forth described in this rule. There is no limit on the number of times (or length of time) that a waiver can be extended. The county agency shall review the necessity for a waiver at least once every six months. The county agency may at its option, review the individual's continued eligibility for a waiver more frequently than every six months. However,
the length of time for a waiver of cooperation with child support granted under the provisions contained in paragraph (G)(1)(b) of this rule, and rule 5101:12-10-32 of the Administrative Code, is determined and shall be governed by the CSEA.

(4) How are individuals told about a county agency decision on a waiver?

The county agency shall issue written prior notice, in accordance with division 5101:6 of the Administrative Code, of its decision approving or denying waiver of the OWF eligibility requirement. The individual may appeal the county agency's determination pursuant to section 5101.35 of the Revised Code.

(a) The individual may decline a waiver that would otherwise be approved under paragraphs (F) and (G) of this rule.

(b) The individual may also accept a waiver of eligibility requirements, but may terminate the waiver at any time.

(5) What reporting responsibilities does the county agency have?

The county agency shall provide information to ODJFS about each individual to whom a waiver is granted under the provisions set forth described in this rule for federal reporting and statistical analysis purposes only.

(H) What are the responsibilities of ODJFS?

The ODJFS will monitor county agency implementation and compliance regarding the provisions set forth described in this rule.

Effective: 05/01/2017

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Prior Effective Dates: 1/1/08, 6/1/10, 2/1/12
What is the state time limit for Ohio works first (OWF) benefits?

In Ohio, an assistance group is ineligible to participate in OWF if the assistance group includes an individual, who meets one of the conditions set forth described in paragraphs (C)(1) to (C)(5) of this rule, and who has received OWF assistance for thirty-six months. This time limit applies regardless of whether the thirty-six months are consecutive. Ohio law provides for extensions of OWF beyond the thirty-six month limit, with the provision that no assistance group shall receive assistance under the OWF program in violation of the federal sixty-month time limit for receipt of temporary assistance for needy families (TANF) assistance. When an assistance group is receiving OWF cash assistance benefits on the basis of state hardship, good cause or a domestic violence waiver, as set forth described in paragraphs (A)(1) to (A)(3) of this rule, such benefits continue to count toward the federal sixty-month time limit provided in paragraph (B) of this rule. The county agency should examine the assistance group's unique special circumstances that caused the need for an extension, and should address these special needs, barriers and conditions in the self sufficiency contract. When an assistance group is receiving OWF cash assistance due to either a state hardship, good cause or domestic violence waiver extension (as provided in paragraphs (A)(1) to (A)(3) of this rule), the assistance group is in receipt of OWF and as such is subject to all OWF eligibility requirements. The three types of extensions beyond the thirty-six month time limit that count toward the federal sixty-month limit are:

1. State hardship
   A county agency may exempt not more than twenty per cent of the average monthly number of OWF assistance groups from the thirty-six month limit on the grounds that the county agency determines that the time limit is a hardship. The twenty per cent calculation is set forth described in rule 5101:1-23-01.1 of the Administrative Code. The county agency may not provide a state hardship extension until the assistance group has exhausted its thirty-six months of OWF assistance, as set forth described in division (A) of section 5107.18 of the Revised Code.

2. Good cause
   An assistance group that has ceased to participate in OWF due to the thirty-six month time limit (i.e., the assistance group lost eligibility for OWF due to the thirty-six month time limit), as set forth described in division (A) of section 5107.18 of the Revised Code and paragraph (A) of this rule, may be approved to participate in the program in accordance with rule 5101:1-2-01 of the Administrative Code twenty-four months later if the county agency determines that good cause for a twenty-four month extension of OWF exists. There is no twenty per cent limit for the extension of OWF assistance under the good cause provision. The good cause extension provides an assistance group additional time to overcome existing barriers to self sufficiency. Good cause may include losing employment and inability to find employment (reference section 5107.26 of the Revised Code); divorce; domestic violence considerations; unique personal circumstances; and any other reason the county agency determines to be good cause for participating in OWF beyond the thirty-six month limit. The assistance group must provide verification pursuant to rule 5101:1-2-20 of the Administrative Code of whether any members of the assistance group had employment during the period the assistance group was not participating in OWF and the amount and source of the assistance group's income during that period. If the county agency determines that good cause exists for the assistance group, the county agency shall determine if the assistance group meets all eligibility requirements for participation in OWF. The assistance group may not participate in OWF under paragraph (B)(2) of this rule for more than twenty-four additional months.
The twenty-four month time limit for participating in OWF under paragraph (A)(2) of this rule applies regardless of whether the twenty-four months of the good cause extension are consecutive. Once good cause is initially determined to exist, and an assistance group is determined eligible under the good cause provision, a subsequent determination of good cause is not required, unless the assistance group becomes otherwise ineligible for OWF. However, if when the assistance group becomes ineligible for OWF due to the imposition of a sanction for failure to comply with the terms of the self sufficiency contract, the assistance group may resume participation in OWF without a new good cause determination.

(3) Domestic violence

An assistance group may receive a waiver of the state thirty-six month time limit due to domestic violence, as set forth described in rule 5101:1-3-20 of the Administrative Code. Any assistance group that receives a waiver of the thirty-six month time limit is not counted toward the county agency twenty per cent limit set forth described in rule 5101:1-23-01.1 of the Administrative Code and section 5107.18 of the Revised Code.

(B) What is the federal time limit for OWF benefits?

No state may use any of its federal temporary assistance for needy families funds (including commingled funds as set forth described in rule 5101:1-1-01 of the Administrative Code) to provide assistance to an assistance group that includes an individual who meets one of the conditions set forth described in paragraphs paragraph (C) of this rule, who has received assistance for a total of sixty cumulative months. The sixty months do not have to be consecutive months.

Federal law allows states to extend assistance paid for by federal TANF funds (including commingled funds as defined in rule 5101:1-1-01 of the Administrative Code) beyond the federal sixty-month limit for up to twenty per cent of the average monthly number of families receiving assistance. The federal regulations provide that a state may extend assistance beyond the sixty-month limit based on hardship, as determined by the state.

(1) Ohio is extending benefits beyond the federal sixty-month limit based on hardship. Ohio defines hardship as the conditions set forth described in paragraphs (B)(1)(a) to (B)(1)(b)(vii) of this rule. Therefore, counties may extend up to twenty per cent of the average monthly number of assistance groups receiving assistance in that county. The twenty per cent calculation is set forth described in rule 5101:1-23-01.1 of the Administrative Code. The county agency should examine the assistance group’s unique special circumstances that caused the need for an extension, and should address these special needs, barriers and conditions in the self sufficiency contract. The county agency may not provide this extension until the assistance group has exhausted its sixty months of OWF assistance. In Ohio, hardship is defined as follows:

(a) Any circumstance under which that the county agency determines that the time limit is a hardship. The county agency shall use the same grounds for determining federal hardship as it uses for determining state hardship under paragraph (A)(1) of this rule; or

(b) Based on the fact that the family includes someone who is temporarily or permanently unable to work because the individual has been battered, or subjected to extreme cruelty based on the fact that the individual has been subjected to any of the following provisions set forth described in paragraphs (B)(1)(b)(i) to (B)(1)(b)(vii) of this rule and rule 5101:1-3-20 of the Administrative Code:

(i) Physical acts that result in physical injury to the individual;

(ii) Sexual abuse;

(iii) Sexual activity involving a dependent child;

(iv) Being forced as the caretaker relative of a dependent child to engage in non consensual sexual acts or activities;

(v) Threats of, or attempts at physical or sexual abuse;
(vi) Mental abuse (including emotional harm); or
(vii) Neglect or deprivation of medical care.

There is no federally prescribed limit for receipt of an extension beyond the federal sixty-month time limit. Each assistance group that requests an extension will have unique circumstances to be addressed in order for the assistance group to achieve self sufficiency and eliminate the need for assistance. In determining the length of each extension to be provided under paragraph (B) of this rule, the county agency must consider both of the following:

(a) That TANF was created to provide assistance that is temporary, and not as an entitlement; and
(b) That the county agency has a responsibility to assist the family in overcoming barriers and achieving self sufficiency.

An assistance group receiving OWF cash assistance benefits beyond the federal sixty-month limit is in receipt of OWF, and as such is subject to all OWF eligibility requirements.

In situations involving the provisions contained in paragraph (B)(1)(b) of this rule, acceptable verification, in accordance with rule 5101:1-2-20 of the Administrative Code, includes, but is not limited to the following:

(a) Medical or law enforcement records;
(b) Court or other legal documents;
(c) Court, medical, criminal, child protective service, social service, psychological, or law enforcement records indicating the threat of physical or emotional harm;
(d) Medical records indicating the emotional health history and present emotional health of family members;
(e) Written statement from a mental health professional indicating the emotional health status of family members;
(f) Written statement from a public or private social agency; and
(g) Sworn statements from individuals, including friends, neighbors, clergymen, social workers, and medical professionals who might have knowledge of the family's circumstances.

As set forth in accordance with rule 5101:1-3-20 of the Administrative Code, rely on the individual's allegation of domestic violence, as identified by the individual requesting the waiver on the JFS 03803 "Ohio Works First (OWF) & Food Stamps: Domestic Violence Waiver Request and Verification Form" (01/2010) unless the county agency has an independent, reasonable basis to find that the individual's allegation is not credible.

Who is subject to the OWF benefits time limits?

An assistance group is ineligible to participate in OWF when the assistance group includes an individual who has been in receipt of assistance as defined in paragraph (E)(1) to (E)(4) of this rule for thirty-six months, which do not have to be consecutive, as any of the following:

(1) An adult head-of-household. Adult is defined in section 5107.02 of the Revised Code;
(2) A spouse of the adult head-of-household;
(3) A pregnant minor head-of-household. Minor head-of-household is defined in section 5107.02 of the Revised Code;
(4) A minor parent head-of-household. Minor head-of-household is defined in section 5107.02 of the Revised Code; or
(5) A spouse of the minor parent head-of-household.
(D) How is the countable individual as head-of-household designated?

(1) When the assistance group is a two-parent assistance group as defined in rule 5101:1-3-01 of the Administrative Code, and the parents are unmarried (and both parents are adults), the county agency must explain to the two parents that one of them must be determined to be the adult head-of-household for time limit purposes. The parents must be given the choice which as to who will be designated as the head-of-household for time limit purposes. In the event that the parents disagree and/or decline to designate the head-of-household, the county agency shall make the designation. Once the head-of-household designation is made for time limit purposes, that designation shall remain unchanged as long as the assistance group contains both parents and no other parent(s) is subsequently added to the assistance group.

(2) When the assistance group is a two-parent assistance group as defined in rule 5101:1-3-01 of the Administrative Code, and another parent becomes a required member of the assistance group in accordance with rule 5101:1-23-10 of the Administrative Code, a new head-of-household designation may need to be made. When a new head-of-household designation must be made, the county agency must explain to the parents that one of them must be determined to be the head-of-household for time limit purposes. The parents must be given the choice which as to who will be designated as the head-of-household for time limit purposes. In the event that the parents disagree and/or decline to designate the head-of-household, the county agency shall make the designation. Once the head-of-household designation is made for time limit purposes, that designation shall remain unchanged as long as the assistance group contains all of the parents.

(E) What is considered "receipt of assistance?"

An individual is considered to be in receipt of assistance for any month in which they meet one of the requirements described in paragraph (C) of this rule and receive:

(1) OWF cash assistance benefits issued in one of the following forms:
   (a) Electronic funds transfer (EFT);
   (b) Electronic benefits transfer (EBT); or
   (c) Warrant, voucher or check if the assistance group cashes the warrant or check or utilizes the voucher.

(2) Supportive services such as transportation and child care, unless such payments meet the definition of non recurrent, short-term benefits as defined in 45 CFR 260.31(10/01/01) as payments which:
   (a) Are designed to deal with a specific crisis situation or episode of need;
   (b) Are not intended to meet recurrent or ongoing needs; and,
   (c) Will not extend beyond four months.

(3) TANF assistance (including commingled funds as defined in rule 5101:1-1-01 of the Administrative Code), was received in another state on or after October 1, 1997, except as provided in paragraph (E)(1) of this rule.

(4) Welfare-to-work (WTW) cash assistance, as defined in 45 CFR 260.32 (10/01/04). As set forth described in 45 CFR 260.32, WTW cash assistance only includes WTW benefits that meet the definition of assistance (as defined in rule 5101:1-1-01 of the Administrative Code) and are directed as basic needs, when they are provided in the form of cash payments, checks, reimbursements, electronic funds transfers, or any other form that can legally be converted to currency.

(F) What months are not countable toward time limits?

Receipt of assistance for purposes of applying the time limit does not include any month for which any of the following conditions exist:
(1) An assistance group received TANF assistance in another state, and that state had a waiver of time limits in effect during the months for which the assistance was received in that state.

(2) An assistance group received OWF cash assistance in the form of a warrant, check, voucher, EFT or EBT for a month, but returned either the check, warrant or voucher to the county agency uncashed or unused, or returned the amount of the OWF check, warrant, voucher, EFT, or EBT to the county agency.

(3) An assistance group is subject to the minimum payment provision set forth in rule 5101:1-23-40 of the Administrative Code.

(4) An assistance group is not receiving OWF cash assistance benefits due to participation in the subsidized employment program (SEP).

(5) An assistance group is not receiving OWF cash assistance benefits due to the imposition of a learning, earning and parenting (LEAP) sanction which reduces the OWF benefit to zero dollars, in accordance with the provisions set forth in rule 5101:1-23-50 of the Administrative Code.

(6) An assistance group is not receiving OWF cash assistance benefits due to the imposition of a learnfare sanction which reduces the OWF benefit to zero dollars, in accordance with the provisions set forth in sections 5107.284 and 5107.285 of the Revised Code.

(7) Supportive services such as transportation and child care are provided to assistance groups containing an employed member.

(8) An assistance group is not receiving OWF cash assistance benefits as delineated in paragraph (E) of this rule, but prevention, retention and contingency (PRC) services under the PRC program as set forth in sections 5108.01 to 5108.10 of the Revised Code are provided to the assistance group.

(9) Any month of receipt by an individual other than the individuals identified in paragraphs (C)(1) to (C)(5) of this rule shall not be counted toward the time-limited receipt of assistance.

(10) LEAP enrollment, attendance, grade completion and graduation bonuses provided to LEAP participants in accordance with the provisions contained in rule 5101:1-23-50 of the Administrative Code are not considered assistance for OWF time limit purposes.

(11) An assistance group is not receiving assistance as set forth in paragraph (E) of this rule, but WTW non-cash assistance benefits (as defined in rule 5101:1-1-01 of the Administrative Code) are being provided to the assistance group.

(12) An assistance group is not considered to be in receipt of assistance for any month in which the assistance group's cash assistance OWF benefits are reduced to zero to repay an overpayment.

(13) Any month of receipt of assistance by an adult while living in Indian country as defined in rule 5101:1-01-01 of the Administrative Code, or a native Alaskan village where at least fifty per cent of the adults were not employed.

(14) When an erroneous payment occurs because the assistance group was not eligible to receive assistance for a month, and the assistance group repays that erroneous payment in full, the month for which the overpayment occurred does not count toward the time limit.

(G) How are time limits tracked?

Receipt of assistance under the OWF program shall be tracked for each required member in the assistance group as set forth in paragraph (C) of this rule:

(1) The tracking record for each required member follows the member even if when they move into and out of different assistance groups. The receipt of assistance transfers from one assistance group to another via the movement of the required member.

(2) Required members retain and accumulate actual months of receipt by each required member.
(3) The assistance group's number of months is the highest number of months of receipt by each of the required members.

(4) The movement of children from one assistance group to another has no effect on the time limits because receipt of assistance is not tracked separately for children.

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Five Year Review (FYR) Dates: 01/11/2017 and 10/01/2022

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(A) A county agency may exempt not more than twenty per cent of the average monthly number of Ohio works first (OWF) assistance groups from either the state thirty-six month time limit or federal sixty month time limit as set forth described in rule 5101:1-23-01 of the Administrative Code.

(B) How is the twenty per cent limit calculated for state and federal extensions?
Per federal fiscal year the twenty per cent limit for hardship extensions is calculated by the Ohio department of job and family services (ODJFS) for each county agency in the following manner:

(1) The number of OWF assistance groups in receipt of cash assistance is totaled for each of the twelve months in the previous federal fiscal year.

(2) The total from paragraph (B)(1) of this rule is divided by twelve. This number is the average monthly number of OWF assistance groups for the county agency.

(3) Twenty per cent of the average monthly number assistance groups found in paragraph (B)(2) of this rule is calculated. When this calculation does not result in a whole number, the number shall be rounded down to the nearest whole number. This number of assistance groups is the twenty per cent limit for the county agency for the federal fiscal year.

(C) Are any assistance groups exempt from the twenty per cent calculation?

(1) Any assistance group that receives a waiver of the thirty-six month state time limit due to domestic violence, as set forth described in rules 5101:1-3-20 and 5101:1-23-01 of the Administrative Code, are excluded from the twenty per cent limit for the state thirty-six month time limit extensions.

(2) No assistance groups are excluded from the federal sixty month time limit twenty per cent calculation.

(D) How often is the twenty per cent limit for hardship extensions calculated?
The twenty per cent limit for hardship extensions is calculated for each county agency by ODJFS for each federal fiscal year.
Conflict with Revised Code

(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06)/(9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96)/(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96)/(8/1996), the rules may deviate from Chapter 5107 of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119 of the Revised Code.

(2) The county agency shall administer the penalty provisions under the Ohio works first (OWF) program in accordance with the requirements contained in this rule and not in accordance with section 5107.36 of the Revised Code.

(3) All applicable requirements contained in the Revised Code section referenced in paragraph (A) (2) of this rule have been incorporated in this rule.

Who must be included in the assistance group determination?

The following individuals must be included in the assistance group when residing in the same household, unless ineligible or excluded in accordance with paragraph (E) or (F) of this rule:

(1) A minor child who is determined eligible for OWF;

(2) All natural or adoptive parents of the minor child; and

(3) All minor siblings living with the minor child.

What are the required living arrangements for minor parents to receive OWF?

A minor parent with a child may be eligible if they are residing in one of the following living arrangements:

(1) A minor parent and his or her eligible dependent child(ren) living independently.
   (a) The minor parent may be eligible only if the minor parent has been or is married; or
   (b) Residing in an approved adult-supervised living arrangement as set forth described in section 5107.24 of the Revised Code.

(2) A minor parent and his or her eligible dependent child(ren) residing with the minor parent's parent(s).
   (a) When the minor parent's parent(s) is either receiving or is requesting OWF, there shall be one OWF assistance group that consists of the eligible child(ren), minor parent and minor parent's parent(s) and dependent siblings of the minor parent.
   (b) When the minor parent's parent(s) is self-sufficient or is not requesting assistance, the assistance group shall consist of the minor parent and his or her child(ren). The income of the minor parent's parent(s) is allocated when determining eligibility for the assistance group as set forth described in rule 5101:1-23-20.2 of the Administrative Code.

When may a specified relative be included in an assistance group?

(1) A specified relative may be included in the assistance group when he or she has no eligible children of his or her own, resides with a child(ren) who meets a degree of relationship as set forth described in rule 5101:1-23-20.2 of the Administrative Code.
forthdescribed in section 5107.02 of the Revised Code, and chooses to be included in the assistance group with the child(ren).

(a) When a specified relative chooses to be included in the assistance group with the child(ren), the specified relative's income is considered in determining the eligibility of the assistance group as set forth described in rule 5101:1-23-20 of the Administrative Code.

(b) When the specified relative has a spouse, the spouse cannot be included in the assistance group. The income of the spouse must shall be allocated to the assistance group consisting of the specified relative and child(ren) as set forth described in rule 5101:1-23-20.2 of the Administrative Code.

(2) A specified relative who resides with both his or her biological or adoptive child(ren) and the child(ren) who meets a degree of relationship, as set forth described in section 5107.02 of the Revised Code, shall only be included in the assistance group with his or her child(ren).

(a) OWF eligibility for the assistance group containing the other related child(ren) shall be determined separately and independently of the assistance group containing the specified relative and his or her biological or adoptive child(ren). Income of the specified relative shall not be considered in determining eligibility of the assistance group with the related child(ren).

(b) When the children who meet a degree of relationship are half-siblings to the specified relative’s child(ren) there must shall be two separate assistance groups: one containing the specified relative and his or her child(ren); and one containing the child(ren) who meets a degree of relationship.

(E) Who is ineligible to be included in the assistance group?

The individuals in this paragraph are ineligible to be included in the assistance group, but their income is used in determining the benefit amount as set forth described in rules 5101:1-23-20 and 5101:1-23-20.2 of the Administrative Code. Individuals listed in this paragraph may be a required work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code.

(1) Aliens who fail to meet the citizenship requirement as set forth described in rule 5101:1-2-30 of the Administrative Code.

(2) Aliens ineligible due to sponsor income as set forth described in rule 5101:1-2-35 of the Administrative Code.

(3) Individuals disqualified from OWF due to an intentional program violation for as long as the disqualification period is applied as set forth described in Chapter 5101:6-20 of the Administrative Code, if when the disqualification period began prior to July 1, 1998. Individuals serving an intentional program violation which that began prior to July 1, 1998, will continue to serve out the entire disqualification period, including individuals permanently disqualified.

(4) Fugitive felons as set forth described in section 5101.26 of the Revised Code.

(5) Individuals who are violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under a federal or state law.

(6) Individuals convicted in federal or state court for residency fraud as set forth described in rule 5101:1-3-14 of the Administrative Code.

(7) Individuals who fail to cooperate with an eligibility requirement for which there is no penalty, such as a failure to:

(a) Provide information about a family member required to be included in an assistance group;

(b) Comply with an initial eligibility requirement, such as enumeration, or

(c) Comply with the living arrangement requirement.

(8) A teen parent who is under the age of eighteen, and:
(a) Has a child in his or her care at least twelve weeks of age;
(b) Has not successfully completed high school or the equivalent; and
(c) Is not participating in educational activities that are devoted to the receipt of a high school diploma or its equivalent, or an alternative educational training program defined by the county agency.

(F) Who is excluded from the assistance group?

The following individuals and their income are not considered when determining the assistance group and benefit amount, except for individuals listed in paragraph (F)(5) of this rule:

1. As set forth described in section 5107.11 of the Revised Code, legal guardians or custodians who do not meet the definition of specified relative, as set forth described in section 5107.02 of the Revised Code, and individuals not related by blood or adoption, residing with an eligible child(ren). This also applies when a legal guardian or custodian and his or her child(ren) are eligible for OWF, and the adult is also the legal guardian or custodian of another child(ren) who, while not related to the adult, is a half-sibling to the adult's child(ren). In this situation, there must be two assistance groups: one containing the adult and his or her child(ren); and one containing the child(ren) for whom the adult is the legal guardian or custodian.

2. The father of an unborn child, living with the pregnant mother, with no other eligible children. The father cannot be included in the assistance group until the child is born.

3. Parents or children receiving supplemental security income (SSI). A recipient of SSI shall have the choice of receiving OWF, if eligible, or continuing to receive SSI, but shall not receive both OWF and SSI at the same time.

4. Stepbrothers and stepsisters.

5. Stepparents, unless there is a common child. The income of a stepparent is allocated in determining the payment amount as set forth described in rule 5101:1-23-20.2 of the Administrative Code.

6. Parents or children in receipt of federal, state or local foster care maintenance payments.

7. Parents or children in receipt of federal, state or local adoption assistance payments. The exclusion of the individual receiving the payments shall not result in lower benefits to the assistance group than the benefits that the family would receive if the individual and his or her income were included in the assistance group.

8. An adoptive or blood-related sibling to a child for whom assistance is requested and who is living in the home but does not meet the living arrangement requirement as defined in rule 5101:1-3-03 of the Administrative Code.

(G) What are the steps in determining the assistance group?

1. Identify which the minor child(ren), as defined in section 5107.02 of the Revised Code, for whom assistance is being requested. Include minor children who are temporarily absent from the home as set forth described in rule 5101:1-3-04 of the Administrative Code.

2. Add siblings to the minor child living in the household and who also meet the definition of "minor child." "Sibling" means any and all blood-related or adoptive brothers and sisters who are not specifically excluded. Include siblings who meet the temporary absence provision as set forth described in rule 5101:1-3-04 of the Administrative Code.

3. Add the natural or adoptive parents of the minor child(ren) living in the household who are not specifically excluded as set forth described in paragraph (F) of this rule.

(a) When the child resides with a specified relative who is in need and requesting assistance instead of a parent, and the specified relative has no eligible biological or adoptive children, add that individual to the assistance group.
(b) Include a parent or specified relative in need who meets the temporary absence provision as set forth described in rule 5101:1-3-04 of the Administrative Code.

(c) Include a parent or specified relative in need in the household with the minor child(ren) who is serving house arrest as defined in section 2929.01 of the Revised Code.

(4) This is the assistance group. When a person(s) is required to be in more than one assistance group within the same household, then the assistance groups must be combined, except as provided in paragraphs (D)(2) and (F)(1) of this rule.


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Except for the provisions which are listed in rules 5101:1-23-20.1 and 5101:1-23-20.2 of the Administrative Code, all payments received by assistance group members, and in some instances non-assistance group members, are considered income for purposes of determining eligibility for the Ohio works first (OWF) program. Income is categorized as earned or unearned.

(A) What is gross earned income?
   (1) "Gross earned income" means the total amount of gross wages before taxes or deductions received in a month by all of the employed individuals in the assistance group.
   (2) Gross earned income includes:
      (a) All wages, back pay, bonuses and awards paid by the employer, commissions, severance pay, payments from job corps, work training programs, on-the-job training programs, sick leave paid as wages, annual leave, holiday and vacation pay.
      (b) Wages legally obligated to members of the assistance group but which are diverted to a third party, as set forth described in rule 5101:4-4-13 of the Administrative Code.
      (c) Earnings of an individual residing with the assistance group who is a required assistance group member but who is ineligible to be included in the assistance group as set forth described in rule 5101:1-23-10 of the Administrative Code.
      (d) Earnings of the spouse of a married pregnant woman with no other OWF eligible children.
         (i) The spouse's income is added to the pregnant woman's income.
         (ii) The assistance group's total income, less appropriate disregards, is compared to the payment standard for two.
         (iii) When the total income is less than the payment standard for two, the pregnant woman's eligibility for cash assistance is determined in accordance with paragraph (I) of this rule, using only her income.
         (iv) Once the child is born, the spouse must be added to the assistance group in accordance with the provisions set forth described in rule 5101:1-23-10 of the Administrative Code and his income must be used in determining continued eligibility.
      (e) State temporary disability insurance and temporary workers' compensation payments are considered gross earnings when such payments meet all of the following conditions:
         (i) The payment is employer-funded; and,
         (ii) The payment is made to an individual who remains employed during recuperation from a temporary illness or injury pending return to the job; and,
         (iii) The payment is specifically characterized under state law as a temporary wage replacement.

(B) What are gross self-employment earnings?
   (1) "Gross self-employment earnings" means the total profit from a business enterprise after the deduction of either fifty per cent of the gross receipts or the actual verified expenses (i.e., the business expenses directly related to producing the goods or services) from the gross receipts.
   (2) Gross monthly self-employment earnings are based on an estimate of the individual's annual earnings.
What is gross unearned income?

(1) "Gross unearned income" is income that is not gross earned income from employment or self-employment.

(2) It is the total amount of unearned income that is received in the month by all members of the assistance group, and of a parent ineligible to be included in the assistance group, as set forth described in rule 5101:1-23-10 of the Administrative Code.

(3) Gross unearned income includes but is not limited to payments from the following:
   (a) Annuities;
   (b) Pensions;
   (c) Retirement funds;
   (d) Veterans benefits;
   (e) Workers’ compensation;
   (f) Unemployment compensation;
   (g) Social security retirement, survivor’s and disability insurance (RSDI) benefits;
   (h) Cash contributions from persons, organizations or assistance agencies;
   (i) Income allocated to the assistance group from a required individual who is ineligible to be included in the OWF assistance group as set forth described in rule 5101:1-23-10 of the Administrative Code.
   (j) A non-recurring lump-sum payment that is not anticipated or expected to be received again. Receipt of a non-recurring lump-sum payment is only considered income in the month received;
   (k) Child support and alimony payments received by the assistance group.
      (i) Child support is considered as countable income in all budget calculations until the assignment of support is effective as set forth described in rule 5101:1-3-10 of the Administrative Code.
      (ii) Direct payments of support received by an assistance group from the month of application through the month in which eligibility is determined and assistance is approved shall be budgeted as unearned income.
      (iii) Once the assignment of support is effective, any child support received by the assistance group is not counted as income in the actual grant calculation.
      (iv) When the county agency adds an individual to an existing assistance group, the child support assignment is effective the first day of the month following the month the individual is added to the assistance group. The child support assignment may be deemed retroactive to the date the individual is required to be included in the assistance group. However, the child support payments received by or for the added individual prior to the effective date of assignment shall be treated as unearned income.
      (v) In some circumstances, the child support payments received by the child support enforcement agency (CSEA) cannot all be distributed for present, future and past months. This results in a refund of child support payable directly to the assistance group. When child support money has been distributed by the CSEA and an amount is refunded to the assistance group, the amount may be considered a non-recurring lump sum as set forth described in paragraph (C)(3)(j) of this rule.

When is income available to the assistance group?

(1) Income must shall be received or reasonably anticipated to be received by the assistance group during the calendar month to be used in determining eligibility for OWF.
(a) Availability depends upon the date of receipt and the number of months the income is intended to cover.

(b) In certain instances, income may need to be apportioned to future months.

(c) An employee under an annual contract of employment shall have the income from such contract averaged over the number of months covered under the contract regardless of whether the employee chooses to receive the income in fewer months.

(2) Income received by a member of the assistance group is considered available to all members of the assistance group. This includes the receipt of social security Title II benefits. When a Title II beneficiary is a minor, benefits are usually paid through a representative payee. When the beneficiary is a member of the assistance group, it is necessary to determine if the entire amount of the Title II benefit is counted as income to the assistance group.

(a) When the representative payee resides in the same household, the total amount of Title II benefits received for the beneficiary is counted in determining the assistance group’s eligibility for OWF.

(b) When the representative payee does not reside in the same household as the beneficiary, only that portion made available to the beneficiary and/or caretaker is countable. Title II benefits retained by a representative payee who does not reside in the same household as the beneficiary are not considered potential income to the OWF assistance group.

(3) When income is received jointly by a member of the assistance group and one or more persons not in the assistance group, the assistance group member’s portion to be considered is the amount made available to the assistance group member unless evidence is produced to the contrary.

(4) The income of a parent ineligible to be included in the assistance group, as set forth described in rule 5101:1-23-10 of the Administrative Code, is considered in determining the assistance group’s eligibility and payment, except for excluded income set forth described in rule 5101:1-23-20.1 of the Administrative Code.

(5) The county agency shall explore with each assistance group the potential development of monthly income. The assistance group must apply for any monthly benefits to which it is entitled. It is not appropriate to require the assistance group to apply for lump-sum withdrawals of retirement or pension funds which would negate the drawing of monthly benefits in the near future.

(6) The assistance group, including the person responsible for a child receiving OWF benefits, is responsible for giving information necessary for income determinations, and for taking all actions necessary to obtain unconditionally available income.

(a) Income shall be unconditionally available if the assistance group has only to claim or accept the income, or to establish eligibility for the income; e.g., relative’s offer of a contribution, or RSDI benefits.

(b) Ineligibility to participate in OWF results if the assistance group refuses to accept unconditionally available income.

(E) How is gross earned and unearned income calculated?

(1) Each assistance group member’s monthly gross income amount shall be rounded down to the nearest whole dollar by dropping all cents in gross weekly, biweekly, or semimonthly income prior to applying the conversion factors listed in paragraph (E)(3) of this rule.

(2) Income received in a frequency other than monthly shall be converted into a monthly amount. All cents shall be dropped after multiplying the individual’s income by the appropriate conversion factor, and prior to applying applicable earned income disregards, as set forth described in paragraph (H)(2) of this rule. Hourly rates which contain cents are not rounded, but are multiplied in the exact amount.
Conversion shall be performed using the following factors:

(a) Income received on a weekly basis is multiplied by 4.3.
(b) Income received biweekly (every two weeks) is multiplied by 2.15.
(c) Income received semimonthly (twice a month) is multiplied by 2.

When the employed individual works the same number of hours per pay period, the gross monthly income shall be computed by either using the gross earnings listed on the individual's pay stubs or by multiplying the number of hours per pay period by the hourly rate of pay.

When the employed individual has fluctuating hours, the pays shall be averaged before converting to a gross monthly amount.

(a) When there are more than four weeks of pay stubs available and the individual states that an average of a longer period of time is more representative because the income received in the most recent four weeks was less or greater than average, the county agency may use all available income-related information for the immediately preceding three-month period. This includes situations when the individual disagrees with the use of income from the past four-week period as representative of future income. Some pay stubs reflect year-to-date earnings and this is an acceptable method of determining average income for longer than the four-week period.

(b) When there are fewer than four weeks of pay stubs available, the county agency may use all available income-related information to arrive at a representative figure. This includes situations when the employed assistance group member disagrees with the use of earnings from the past four-week period as indicative of future earnings.

If there are no pay stubs available, the county agency may project an estimated amount for a pay period based on the best estimate of the projected wages and hours of employment as reported by the individual.

How is self-employment income calculated?

Self-employment income is calculated by deducting the verified business expenses or a standard deduction of fifty per cent from the gross self-employment receipts. Gross receipts is the total profit of a business enterprise.

Gross receipts

(a) In situations in which an individual has self-employment income, the county agency shall determine the gross receipts for the month based on an estimate of the individual's gross annual earnings by reviewing copies of his or her tax return from the previous year, as well as the current business records. The income listed on the previous year's tax return shall be used to estimate the expected earnings for the current and future months, unless the individual contests this determination of expected income. The individual's gross monthly earnings should be determined to be one-twelfth of the gross earnings as shown on the tax return for the preceding year. This method of estimating the self-employed individual's income should be applicable in situations in which the individual has been self-employed for some time, the gross earnings from self-employment have remained fairly constant (as evidenced by tax returns from previous years) and there is no anticipated change in circumstances.

(i) When the individual contests the estimate of the income from self-employment based solely on information on the previous year's tax return, the individual shall provide a projected estimate of the gross earnings for the current taxable year, based upon the current business records to support the contention. When the individual can estimate the gross earnings for the current taxable year, the county
agency shall accept the individual's best estimate and allocate one-twelfth of the gross annual income equally into each month of the taxable year.

(ii) When the individual contests the county agency estimate of income from self-employment based solely on the previous year's tax return but does not provide a projected estimate of gross earnings for the taxable year based on current business records to support the contention, the county agency shall project his earnings based on the gross earnings listed on the previous year's tax return.

(b) When the individual does not have a tax return from the previous year, the county agency shall project an estimate of the individual's annual gross earning from self-employment based on the individual's current business records. The county agency shall determine that one-twelfth of the projected gross earnings from self-employment shall be allocated monthly.

(i) When the individual contests the determination, provides a reasonable explanation as to why the county agency projection is not satisfactory and a written estimate of his projected annual gross earnings from self-employment, the county agency shall use the individual's written estimate to base the eligibility determination.

(ii) When the individual does not provide a written estimate of projected annual gross earnings, the county agency shall project the estimate based on current records.

(c) In some situations the previous year's tax return is not representative of the expected earnings for the current year. There are some situations in which it will be difficult to project future earnings from the individual's self-employment and the previous year's tax return or current business records may not be considered to be accurate indicators of the individual's expected earnings for a variety of reasons.

(d) In the absence of both the previous year's tax return and current business records, the county agency shall require the individual to provide a written best estimate of his projected annual income. The county agency shall then determine that one-twelfth of the projected annual gross earnings shall be distributed into all months of the taxable year.

(e) The computed converted monthly figure shall remain unchanged until a change in income occurs as set forth described in paragraph (H) of rule 5101:1-2-20 of the Administrative Code, or until the next reapplication. A reported change in income requires a recomputation of the budget.

(2) Expenses
The assistance group may choose one of the following two methods:

(a) Fifty per cent standard deduction from the gross self-employment receipts; or

(b) Actual deductions from the self-employment receipts as set forth described in paragraph (C) of rule 5101:4-6-11 of the Administrative Code.

(G) How is microenterprise development income counted?

(1) For purposes of this rule, a "microenterprise development participant" is an individual participating in a training and education activity designed to prepare the individual for self-employment opportunities.

(2) Gross self-employment receipts are set forth described in paragraph (F)(1) of this rule.

(3) The following are allowable operating expenses for up to one year following the month that the participant's business starts or expands:

(a) The provisions regarding non-allowable deductions from self-employment income, set forth described in rule 5101:4-6-11 of the Administrative Code, are waived. Allowable business expenses shall not exceed seven thousand-five hundred dollars.
(b) The purchase of capital equipment or durable goods up to five thousand dollars.
(c) The interest and principal portion of a secured business loan not to exceed five thousand dollars.
(d) Payments made into an "unencumbered cash reserve account" in any month the total amount in the fund does not exceed three thousand dollars.

(4) The gross self-employment earnings, after deduction of expenses, up to one hundred thirty-three per cent of the federal poverty guideline for the participant's OWF assistance group size is excluded as countable income. Gross self-employment earnings received in excess of this standard shall be included as gross earned income.

(H) How is initial eligibility determined?

(1) If an assistance group applies for OWF and it has been more than four months since they last received OWF, the county agency shall determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines as set forth described in division (D)(1)(a) of section 5107.10 of the Revised Code. The county agency shall complete the following steps:
(a) Total the monthly gross earned income from each employed family member.
(b) Deduct the actual verified dependent care costs of the assistance group for nonpublicly funded dependent care for a child or an incapacitated adult who is residing in the home. The amount that is deducted is the actual verified cost that is paid for each child or incapacitated adult.
(c) Add unearned income of assistance group members to the amount in paragraph (H)(1)(b) of this rule.
(d) The assistance group is ineligible to receive OWF if the gross income in paragraph (H)(1)(c) of this rule exceeds fifty per cent of the federal poverty guidelines.

(2) If the assistance group's gross income does not exceed fifty per cent of the federal poverty guidelines, the county agency shall determine whether the assistance group's countable income is less than the payment standard set forth described in paragraph (J) of this rule. For purposes of this paragraph, "countable income" shall be defined as:
(a) The assistance group's gross earned income; minus,
(b) The two hundred-fifty dollar and one-half of the remainder disregards set forth described in division (D)(3) of section 5107.10 of the Revised Code, if applicable; minus,
(c) The actual verified dependent care costs of the assistance group for nonpublicly funded dependent care; plus,
(d) The assistance group's gross unearned income.
(e) The amount in paragraph (H)(2)(d) of this rule is compared to the OWF payment standard for the assistance group size.
(f) The assistance group is ineligible to participate in OWF if the assistance group's countable income equals or exceeds the payment standard.

(3) If an assistance group applies for OWF and it has not been more than four months since they last received OWF, the county agency shall apply the benefit determination in paragraphs (H)(2)(a) to (H)(2)(f) of this rule.

(I) How are ongoing benefits determined?

(1) To determine whether an assistance group receiving OWF continues to be eligible, the county agency shall determine whether the assistance group's countable income continues to be less than the payment standard. The determination of the assistance group's countable income is determined by applying the method set forth described in paragraph (H)(2) of this rule.
(2) The assistance group is ineligible to receive OWF if the assistance group’s countable income equals or exceeds the payment standard.

(3) The disregard described in division (D)(3) of section 5107.10 of the Revised Code shall not be applied to the assistance group’s gross earned income for any month in which the assistance group failed without good cause to make a timely report of earnings as described in rule 5101:1-2-20 of the Administrative Code.

(J) What are the income standards used for OWF?

The following standards are used in determining eligibility for OWF:

(1) The initial eligibility standard for OWF is fifty per cent of the federal poverty guidelines pursuant to section 5107.10 of the Revised Code. The gross income is compared to the initial eligibility standard pursuant to paragraph (H) of this rule to determine initial eligibility. As set forth in accordance with division (D)(2) of section 5107.10 of the Revised Code, the initial eligibility standard will be revised on the first day of July of the year in which the United States department of health and human services issues annual revisions to the federal poverty guidelines.

(2) As set forth described in rule 5101:1-23-20.2 of the Administrative Code, the allocation allowance standard is the amount used when a portion of the income of the individual, who is not a member of the assistance group, must be considered in the calculation of income to be applied to the assistance group. This standard is one hundred per cent of the federal poverty guidelines in effect on July 1, 1997.

(3) The OWF payment standard is the maximum amount of cash assistance an assistance group may receive. Income that is determined to be available to the assistance group as described in this rule is deducted from the OWF payment standard to determine the amount of the OWF cash payment.

(a) As set forth in accordance with section 5107.04 of the Revised Code, the OWF payment standard shall increase on the first day of each January by the cost-of-living adjustment (COLA) that is made in the preceding year.

(b) Changes to the OWF payment standards due to the cost-of-living adjustment are issued through an action change transmittal, which can be found in the cash assistance manual at the Ohio department of job and family services website at http://jfs.ohio.gov/.

(4) The ninety per cent payment standard is the amount that an assistance group on grant reduction due to an erroneous payment retains from its combined income (without disregards), liquid assets, and assistance payment.

(a) The work activity expense allowance and the learning, earning and parenting (LEAP) bonus are added after the payment standard is reduced for grant reduction.

(b) When an erroneous payment is recovered by grant reduction, and the individual who caused the erroneous payment was disqualified due to an intentional program violation as described in Chapter 5101:6-20 of the Administrative Code, and who is still residing with the otherwise eligible assistance group, the remaining assistance group members shall retain (from combined income, liquid assets, and assistance payment) an amount equal to ninety per cent of the payment standard for the assistance group excluding the disqualified individual's needs.

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(A) What is excluded from gross earned income?

1. All income excluded under the food assistance program regulations, as set forth described in rule 5101:4-4-13 of the Administrative Code.

2. The gross earnings of a minor child in the assistance group who is a full-time student as defined by the school, unless the minor is a parent. Minor child is defined in section 5107.02 of the Revised Code.

3. Child support payments paid by an assistance group member for a child outside the assistance group, up to the amount ordered.

4. The verified amount garnished from the income.

5. Exclusions from self-employment income as set forth described in rules 5101:1-23-20, 5101:4-4-13 and 5101:4-6-11 of the Administrative Code. A deduction claimed as personal business and/or entertainment expense is not an allowable deduction from self-employment income.


7. Earned income tax credit payments whether added to the individual's wages or as part of an income tax refund. The individual's wages must be subject to federal withholding or Federal Insurance Contributions Act, 68A Stat. 415 (1954), 26 U.S.C. 3128, (FICA) taxes.

8. Income received due to temporary employment with the bureau of the census for a decennial census.

9. Any other income amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be excluded.

(B) What is excluded from gross unearned income?

1. All income excluded under the food assistance program regulations, as set forth described in rule 5101:4-4-13 of the Administrative Code.

2. Income of a recipient of supplemental security income (SSI), including the SSI payment.

3. Income of a child for whom federal, state or local foster care maintenance payments are made, including the foster care payment.

4. Income of step siblings who are not included in the assistance group.

5. Payments made with county funds to increase the amount of cash assistance an assistance group receives in accordance with the provisions set forth in section 5107.04 of the Revised Code.

6. Child support payments paid by an assistance group member for a child outside the assistance group. The amount paid, up to the amount ordered, is excluded.

7. Contributions for shared living arrangements (i.e. cash payments received by an assistance group from an individual who is not an assistance group member but who resides in the household with the OWF assistance group and shares responsibility for the household expenses through an informal arrangement).

(9) Other payments made by a public or private agency for the purposes of supplementing standards, so long as there is no duplication of payment.

(10) Retroactive payments made as a result of a state hearing.

(11) Experimental housing assistance payments made under annual contributions on contracts entered into under Section 237(f)(2) of the United States Housing Act of 1937 (42 U.S.C. 1421b), as in effect before 1/1/75.


(15) The verified amount which is garnished from the income.

(16) Earned income tax credit payments.

(17) Any other income amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be excluded.

(18) Kinship permanency incentive (KPI) payments made in accordance with the provisions set forth in rule 5101:2-40-04 of the Administrative Code.


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(A) When is income allocated to an assistance group?

Income shall be allocated to the Ohio works first (OWF) assistance group from an individual living with the assistance group who is one of the following:

(1) A stepparent who is ceremonially or legally married to the child's parent.

(2) A parent(s) of a minor caretaker when the minor caretaker's needs are included in the assistance group with the minor's child(ren). The minor parent must meet the following conditions:
   (a) Under the age of eighteen; and
   (b) Lives with his or her parent(s).

(3) A spouse of a specified relative in need, as set forth described in rule 5101:1-23-10 of the Administrative Code.

(4) A parent who does not meet the citizenship requirements as set forth described in rule 5101:1-23-10 5101:1-2-30 of the Administrative Code.

(B) When is income not allocated?

Income shall not be allocated to the OWF assistance group from an individual living with the assistance group who is one of the following:

(1) A stepparent when the parent of the OWF child(ren) is ineligible or excluded from the assistance group.

(2) A stepparent of a minor caretaker.

(3) A parent(s) of the minor caretaker when the minor caretaker is not included in the OWF assistance group with his or her eligible child.

(C) How is income allocated?

(1) The allocation allowance standard is the amount used when a portion of the income of an individual identified in paragraph (A) of this rule, must be considered in the calculation of income to be applied to the assistance group. This standard is one hundred per cent of the federal poverty guidelines in effect on July 1, 1997.

(2) The income allocation budget is calculated as follows:
   (a) If the individual has gross earned income, deduct the first ninety dollars;
   (b) Add the individual's gross unearned income, if applicable, to the figure derived in paragraph (C)(1)(2)(a) of this rule.
   (c) Deduct the allocation amount as set forth described in paragraph (C)(1) of this rule for the individual listed in paragraph (A) of this rule and any other individual who meets all of the following conditions:
      (i) The individual is living in the home.
      (ii) The individual's needs are not included in the OWF assistance group. Unless the individual is in receipt of social security income (SSI), or otherwise excluded from the assistance group pursuant to rule 5101:1-23-10 of the Administrative Code, the parent of the OWF child(ren) must be included in the assistance group, so the parent's needs are not included in the allocation amount to be deducted.
The individual is claimed or could be claimed for federal personal income tax liability under the internal revenue service's rules by the individual whose income is being allocated.

Deduct the amount of ongoing payments made by the individual listed in paragraph (A) of this rule for individuals who are not living in the home but are claimed or could be claimed by the individual as dependents for federal personal income tax liability under the internal revenue service's rules.

Deduct the amount paid as alimony or child support for individuals not living in the home by the individual whose income is being allocated.

The remainder is the amount that is allocated and treated as unearned income to the OWF assistance group.

A non-recurring lump sum payment received by an individual listed in paragraph (A) of this rule, who is not a part of the OWF assistance group is considered as income available only in the month the payment is received.

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What are Ohio works first (OWF) payments and how are they calculated?

1. OWF payments are payments made to an assistance group which represent the difference between the countable income and the appropriate OWF payment standard.


3. Payments are calculated based on a thirty-day month.
   
   (a) When an assistance group is eligible for a certain level of assistance on the first day of the month, the assistance group remains eligible for at least that level of assistance for the entire month.

   (b) A change in circumstances during the month does not reduce the level of assistance for which the assistance group is eligible for that month, with the exception of the following provisions:

   
   (i) OWF cannot be provided for a minor child, parent or specified relative who, without good cause, has been, or is expected to be, absent from the home for a period of more than forty-five consecutive days. The period of ineligibility begins with the forty-sixth day from the date that the member left the household, unless the provision described in division (E)(1) of section 5107.10 of the Revised Code is met.

   A parent(s) or specified relative who fails to report that the absence of a child will exceed or has exceeded forty-five consecutive days as described in rule 5101:1-3-04 of the Administrative Code is also ineligible for a specified period of time. The beginning date of ineligibility shall be the same day determined as the beginning day of ineligibility for the absent child. The ineligibility continues until the day that the absence was reported by the parent(s) or specified relative or was discovered by the county agency.

   (ii) A child who was eligible for, and receiving OWF benefits on the first of the month, and who is removed from the assistance group during the month and placed in IV-E foster care, is not eligible to receive both OWF and IV-E foster care in that month, unless the provision described in division (E)(1) of section 5107.10 of the Revised Code is met.

How is the beginning date of OWF eligibility determined?

1. OWF eligibility shall not begin prior to the date of application.

2. When all OWF eligibility factors have been verified and the verifications indicate that all OWF eligibility factors were met prior to the date of verification, OWF eligibility begins on the date all eligibility factors were met.

3. When all OWF eligibility factors have been verified and the verifications do not indicate the date on which all OWF eligibility factors were met, OWF eligibility begins on the date all eligibility factors were verified.

4. Certain verified eligibility factors have special considerations that apply when determining if the eligibility factor has been met. As an eligibility factor:

   (a) Pregnancy is met:
(i) When it is medically verified that the woman is at least in her sixth month of pregnancy; and
(ii) If born, the child would otherwise be eligible for OWF.

(b) The social security number requirement is met when the applicant provides or applies for a social security number.

(c) For newborns, the social security number requirement is met on the child's date of birth when the social security number is applied for but no later than the first day of the second month following birth or following the mother's discharge from the hospital.

(d) For a teen parent who is required to enroll in school as a condition of OWF, the enrollment requirement is met on the date the individual enrolls in school.

(C) What happens when an individual is added to an existing OWF assistance group?

(1) An individual is considered to be a part of the assistance group as of the date that individual becomes a required assistance group member as described in rule 5101:1-23-10 of the Administrative Code and meets all eligibility requirements as described in this rule.

(2) When an individual is being added to the OWF case and all other eligibility factors are met, the beginning date of OWF is:

(a) The date the individual enters the home, when the reporting responsibilities as described in rule 5101:1-2-20 of the Administrative Code are met; or

(b) The date the change was reported to the county agency or the date the county agency becomes aware of the change, if the reporting responsibilities as described in rule 5101:1-2-20 of the Administrative Code are not met.

(c) For newborns being added to the OWF case, the beginning date of OWF is the date of birth, provided the reporting responsibilities are met.

(d) For specified relatives in need to be added to the OWF case, the beginning date of OWF is the date that assistance is requested.

(3) The county agency shall determine eligibility for the assistance group using the individual's needs and income from the date that the individual is a required assistance group member, or in the case of the specified relative in need, the date that the assistance is requested and all other eligibility factors are met.

(4) OWF can only be authorized for the period of time in which all eligibility factors have been met. For purposes of determining the beginning date of OWF, enumeration and child support assignment may be deemed to be met retroactive to the date the individual was a required assistance group member. The deeming of these eligibility requirements are only allowed when:

(a) The individual's presence in the home is reported to the county agency on a timely basis as described in rule 5101:1-2-20 of the Administrative Code; and

(b) The assistance group cooperates with the county agency in satisfying all required eligibility factors.

(5) When the assistance group fails to meet these conditions, the county agency shall not deem that enumeration and child support assignment requirements have been met.

(6) When the county agency receives written notification from a hospital indicating that a child has been born, the county agency shall follow the provisions described in paragraph (C)(2) of this rule.

(D) What is concurrent receipt of assistance?

(1) Concurrent receipt of assistance is the receipt of OWF assistance by an assistance group under more than one public assistance grant in the same month. The receipt of public assistance, from two or more different states, for the same time period also constitutes concurrent receipt of assistance.
(2) An assistance group member shall not be eligible to receive or have his or her needs covered by OWF in more than one assistance group or more than one county in any given month. The exception to this provision is the removal of a child by a public children services agency, as described in section 5107.10 of the Revised Code. In these situations, OWF could be authorized for up to six payment months for the following assistance groups:

(a) The OWF assistance group where the child(ren) was removed from and an OWF assistance group where the child(ren) is placed; or

(b) The OWF assistance group where the child(ren) was removed from and a Title IV-E foster care assistance group where the child(ren) is placed.

(3) An individual whose needs are met by the supplemental security income (SSI) program shall not be eligible to have his needs included in an OWF assistance group concurrently.

(4) An assistance group member is not ineligible for inclusion in a new assistance group solely because that member's needs are still included in a former assistance group. The county agency must determine at what point the assistance group member became ineligible for inclusion in the first assistance group. The county agency shall then determine eligibility and authorize assistance for the new assistance group. The fact that the assistance group member's needs have not been removed from the former assistance group shall not preclude eligibility or delay the beginning date of OWF for the new assistance group.

(5) When the assistance group is receiving or is believed to be receiving cash assistance from another state, the county agency shall determine at what point the assistance group became ineligible for cash assistance in the former state prior to approving OWF.

(E) May an assistance group receive OWF and disability financial assistance (DFA) at the same time?

(1) An assistance group may receive OWF and DFA in the same month, provided that the amount of DFA received is deducted from the OWF grant amount.

(2) The amount of OWF used to repay the DFA program for the DFA provided for the month is determined by subtracting the amount of DFA the individual was eligible to receive from the amount of DFA already issued for the month.

(3) In situations where part of the DFA assistance group becomes eligible for OWF, the county agency shall determine the DFA that the person was eligible for by taking the DFA issued and dividing by the number of persons in the DFA assistance group. The amount obtained is the DFA for one person. The county agency shall then multiply that figure by the number of the DFA assistance group members eligible for OWF.

(F) What happens when an assistance group is eligible to receive less than ten dollars?

OWF shall not be authorized when the amount an assistance group is eligible to receive is at least one dollar but less than ten dollars per month.

(G) When are payments prorated and do time limits apply to a prorated month of benefits?

(1) The county agency shall prorate the OWF payment when an assistance group has eligibility for less than a full month's grant. Retroactive benefits may be authorized as the result of a hearing decision or court order or if OWF was erroneously denied, terminated, or delayed and corrective action is being taken.

(2) A prorated payment may be required when OWF is approved during a month in which DFA has been issued.

(3) Support services (e.g., transportation) and learning, earning and parenting (LEAP) program's allowances are never prorated.

(4) Time limits, as described in rule 5101:1-23-01 of the Administrative Code are applicable for any prorated or retroactive OWF payment. The assistance group has the option to decline a prorated month of benefits.
How is the OWF payment delivered?

Subject to the limitations provided in 42 U.S.C. 608 (10/2012) OWF payments are delivered unconditionally to the parent, specified relative, legal custodian or legal guardian, except as described in paragraph (I) of this rule.

(1) The benefit is delivered only to the assistance group or protective payee. When the child is living with a parent, specified relative, custodian or legal guardian, the benefit shall be paid to that individual, unless there is a protective payee designated to receive payment as described in paragraph (I) of this rule.

(2) For two-parent assistance groups, the payee will be decided by the assistance group and should be paid to the parent who will act in the best interest of the family.

(3) In an emergency situation which deprives an eligible dependent child of care from the parent, specified relative, custodian or legal guardian, that individual may designate another person to act as the protective payee during the emergency period, if that person is willing to be designated. If the individual is not capable of making a choice, the county agency shall designate a protective payee.

(4) The emergency period must not exceed a maximum of two consecutive months following the month the emergency occurred. If the parent, specified relative, custodian or legal guardian will not resume care of the child within that period, or it appears doubtful, alternative plans for the child’s care must be completed within that period of time.

Who can be designated as a protective payee and why?

(1) A protective payee is a representative of the assistance group who is responsible for receiving and managing the payment on behalf of the assistance group.

(2) Situations in which it is appropriate to have a protective payee include:

   (a) An assistance group where a member is serving a permanent disqualification penalty due to an intentional program violation under the former aid to families with dependent children program.

   (b) The assistance group with a minor parent or pregnant minor, as described in section 5107.24 of the Revised Code. The protective payment continues until the minor marries, turns eighteen years of age, or the adult parent, specified relative, custodian or legal guardian cannot or will not continue as the protective payee. Protective payments are not required for a minor residing in an adult-supervised supportive living arrangement as described in section 5107.24 of the Revised Code.

   (c) The assistance group has a money mismanagement situation which means a demonstrated inability to manage funds. A determination of mismanagement shall not be made solely on the fact that bills are not paid in a timely manner. The following are examples of money mismanagement situations and are not all inclusive:

      (i) Payments received by the parent, specified relative, custodian or legal guardian have not been or are not currently used in the best interest of the child.

      (ii) The parent, specified relative, custodian or legal guardian has misused funds to the extent that allowing that individual to manage the OWF grant is a threat to the health and safety of the child(ren).

(3) The selection of the protective payee shall be made by the assistance group or the county agency with participation and consent from the assistance group. The protective payee may be a relative or friend of the assistance group, an agency providing protective services or a member of the assistance group. If no protective payee can be located, the disqualified member or minor parent can continue to receive the benefits in their name.

The following individuals are excluded from serving as a protective payee:

   (a) A county agency director;
(b) The eligibility determiner for the assistance group;
(c) Any county agency employee responsible for any fiscal aspects of the assistance group;
(d) A county agency special investigative or resource staff;
(e) Landlords, grocers, or any other vendor of goods or services dealing directly with the assistance group.

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The learning, earning and parenting (LEAP) program, as set forth described in section 5107.30 of the Revised Code, is a program designed to encourage pregnant and parenting teens to attend and complete high school or the equivalent.

(A) Who is eligible for LEAP?

With the exception of teens who have obtained a high school diploma or the equivalent, teen custodial parents, and pregnant teens under the age of nineteen who are applying for or in receipt of Ohio works first (OWF), are potentially subject to the LEAP program requirements. These requirements apply to teens who live on their own and to teens who live with their parents, other caretaker relatives, legal guardians or legal custodians. The requirements apply to both the teen custodial mother and the teen custodial father of the child and to all pregnant teens.

(B) The following definitions apply to the LEAP program:

1. "Attendance bonus" means a sixty-two dollar financial bonus added to the OWF payment for the assistance group for each LEAP teen included in the assistance group who meets the LEAP attendance requirements set forth defined in this rule.

2. "Attendance month" means the calendar month in which the teen attended school. Attendance in the month is evaluated in order to determine if an attendance bonus is issued or an attendance sanction is proposed in the corresponding payment month.

3. "Attendance sanction" means that a LEAP teen with more than two unexcused absences in a month is:
   a. Not eligible for the attendance bonus payment; and
   b. The assistance payment for the assistance group containing the LEAP teen will be reduced by sixty-two dollars.

4. "Enrollment bonus" means a one-time one-hundred dollar financial bonus added to the OWF payment for the assistance group for each LEAP teen included in the assistance group who enrolls in school for the first time after being notified of LEAP program participation.

5. "Excused absence" means the reason for the absence meets the school district's definition of a valid reason for the teen not to attend school or it was not an absence excusable under the school's attendance rules but upon review by the county agency at the request of the teen, it was acceptable under the good cause reasons provided in the LEAP program.

6. "Full day" means the entire school day as defined by the school district.

7. "Grade completion bonus" means a one-hundred dollar financial bonus added to the OWF payment for the assistance group for each LEAP teen included in the assistance group for each subsequent grade completed, except grade twelve. Grade completion is defined by the local school district.

8. "Graduation bonus" means a one-time five-hundred dollar financial bonus for each LEAP teen included in the assistance group who has graduated from high school or obtained a high school equivalence diploma.

9. "High school equivalence diploma" means a diploma attesting to the achievement of the equivalent of a high school education as measured by scores on the tests of general educational development (GED) as published by the "American Council on Education." High school equivalence diploma includes a certificate of high school equivalence. This program formerly issued the general equivalency diploma or GED.
"Home education" means education primarily directed and provided by the parent or guardian of the child under division (A) of section 3321.04 of the Revised Code for the child who is of compulsory school age and is not enrolled in a nonpublic school.

"Internet- or community computer-based computer community school", as set forth defined in section 3314.02 of the Revised Code, means a community school in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code. Internet- or community computer-based schools are also sometimes referred to as 'electronic schools,' or 'e-schools'.

"Retrospective cycle" means a four sequential month period. The four month period begins with the attendance month, followed by two processing months, and ends with the payment month.

"School" means an educational program which leads to a high school diploma or the equivalent and includes the following: a public school; a private school; a vocational, technical, or adult education school; or a course of study meeting the standards established by the state of Ohio for granting a high school equivalence diploma.

"School attendance officer" means an employee designated by the school who is responsible for matters relating to school attendance and truancy.

"School district" means the territorial unit for school administration as specified in section 3313.64 of the Revised Code.

"School year" for the LEAP program is September through May. These are the months for which attendance will be monitored and enrollment/attendance bonuses and attendance sanctions will be given. This definition does not apply to teens enrolled in a GED program. The school year for GED program purposes is the twelve-month period beginning with the first month of mandatory attendance.

"Unexcused absence" means the reason for the absence does not meet the school district's definition of a valid reason for the teen not to attend school and upon review by the county agency, at the request of the teen, the reason also does not meet any of the LEAP program good cause reasons.

(C) What is the LEAP assessment and orientation?

All teens who are under the age of nineteen, who have not graduated from high school or received a high school equivalence diploma or equivalent, and who are not exempt from participation in LEAP pursuant to the conditions set forth described in paragraphs (D)(1) to (D)(3) of this rule, are required to attend an assessment and orientation interview.

(1) The assessment interview shall include:
   (a) A discussion of the LEAP program goals.
   (b) The criteria for receiving the LEAP bonuses and sanctions.
   (c) The types of educational opportunities available in the community.
   (d) The types of supportive services available in the community.
   (e) The rights and responsibilities of program participants.
   (f) The determination of whether the teen meets one of the exemptions from participation as set forth described in paragraphs (D)(4) to (D)(10) of this rule.

(2) Documents provided to and/or completed by the participant shall include:
   (a) The JFS 06905 "LEAP - Learning, Earning And Parenting Program Agreement" (rev. 01/2006). The JFS 06905 is not necessary if when the LEAP participant is
subject to the self-sufficiency contract requirements of section 5107.14 of the Revised Code, as delineated in paragraph (C)(4) of this rule.


(3) Both the teen and the assistance group payee, if different, shall be given a copy of the JFS 06905 and the JFS 06906. The teen and the assistance group payee, if different, should be encouraged to sign the JFS 06905; however, the signature is not a requirement. The teen is subject to the requirements of the LEAP program even if the JFS 06905 is not signed. The county agency shall document in the assistance group record that a copy of the JFS 06905 and the JFS 06906 were given to the teen and the assistance group payee, if different.

(4) Section 5107.14 of the Revised Code provides that in order to participate in OWF, the minor head of household or each adult member of the assistance group must enter into a written self-sufficiency contract with the county agency. When a county agency has adopted into its self-sufficiency contract, the rights and responsibilities and penalties for failure to comply with LEAP program requirements are set forth in this rule, the JFS 06905 is not required to be completed in the LEAP assessment and orientation interview.

(5) The county agency shall assign a case manager to the LEAP program participant and the participant's family to assist the participant in promoting personal responsibility and in gaining self-sufficiency skills in order to reduce and/or eliminate dependency on cash assistance.

(6) Reassessment shall be an ongoing process. The teen shall be reassessed at least once per year. The county agency shall attempt to schedule reassessment when the teen is scheduled to enroll in the new school year. The county agency shall review with the teen, at a minimum, the JFS 06905. The reassessment interview shall serve to review school progress and to address any new barriers to continued attendance. No face-to-face interview is required to complete the reassessment.

(D) Who meets the exemptions from LEAP participation?

A teen who meets any of the conditions set forth in this paragraph is exempt from LEAP participation as long as the teen continues to meet the exemption criteria. While exempt, the teen does not earn the LEAP enrollment, attendance, grade completion and graduation bonuses or attendance sanctions as set forth in paragraphs (G), (L), (P), and (M) respectively of this rule.

With the exception of teens who are under the age of eighteen who meet the exemptions set forth in paragraphs (D)(1) to (D)(3) of this rule, all exempt teens under the age of eighteen must be assigned to an alternative educational or training program defined by the county agency, in order to be eligible for OWF. In addition, all exempt LEAP teens who are age eighteen, except those teens who meet the exemptions set forth in paragraphs (D)(1) to (D)(3) of this rule, must be either assigned to an alternative educational or training program defined by the county agency or referred for participation in a work activity in accordance with the provisions set forth in sections 5107.40 to 5107.70 of the Revised Code.

The exemptions from LEAP participation are:

(1) The teen is the caretaker of a child under the age of twelve weeks old.

(2) The teen is excused from compulsory school attendance in accordance with section 3321.04 of the Revised Code for the purpose of home education.

(3) The teen is participating in an internet- or computer-based community-based computer community school as defined in section 3314.02 of the Revised Code.

(4) Child care services are necessary for the teen to attend school, but child care is unavailable.
(5) Transportation to or from the teen's school is necessary and there is no public, private, or county agency supported transportation available.

(6) Transportation to or from child care is necessary and there is no public, private, or county agency supported transportation available.

(7) The teen is reasonably prevented from attending school by a physical or mental illness which is expected to last one month or longer.

(8) The child of the teen parent is ill with a physical or mental illness which is expected to last at least one month or longer and this requires full-time care by the teen.

(9) The teen is unable to attend school because the teen was expelled from school and another school or GED program is not available because:
   (a) There is no public or private school or GED program within reasonable travel time or distance which will accept the teen; or
   (b) There is a public or private school which will accept the teen but the tuition charge is prohibitive and the teen's school district refuses to pay the tuition.

(10) There are other exceptional circumstances that reasonably prevent the teen from attending school.

(E) What if there is a failure to meet an assessment or orientation requirement?

Teens identified as potentially subject to LEAP program requirements, and who do not meet the exemption conditions set forth in paragraphs (D)(1) to (D)(3) of this rule, shall be scheduled for an assessment interview and orientation as set forth in paragraph (C) of this rule. Failure, without good cause to meet the assessment and orientation requirement will result in one of the following consequences set forth in paragraphs (E)(1) to (E)(2) of this rule.

- When the county agency determines through available information that the teen is exempt as set forth in paragraphs (D) of this rule, neither of the consequences set forth in paragraphs (E)(1) to (E)(2) of this rule shall be proposed while the teen meets the exemption.

(1) Teen under the age of eighteen

   A teen under the age of eighteen who is not exempt, as set forth in paragraph (D) of this rule, who fails without good cause to meet the assessment and orientation requirements is ineligible to participate in OWF until the teen complies. However, this consequence affects only the teen and does not affect the eligibility of the teen's child(ren),

(2) Teen who is age eighteen

   A teen who is age eighteen who is not exempt as set forth in paragraph (D) of this rule, and who fails without good cause to meet the assessment and orientation requirements shall be referred for participation in a work activity, in accordance with the provisions set forth in sections 5107.40 to 5107.70 of the Revised Code of the Administrative Code.

(F) Who must enroll in and attend school or an alternative educational program?

(1) A teen under the age of eighteen who does not meet any of the exemptions set forth in paragraph (D) of this rule shall be assigned to enroll in and attend school.

(2) A teen under the age of eighteen, who meets one of the exemptions in paragraphs (D)(4) to (D)(10) of this rule shall be assigned to an alternative educational or training program defined by the county agency. A teen assigned to this activity does not earn the LEAP enrollment, attendance, grade completion or graduation bonuses, or the LEAP attendance sanctions.

(3) A teen who is age eighteen who does not meet one of the exemptions set forth in paragraph (D) of this rule shall be assigned to enroll in and attend school.
A teen who is age eighteen who meets one of the exemptions described in paragraphs (D)(4) to (D)(10) of this rule shall be either:

(a) Assigned to an alternative educational or training program defined by the county agency. A teen assigned to this activity does not earn the LEAP enrollment, attendance, grade completion or graduation bonuses, or the LEAP attendance sanctions; or

(b) Referred for participation in a work activity, in accordance with the provisions described in sections 5107.40 to 5107.70 of the Revised Code of the Administrative Code.

(G) What are the requirements for school enrollment?

Within ten calendar days after the assessment and orientation, a LEAP teen who does not meet an exemption as described in paragraph (D) of this rule and who is determined by the county agency to be required to enroll in school as provided in paragraph (F) of this rule, shall be required to provide proof of enrollment in a school. This time period may be extended up to thirty days when there is documentation that school arrangements are being made. When enrollment is not possible because school enrollment personnel are not available (e.g., school is not open for enrollment during the summer months), the requirement shall be delayed until compliance is possible. The county agency shall document any delay.

A one-time enrollment bonus of one-hundred dollars is issued for each LEAP program participant included in the assistance group for the first enrollment following notification of the LEAP program requirements. The enrollment bonus is issued to the assistance group payee based upon the date of enrollment.

(1) When enrollment is verified prior to the beginning of the school year, the enrollment bonus shall be issued for the first month of the school year or for the month the teen is scheduled to begin attendance, whichever is later.

(2) When enrollment is verified after the beginning of the school year, the enrollment bonus shall be issued for the month for which the teen is scheduled to begin attendance. When the teen is enrolled and attending school prior to the assessment and orientation, the enrollment bonus shall be issued for the month of assessment.

(H) What are the consequences for a failure to enroll as assigned?

When the teen fails to provide enrollment verification as specified in paragraph (G) of this rule, the county agency shall send the JFS 06904 "LEAP-Learning, Earning And Parenting Seven-Day Good Cause Notice" (rev. 08/2003) or the client registry information system-enhanced (CRIS-E) statewide automated eligibility system equivalent in order for the teen or the assistance group payee to provide good cause for having failed to provide enrollment verification. When the county agency subsequently determines that good cause does not exist, the county agency shall propose one of the following actions:

(1) A teen who is under the age of eighteen who fails without good cause to enroll in school as assigned, is ineligible to participate in OWF. However, this consequence affects only the teen and does not affect the eligibility of the teen's child(ren).

(2) A teen who is age eighteen who fails without good cause to enroll in school as assigned shall be referred for participation in a work activity as described in sections 5107.40 to 5107.70 of the Revised Code of the Administrative Code.

(I) How is school attendance tracked?

The county agency shall request that the school attendance officer in each school that has a LEAP program participant enrolled to provide information monthly to the county agency about each participant's attendance. The county agency shall also request that each school make available the attendance records and other school records of a participant when requested by the county agency or other agency acting on the behalf of the county agency. The signed JFS 06907 "LEAP - Learning,
Earning And Parenting Program School Information Release Form (rev. 08/2003) shall be provided by the county agency for each student.

1. The Ohio department of job and family services (ODJFS) will mail the CRIS-Estatewide automated eligibility system equivalent of the JFS 06903 "LEAP - Learning, Earning And Parenting School Absence Report" (rev. 07/1996) to each school each month containing the name of the LEAP program participant. The county agency shall request that the school review the actual attendance of the teen and to record the specific days the teen was absent and whether the absence was excused or unexcused. When the school monitors attendance by half days, the county agency shall request that any half-day absences be reported. The county agency shall request that the school forward the completed attendance information to the county agency to be received by the fifth calendar day following the end of the attendance month. When the fifth calendar day falls on a weekend or a state or federal legal holiday, the report shall be received by the next working business day. The county agency shall review this information within five days of receipt.

2. If the school in which the teen is currently enrolled does not furnish the attendance information timely, and the county agency has not received information to the contrary, the teen shall be considered to have met the school attendance requirements in the attendance month.

3. If the school does not keep daily attendance records, and the county agency has not received information to the contrary, the teen shall be considered to have met the school attendance requirement.

4. The county agency may coordinate attendance reporting with the adult basic literacy and education coordinator in the county. To the extent possible, the adult and basic literacy and education instructor may be able to indicate the reason for an absence.

5. When the school the participant is attending is not in regular session, including during holiday and summer breaks, or the teachers are on strike, the participant shall not be required to attend.

(J) How will LEAP attendance information be reviewed?

The county agency shall review the attendance information provided by the school. When the information reported under the category of "unexcused absences" is greater than the number stated in paragraph (L) of this rule, the county agency shall send the JFS 06904 or CRIS-Estatewide automated eligibility system equivalent to the assistance group payee in order to gain information concerning the "unexcused absences."

2. When the total number of absences (excused and unexcused) reported exceeds the number of allowable absences and the number of unexcused absences is within the allowable limit, the county agency shall send the JFS 06904 or the CRIS-Estatewide automated eligibility system equivalent to the assistance group payee to gain information.

3. If the county agency determines that good cause exists for an unexcused absence, the "unexcused absence" shall be considered "excused" for purposes of determining if attendance requirements have been met. When the county agency evaluates the reasons for the unexcused absence and finds good cause does not exist, or if the assistance group fails to respond within seven days to the JFS 06904, the "unexcused absence(s)" will be used in the determination of an imposition of a sanction.

(K) How is GED and adult basic literacy education participation information reviewed?

GED programs do not routinely capture information regarding the reason for a student's absence. For this reason, when the school reports any absences for a teen participating in a GED program, the county agency must contact the teen to determine the reason for the absence. The county agency shall send the JFS 06904 or the CRIS-Estatewide automated eligibility system equivalent. The teen or assistance group payee, if different, shall have seven days to respond. The county agency shall evaluate the reason given for the absence using the good cause criteria set forth in paragraph (N) of this rule and process the information in accordance with as described in paragraph (P) of this rule. When there is no response to the JFS 06904 or CRIS-Estatewide automated
eligibility system equivalent, the county agency shall assume that the absences reported by the school were unexcused absences.

(1) Teens enrolled in a GED or other high school equivalency program shall be required to attend classes up to the scheduled date of the GED test.

(2) The county agency shall attempt to coordinate attendance reporting with the adult basic literacy education coordinator in the county. Adult basic literacy education instructors may be able to indicate the reason for an absence.

(L) What is the LEAP attendance bonus?

A sixty-two dollar bonus shall be issued for each month for which the attendance requirement is met. The attendance standard shall be considered to have been met if the LEAP program participant has four or fewer total absences in a month with no more than two of such absences unexcused.

(1) Teens with two or fewer unexcused absences but more than four total countable absences in a month shall not be eligible for the sixty-two dollar attendance bonus payment.

(2) Teens enrolled in a GED program shall be required to attend the number of classes per month listed below in order to receive the attendance bonus:

(a) When classes are held five days a week, the teen must attend all classes but four a month. No more than two of the total absences may be unexcused absences.

(b) When classes are held four days a week, the teen must attend all classes but three a month. No more than two of the absences may be unexcused.

(c) When classes are held three days a week, the teen must attend all classes but two a month. No more than one of the total absences may be unexcused.

(d) When classes are held two days a week, the teen must attend all classes but two a month. No more than one of the total absences may be unexcused.

(e) When classes are held one day a week, the teen must attend all classes but one a month. The absence must be an excused absence.

(3) A participant enrolled in a GED program who misses more than the total number of allowable class absences but does not exceed the number of allowable unexcused class absences shall not be eligible for the sixty-two dollar attendance bonus payment.

(4) Absences shall be waived if the absence is the result of the teen's or the teen's child's illness or injury, when the illness or injury is verified by a physician's statement. The county agency shall waive an absence if there is documentation that the absence was a result of a medical appointment for the teen or the teen's child that could not be scheduled outside of school hours. The county agency shall document that the absence has been waived.

(5) The attendance bonus is added to the assistance payment and issued in accordance with paragraph (P)(Q) of this rule.

(6) A teen who complies with the attendance requirements as delineated in paragraphs (L)(1) to (L)(2) of this rule shall be eligible to receive the attendance bonus as a part of the recurring OWF payment.

(a) A teen subject to mandatory participation who fails to comply with the attendance requirements shall be subject to a sanction in accordance with as described in paragraph (M) of this rule.

(b) During the first three months of attendance in the school year, beginning with the month for which the enrollment bonus was issued, the JFS 06903 shall be received and reviewed for compliance with the LEAP program attendance requirements. Issuance of the bonus payment or application of the sanction based on attendance shall be determined retrospectively.
What is the LEAP attendance sanction?
Teens with more than two unexcused absences in a month shall not be eligible for the attendance bonus payment and the assistance payment for the assistance group containing the LEAP program participant will be reduced by sixty-two dollars.

(1) For a teen enrolled in a GED program, the assistance payment for the assistance group containing the mandatory LEAP program participant shall be reduced by sixty-two dollars if the teen misses more than the total number of unexcused absences allowed in paragraph (L) of this rule.

(2) The teen or assistance group payee shall be required to report to the county agency within ten calendar days when the teen ceases to attend or officially withdraws from school. For a mandatory participant who has enrolled in school, and subsequently officially withdraws from school, one of the following consequences is applicable:

(a) For a teen who is under the age of eighteen, the teen is ineligible to participate beginning with the month following the month of withdrawal from school. The OWF payment for the assistance group shall be reduced accordingly. The prior notice requirements set forth in division 5101:6 of the Administrative Code are applicable.

(b) For a teen who is age eighteen when the teen ceases to attend or officially withdraws from school, the teen shall be referred to participate in a work activity in accordance with sections 5107.40 to 5107.70 of the Revised Code as described in division 5101:1 of the Administrative Code.

(3) The reduction in the OWF payment as the result of the mandatory participant having excessive unexcused absences will be applied retrospectively as delineated in paragraph (P)(Q) of this rule. The reduction in the OWF payment as the result of school withdrawal will be effective the month after the month of the withdrawal.

What is considered good cause for non-attendance?
A teen shall be considered to have good cause for not attending school in the following situations. The county agency may require medical or other verification for all of the following circumstances:

(1) The teen was ill, injured, or incapacitated and was reasonably prevented from attending school;

(2) The child of the teen parent was ill, or injured and required care by the teen;

(3) The child care ordinarily used by the teen was temporarily unavailable and no alternative child care was available;

(4) The teen had a scheduled or emergency appointment for medical, dental or vision care;

(5) The child of the teen had a scheduled or emergency appointment for medical, dental or vision care that required the presence of the teen;

(6) A family member was ill and required full-time care by the teen. A "family member" is defined as an individual related by blood, marriage, adoption, legal assignment (foster parent) or is the other parent of the teen custodial parent's child. The family member must live in the same household as the teen;

(7) A member of the immediate family died. "Immediate family" is defined as a husband, wife, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, adoptive sibling, child, stepchild, or the other parent of the teen custodial parent's child. A maximum of five consecutive school days of leave shall be allowed;

(8) A more distant family member died. This includes cousins, uncles, aunts, nephews and nieces. A maximum of three consecutive school days of leave shall be allowed;

(9) Transportation to or from the teen's school is necessary and the transportation ordinarily used was temporarily unavailable;
(10) Transportation to or from child care is necessary and the transportation ordinarily used was temporarily unavailable;

(11) The teen had a scheduled or emergency appointment at a court or the county agency;

(12) Other exceptional circumstance existed that reasonably prevented the teen from attending school.

(O) What happens when an individual fails to comply with their assignment?

Teens who meet one of the exemptions set forth described in paragraphs (D)(4) to (D)(10) of this rule must be assigned to an alternative educational or training program defined by the county agency, in order to be eligible to participate in OWF. Failure by the teen to comply without good cause with this assignment will result in one of the following two consequences:

(1) A teen who is under eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the county agency is ineligible to participate in OWF.

(2) A teen who is age eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the county agency shall be referred for participation in a work activity as set forth described in sections 5107.40 to 5107.70 of the Revised Code division 5101:1 of the Administrative Code.

(P) What are the grade completion and graduation bonuses?

(1) Grade completion bonus

A one-hundred dollar grade-completion bonus shall be issued for each LEAP program participant included in the assistance group for each subsequent grade completed, except grade twelve, in a school or alternative school. Grade completion shall be defined by the local school district.

(a) The grade completion bonus shall be issued upon verification from the school that the LEAP program participant has achieved grade completion for the school year. The grade completion bonus is not issued in the retrospective cycle.

(b) Grade completion bonuses shall not be made for participants in adult basic literacy and education courses.

(2) Graduation bonus

A one-time five-hundred dollar bonus shall be issued for a LEAP program participant who has graduated from high school or obtained a high school equivalence diploma. The graduation bonus shall be issued upon verification that the LEAP teen has graduated or obtained a high school equivalence diploma. The graduation bonus is not issued in the retrospective cycle.

(Q) What is the LEAP retrospective cycle?

(1) The LEAP retrospective cycle is comprised of four sequential months. The cycle begins with the attendance month, continues with two processing months, and ends with the payment month. The retrospective cycle remains in place throughout the school year. Attendance shall not be monitored for teens attending summer school. However, when the teen is enrolled and attending a GED program that begins or continues during the summer months, attendance shall be monitored and issuance of the attendance bonus or application of the sanction based on attendance shall be determined using the retrospective cycle.

(2) The following conditions relate to the application of the attendance bonus and the sanction:

(a) The attendance bonus shall not be issued if there is no OWF eligibility in the corresponding payment month.

(b) The attendance bonus and the sanction shall remain with the teen when the teen becomes a member of a new assistance group.

(c) When there is a break in OWF eligibility:
(i) *When* the assistance group was ineligible for OWF in a particular attendance month but reapsplies and is eligible for OWF in the corresponding payment month, any bonus earned in the attendance month shall be payable in the corresponding payment month.

(ii) *When* the teen had excessive unexcused absences during the attendance month that the assistance group was ineligible for OWF, no sanction shall be applied in the corresponding payment month.

(3) The penalties for failure to attend the scheduled assessment interview, for failure to enroll in school, for withdrawal from school, or failure to comply with an alternative educational or training program assignment are effective the month following the month of failure or withdrawal, and the retrospective cycle is not used to apply these penalties.

(4) When the participant is no longer subject to the LEAP program requirements and eligibility for OWF continues, the change shall be effective the month following the month the individual’s LEAP program requirements end. However, the issuance of the attendance bonus payment or application of the sanction based on attendance information shall continue in the retrospective cycle provided eligibility for OWF continues.

(5) *When* the mandatory participant who has been ineligible for failure to enroll and to attend school, reports and verifies a change in circumstances that allows an exemption from participation, as provided in paragraph (D) of this rule, the change shall be handled in the manner of all reported changes that increase the assistance payment.

(6) *When* the mandatory participant has been enrolled and has been meeting the school attendance requirement, any change occurring that would allow the teen to be exempt shall be effective the month following the month of change. However, because of the retrospective cycle, the change shall not be reflected until the corresponding payment month.

(7) *When* the exempt participant meets the reporting responsibilities described in rule 5101:1-2-20 of the Administrative Code and complies with LEAP program requirements, no sanction shall be proposed and no erroneous payment, as defined in section 5107.76 of the Revised Code occurs. However, *when* the teen fails to comply with LEAP program requirements, an erroneous payment occurs beginning the first day of the month following the month in which the change occurred.

(8) *When* the teen fails to meet the reporting responsibilities and the county agency determined a change has occurred that would result in the loss of exemption status, the county agency shall schedule an assessment interview. *When* the teen complies with the assessment and enrollment requirements, an erroneous payment would be computed beginning with the first day of the month following the month the change occurred and would continue until the last day of the month prior to the month of the assessment. *When* the teen fails to comply with the assessment and enrollment requirements, the erroneous payment shall be computed beginning with the first day of the month following the month of change and shall continue through the last day of the month prior to the imposition of the appropriate penalty.

(R) What are the LEAP and self-sufficiency contract requirements for minor heads of households?

(1) Minor heads of households are subject to both LEAP and self-sufficiency contract requirements. LEAP is the appropriate assignment under the self-sufficiency contract for minor heads of households. *When* the LEAP teen fails to comply with the LEAP program requirements but complies with all other provisions of the self-sufficiency contract, the teen is subject to the LEAP sanctions and penalties as described in this rule. *When* the LEAP teen fails to comply with any of the provisions of the self-sufficiency contract, the teen is subject to the sanctions described in section 5107.16 of the Revised Code.

(2) A teen who is eighteen who is a work program participant has the option of returning to regular LEAP participation.
(S) Is a LEAP required teen exempt from LEAP participation when he or she is a mandatory or volunteer participant in the comprehensive case management and employment program (CCMEP)?

Participation in CCMEP does not exempt a LEAP required teen from LEAP participation. In accordance with paragraph (C)(31) of rule 5101:14-1-05 of the Administrative Code, a LEAP required teen shall be assigned to participate in LEAP. When the LEAP teen fails to comply with the LEAP program requirements the teen is subject to the LEAP sanctions and penalties described in this rule. Failures to comply with the individual opportunity plan (IOP) are described in rule 5101:14-1-06 of the Administrative Code.

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CAMTL 114

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Most Current Prior Effective Date: July 1, 2011

(A) What is an Ohio works first (OWF) underpayment?

(1) A cash assistance An OWF benefit received by or for an assistance group which that is less than
the amount the assistance group was eligible to receive; or

(2) The failure by the county agency to issue OWF to an eligible assistance group. This includes a
denial or termination of OWF.

(B) How is an underpayment calculated?

(1) An underpayment is calculated from:

(a) The date of the change, per the reporting responsibilities as set forth described in rule
5101:1-2-20 of the Administrative Code; or

(b) The date that the county agency becomes aware of the change, if when the reporting
responsibilities as set forth described in rule 5101:1-2-20 of the Administrative Code are
not met.

(2) An underpayment shall be calculated for no more than twelve months prior to whichever of the
situations in paragraph (B)(1) of this rule occurred first.

(3) The amount of the underpayment is the difference between the amount of OWF which that an
assistance group was eligible to receive for a particular period of time and the lesser amount the
assistance group actually received for that same period of time.

(4) In calculating the underpayment amount for situations involving the untimely processing of
income, the county agency shall use the actual income received by the assistance group,
provided all of the documentation is available to the county agency. If when all of the
documentation is not available, the county agency shall follow the verification provisions as set
forth described in rule 5101:1-2-20 of the Administrative Code.

(5) In situations where the error does not involve untimely processing of income, the county agency
shall use the converted income already established for the month(s).

(6) When there is earned income, the appropriate deductions (i.e., earned income disregard, child
care costs) are allowed in order to compute the amount of an underpayment.

(7) Underpayments of less than ten dollars are not subject to the minimum payment provisions as

(C) How is an underpayment corrected?

Underpayments not offset against erroneous payments are adjusted by authorization of an auxiliary
payment. An auxiliary payment shall be issued to correct the underpayment (unless the assistance
group declines the benefits in order to avoid using time-limited months) regardless of whether the
assistance group is currently in receipt of OWF.

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CAMTL 146

Effective Date: December 1, 2019

Most Current Prior Effective Date: October 1, 2016

(A) What is the definition of "erroneous payment?"

Section 5107.02 of the Revised Code defines Ohio works first (OWF) as the temporary assistance to needy families (TANF) program established in Title IV-A of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301(8/1981). An "erroneous payment" is defined in section 5107.76 of the Revised Code as a payment of cash assistance under OWF to assistance groups not eligible to receive the assistance. The provisions set forth in this rule apply to all erroneous payments made on or after July 1, 1998, under OWF, including payments of cash assistance for support services funded with TANF monies.

An erroneous payment may occur because of any change in an assistance group's situation which decreases the level of assistance for which the assistance group is eligible. Paragraph (J) of this rule sets forth the provisions for calculating the amount of the erroneous payment.

(B) How are aid to families with dependent children (ADC)/TANF cash assistance and/or OWF overpayments that occurred and were discovered prior to July 1, 1998 collected?

All ADC/TANF cash assistance and/or OWF overpayments that occurred and were discovered prior to July 1, 1998 are subject to the provisions set forth in rule 5101:1-23-70.1 of the Administrative Code.

(A) Cash assistance under the former aid to families with dependent children (ADC) or temporary assistance to needy families (TANF) programs and/or Ohio works first (OWF) erroneous payments that occurred on or after July 1, 1998, or that occurred prior to July 1, 1998, but were discovered on or after July 1, 1998.

All ADC/TANF cash assistance and/or OWF erroneous payments that occurred on or after July 1, 1998, or that occurred prior to July 1, 1998, but were discovered on or after July 1, 1998, shall be recovered in accordance with the provisions set forth in this rule.

(C) How are erroneous payments that are discovered on or after July 1, 1998 collected?

All cash assistance under the former aid to families with dependent children (ADC) or TANF programs and/or OWF erroneous payments that occurred on or after July 1, 1998, or that occurred prior to July 1, 1998, but were discovered on or after July 1, 1998, shall be collected in accordance with the provisions set forth in this rule.

(B) ADC/TANF cash assistance and/or OWF overpayments that occurred and were discovered prior to July 1, 1998.

All ADC/TANF cash assistance and/or OWF overpayments that occurred and were discovered prior to July 1, 1998 are subject to the provisions set forth in rule 5101:1-23-70.1 of the Administrative Code.

(D) How are work allowance overpayments that occurred prior to October 1, 1997 collected?

Work allowance overpayments that occurred prior to October 1, 1997 are subject to the provisions set forth in rule 5101:1-23-70.2 of the Administrative Code.

(G) Work allowance overpayments that occurred prior to October 1, 1997.

Work allowance overpayments that occurred prior to October 1, 1997 are subject to the provisions set forth in rule 5101:1-23-70.2 of the Administrative Code.

(E) Are agency-caused overpayments that occurred prior to October 1, 1997 and that are discovered on or after July 1, 1998 required to be collected?

The county agency has the option of whether to collect agency caused overpayments that occurred prior to October 1, 1997, and that are discovered on or after July 1, 1998. If the county agency chooses not to collect the overpayment, the debt will remain and can be recovered in accordance with the
provisions set forth in this rule. Failure to repay erroneous payments as a result of an agency error does not result in ineligibility for OWF.

(D) Agency caused overpayments that occurred prior to October 1, 1997.
The county department of job and family services (CDJFS) has the option of whether to collect agency caused overpayments that occurred prior to October 1, 1997 and that are discovered on or after July 1, 1998.

(E) What is the definition of "erroneous payment?"
An "erroneous payment" is defined in section 5107.76 of the Revised Code as a payment of cash assistance under OWF to assistance groups not eligible to receive the assistance. Section 5107.02 of the Revised Code defines OWF as the TANF program established in Title IV-A of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301(8/1981). The provisions set forth in this rule apply to all erroneous payments made on or after July 1, 1998, under OWF, including payments of cash assistance for support services funded with TANF monies.

An erroneous payment may occur because of any change in an assistance group's situation which decreases the level of assistance for which the assistance group is eligible. Paragraph (J) of this rule sets forth the provisions for calculating the erroneous payment.

(F) What are the responsibilities of the county agency?

1) Provide the assistance group with frequent and complete explanations of program eligibility, the factors that cause ineligibility and erroneous payments, and the assistance group's responsibility to report changes in income, need, and other circumstances affecting eligibility, as set forth in rule 5101:1-2-20 of the Administrative Code.

2) Take action to terminate or adjust the OWF payment as soon as the county agency learns of a change in circumstances which affects the assistance group's future eligibility for assistance, in accordance with the hearing provisions set forth in division 5101:6 of the Administrative Code.

3) Take action to recover the erroneous payments in accordance with the provisions set forth in this rule and sections 5107.05 and 5107.76 of the Revised Code.

4) When the assistance group has a change, and the change results in the decrease in or termination of OWF cash assistance, the county agency shall issue a notice of adverse action within ten days of the date the change was reported or the county agency becomes aware of the change, unless one of the exceptions to the notice of adverse action in Chapter 5101:6-2 of the Administrative Code applies.

(G) What are the reporting requirements for an assistance group?

1) The reporting requirements and timeframes are described in rule 5101:1-2-20 of the Administrative Code.

2) Notwithstanding the requirements in rule 5101:1-2-20 of the Administrative Code, the assistance group is not required to report any other changes in circumstances until the next reapplication. In such situations, no erroneous payments exist between the date that the unreported change occurs and the date that the change is reported or the CDJFS county agency otherwise becomes aware of the change.

3) The assistance group's report of an impending change in circumstances does not negate its responsibility to report any change identified in rule 5101:1-2-20 of the Administrative Code within ten days from the date that the change actually occurs.

(H) What is the effective date of a budget adjustment?

1) When a notice of adverse action is issued, the decrease in the benefit level shall be made effective with the OWF benefit for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested.
(2) When a notice of adverse action is not issued due to one of the exceptions of rule 5101:6-2-05 of the Administrative Code, the decrease shall be made effective no later than the month following the change. This applies for all reporting requirements listed in rule 5101:1-2-20 of the Administrative Code.

(3) When the change is new employment of an assistance group member, the budget adjustment does not become effective until the later of:

(a) The first day of the month following the month in which the assistance group receives earned income from employment, consistent with the application of the earned income disregard set forth in rule 5101:1-23-20 of the Administrative Code; or

(b) The month following the month in which the notice of adverse action period has expired.

(I) When is an assistance group liable for an erroneous payment?

(1) When the county agency discovers that the assistance group failed to report a required change within the required timeframes as set forth in rule 5101:1-2-20 of the Administrative Code and as a result of the change, the assistance group received benefits it was not entitled to receive;

(2) When the county agency failed to act on a change timely and as a result, the assistance group received benefits it was not entitled to receive;

(3) The assistance group is not liable for an erroneous payment because of a failure to report a change that is not a part of the required reporting requirements as set forth in rule 5101:1-2-20 of the Administrative Code.

(3) When an erroneous payment occurs because an adverse action was proposed, payments continued without change due to a timely hearing request, and the hearing decision affirmed the county agency proposal; or

(4) The assistance group is not liable for an erroneous payment because of a failure to report a change that is not a part of the required reporting requirements as set forth in rule 5101:1-2-20 of the Administrative Code.

(J) How is an erroneous payment calculated?

The amount of the erroneous payment is the difference between the amount of benefits the assistance group should have received for a calendar month, and the amount of benefits the assistance group actually received for that month. In determining the amount of an erroneous payment, the agency shall consider the federal Fair Labor Standards Act (FLSA) (5/2007) applicable requirements and/or any other federal labor laws which may apply. When the county agency becomes aware of a change in the assistance group’s circumstances, the county agency shall determine the following:

(1) The date on which the change occurred, and whether the change was due to one of the reporting requirements listed in rule 5101:1-2-20 of the Administrative Code.

(2) The date on which the change was reported by the assistance group to the county agency, or the county agency became aware of the change.

(3) In accordance with the provisions set forth in paragraph (H) of this rule, the date on which the decrease or termination of benefits should have been effective had the assistance group reported the change in accordance with the timeframes as set forth in rule 5101:1-2-20 of the Administrative Code and/or had the county agency acted timely on reported and/or discovered changes.

(4) The dates and amounts of any erroneous payments, by month.

(a) When the assistance group has earned income, the earned income disregards set forth in rule 5101:1-23-20 of the Administrative Code, shall be deducted as appropriate in computing the amount of the erroneous payment.

(b) For any month that the assistance group failed to timely report a change in earned income as set forth in rule 5101:1-2-20 of the Administrative Code, the earned
income disregards shall not be deducted from the assistance group’s gross earned income in accordance with rule 5101:1-23-20 of the Administrative Code when computing the erroneous payment.

(c) When an erroneous payment occurs because an adverse action was proposed, payments continued without change due to a timely hearing request, and the hearing decision affirmed the county agency proposal, the amount of the erroneous payment is the difference between the amount the assistance group actually received each month, and the amount the assistance group should have received for each month. When specific amounts of erroneous payments are stipulated in the hearing decision, those amounts are binding, in accordance with the rules set forth in division 5101:6 of the Administrative Code.

(d) Child support that is assigned to ODJFS the Ohio department of job and family services (ODJFS) and which is paid through the child support enforcement agency (CSEA) must be included in the calculation of the erroneous payment. The county agency shall determine the exact amounts of the following categories prior to computing the erroneous payment:

(i) Child support collected on current obligation.

(ii) Child support used to reimburse assistance paid to the family. 42 U.S.C. 657 (01/02/06) defines what is reimbursable for child support distribution purposes.

(iii) Assistance provided to the assistance group.

(iv) Correct amount of OWF benefits the assistance group should have received. For purposes of this rule only, this amount shall be referred to as the OWF entitlement.

(v) Erroneous payment prior to child support adjustment. The erroneous payment will always equal the difference between OWF actually paid to the assistance group and the OWF entitlement.

(vi) Collectible erroneous payment after child support adjustment.

(vii) The erroneous payment to be collected after child support adjustment is computed using the table below in this paragraph and one of the two formulas in the paragraphs immediately following the table.

Child Support Erroneous Payment Calculation Chart

(K) What is a grant reduction?

Grant reduction is one of the collection methods set forth in section 5107.76 of the Revised Code. If the method of recovery chosen by the county agency is grant reduction, the OWF cash payment is reduced each month until the total amount of the erroneous payment is repaid.

(1) The OWF cash payment may be reduced, provided that for any payment month, the assistance group shall retain from its combined income (without disregards) and assistance payment an amount equal to ninety per cent of the payment standard (as set forth in rule 5101:1-23-20 of the Administrative Code) for an assistance group of the same composition with no other income, unless the assistance group volunteers to pay more. The monthly recovery amount shall be computed from the income and assistance payment available in the payment month. Liquid assets may be explored as well.

(2) If recovery of the erroneous payment through grant reduction reduces the amount payable to the assistance group to zero, the members of the assistance group are considered to be OWF participants.

(3) When an assistance group is eligible for a monthly OWF payment of at least ten dollars, but recovery of an erroneous payment reduces the monthly payment to less than ten dollars, the minimum payment provision set forth in rule 5101:1-23-40 of the Administrative Code does not
apply because the assistance group was eligible for a cash payment of at least ten dollars prior to adjustment of the overpayment.

(4) All grant reductions shall be effected with due regard for the fair hearing provisions, including prior notice, set forth in division 5101:6 of the Administrative Code.

(5) If the assistance group becomes ineligible to participate in OWF, the balance of the erroneous payment shall be recovered in accordance with the provisions set forth in section 5107.76 of the Revised Code.

(L) What if an assistance group has an erroneous payment and an underpayment?

When an assistance group has both a current erroneous payment and underpayment as defined in rule 5101:1-23-60 of the Administrative Code, one may be offset against the other provided the erroneous payment is not being challenged under the state hearing procedures as set forth in division 5101:6 of the Administrative Code. There will be no delay in the issuance of the underpayment in this instance.

(1) The county agency will notify the assistance group when an underpayment occurs concurrently with the discovery of an erroneous payment or when there is an outstanding delinquent balance from a previous erroneous payment. The notice will advise the assistance group of the underpayment and the amount the county agency proposes to use to offset the reported or delinquent erroneous payment balance. The assistance group may exercise its right to a state hearing if it disagrees with the decision of the county agency to offset the underpayment against the erroneous payment using the notice. All proposed actions shall be suspended pending the hearing decision.

(2) In a situation in which the underpayment amount is greater than the amount of the erroneous payment, the assistance group shall be issued the difference.

(M) Can an erroneous payment be recovered from a minor child?

As set forth in section 5107.76 of the Revised Code, if a minor child was a member of an assistance group that received an erroneous payment but becomes a member of a new assistance group that does not include a minor head of household or adult who also was a member of the previous assistance group, a county agency shall not take action against the new assistance group to recover the erroneous payment the previous assistance group received.

(N) IV-A/IV-D overpayments

(1) Payments made directly to the assistance group on support orders established or modified prior to December 1, 1986, constitute a IV-D overpayment.

(2) All support orders established or modified on or after December 1, 1986, must be paid through the CSEA. Payments on such orders which are made directly to the assistance group are not considered child support payments, but are considered a gift to the assistance group. The overpayment created by the assistance group's retention of direct payments constitutes a IV-A overpayment.

(3) In all cases, regardless of the date of the order, payments sent to the assistance group erroneously by the CSEA also constitute a IV-D overpayment.

Effective: 12/1/2019
Five Year Review (FYR) Dates: 8/19/2019 and 12/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 11/14/2019
Promulgated Under: 119.03
Statutory Authority: 5107.05, 5107.76
Rule Amplifies: 5107.05, 5107.76
How are aid to dependent children (ADC)/temporary assistance for needy families (TANF) cash assistance and/or Ohio works first (OWF) overpayments collected that occurred and were discovered prior to July 1, 1998?

ADC/TANF cash assistance and/or OWF overpayments that occurred and were discovered prior to July 1, 1998, are subject to the provisions set forth in appendix A of this rule. Appendix A of this rule contains the Administrative Code rules that set forth the provisions regarding ADC overpayment identification, computation and collection that existed prior to July 1, 1998.

Are agency caused overpayments that occurred prior to October 1, 1997 required to be collected?

The county agency has the option of whether to collect agency caused overpayments that occurred prior to October 1, 1997, and that are discovered on or after July 1, 1998. If the county agency chooses not to collect the overpayment, the debt will remain and can be collected at any time by following the process outlined in rule 5101:1-23-70 of the Administrative Code. Failure to repay erroneous payments as a result of an agency error does not result in ineligibility of OWF.

How are ADC/TANF cash assistance and/or OWF erroneous payments collected that occurred prior to July 1, 1998, but were discovered on or after July 1, 1998?

ADC/TANF cash assistance and/or OWF erroneous payments that occurred prior to July 1, 1998, but were discovered on or after July 1, 1998, shall be recovered in accordance with the provisions set forth in rule 5101:1-23-70 of the Administrative Code.
Ohio Works First: Work Allowance Overpayments that Occurred Prior to October 1, 1997

CAMTL 142

Effective Date: May 1, 2019

Most Current Prior Effective Date: January 1, 2014

Appendix A: Click here to view Appendix A of OAC 5101:1-23-70.2

(A) How are Ohio works first (OWF) work allowance overpayments that occurred and were discovered prior to October 1, 1997 collected?

Work allowance overpayments that occurred and were discovered prior to October 1, 1997, are subject to the provisions set forth in appendix A to this rule. Appendix A to this rule contains the Administrative Code rules regarding collection of OWF work allowance overpayments that existed prior to October 1, 1997.

(B) How are OWF work allowance overpayments that occurred prior to October 1, 1997, and were discovered on or after October 1, 1997 collected?

Work allowance overpayments that occurred prior to October 1, 1997, and were discovered on or after October 1, 1997, shall be recovered in accordance with the provisions set forth in section 5107.76 of the Revised Code and rule 5101:1-23-70 of the Administrative Code.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 12/27/2018 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/03/2019

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 5107.05, 5107.76

What types of income are excluded as income and resources when determining financial eligibility for prevention, retention and contingency (PRC) benefits and services?

(A) Child support payment distributions made by the Ohio department of job and family services (ODJFS) pursuant to division (C) of Section 1 of Am. S.B. 170 of the 124th General Assembly (10/25/2001).

(B) All income that is federally excluded in the determination of eligibility for federal needs-based programs. Federally excluded income includes the income sources identified in paragraphs (C) and (D) of this rule.

(C) Drug discounts and transitional assistance received under the Medicare Prescription Drug, Improvement, and Modernization Act, at Section 1860D-31(g)(6) of the Social Security Act (12/08/2003). The language in Section 1860D-31(g)(6) of the Social Security Act states that the availability of negotiated prices or transitional assistance under this section shall not be treated as benefits or otherwise taken into account in determining an individual's eligibility for, or the amount of benefits under any other federal program.

(D) Monetary allowances paid under Section 401 of the Veteran's Benefits and Health Care Improvement Act of 2000, effective December 1, 2000. Payments authorized and made by the Veteran's Administration (VA) to provide certain benefits, including a monthly monetary allowance for children with covered birth defects who are the natural children of women veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975.
CAMTL 147

Effective Date: December 1, 2019

In accordance with Substitute House Bill 166 of the 133rd General Assembly (7/2019), the kinship caregiver program (KCP) assists kinship caregivers with providing and maintaining a home for a child in place of a child’s parents by providing reasonable and necessary relief of child caring functions through family stabilization and caregiving services.

(A) Who administers and designs KCP?

KCP shall be incorporated into a county agency’s prevention, retention and contingency (PRC) plan and designed by the county agency and the public children services agency (PCSA) to be consistent with the provisions of Section 307.100 of Amended Substitute House Bill 166 of the 133rd General Assembly, Chapter 5108. of the Revised Code, and this rule.

(B) What temporary assistance for needy families (TANF) purpose does KCP meet?

KCP shall be designed to reasonably achieve the purpose of helping needy families so that children may be cared for in their own homes or in the homes of relatives. Therefore, an application and determination of TANF eligibility is required for every assistance group.

The benefits and/or services provided in KCP may not be "assistance" as defined in 45 C.F.R. 260.31(a) (10/1999); and are limited to benefits and/or services that are excluded from the definition of assistance pursuant to 45 C.F.R. 260.31(b) (10/1999).

(C) Who is a kinship caregiver?

"Kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

1. The following individuals related by blood or adoption to the child:
   a. Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";
   b. Siblings;
   c. Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";
   d. First cousins and first cousins once removed.

2. Stepparents and stepsiblings of the child;

3. Spouses and former spouses of individuals named in paragraph (C) (1) or (2) of this rule;

4. A legal guardian of the child;

5. A legal custodian of the child.

(D) What are the TANF eligibility requirements for KCP?

1. For the stabilization service, the assistance group shall include only a minor child residing with a kinship caregiver.

2. For the caregiving service, the assistance group shall include at least a minor child residing with a kinship caregiver and the kinship caregiver.

3. Each member of the assistance group shall:
   a. Have or have applied for a social security number;
   b. Be a United States citizen or non-citizen national or qualified alien as those terms are defined in rule 5101:1-2-30 of the Administrative Code;
   c. Not owe any of the cost of fraudulent TANF assistance paid to the individual; and
(d) Have been afforded the opportunity to register to vote (when applicable).

(4) The assistance group shall have gross income of less than two hundred per cent of the federal poverty level. Income received during the past thirty days shall be used as an indicator of the income that is and will be available to the assistance group. However, the county agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a thirty day period alone cannot provide an accurate indication of anticipated income, the county agency and the assistance group may use a longer period of past time if it will provide an accurate indication of anticipated fluctuations in future income.

(5) A redetermination of TANF eligibility for KCP shall be required no less than every twelve months from determination of initial eligibility.

(E) What are the required elements of the stabilization service?
Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver. Examples of stabilization benefits include, but are not limited to child care services not to exceed four months; or incidentals incurred when taking on the responsibility of caring for a child unexpectedly (i.e. purchases for basic needs such as but not limited to cribs/beds etc.).

(F) What are the required elements of the caregiving service?

(1) The benefits or services shall be limited to reimbursement to the kinship caregiver for, or direct payment to, a third-party individual or entity to administer to the needs of a minor child. The caregiving service may be provided at a licensed or unlicensed provider or may take place in the home of the kinship caregiver. The care may include care designed to provide temporary relief of child caring functions.

(2) The minor child for who caregiving services are being provided shall be:
(a) Under age thirteen at the time of application and may remain eligible until they turn thirteen; or
(b) Be under age eighteen at the time of application if the child meets the definition of special needs pursuant to rule 5101:2-16-01 of the Administrative Code, and may remain eligible until they turn eighteen.

(3) The kinship caregiver or other member of the assistance group shall be participating in one of the following approved activities:
(a) Paid employment on a full-time or part-time basis.
(b) A training or education activity that prepares the caretaker for paid employment.
(c) Participating in one or more work activities as a condition of eligibility for either Ohio works first (OWF) or the supplemental nutrition assistance program (SNAP).

(4) The assistance group shall inform the county agency within ten days if no member of the assistance group is participating in an approved activity or if the child is no longer residing with the kinship caregiver.

(G) How must adverse action be taken against an applicant or recipient of KCP?
In accordance with rules 5101:6-2-02 and 5101:6-2-04 of the Administrative Code, a county agency shall provide an assistance group written notice of a denial or its intent to withhold, reduce, suspend, or terminate KCP services.

Effective: 12/1/2019
Five Year Review (FYR) Dates: 12/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 11/12/2019
Promulgated Under: 119.03
Statutory Authority: Section 307.100 of Amended Substitute House Bill 166 of the 133rd General Assembly, 5101.801

Rule Amplifies: Section 307.100 of Amended Substitute House Bill 166 of the 133rd General Assembly, 5101.80, 5101.801, 5108.01, 5108.02
(A) What is fraudulent assistance?

In accordance with section 5101.83 of the Revised Code, "fraudulent assistance" means assistance and services, including cash assistance provided under the Ohio works first (OWF) program established under Chapter 5107. of the Revised Code, or benefits and services provided under the prevention, retention and contingency (PRC) program established under Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. Fraudulent assistance does not include assistance or services paid to or on behalf of an assistance group that is provided as a result of an error that is the fault of the county department of job and family services (CDJFS) or the Ohio department of job and family services (ODJFS).

(B) What is an intentional violation of the program's requirements?

(1) An intentional violation is defined as an act by an individual, for the purpose of establishing or maintaining the family's eligibility for OWF or PRC or for increasing or preventing a reduction in the amount of assistance, which is intentionally: a false or misleading statement or misrepresentation, concealment, or withholding of facts; or any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

(2) An intentional violation of the OWF or PRC program requirements can be established in one of four circumstances:

(a) A court of appropriate jurisdiction has found that the individual has committed a criminal offense connected to a violation of the OWF and/or PRC program requirements.

(b) An administrative disqualification hearing decision finds that the individual has committed an intentional program violation, as set forth described in rules 5101:6-20-16 and 5101:6-20-17 of the Administrative Code.

(c) The individual signs a waiver of the disqualification hearing set forth described in rule 5101:6-20-30 of the Administrative Code.

(d) The individual signs a disqualification consent agreement as set forth described in rule 5101:6-20-40 of the Administrative Code.

(C) What are the consequences of a determination of fraudulent assistance?

If a county agency director determines that an assistance group has received fraudulent assistance in accordance with the provisions set forth described in paragraph (A) of this rule, the assistance group is ineligible to participate in the OWF program or the PRC program until a member of the assistance group repays the cost of the fraudulent assistance. Ineligibility as a result of one of the conditions set forth described in paragraphs (B)(2)(a) to (B)(2)(d) of this rule begins not later than the first day of the second month following the issuance of the notice of disqualification for intentional program violation (i.e., the issuance of the JFS 04062, "Notice of Disqualification for Intentional Program Violation") (rev. 05/2001) (rev. 1/2015).

(D) How is receipt of fraudulent assistance handled when there is assistance group movement and children in the assistance group?

When the assistance group members are ineligible in accordance with the provisions set forth described in paragraph (C) of this rule, the caretaker(s) and the child(ren) remain ineligible until the fraudulent payment is repaid. If the child(ren) subsequently cease to reside with the ineligible caretaker(s), the ineligibility period ceases for the child(ren).
How is repayment of the fraudulent assistance handled?

*When a member of the assistance group repays the cost of the fraudulent assistance, and the assistance group otherwise meets the eligibility requirements for the OWF or the PRC program, the assistance group shall not be denied the opportunity to participate in the program. The beginning date of aid for assistance group members ineligible due to this provision who reapply to participate in OWF can be as early as the date on which the cost of the fraudulent assistance is repaid in full, provided that an application for assistance is submitted and all other eligibility requirements are met as of that date.*

Effective: 05/01/2017

Five Year Review (FYR) Dates: 01/04/2017 and 05/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 03/28/2017

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Statutory Authority: 5107.05

Rule Amplifies: 5101.83, 5107.76

Prior Effective Dates: 9/1/94, 10/1/96, 7/1/98, 9/1/98, 9/29/98, 05/01/00, 07/01/03, 03/01/07, 2/1/12
Chapter 4000 - Special Program
Ohio Works First: State Tax Refund Offset Program

CAMTL 128

Effective Date: July 1, 2017

Most Current Prior Effective Date: April 16, 2012

(A) What is the state tax refund offset program?

(1) The state tax refund offset program allows the offset of Ohio income tax refunds to collect delinquent aid to dependent children, temporary assistance to needy families, and Ohio works first (OWF) program overpayment claims.

(2) Periodically, but no less than annually, the Ohio department of job and family services (ODJFS) certifies to the Ohio department of taxation a list of applicable debtors.

(3) The Ohio department of taxation offsets the certified debts against income tax refunds payable to the debtors, and notifies the debtors and ODJFS of offsets which have been made.

(B) When is a claim referred to the state tax refund offset program?

To refer a claim to the state tax refund offset program, the following criteria must be met:

(1) The claim must be past due. A claim becomes past due when a cash payment has not been received for ninety consecutive days on an established overpayment. An established overpayment is one in which an adult responsible for repayment of the claim was issued a demand notice.

(2) The claim must be legally enforceable.

(a) The claim must be properly established by electronic records or paper documents held by the county agency as set forth described in section 5107.76 of the Revised Code and rule 5101:1-23-70 of the Administrative Code. The evidence shall include verification that the assistance group was notified of hearing rights on the claim as set forth described in rule 5101:6-2-20 of the Administrative Code.

(b) The claim has not been discharged in bankruptcy for the referred individual, nor is there a bankruptcy stay in effect for the referred individual.

(3) The claim must be at least twenty-five dollars or more.

(4) The date of the initial demand letter must be within ten years of the date on which the debt is certified to the state tax refund offset program. Exceptions to the ten year limitation include claims reduced to final court judgments and claims due to an individual's intentional violation of the program requirements as set forth described in rule 5101:1-23-75 of the Administrative Code.

(C) When is a claim not referred to the state tax refund offset program?

(1) The claim is not past due;

(2) The liable adult(s) is eligible for an Ohio works first grant reduction. Even if the claim is being repaid through a grant reduction of the assistance group's benefits, any other liable adult who is not currently in receipt of Ohio works first benefits may be referred to the Ohio department of taxation for offset;

(3) A state hearing decision on the issue of the claim is pending;

(4) The thirty days allowed for the assistance group's response to a notice of overpayment has not yet expired;

(5) An individual is making payments pursuant to an agreed upon schedule of payments or the claim has been paid in full; or

(6) There is another documented reason that the claim is not past due.
Who is liable for a claim?

A liable individual is one who was an adult or minor head of household during the time period of the claim. Each claim is submitted in the name of one or more liable individuals.

How is the debtor notified of the offset?

ODJFS mails an automated thirty day notice of intent to offset to the address provided by the Ohio department of taxation. The notice informs the debtor that agency records document:

(1) The individual is liable for a specified unpaid claim balance amount;
(2) Previous notification about the claim was sent;
(3) Prior collection efforts have been made;
(4) The claim is past due and legally enforceable;
(5) The county agency will refer the claim to the state tax refund offset program unless the debtor;
   (a) Pays the balance within thirty days of the date of the notice if when the balance is five hundred dollars or less; or
   (b) Pays five hundred dollars within thirty days of the date of the notice (if when the debt is greater than five hundred dollars) and makes other acceptable repayment arrangements for the balance due;
(6) Instructions about how to pay the claim;
(7) County contact information; and
(8) The right to request a review concerning the intent to refer the debt for offset.

What are the responsibilities of the county agency?

Each county agency shall:

(1) Maintain a toll-free telephone service available during the agency's regular business hours. The toll-free telephone number and the mailing address of the county agency are printed on all state tax refund offset program notices to debtors.
(2) Verify the debtor's identifying information, access the claim case information, and discuss the case with the debtor when the debtor receives the thirty day notice of intent to offset and contacts the agency.
(3) Inform the debtor of repayment arrangements acceptable to prevent offset as specified in paragraph (I) of this rule.

What are the requirements for an individual to request a review of the debt referred?

The request for review must shall:

(1) Be received at the county agency in writing no later than thirty days after the mailing date of the notice of intent;
(2) Include evidence or documentation to support the debtor's belief that the claim is not past due or is not legally enforceable;
(3) Contain the debtor's social security number; and
(4) Include a statement, signed by the debtor, authorizing another person to represent the debtor if when someone other than the debtor makes a request for review on behalf of the debtor.

How is a request for review handled?

(1) Within fifteen days of the debtor's request for review the county agency must shall notify the debtor in writing of the following:
   (a) Continued intent to refer the claim for offset if when the county agency determines that the claim is past-due or is legally enforceable;
(b) The debtor's right to have ODJFS review the county agency's decision; and
(c) Instructions and time limits for requesting the review by ODJFS.

(2) If the county agency determines that the claim is not past-due or is not legally enforceable, the county agency shall notify the debtor in writing that the claim will not be referred for offset, and take any action necessary to establish or recover the claim or other action as may be required.

(I) What are the responsibilities of ODJFS when a request for review is made?

(1) ODJFS shall not refer for offset any claim for which a review has been requested if when:
   (a) The county agency or ODJFS determines that the claim is not past-due or is not legally enforceable; or
   (b) The county agency does not complete a requested review or does not notify the debtor of the results of that review.

(2) ODJFS shall notify the county agency and the debtor of its decision concerning any debtor's request for review. If the review decision is that the county agency:
   (a) Correctly determined the claim is past-due and legally enforceable, ODJFS must notify the debtor that any further appeal must be made through the courts.
   (b) Incorrectly determined the claim is past-due and legally enforceable, ODJFS also must notify the county agency about any corrective action which must be taken with respect to the claim.

(3) If the debtor makes an acceptable repayment arrangement with the county agency, the claim is not referred for offset.

(J) What is an acceptable repayment arrangement?

(1) If the claim(s) balance is five-hundred dollars or less, the balance must be paid in full within thirty days of the mailing date of the thirty day offset notice.

(2) If the claim(s) balance amount is more than five-hundred dollars, a minimum payment of five-hundred dollars and a signed, written agreement to repay the balance must be received by the county agency within thirty days of the mailing date of the thirty day offset notice. The repayment agreement must be acceptable to the county agency.

(3) Any payment the county agency receives in response to a debtor's receipt of a thirty day state tax refund offset program notice of intent to refer a claim for offset shall be credited to the claim(s) which is to be referred for offset.

(4) The county agency shall enter the repayment agreement and any additional information into client registry information system enhanced (CRIS-E) the statewide automated eligibility system on the day it is received.

(K) What happens when a claim does not meet the criteria for referral?

(1) When the county agency or ODJFS staff becomes aware that a claim referred for offset does not meet all criteria for referral, ODJFS shall cancel the referral.

(2) If the reason for cancellation of the referral is not because of a repayment arrangement being established as one of the changes listed in paragraph (I) of this rule, the county agency shall inform ODJFS of the inappropriate referral with the JFS 07430, "Offset Programs Referral Cancellation/Refund Request" (rev. 1/2004) (rev. 2/2012).

(3) The county agency shall submit the JFS 07430 by facsimile or e-mail to ODJFS within one business day from the date of the determination that the referral must be canceled.

(4) ODJFS shall update CRIS-E the statewide automated eligibility system upon receipt of the JFS 07430 and the information will be transmitted to the Ohio department of taxation in the next weekly update file.
(L) What happens when a claim is referred?

After the certification of a debt:

(1) ODJFS sends weekly updates of account information to the Ohio department of taxation;

(2) Changes entered into CRIS-E the statewide eligibility system, such as payments received, repayment arrangements, decrease in claim balance and reopening of the case will automatically update referral data already sent to the Ohio department of taxation;

(3) When the offset occurs, ODJFS credits the applicable claim(s) and updates CRIS-E the statewide automated eligibility system accordingly, and ensures that the affected individual is notified of the offset in writing; and

(4) Upon receiving notice of offset, ODJFS shall refund any incorrect collection resulting from the offset. ODJFS must also notify the individual of the refund amount in writing.

(M) Must the state tax refund offset program information be safeguarded?

ODJFS and the county agency shall safeguard Ohio department of taxation information from unauthorized access and use. This information includes printed reports and on-line CRIS-E the statewide automated eligibility system information provided to authorized personnel. This information may be used only as needed for the administration of the state tax refund offset program, and must be protected from overt and inadvertent disclosure.

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Five Year Review (FYR) Dates: 03/28/2017 and 07/01/2022

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Date: 06/08/2017

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Statutory Authority: 5107.05

Rule Amplifies: 5107.05, 5101.184

Prior Effective Dates: 10/1/00, 11/1/05, 1/1/11, 4/16/12
The refugee resettlement program coordinates benefits and services for refugees in Ohio. The program includes refugee cash assistance (RCA), which provides time-limited cash assistance to refugees who are not eligible for Ohio works first (OWF) or supplemental security income (SSI). The program also includes the refugee social services program (RSSP) and targeted assistance program (TAP), which offer services designed to help refugees achieve self-sufficiency through employment.

(A) The following definitions are applicable to the refugee resettlement program rules, rules 5101:1-2-40.1 to and 5101:1-2-40.5 of the Administrative Code:

(1) "Assistance group" means the following individuals who live in the same household:
   (a) Individual adults;
   (b) Married individuals without children; or
   (c) Parents, custodial relatives or legal guardians with minor children.

(2) "Employable" means any refugee except a refugee who provides documentation that the refugee is:
   (a) Under the age of sixteen;
   (b) Over the age of sixty-four;
   (c) Under the age of nineteen and a full-time student in a secondary school or in the equivalent level of vocational or technical training;
   (d) The sole caregiver for a child under one year of age or other fully dependent person; or
   (e) Unable to work due to physical or mental health reasons.

(3) "Entry date" is the date the individual entered the U.S. in an eligible status, or the date an eligible status was granted in the U.S.
   (a) The entry date for an asylee is the date asylum status was granted in the U.S.
   (b) The entry date for individuals from Cuba or Haiti is the date documentation of status was issued by the United States citizenship and immigration services (USCIS).
   (c) The entry date for an adult victim of a severe form of trafficking is the certification date from the department of health and human services, office of refugee resettlement (ORR).
   (d) The entry date for a minor victim of a severe form of trafficking is the eligibility date from the letter issued by the ORR.
   (e) The entry date for a child with an interim assistance letter is the eligibility date from the letter issued by the ORR.
   (f) The entry date for Iraqi and Afghan individuals holding special immigrant visa status is the date the individual entered the U.S. or the date special immigrant status was granted in the U.S.

(4) "Family self-sufficiency plan" is a plan that addresses the employment-related service needs of the employable members in an RCA assistance group to assist the RCA assistance group in becoming self-supporting through the employment of one or more assistance group members.

(5) "Individual employability plan" is an individualized written plan for a refugee participating in RSSP or TAP services that sets forth a program of services intended to result in the earliest possible employment of the refugee.
"Mandatory participant" is any employable refugee receiving RCA who is required to participate in RSSP or TAP, resides in a county receiving an RSSP or TAP allocation pursuant to rule 5101:9-6-16 or 5101:9-6-16.1 of the Administrative Code.

"Matching grant program" is an alternative to public assistance designed to enable refugees to become self-sufficient within four to six months from their entry date. The ORR enters into agreements with resettlement agencies to provide case management, employment services, maintenance assistance and cash allowances to refugees who volunteer to participate in the program. As a condition of participation in the matching grant program, a refugee agrees not to access public cash assistance. The matching grant program begins the thirty first day after the entry date and typically ends three months later.

"Provider" is an organization with established programs of employment services and employability services, as described in rule 5101:1-2-40.3 5101:1-2-40.5 of the Administrative Code, including job referral and job placement with private employers designed to assist refugees in becoming employed.

"Reception and placement grants" are one-time cash grants from the U.S. department of state or department of justice to the resettlement agency on behalf of the refugee. This money is used to provide for the refugee family’s immediate needs upon arrival to the U.S. and is not considered as income.

"Refugee" means an individual with original documentation issued by the USCIS or the ORR, of one of the following statuses under the Immigration and Nationality Act of 1952 (INA):

(a) Paroled as a refugee or asylee under section 212 (d)(5) of the INA, 8 U.S.C. 1182 (05/2007)(03/2013);
(b) Admitted as a refugee under section 207 of the INA, 8 U.S.C 1157 (05/2005);
(c) Granted asylum under section 208 of the INA, 8 U.S.C. 1158 (05/2005)(12/2008);
(d) An alien who is a Cuban or Haitian entrant as defined in 45 C.F.R., part 401 (10/2009)(3/2000);
(e) An Amerasian admitted pursuant to section 584 of Public Law (Pub. L. No.) 100-202 (12/1987), as amended by Pub. L. No. 100-461 (10/1988);
(f) A victim of a severe form of human trafficking, as defined in the Victims of Trafficking and Violence Protection Act of 2000, 114 Stat. 1464, 22 U.S.C. 7102, who has a letter documenting eligibility as such from the ORR;
(g) A family member of a victim of a severe form of human trafficking, as defined by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193;
(h) An alien child issued an interim assistance letter from the ORR pursuant to the William Wilberforce Victims Protection Reauthorization Act of 2008, 22 U.S.C. 7105;
(j) A lawful permanent resident, provided the individual previously held one of the statuses identified in paragraphs (B)(10)(a) to (B)(10)(i) of this rule. The beginning date for eligibility for benefits is based on the entry date in the previous status.

"Resettlement agency" is a local affiliate or subcontractor of a national voluntary agency that has entered into a grant, contract, or cooperative agreement with the United States department of state or other appropriate federal agency to provide for the reception and initial placement of refugees in the U.S.
(12) "Sponsor" means an individual, church, civic organization, state or local government, or other group or organization which has agreed to help in the reception and initial placement of refugees in the U.S. and other public and private non-profit agencies.

(13) "Voluntary participant" is a refugee who lives in a county receiving an RSSP or a TAP allocation, whose entry date is fewer than five years before the application date and who is not required to participate in RSSP or TAP as a condition of receipt of RCA or who does not receive RCA.

Effective:

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Refugee cash assistance (RCA) provides time-limited cash assistance to refugees who are not eligible for Ohio works first (OWF) or supplemental security income (SSI) and who meet the other eligibility requirements of this rule.

(A) Who is eligible for RCA?

A refugee:

1. Who is not eligible for OWF or SSI;
2. Whose entry date is within eight months of the application date; and
3. Who meets the application and income requirements of this rule.

(B) Who is not eligible for RCA?

A refugee:

1. Participating in a matching grant program through a resettlement agency.
2. Who is eligible for OWF or SSI.
3. Who is a full-time student in an institution of higher education.
4. Who has quit a job or refused a valid offer of employment within the immediate thirty calendar days preceding the refugee's application for cash assistance.

(C) How long may a refugee receive RCA?

1. The eligibility period for RCA begins with the refugee's entry date and ends the last day of the eighth month after the entry date. When the first eight months since the entry date have passed, the refugee is no longer eligible for RCA.
2. The eligibility period for a refugee child with an interim assistance letter from the department of health and human services, office of refugee resettlement (ORR) ends ninety days after the refugee child's entry date.

(D) What are the eligibility criteria for RCA?

1. The application process and procedures are described in rule 5101:1-2-01 of the Administrative Code.
2. The reapplication process is described in rule 5101:1-2-10 of the Administrative Code.
3. Income eligibility, budgeting requirements and payment levels described in rule 5101:1-23-20 of the Administrative Code must be applied in the determination of initial eligibility, continued eligibility, and the amount of cash assistance for RCA.
   a. The following are not included in the eligibility determination:
      i. Resources remaining in the individual's country of origin;
      ii. Any assistance a refugee receives from a resettlement agency as part of the reception and placement grant; or
      iii. Resources and income of a sponsor.
   b. When the parent of a child in the RCA assistance group does not meet the status requirement as specified in paragraph (B)(10) of rule 5101:1-2-40 of the Administrative Code, the parent is excluded from the RCA assistance group. The income of the ineligible parent is counted as unearned income, following application of the income allocation methodology as described in rule 5101:1-23-20.2 of the Administrative Code.
Because a couple's eligibility is determined as an economic unit, the income of a spouse who is no longer RCA eligible due to the time limitation must be used in determining RCA eligibility for the spouse who is still within the time limit. The budgeting method described in paragraph (A)(2)(d) of rule 5101:1-23-20 of the Administrative Code is applicable in determining eligibility for the spouse who is still within the time limit.

When a required member of the RCA assistance group is ineligible for RCA because the member fails to meet the immigration status requirements as specified in paragraph (B)(10) of rule 5101:1-2-40 of the Administrative Code or because any of the conditions described in paragraph (I) of this rule are met, the income of the ineligible member is included in the determination of eligibility and payment level for the remaining member(s) of the RCA assistance group, as described in paragraphs (A)(2)(c), (C) and (H)(2) of rule 5101:1-23-20 of the Administrative Code.

The county agency shall prorate a payment when an assistance group has eligibility for less than a month's benefit as described in paragraph (G) of rule 5101:1-23-40 of the Administrative Code.

When a refugee applies for RCA and the only assistance payment would be for the refugee's last month of eligibility, the assistance payment must be made for that month, even if the payment is not issued until after the end of the last month of time-limited eligibility.

All refugees who allege blindness or a disability, or who are at least sixty-five years of age, shall be immediately referred to the social security administration to apply for SSI.

When a refugee has applied for SSI, the refugee may receive RCA until SSI benefits are approved for as long as the conditions of eligibility for RCA are met.

When an SSI payment is made in the same month an RCA benefit is issued, the county agency must initiate overpayment activity in accordance with rule 5101:1-23-70 of the Administrative Code.

What are the county agency's administrative responsibilities?

Verification and reporting procedures are described in rule 5101:1-2-20 of the Administrative Code.

Verification of the authenticity of documents provided by the individual through the automated systematic alien verification for entitlements (SAVE) system, as described in rule 5101:1-1-50 of the Administrative Code, applies to applicants for RCA.

When a refugee receiving reception and placement services from a resettlement agency applies for cash assistance, the county must:

Promptly notify the local resettlement agency that the refugee applied for cash assistance.

Confirm with the resettlement agency that the refugee has not voluntarily quit or refused a valid offer of employment in the thirty days prior to applying for cash assistance.

The county agency must notify the resettlement agency of any action which involves: the termination of benefits, the removal of one or more people from an assistance group, or a change in the delivery of benefits.

Rule 5101:1-1-03 of the Administrative Code applies to the confidentiality, safeguarding and sharing of information related to applicants, recipients or former recipients of RCA.

Rules 5101:1-23-70 and 5101:1-23-60 of the Administrative Code regarding recovery of overpayment and corrections of underpayments apply to former and current recipients of RCA.

An RCA applicant or recipient has all the hearing and notice requirement rights set forth in division 5101:6 of the Administrative Code.
The criteria for destruction of RCA assistance group records is subject to the procedures described in rule 5101:9-9-21 of the Administrative Code.

What are the work activity requirements for recipients of RCA?

1. Employable RCA recipients must participate in employment and employability services. Services may be provided by:
   
   (a) A refugee social services program (RSSP) provider who serves the county in which the recipient resides. The provider will complete the individual employability plan with the refugee and provide employment and employability services.
   
   (b) County agencies that receive a targeted assistance program (TAP) allocation, as described in rule 5101:1-2-40.5 of the Administrative Code. The refugee must abide by the agreed upon services in the individual employability plan as described in paragraph (E) of rule 5101:1-2-40.5 of the Administrative Code.

   2. There is no minimum number of hours of participation in employment or employability services to receive RCA.

   3. OWF work activity requirements do not apply to recipients of RCA.

What are the county agency responsibilities for employable RCA recipients?

County agencies shall:

1. Refer all employable RCA recipients to receive employment services through a provider of RSSP services or TAP within thirty days of receipt of assistance.

2. Inform a refugee receiving RCA in writing that failure without good cause to participate in employment services and employability services may affect the assistance payment.

3. Monitor changes in exemption status and refer refugees who are not exempt from participation to providers of employment and employability services.

4. Permit, but not require, the voluntary registration for employment services of an RCA recipient who is exempt from participation as set forth in paragraph (B)(2) of rule 5101:1-2-40 of the Administrative Code. The cash benefit cannot be impacted by failure or refusal to participate.

What are the responsibilities of county agencies without a provider or RSSP services?

1. Agencies may refer RCA recipients to employment services and English language training in their area.

2. RCA benefits cannot be impacted by a refugee's failure to voluntarily participate in services.

What are the refugee's responsibilities?

1. The refugee must provide documentation of refugee status, as described in paragraph (B)(10) of rule 5101:1-2-40 of the Administrative Code.

2. The refugee must provide the name of the resettlement agency that helped with resettlement in the United States. Refugees with status documentation described in paragraphs (B)(10)(a), (c), (d), (e), (f), (g), (h), (i) and (j) of rule 5101:1-2-40 of the Administrative Code, may not have worked with a resettlement agency and are therefore exempt from this requirement.

3. As a condition of receipt of RCA, all employable assistance group members are required to:
   
   (a) Participate in employment and employability services with a provider or TAP within thirty days of receipt of assistance;
   
   (b) Comply with the provisions of the individual employability plan as written by a RSSP or TAP provider;
   
   (c) Go to job interviews arranged by the county agency, provider or resettlement agency which was responsible for the initial resettlement of the refugee; and
   
   (d) Accept at any time, from any source, an offer of employment.
(4) No individual may be required to accept employment if:
   (a) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute; or
   (b) The individual would be required to work for an employer contrary to the conditions of existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which the refugee is a member may be deemed appropriate.

(5) A refugee is not required to accept an offer of employment if such a job would interrupt a program of services planned or in progress if:
   (a) The refugee is currently participating in on-the-job training provided at the employment site and is expected to result in full-time, permanent, unsubsidized employment with the employer who is providing the training; or
   (b) The refugee is participating in vocational training that:
       (i) Does not exceed one year;
       (ii) Is appropriate to the local labor market needs and is of sufficient quality to meet the requirements of local employers; and
       (iii) Is provided to the fullest extent possible outside normal working hours to avoid interference with employment; or
   (c) The refugee is participating in skills recertification services to help the refugee qualify to practice their profession in the United States. The training may consist of full-time attendance in a college or professional training program provided that:
       (i) The refugee is employed;
       (ii) The training is part of the refugee's individual employability plan;
       (iii) The training does not exceed one year in duration, including any time enrolled in such a program in the United States prior to the refugee's application for assistance;
       (iv) The training is specifically intended to assist refugees in becoming certified in their professions; and
       (v) If the training is completed, it can realistically be expected to result in such certification.

(6) The inability to communicate in English does not exempt a refugee from participation in employment services or acceptance of appropriate offers of employment.

(7) The refugee has ten calendar days to report a change in employment status or any other factor that may affect eligibility to the county agency or the provider.

(J) What if the refugee fails or refuses to cooperate with the individual employability plan, voluntarily quits a job or refuses a job offer?

(1) The county agency must determine whether good cause exists as described in rule 5101:1-3-13 of the Administrative Code.

(2) When an employable refugee quits a job or fails or refuses, without good cause, to comply with paragraph (J)(3) of this rule, sanctions are applied.
   (a) The sanction period is three payment months for the first failure. RCA is terminated for any subsequent failure.
   (b) If the sanctioned individual is the only member of the RCA assistance group, the assistance must be terminated for the sanction period.
(c) If there are other assistance group members, the county agency must not take into account the sanctioned individual's needs in determining the remaining assistance group's need for assistance.

(3) Refugees in receipt of RCA who are not considered employable in accordance with paragraph (B)(2) of rule 5101:1-2-40 of the Administrative Code, and who voluntarily participate in employability services and employment services must be deregistered from services for ninety days if they fail to comply with paragraph (I)(3) of this rule without good cause. The cash benefit shall not be impacted.

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The targeted assistance program (TAP) provides employment and employability services to refugees for the first five years from their entry date. The policies and procedures outlined in this rule apply to county agencies that receive a TAP allocation pursuant to rule 5101:9-6-16.1 of the Administrative Code.

**A** Who is eligible for TAP?

1. A refugee for whom less than five years have passed since their entry date and who reside in a county receiving TAP funds. If the county agency uses TAP funds for citizenship and naturalization services, there is no time limit for these services.
   - A refugee does not have to apply for or receive cash assistance to be eligible for TAP.
   - Resources and income of the refugee are not considered when determining eligibility for TAP.
   - A refugee receiving Ohio works first (OWF) is eligible to participate in TAP services that are not available as part of the OWF program in the county in which they reside.
   - A refugee participating in a matching grant program through a resettlement agency is eligible to participate in TAP services that are not included in the resettlement agency's matching grant program. TAP services as described in paragraph (D) of this rule cannot be provided to matching grant participants.

2. A refugee who is sixteen years of age or older and who is not a full-time student in elementary or secondary school, may receive services as described in paragraphs (C) and (D) of this rule if the services are intended to:
   - Lead to part-time or temporary employment while the person is a student; or
   - Lead to full-time employment upon completion of schooling.

3. A refugee child with an interim assistance letter from the department of health and human services, office of refugee resettlement (ORR), may receive services for up to ninety days after the individual's entry date.

**B** What criteria must employment, employment services, and employability services meet?

1. Employment or employability services may be provided by the county agency or a provider. A provider must agree to notify the county whenever a refugee fails or refuses to participate in required services or fails to accept an offer of employment.

2. Services must be refugee-specific and designed to meet individual refugee needs and lead to self-sufficiency as quickly as possible. Vocational or jobs skills training, on the job training, or English language training may be standardized and need not be specific to the refugee population.

3. Services must be provided to the maximum extent feasible:
   - In a manner that is culturally and linguistically compatible with a refugee's language and cultural background; and
   - Include the use of bilingual/bi-cultural women on service agency staff to ensure adequate service access by refugee women.

4. All assignments must be within the scope of the individual's employability plan, as described in paragraph (E) of this rule.

5. All services and employment must be related to the capability of the individual to perform the tasks on a regular basis.
The total daily commuting time to and from home to the service or employment site must not normally exceed two hours, not including the transporting of a child to and from a child care facility.

When child care is required, the care must meet the standards as described in rule 5101:1-3-13 of the Administrative Code.

The service or work site to which the individual is assigned must not be in violation of applicable federal, state, or local health and safety standards.

An assignment shall not be discriminatory based on age, sex, race, creed, color, or national origin.

Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work if such work meets the other standards of this rule.

The wage must meet or exceed the state or federal minimum wage, whichever is higher.

The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation.

No individual may be required to accept employment if:

(a) The position is vacant due to a strike, lockout, or other bona fide labor dispute; or
(b) The individual would be required to work for an employer contrary to the conditions of existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which the refugee is a member may be deemed appropriate.

The quality of training must meet the local employer’s requirements so that the individual is in a competitive position in the local labor market.

What employment and employability services may be provided?

1. Employment services including:
   (a) Development of a family self-sufficiency plan for each assistance group;
   (b) Development of an employability plan for each RSSP participant;
   (c) World of work and job orientation;
   (d) Job clubs;
   (e) Job workshops;
   (f) Job development;
   (g) Referral to job opportunities;
   (h) Job search; and
   (i) Job placement and follow-up.

2. Employability services including:
   (a) Employment-related case management services, including referral to services and the tracking of a refugee's participation in services.
   (b) English language training, with an emphasis on English as it relates to obtaining and retaining a job. The training must be provided concurrent with employment or other employment related services.
      (i) To avoid interference with employment, English language training must be provided outside normal working hours to the fullest extent possible.
      (ii) English language testing must be conducted to determine if the refugee is able to benefit from an available English language training program.
Refugees who test at a level above the available level of English language training are exempt from further participation in English language training.

Refugees who test at a level below the available level of English language training must participate in English language training.

What additional services are allowed with TAP?

(1) A county that receives a TAP allocation may arrange for refugees to participate in additional services as outlined in the individual employability plan. Services must be designed to lead to the earliest possible employment and may include the following employability services:

(a) Employability assessment services including aptitude and skills testing.

(b) On the job training, when such training is provided at the employment site and is expected to result in full-time, permanent, unsubsidized employment with the employer who is providing the training.

(c) Vocational training that meets the following requirements:
   (i) The training does not exceed one year;
   (ii) The training is appropriate to the needs of the local labor market and is of sufficient quality to meet the requirements of local employers; and
   (iii) The training is provided to the fullest extent possible outside normal working hours to avoid interference with employment.

(d) Skills recertification services to help refugees qualify to practice their professions in the United States. The training may consist of full-time attendance in a college or professional training program under the following conditions:
   (i) The refugee is employed;
   (ii) The training is part of the refugee’s individual employability plan;
   (iii) The training does not exceed one year in duration, including any time enrolled in such program in the United States prior to the refugee’s application for assistance; and
   (iv) The training is specifically intended to assist the refugee in becoming certified in their profession and if the training is completed, it can realistically be expected to result in such certification.

(e) Child care when necessary for participation in employment or employability services or for the acceptance or retention of employment.

(f) Transportation, including driver’s education, when necessary for participation in an employment or employability service or for the acceptance or retention of employment.

(g) Translation and interpreter services when necessary in connection with employment or participation in an employment service or employability service.

(h) Assistance in obtaining employment authorization documents.

(2) Other services may be provided to refugees with prior approval of the state refugee coordinator.

What is the family self-sufficiency plan (FSSP) and the individual employability plan (IEP)?

(1) The FSSP outlines the plan for an assistance group to become self-sufficient through the employment of one or more assistance group members. An FSSP must be completed for each assistance group receiving TAP services.

(2) An IEP documents a refugee’s participation in TAP and must:
   (a) Be developed as part of an FSSP, where applicable, for each TAP participant;
(b) Have a definite employment goal leading to the earliest possible employment, attainable in the shortest time period consistent with the employability of the refugee in relation to job openings in the area;

(c) Not discourage or delay looking for employment or accepting offers of employment; and

(d) Be completed in collaboration with the refugee and must be developed for each refugee receiving TAP services and may be modified to reflect changed services or employment conditions.

(F) Who develops the FSSP and IEP?

The FSSP and IEP may be developed by the county agency, the resettlement agency or a provider. If a plan is completed by an entity other than the county agency, the county agency may accept the plan if it determines that the plan is appropriate for the refugee and meets the requirements of this rule.

(G) What are the county agency responsibilities?

1. County agencies receiving a TAP allocation in accordance with rule 5101:9-6-16.1 of the Administrative Code shall:

   a. Afford all refugees an opportunity to apply for TAP. Refugees applying for or in receipt of refugee cash assistance (RCA) or refugee medical assistance do not need to complete a separate application for TAP;

   b. Determine eligibility for TAP within thirty days of the application date;

   c. Complete a family self-sufficiency plan for each assistance group; and

   d. Provide or arrange for employment and employability services for refugees in the following priority:

      i. Cash assistance recipients, particularly long-term recipients.

      ii. Unemployed refugees who are not receiving cash assistance.

      iii. Employed refugees in need of services to retain employment or to attain economic independence.

2. TAP case records must contain documentation of an individual’s refugee status in accordance with paragraph (B)(10) of rule 5101:1-2-40 of the Administrative Code, including copies of both sides of the status documentation.

3. Verification of the authenticity of documents provided by the individual through the automated systematic alien verification for entitlements (SAVE) system, as described in rule 5101:1-1-50 of the Administrative Code, applies to applicants for TAP.

4. Eligibility redetermination for TAP must be completed at least once every twelve months or more frequently if needed.

   a. Information regarding changes in TAP status may come from the refugee, the resettlement agency, or a provider.

   b. If a refugee begins working and is no longer eligible for RCA, mandatory TAP participation stops. The refugee may become a voluntary participant in TAP.

   c. If the county agency receives employment information that is questionable, the county shall request verification.

5. Information relating to applicants, participants, and former participants of TAP is subject to confidentiality standards described in section 5101.27 of the Revised Code.

6. A refugee applying for or in receipt of TAP has all the hearing and notice requirements as described in division 5101:6 of the Administrative Code. Except when services continue as a result of a timely hearing request, services must be terminated effective the end of the last month of the time-limited eligibility period as described in paragraphs (A)(1) and (A)(3) of this rule.
Each county receiving a TAP allocation must provide a plan to the Ohio department of job and family services (ODJFS) by September first of each year. The plan must:

(a) Describe the goals of the TAP program related to refugee employment in the county and plans to reach and monitor achievement of these goals;
(b) Describe how the county coordinates cash and medical assistance with TAP services to promote employability and economic self-sufficiency as quickly as possible;
(c) Describe how the county ensures that language training and employment services are made available to all refugees, including efforts to encourage registration for employment services;
(d) Explain how TAP allocations will be used and how services are selected and monitored;
(e) Ensure services are provided to refugees following the priority described in paragraph (G)(1)(d) of this rule;
(f) Designate a county agency staff person responsible for the coordination of TAP services to refugees in the county;
(g) Designate an individual to provide timely and accurate reports to ODJFS; and
(h) Assure:
   (i) Compliance with all state and federal statutes and regulations while in receipt of a TAP allocation.
   (ii) Services and benefits to refugees are coordinated and not duplicated within the county.
   (iii) Communication and collaboration occurs among refugee resettlement agencies, social service agencies, health providers, and public agencies serving refugees.
   (iv) The TAP allocation is used for employment and employability services designed to assist refugees in obtaining jobs with on one year of becoming enrolled in services. The goal is for refugees to achieve and maintain economic self-sufficiency.
Ohio Works Now (OWN) program provides additional food assistance benefits to Supplemental Nutrition Assistance Program (SNAP) assistance groups with minor children and employed parents to help offset the cost of being employed. The Ohio works now OWN food assistance benefit is part of the temporary assistance for needy families program (TANF) and therefore is subject to the requirements of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601.

(A) Who will receive the Ohio works now OWN food assistance benefit?

(1) Participation in the Ohio works now OWN program is determined automatically on a monthly basis based on data in the client registry information system-enhanced (CRIS-E) statewide automated eligibility system.

(2) For members of a food assistance SNAP assistance group to receive the Ohio works now OWN benefit, data in CRIS-E the statewide automated eligibility system must indicate the assistance group:

(a) Includes a minor child as defined in rule 5101:1-1-01 of the Administrative Code and the biological or adoptive parents of the minor child residing in the same household; or a pregnant woman with no other children who is at least in her sixth month of pregnancy; and

(b) At least one parent must be working thirty hours per week, with the exception of a single parent with a child under age six who is required to work twenty hours per week. Two-parent households are required to work a combined fifty-five hours per week with one parent working at least thirty hours per week.


(B) Who will not receive the Ohio works now OWN food assistance benefit?

(1) Any food assistance SNAP assistance group that includes a member that is also receiving Ohio works first OWF benefits in the month, including Ohio works first OWF benefits received pending a state hearing pursuant to rule 5101:6-4-01 of the Administrative Code;

(2) A member of a food assistance SNAPP assistance group that is receiving food assistance SNAP pending a state hearing on the issue of termination of benefits pursuant to rule 5101:6-4-01 of the Administrative Code; and

(3) Any food assistance SNAP assistance group that no longer meets the criteria set forth described in paragraph (A)(2) of this rule.

(C) How are Ohio works now OWN food assistance benefits issued?

(1) Ohio works now OWN food assistance benefits will be issued to eligible assistance groups on their existing food assistance SNAP electronic benefit transfer (EBT) card.

(2) Ohio works now OWN food assistance benefits shall be used pursuant to rule 5101:4-5-155101:4-1-04 of the Administrative Code.

(D) Are Ohio works now OWN benefits subject to Ohio works first OWF and food assistance program SNAP requirements?

(1) A family in receipt of Ohio works now OWN food assistance benefits is not subject to Ohio works first OWF requirements, including, but not limited to:

(a) Assigning child support or cooperating with child support enforcement as set forth described in rule 5101:1-3-10 of the Administrative Code.
(b) Participating in work activities as set forth described in rule 5101:1-3-12 of the Administrative Code.

(c) Counting any month of receipt toward the time-limited receipt of TANF assistance as set forth described in rule 5101:1-23-01 of the Administrative Code.

(2) Ohio works now OWN food assistance benefits shall not be used in the calculation of participation hours for the food assistance SNAP employment and training program as set forth described in rule 5101:4-3-31 of the Administrative Code.

(3) The Ohio works now OWN food assistance benefit shall not be considered in the food assistance SNAP income eligibility determination and allotment amount.

(E) How are the amount and duration of the Ohio works now OWN benefit determined?

(1) The amount of Ohio works now OWN food assistance benefits to be issued will be determined by the Ohio department of job and family services (ODJFS) and will be the same amount for each eligible food assistance SNAP assistance group. The monthly amount of Ohio works now OWN food assistance will be set forth described in an Ohio department of job and family services ODJFS cash assistance action change transmittal letter which that will be distributed to all county agencies.

(2) No more than one Ohio works now OWN food assistance benefit may be issued to a food assistance SNAP assistance group per month.

(3) In order to confine Ohio works now OWN expenditures to appropriated state funds, the director of the Ohio department of job and family services ODJFS, or his designee, may issue an order at any time suspending the program or reducing the benefit amount. The order will be distributed to all county agencies on the same day and will remain in effect until rescinded.

(F) What is the county agency's responsibility in the case of erroneous payments or fraud?

(1) Each county agency shall take action to recover fraudulent assistance as defined by rule 5101:1-23-75 of the Administrative Code.

   Cash, check, money order and credit or debit cards are acceptable forms of repayment; however, if when a county agency does not have the capability to accept credit or debit cards it does not have to accept this form of repayment.

(2) Ohio works now OWN food assistance benefits shall not be used to repay a claim of erroneous payment or overpayment for any public assistance program.
**A** What is the repatriate program?

The United States (U.S.) repatriate program provides temporary financial assistance, care and treatment for persons after they have returned to this country.

(1) The United States (U.S.) repatriate program provides temporary assistance, care and treatment for persons after they have returned to this country.

(2) Temporary financial assistance is provided in the form of a loan that is required to be repaid to the U.S. government. It may be furnished to individuals for up to a maximum of ninety days from the date of arrival in the U.S.

(3) Temporary financial assistance includes:

   (a) Cash assistance at the port of entry when it is determined that the repatriate has no such resources immediately available to him or her. Assistance provided to the individual includes:

      (i) Transportation costs – a one-time expense to assist individuals in reaching their place of residence, the home of relatives, or the place where they will be resettled. The lowest cost and most direct means of transportation shall be used unless effective service to the individual calls for providing other accommodations. Transportation assistance will cover expenses incidental to travel such as meals and lodging en route and assistance with luggage, checking, storage, or transportation of personal effects.

      (ii) Meals and food items – this includes the cost of a special diet as recommended by a physician;

      (iii) Clothing – an initial supply of clothing, including coats, boots, shoes, etc.; and

      (iv) Shelter – the need for temporary housing should not exceed five days at the point of entry.

      Cash assistance will be nominal in amount if the repatriate's needs for temporary shelter and food are being met on a congregate basis, with cash provided only for personal items.

   (b) The cost of necessary medical assistance, including payment of the cost of medical and hospital care which is necessary because of the condition of an eligible repatriate's health.

      (i) This care shall be paid in accordance with the Ohio department of job and family services (ODJFS) fee schedule.

      (ii) In lieu of the ODJFS fee schedule, the customary fees paid by other third-party groups such as health maintenance organizations may be paid.

   (c) The payment is based upon the TANF (Ohio works first-OWF) payment standard for the family assistance group size. There are other essential needs that may be provided such as household furnishings to make a home liveable and to provide for the safety, health and welfare of the repatriate and the repatriate's family. These needs can be authorized one-time only.

**B** What is temporary financial assistance?
(1) Temporary financial assistance is provided in the form of a loan that is required to be repaid to the U.S. government. It may be furnished to individuals for up to a maximum of ninety days from the date of arrival in the U.S.

(2) Temporary financial assistance:

(a) Includes cash assistance at the port of entry when it is determined that the repatriate has no such resources immediately available to him or her. Assistance provided to the individual includes:

(i) Transportation costs - a one-time expense to assist individuals in reaching their place of residence, the home of relatives, or the place where they will be resettled. The lowest cost and most direct means of transportation shall be used unless effective service to the individual calls for providing other accommodations. Transportation assistance will cover expenses incidental to travel such as meals and lodging en route and assistance with luggage, checking, storage, or transportation of personal effects.

(ii) Meals and food items - this includes the cost of a special diet as recommended by a physician;

(iii) Clothing - an initial supply of clothing, including coats, boots, shoes, etc.; and

(iv) Shelter - the need for temporary housing should not exceed five days at the point of entry.

(b) Shall be nominal in amount if the repatriate's needs for temporary shelter and food are being met on a congregate basis, with cash provided only for personal items.

(c) Includes the cost of necessary medical assistance, including payment of the cost of medical and hospital care that is necessary because of the condition of an eligible repatriate's health.

(i) This care shall be paid in accordance with the Ohio department of Medicaid (ODM) fee schedule.

(ii) In lieu of the ODM fee schedule, the customary fees paid by other third-party groups such as health maintenance organizations may be paid.

(d) Shall be based upon the Ohio works first (OWF) payment standard for the family assistance group size. There are other essential needs that may be provided such as household furnishings to make a home liveable and to provide for the safety, health and welfare of the repatriate and the repatriate's family. These needs can be authorized one time only.

(B) Who is eligible for assistance under the repatriate program?

In order for an individual to be eligible for assistance under the repatriate program, he or she shall meet the following:

(1) Eligibility must be certified by the U.S. department of state.

(2) The individual shall be a U.S. citizen or a dependent of a U.S. citizen including the following:

(a) Spouse;

(b) Parents;

(c) Spouse's parents;

(d) Grandparents;

(e) Unmarried minor children including adopted children and stepchildren;

(f) Unmarried adult children who are dependent because they have disabilities, including adopted children and stepchildren; and
Minor siblings of the U.S. citizen and his or her spouse.

The individual shall be returning to the U.S. from a foreign country as a result of:

- Destitution;
- Illness (including a mental disability); or
- War, threat of war or similar crisis.

The individual has no income or resources immediately available for living expenses.

- Assistance for repatriated U.S. citizens shall be given when the individual's liquid resources are at or below the maximum resource limits as set forth in rule 5101:4-4-01 of the Administrative Code and the income is insufficient to meet the expenses for food, clothing, shelter, medical care, and other essential needs.

- Resources to be considered are only those immediately accessible. Resources are considered immediately accessible when they are in existence, under the control of the individual, and when the individual can utilize them. The fact that an individual may have resources in a foreign country does not affect eligibility if the foreign country prohibits their removal.

- Income eligibility must be determined. The individual may have income through an employer prior to his or her repatriation. When this occurs, the income and eligibility calculation shall be determined in accordance with rule 5101:1-23-20 of the Administrative Code.

How does the repatriate program work?

1. The U.S. department of state certifies the person(s) who qualifies for assistance under this program.

2. If an individual returns to the U.S. because of destitution or illness and needs assistance, the U.S. department of state will notify the office of refugee resettlement (ORR) in the department of health and human services (DHHS), who makes a referral to the international social service-United States of America branch, incorporated (ISS-USA) with information about the individual situation, arrival time and final destination.

3. The ISS-USA will provide Ohio department of job and family services (ODJFS) with this information.

4. ODJFS shall contact the county agency in the county of final destination.

5. Following such notification, the county agency shall take the following actions:

   a. Determine the initial housing needed. If arrival occurs before the housing plans can be completed, a temporary hotel or motel may be used.
      - Contact any known relatives or friends to identify potential housing, or
      - Check with the domestic violence and homeless shelters, or
      - If arrival occurs before housing plans can be arranged, a temporary hotel or motel may be used.

   b. Make plans to meet the repatriate and the repatriate's family. In most instances, this will be at the local airport.

   c. Coordinate a psychiatric evaluation, if necessary.

   d. Advise the ISS-USA and ODJFS of the name, address and telephone number of the person meeting the repatriate and of the housing arrangements.

   e. Provide each repatriate with a copy of the "Welcome Package" provided by ISS-USA that is located at http://www.iss-usa.org/services/repatriation which explains the program and the requirements to repay the federal government for the cost of services received.
The individual will also be asked to complete the repatriation program consent form that is located at http://www.iss-usa.org/services/repatriation which allows the ORR, and the repatriation program to collect, have access to, and disclose protected health information for the purpose of making program financial decisions.

Establish a case record.

Determine the repatriate's ability to repay as set forth in paragraph (E) (G) of this rule and develop a repayment plan when possible.

Determine eligibility for repatriate assistance and authorize financial and medical assistance in the form of county money payments.

Refer all cases to the county agency social service area for counseling and referral for employment, referral for educational opportunities, occupational retraining, housing services, legal services, child care and protection, if indicated. Other services may also be necessary to help the repatriate and his or her family adapt to the changes in their circumstances and to become self-supporting as quickly as possible.

Explore eligibility for other programs such as OWF, medicaid, and food assistance.

Maintain a record of the period of eligibility and the amounts of the assistance the repatriate receives in two categories:

- Port of entry assistance (expenses at port of entry); and
- Subsistence and resettlement assistance (initial expenses for resettling).

.How long can an individual receive assistance under the repatriate program?

1. The assistance described in paragraph (A) (B)(3)(2)(c) (a) of this rule may be authorized for a period of up to ninety days from the day of arrival of the eligible person into the U.S., provided the individual or family is not eligible for OWF or supplemental security income (SSI). If the ninety-day period passes and there is no request for further assistance, the repatriate is no longer eligible under this program.

2. If the repatriate is not eligible for assistance through OWF or SSI and is unable to attain self-support due to age, disability, or lack of vocational training, repatriate assistance may be extended for an additional nine months when authorized by the ISS-USA.

3. The county agency shall submit any request for an extension to ODJFS, as soon as the need for additional assistance is recognized. The request for additional repatriate assistance shall be submitted prior to the expiration of the initial ninety-day period of eligibility.

4. All requests for an extension of temporary assistance beyond the ninety-day period shall include the following information:

   a. The names of all family members, their country of citizenship, and their relationship to the U.S. citizen;
   b. Date and port of entry into the U.S.;
   c. Documentation regarding why the family is not eligible for or receiving OWF or SSI assistance;
   d. For cases where immigration status precludes a family from meeting eligibility for OWF assistance, the county agency shall document its efforts to resolve U.S. citizenship and immigration barriers;
   e. A statement describing the job search efforts of the head or heads of household; and
   f. Any special circumstances which describe the reasons why an individual or family is unable to achieve self-support should also be stated in the request.

How much assistance can an individual receive under the repatriate program?
The maximum amount of assistance that an individual may be eligible to receive each month of the ninety-day period shall be based on the appropriate OWF payment standard for the family assistance group size.

(F)(G) Is repayment required for individuals who receive assistance under the repatriate program?

1. An individual who has received repatriate assistance shall be required to repay any or all of the cost of such assistance to the U.S. A cooperative agreement exists between the ORR and the ISS-USA. A county agency who provides assistance to eligible individuals under the repatriate program will receive reimbursement from the ISS-USA.

2. The county agency shall evaluate the repatriate's ability to repay during the initial contact and interview. The repatriate shall be required to sign the "Privacy Act Statement/Repayment Agreement" that is located at http://www.iss-usa.org/services/repatriation regardless of his or her ability to repay or the county agency recommendation to waive the repayment. The county agency shall forward the recommendation regarding financial ability of the repatriate to make repayment, the repatriation program consent form if signed, and the "Privacy Act Statement/Repayment Agreement" to ISS-USA within ten business days of the initial contact with the repatriate.

3. In exploring the repatriate's ability to repay, the county agency shall take into account income and resources currently available to the repatriate and those resources which may be available in the future.

4. Ability to repay will be considered to exist when income and/or resources in excess of continuing needs can be expected to become readily available to the individual within one year after self-support is attained. It is not intended that an individual deplete income and/or resources which are needed to become independent or to maintain independence in order to repay the federal government. Income and/or resources are to be considered readily available when they are in existence, under the control of the repatriate, and sufficient to be drawn upon for repayment. When exploring the repatriate's ability to repay, such factors as the type of usual occupation, amount of indebtedness, and employment history shall be considered.

5. Assistance that is less than fifty dollars is impractical for collection and is not required to be repaid.

(G)(H) What are the other requirements under the repatriate program?

1. In the event of emergency repatriation situations that result from the U.S. department of state-assisted evacuation of U.S. citizens from a country due to crisis or natural disaster, the ORR will assume administrative responsibilities. These situations will generally be handled by the ORR as the lead agency responsible for arranging through state agencies for the reception, temporary care, and onward transportation to the final destination of non-combatant evacuees returned to the U.S. from a foreign country.

2. Financial assistance under the repatriate program is subject to one hundred per cent federal reimbursement. It is essential that the county agency submit claims as soon as possible after the end of each month, but no later than ten business days after the close of the month. If claims cannot be submitted within the time frame designated, the county agency shall notify ISS-USA so that regulations can be followed to assure that federal funds will be obligated and available to pay the claim when it is received.

3. The county agency is required to keep separate accounts for the repatriate program so that the transactions may be readily identifiable from those of other programs. A separate fiscal record should be established and maintained for each person for whom expenditures are made with sufficient information, including copies of bills paid and receipts, to enable the county agency to identify and support the costs for which reimbursement is requested.

4. All hearing rights in accordance with division 5101:6 of the Administrative Code are to be afforded to applicants or recipients of the repatriate assistance program who wish to appeal a decision made by the county agency.
Effective: 11/01/2015

Five Year Review (FYR) Dates: 06/23/2015 and 11/01/2020

Certification: CERTIFIED ELECTRONICALLY

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Promulgated Under: 119.03

Statutory Authority: 5101.02, 5101.49

Rule Amplifies: 5101.49

Prior Effective Dates: 1/1/74, 11/1/75, 7/1/76, 4/1/86, 10/1/89 (Emer.), 12/16/89, 5/1/95, 7/1/97, 7/1/98, 7/1/03, 9/1/08, 8/1/10
Federal or State minimum wage and mileage reimbursement, which one do I use?

Click here to view Federal or State minimum wage and mileage reimbursement, which one do I use?
Verification Requirements and Reason Codes

Click here to view Verification Requirements and Reason Codes

Click here to view the 2012 Monthly FPG Chart
Monthly Federal Poverty Guideline (FPG) Measure (2011)

Click here to view the 2011 Monthly FPG Chart

Click here to view the 2009 Monthly FPG Chart

Click here to view the 2008 Monthly FPG Chart

Click here to view the 2007 Monthly FPG Chart

Click here to view the 2006 Monthly FPG Chart

Click here to view the 2005 Monthly FPG Chart
JFS 01459  Refugee Services Secondary Migrant Report

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01459
JFS 03801-SPA   Contrato De Autosuficiencia Ohio Works First (Spanish version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=03801
JFS 03801-SOM  Shaqooyinka Marka Hore Ee Ohio (Somali version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=03801
JFS 03900  Notice of Intercounty Transfer
http://www.oddjs.state.oh.us/forms/findform.asp?formnum=03900
JFS 04219  Request for Contact.
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=04219
JFS 05101  Individual Development Account Report.
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=05101
ODHS 6903LEAP - Learning, Earning, and Parenting Program - School Absence Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=06903
JFS 06904  LEAP - Learning, Earning, and Parenting Program - Seven-Day Good Cause Notice
http://www.oddjs.state.oh.us/forms/findform.asp?formnum=06904
JFS 06905  LEAP - Learning, Earning, and Parenting Program - An Agreement
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=06905
JFS 06907  LEAP - Learning, Earning, and Parenting Program - School Information Release Form

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=06907
JFS 07004  Social Summary Report for Disability Determination
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07004
JFS 07092  Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)

http://www.oddjs.state.oh.us/forms/findform.asp?formnum=07092
JFS 07092-SOM  Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA) (Somali)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07092
JFS 07095  Erroneous Benefit Determination
http://www.oddjfs.state.oh.us/forms/findform.asp?formnum=07095
JFS 07104  Application/Reapplication Verification Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07104
JFS 07105  Application/Reapplication Verification Request Checklist
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07105
JFS 07105-SPA   Lista de Control Para Solicitud y Renovacion
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07105
JFS 07107  Notice of Interim Assistance Reimbursement
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07107
JFS 07200  Request for Cash, Food Stamp and Medical Assistance
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07200
JFS 07200-SPA  Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia, Medica
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07200
JFS 07200-SOM  Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07200
JFS 07204  Request to Reapply For Cash and Food Assistance
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07204
JFS 07217  Voter Registration Notice of Rights and Declination
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07217
JFS 07217-SPA   Voter Registration Notice of Rights and Declination (Spanish)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07217
JFS 07233  Authorization for Reimbursement of Interim Assistance - Initial Posteligibility Payment.
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07233
JFS 07319  Authorization for Reimbursement of Interim Assistance Initial Payment
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07319
JFS 07344  Direct Deposit Authorization
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07344
JFS 07501  Your Rights and Responsibilities
http://www.ohdjs.state.oh.us/forms/findform.asp?formnum=07501
JFS 07501-SPA  Sus Derechos y Obligaciones
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07501
JFS 07501-SOM  Xuquuqdaada iyo Waajibaadka
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07501
JFS 08024  Domestic Violence: You have a Right to be Safe
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=08024
Sample Forms
Application Follow-up Letter

Sample of the Application Follow-up Letter
In this packet of material you will find an application for public assistance. You will need to complete, sign and date this application and return it to the county department of human services as soon as possible. The county department of human services must inform you of the decision reached on your application within 45 days of the date you file a signed and dated application.

You may submit your application at any time in person or by mail. **The date of application is the date on which a signed and dated application form is received by the CDHS.**

It is important that you read this letter and the enclosed material thoroughly so that you will know what to bring with you when you come for the interview and how the application will be processed.

**THINGS YOU MUST DO:**

You must **truthfully** complete the application and sign and date it. If you need help in completing the application form, you may have a friend or relative help you. If someone helps you, there is a place for the person to sign the form as someone who helped you. **Do not pay someone to help you.** If there is no one you want to ask to help fill out the application, please ask for help at the county department of human services. Someone there will help you.

You must come to the scheduled interview to discuss your application with a caseworker. You must tell the county department as soon as possible if you cannot come to the interview at the date and time you are scheduled. Your interview can be rescheduled if necessary. **If you cannot come at the time scheduled or you are late for the interview, your assistance may be delayed or denied.** Each adult member 18 years of age or older applying for assistance should come to the scheduled interview, if possible.

**NOTE:** You are not required to come to the county department of human services for an interview if you are applying for Healthy Start/Expedited Medicaid only. You can complete the application process by mail.

You must provide proof of the statements made on your application form and/or in your CRIS-E interactive interview. Things you must bring to prove your statements are listed on the ODHS 7104 "Application/Reapplication Verification Request" enclosed with this packet. The county department of human services will be unable to determine your eligibility for assistance without the required verifications.

You must **report** any changes (e.g., move, get a job, have a baby) in your situation **within ten calendar days** to the county department of human services.

**WAYS YOU CAN HELP THE COUNTY DEPARTMENT OF HUMAN SERVICES MAKE A PROMPT DECISION ON YOUR APPLICATION:**

You can **ask questions** when you do not understand something.

You can tell the county department of human services if you need help in completing the application form or completing the interactive interview.

You can tell the county department of human services when you are having trouble getting any verifications requested.

You can keep your appointments with the county department of human services and show up on time.

You can try to make arrangements for the proper supervision of your children during your appointments with the county department of human services. If you cannot leave your children with a babysitter or relative, please try to bring someone with you who can watch your children while you are meeting with your caseworker.

**YOU HAVE A RIGHT TO:**

**Ask questions** about any part of your case.

Have a **state hearing** if you think something is wrong with any part of your case.

Have any information you give the county department of human services kept **confidential.**
See the manuals used to determine your eligibility.

Review your assistance group record or those CRIS-E screens showing the information you provided and the CRIS-E screens showing the results.

Have a **prompt decision** on your application.

**Receive a written notice** explaining the type and amount of assistance you are eligible to receive.

Reapply for assistance at any time.

If you have any questions about the completion of this application, please contact the county department of human services.
Authorization for County Welfare Department to Endorse Warrant
Sample Authorization for County Welfare Department to Endorse Warrant - Power of Attorney
IEVS Guide to Information Returns
Currently not available in electronic format.
IEVS Sample Format to Request IEVS Verification

Sample [Format to Request IEVS Verification](#)
IEVS Sample Format to Record IVES Disclosure

Sample Format to Record IVES Disclosure
IEVS Specification Glossary

Definitions are found under the Form on which information is reported.

This glossary is only a guideline of definitions to help local offices in understanding the meaning of data received. It is a list of unofficial definitions that cannot be used in any legal action. Legal definitions must take precedence in a court of law.
Form W2-G
GROSS WINNINGS--A payer of gambling winnings must report any winnings over $600 on a Form W-2G. Any person receiving a payment with respect to a wager in a sweepstakes, wagering pool, lottery, or other wager (including a parimutuel pool with respect to horse races, dog races, or jai alai) makes a statement to the payer of those winnings upon the payer's demand. A racetrack is required to furnish the IRS only the names of recipients of payments of $600 or more. Payment of gambling winnings of $1,200 or more from bingo or slot machine play or $1,500 or more from keno games must be reported. Nevada gambling casinos must file information returns for bingo and keno payoffs of $600 or more. There is no underlying asset account. The money field is positive.

ADDITIONAL WINNINGS FROM IDENTICAL WAGER--An identical wager is more than one wager on the same exact thing (for example, two $2 bets on a particular horse to win the same race). All identical wagers are aggregated to determine if the total amount is more than $1,000. There is no underlying asset account. The money field is positive.
Forms 1041, 1065, 1120s, K1

DISTRIBUTIVE SHARES—In a trust/partnership/subchapter S corporation each beneficiary/partner/shareholder must report his or her distributive share of income or loss whether or not it is actually distributed. Generally, the distributive share is determined by the trust instrument, partnership agreement, or shareholding. The underlying asset account is the economic interest of the payee. The money field could be positive or negative (-).

INTEREST—This is any interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a corporation in registered form, or interest on other evidences of indebtedness issued by a corporation of a type offered by corporations to the public. Includes interest on deposits with a bank and amounts paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares. Also interest on amounts held by an insurance company under an agreement to pay interest and interest on deposits with stockbrokers and dealers in securities. Interest payments of $10 or more are reported. The underlying asset account is the bond or deposit generating the interest. The money field is positive.

DIVIDENDS—A distribution of property (usually cash) made by a corporation to its shareholders. Generally the payment is made out of its earnings and profits. The underlying asset account is the stock held. The money field is positive.
Form 1099-PATR

PATRONAGE DIVIDENDS--An amount paid to a patron by an organization on the basis of quantity or value of business done with or for the patron, under an obligation of the organization to pay the amount. The obligation existed before the organization received the amount paid. This is determined by reference to the net earnings of the organization from business done with or for its patrons. The amount reported is for payments of $10 or more during the calendar year. There is no underlying asset account. The money field is positive.

NON-PATRONAGE DISTRIBUTIONS--Includes amounts paid as dividends on the cooperative's capital stock during the taxable year. Also amounts paid in money, qualified written notices of allocation, or other property and paid on a patronage basis to a farmers cooperative's patrons from earnings which result from business done for the United States or any of its agencies, or from earnings from sources other than patronage. Underlying asset account is the stock. The money field is positive.

PER-UNIT RETAIN ALLOCATIONS--Form 1099-PAIR shows total per-unit retain allocations paid in cash, qualified per-unit retain certificates (face amount), and other property. Per-unit Retail Allocation means any allocation by an organization to a patron with respect to products marketed for him. There is no underlying asset account. The money field is positive.

REDEMPTION OF NON-QUALIFIED AND RETAIN ALLOCATIONS--All redemptions or nonqualified written notices of allocation issued as patronage dividends, nonqualified written notices of allocation issued as nonpatronage allocation (applicable only to certain qualified farmers cooperatives), and nonqualified per-unit retain certificates, issued with respect to marketing. There is no underlying asset account. The money field is positive.

INVESTMENT CREDIT--No longer available. Not an income item.

ENERGY INVESTMENT CREDIT--No longer available. Not an income item.

JOBS CREDIT--No longer available. Not an income item.
Form 1099-G

UNEMPLOYMENT COMPENSATION--Generally includes any amount received under an unemployment compensation law of the United States or of a state. It includes benefits paid by a state or the District of Columbia from the Federal Unemployment Trust Fund and railroad unemployment compensation benefits of $10 or more. There is no underlying asset account. The money field is positive.

PRIOR YEAR REFUND--Refunds, credits, or offsets of state or local income tax for which the recipient previously had been allowed a deduction on his/her Federal income tax return. Payments of $10 or more are reported. There is no underlying asset. The money field is positive.

DISCHARGE OF INDEBTEDNESS--Any amount in excess of $600 that was owed to the Federal Government and that has been declared uncollectible as a result of a defaulted obligation, not in dispute, and either a Federal statute expiration for collection of the debt has occurred or a formal compromise agreement has been entered into. If an amount less than the amount owed is accepted as payment in full, the difference between the amount of the debt and the settlement amount is entered on 1099-G. The discharge or forgiveness of indebtedness is taxable income to the person originally liable for that amount. There is no underlying asset account. The money field is positive.

TAXABLE GRANT--A grant administered by a Federal, state or local program to provide subsidized energy financing or grants for projects designed to conserve or produce energy. Also reported are other taxable Federal grants of $600 or more. There is no underlying asset account. The money field is positive.

AGRICULTURAL SUBSIDIES--U.S.D.A. agricultural subsidy payments made to recipients during the year. Form 4347 has been issued for optional use by persons who, as payees of record, receive from the U.S. Department of Agriculture cash program payments belonging to other persons. Form 1099-G reports the actual owner of the payments. There is no underlying asset account. The money field is positive.
**Forms 1099-DIV**

DIVIDENDS--A distribution of property (usually cash) made by a corporation to its shareholders. Generally the payment is made out or its earnings and profits. The underlying asset account is the stock held. The money field is positive.

CAPITAL GAINS--Capital gain net income is the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges or an asset given this effect under the Internal Revenue Code. The capital asset is stock held by the taxpayer. The money field is positive.

NON-TAXABLE DISTRIBUTIONS--Generally, any distribution made out of earnings and profits by a corporation to its stockholders is considered a dividend. However, a distribution is not a taxable dividend if it is a return of capital to the stockholder. Most distributions are in money, but they may also be made in stock or other property. The underlying asset account is the stock held. The money field is positive.

CASH LIQUIDATION DISTRIBUTION--An interest in a corporation may be disposed of by sale or exchange of the capital stock, by redemption of the stock by the corporation, or by complete or partial liquidation of the corporation. There is no underlying asset account since the corporate interest has been liquidated. The money field is positive.

NON-CASE LIQUIDATION DISTRIBUTION--A corporation making any distribution in liquidation must file a Form 1099-DIV in each calendar year of the liquidation for each stockholder to whom it makes a distribution of $600 or more during the year. The basis of property received in a distribution in complete or partial liquidation in which gain or loss is recognized by the stockholder is the fair market value of the property at the time of distribution. If no gain or loss is recognized on the distribution, the basis of the property distributed is the adjusted basis of the stock surrendered. The asset account was the stock surrendered. The money field is positive or negative (-).

DIVIDENDS QUALIFYING FOR EXCLUSION--Up to $100 of qualifying dividends received can be excluded from income (on a joint return, up to $200). Only certain dividends qualify for exclusion. The Form 1099-DIV indicates whether the dividends received qualify for the exclusion. The underlying asset account is the stock. The money field is positive.

DIVIDENDS NOT QUALIFYING FOR EXCLUSION--Certain stock dividends do not qualify for the exclusion. The underlying asset account is the stock. The money field is positive.

INTEREST--This is any interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a corporation in registered form, or interest on other evidences of indebtedness issued by a corporation of a type offered by corporations to the public. Includes interest on deposits with a bank and amounts paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares. Also interest on amounts held by an insurance company under an agreement to pay interest and interest on deposits with stockbrokers and dealers in securities. Interest payments of $10 or more are reported. The underlying asset account is the bond or deposit generating the interest. The money field is positive.

SAVINGS BONDS--Amounts of interest on U.S. Savings Bonds, Treasury bills, Treasury notes, and Treasury bonds. The underlying asset is the bond/note which may, however, have been redeemed with the interest generated at the time of redemption. The money field is positive.

INTEREST FORFEITURE--Amounts of interest or principal forfeited as a penalty for early withdrawal of savings from a time savings account. Underlying asset account is the amount of the early withdrawal. The money field is positive.

Items below relate to the proceeds from broker and barter exchange transactions. Form 1099-B reports proceeds paid from broker and barter exchange transactions for each person for whom the broker has sold stock, bonds, commodities, regulated futures, contracts, etc., or who exchanged property or services through the barter exchange. Any person, including a governmental unit and any agency or instrumentality doing business as a broker or barter exchange files a Form 1099-B.
Broker means a person that, in the ordinary course of a trade or business, stands ready to effect sales to be made by others. The transactions involving regulated futures or foreign currency contracts are reported on an aggregate basis.

Barter exchange means any person with members or clients that contract either with each other or with such person to trade or barter property or services either directly or through such person. The term does not include arrangements that provide solely for the informal exchange of similar services on a noncommercial basis.

STOCKS AND BONDS --The gross proceeds from any disposition of securities (including short sales), commodities, or forward contracts. The underlying asset was the item disposed of. The money field is positive.

BARTERING--Gross amounts received by a member or client of a barter exchange for goods or services. This includes cash received, property or services received, a credit on the books, or scrip issued. There is no underlying asset account. The money field is positive.

AGGREGATE PROFIT AND LOSS--In a bartering transaction, the aggregate profit or (loss) for the year from regulated futures or foreign currency contracts. The underlying asset account is the futures or currency contracts. The money field is positive or negative (-).

PROFIT AND LOSS LAST HALF OF 1986--In a bartering transaction, the profit or (loss) realized by the customer on closed regulated futures or foreign currency contracts in 1986. The underlying asset is the futures or currency contracts. The money field is positive or negative (-).

UNREALIZED PROFIT AND LOSS ON OPEN CONTRACTS FROM 1985--In a bartering transaction, the unrealized profit or (loss) on open regulated futures on foreign currency contracts at the end of 1985. The underlying asset is the futures or currency contracts. The money field is positive or negative (-).

UNREALIZED PROFIT AND LOSS ON OPEN CONTRACTS FOR 1986--In a bartering transaction, the unrealized profit or (loss) on open regulated futures or foreign currency contracts on December 31, 1986. The underlying asset is the futures or currency contracts. The money field is positive or negative (-).

EXCESS GOLDEN PARACHUTE--Payments in which a corporation agrees to pay key personnel additional compensation packages in lieu of continued employment. Generally, the payment is considered excessive if it equals or exceeds three times the average compensation of the recipient over the previous 5 year period. There is no asset account. The money field is positive.

PRIZES AND AWARDS --Gross income includes all amounts received as prizes and awards, unless it is a scholarship or fellowship grant excluded from gross income. These prizes and awards include (but are not limited to) prizes and awards in contests of all types, as well as any prizes and awards from an employer to an employee in recognition of some achievement in connection with his employment. If the prize or award is not made in money but is made in goods or services, the fair market value of the goods or services is the amount included in income. There is no underlying asset. The money field is positive.

RENTS--Compensation made in any form, by a tenant to a landlord or owner for the use of land, buildings, or any property, movable or fixed, especially when paid in money at regular or specified intervals. A real estate agent reports on Form 1099-MISC the gross amount of rents collected on behalf of a property owner (without deduction or commissions, fees or expenses retained), if such amount totals $600 or more during the taxable year. The underlying asset is the property rented. The money field is positive.

ROYALTIES--A share of proceeds paid to a proprietor, author, or inventor, by those doing business under some right belonging to him. Royalty payments, aggregating $600 or more in a calendar year, made by a publisher directly to an author or his literary agent (individual or partnership, not a corporation) must be reported on Form 1099-MISC. The agent, must file information returns showing the gross amount he received from the publisher (prior to any deduction of commissions, fees, and expenses) and paid over to the author. There may or may not be an underlying asset such as a copyright, patent, land, etc. The money field is positive.

SUBSTITUTE PAYMENTS--A payment in lieu of: (1) tax-exempt interest to the extent that interest has accrued while a short sale was open, and (2) a dividend, if the ax-dividend date is after the transfer of stock.
for use in a short sale and before the closing of the short sale. The underlying asset account is the bond/stock used in the short sale. The money field is positive.

INTEREST FORFEITURE--Amounts of interest or principal forfeited as a penalty for early withdrawal of savings from a time savings account. Underlying asset account is the amount of the early withdrawal. The money field is positive.

ORIGINAL ISSUE DISCOUNT--The difference between the issue price and the stated redemption price at maturity. In the case of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, "issue price" means the initial offering price to the public at which price a substantial amount such bonds, etc. were sold. The underlying asset is the bond generating the OID.

On these transactions, the underlying asset account will be the total amount distributed to the taxpayer.

IRA DISTRIBUTIONS--Amount distributed from an Individual Retirement Arrangement (IRA), Simplified Employee Pension (SEP), or Deductible Voluntary Employee Contribution (DEC). May be includible in recipient's current income. Total does not include any amounts paid for IRA insurance protection. The underlying asset account is the plan generating the income. The money field is positive.

EMPLOYEE CONTRIBUTIONS--Employee contributions made to a profit sharing or retirement plan, or insurance premiums. This is the amount actually contributed by employee over years under the retirement or profit-sharing plans plus any employer-contributed amounts considered to have been contributed by the employer. This is also the accumulated cost of premiums paid for life insurance protection, taxable to the employee in previous years and in the current year and premiums paid on commercial annuities.

ORDINARY INCOME and CAPITAL GAIN--Upon retirement an allocation of the taxable portion of a lump-sum distribution between long-term capital gain and ordinary income is made on the basis of the number of employee's months of plan participation before 1974 and after 1973. A lump-sum distribution is a payment of the entire balance to the credit of a participant in a qualified plan within one taxable year of the participant. A 1099-R is issued by the payer of the lump-sum distribution to show the allocation between capital gain and ordinary income. Money field is positive.

GROSS INCOME--Total of ordinary income and capital gain distributed.

UNREALIZED APPRECIATION--Net unrealized appreciation in employer's securities. In a trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries, if a distribution includes securities of the employer corporation (or a subsidiary of the parent corporation) and the net unrealized appreciation in the employer's securities can be computed, it would be reported on the Form 1099-R. Money field is positive.

OTHER INCOME--Payers whose distribution includes items not covered by any other entries on Form 1099-R and information to employees or beneficiaries is desired would report it as other income. (For example the current actuarial value of an annuity contract that is a part of a lump-sum distribution or the value of US retirement bonds that may be distributed to employees or beneficiaries.)

The underlying asset will be the plan to which contributions were made.


ROLLOVER IRS DEC CONTRIBUTIONS--An individual may withdraw all or part of one IRA, SEP or DEC and transfer it to another IRA.

IRA OR DEC CONTRIBUTION TY 85 IN 86--Contributions made in 1986 up to April 15, 1986 for tax year 1985.

The underlying asset would be any distribution of proceeds on foreclosure etc.

DEBT OUTSTANDING-Reported on Form 1099-A, Information Return for Acquisition or Abandonment of Secured Property, for each borrower if money is lent in connection with the trade or business and, in full or partial satisfaction of the debt, an interest in property that is security for debt is acquired, or the lender has reason to know that the property has been abandoned.
Property means real property, such as a personal residence, intangible property, or tangible personal property held for investment or used in a trade or business. This is the debt outstanding at the time the interest in the property was acquired or on the date one first knew or had reason to know that the property was abandoned.

DEBT SATISFIED--For acquisition by the lender only of property, the amount of debt satisfied by the acquisition.

FAIR MARKET VALUE--The standard for determining value of property received in an exchange or acquisition. In the case of foreclosure, execution, or similar sale, the proceeds of sale will be considered the fair market value of the property in the absence of clear and convincing evidence to the contrary. Money field is positive.

Several of the IRS documents available that can give you information are listed below. These can be obtained from your local IRS office.

Instruction to Filers of Forms 1099, 1098, 5498, 1096, and W2-G
Publication 916, Information Returns
Publication 550, Investment Income and Expenses
Publication 525, Taxable and Nontaxable Income
Publication 905, Tax Information Unemployment Compensation

The table below references month/year 7/90 through 7/97.

QUALIFYING FOR EXCLUSION--Certain stock dividends do not qualify for the exclusion. The underlying asset account is the stock. The money field is positive.
Form 1099-INT

INTEREST--This is any interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a corporation in registered form, or interest on other evidences of indebtedness issued by a corporation of a type offered by corporations to the public. Includes interest on deposits with a bank and amounts paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares. Also interest on amounts held by an insurance company under an agreement to pay interest and interest on deposits with stockbrokers and dealers in securities. Interest payments of $10 or more are reported. The underlying asset account is the bond or deposit generating the interest. The money field is positive.

SAVINGS BONDS--Amounts of interest on U.S. Savings Bonds, Treasury bills, Treasury notes, and Treasury bonds. The underlying asset is the bond/note which may, however, have been redeemed with the interest generated at the time of redemption. The money field is positive.

INTEREST FORFEITURE--Amounts of interest or principal forfeited as a penalty for early withdrawal of savings from a time savings account. Underlying asset account is the amount of the early withdrawal. The money field is positive.
Form 1099-B

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Broker means a person that, in the ordinary course of a trade or business, stands ready to effect sales to be made by others. The transactions involving regulated futures or foreign currency contracts are reported on an aggregate basis.

Barter exchange means any person with members or clients that contract either with each other or with such person to trade or barter property or services either directly or through such person. The term does not include arrangements that provide solely for the informal exchange of similar services on a noncommercial basis.

STOCKS AND BONDS--The gross proceeds from any disposition of securities (including short sales), commodities, or forward contracts. The underlying asset was the item disposed of. The money field is positive.

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Form 1099-MISC

EXCESS GOLDEN PARACHUTE--Payments in which a corporation agrees to pay key personnel additional compensation packages in lieu of continued employment. Generally, the payment is considered excessive if it equals or exceeds three times the average compensation of the recipient over the previous 5 year period. There is no asset account. The money field is positive.

PRIZES AND AWARDS --Gross income includes all amounts received as prizes and awards, unless it is a scholarship or fellowship grant excluded from gross income. These prizes and awards include (but are not limited to) prizes and awards in contests of all types, as well as any prizes and awards from an employer to an employee in recognition of some achievement in connection with his employment. If the prize or award is not made in money but is made in goods or services, the fair market value of the goods or services is the amount included in income. There is no underlying asset. The money field is positive.

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SUBSTITUTE PAYMENTS--A payment in lieu of: (1) tax-exempt interest to the extent that interest has accrued while a short sale was open, and (2) a dividend, if the ex-dividend date is after the transfer of stock for use in a short sale and before the closing of the short sale. The underlying asset account is the bond/stock used in the short sale. The money field is positive.
Form 1099-OID

INTEREST FORFEITURE--Amounts of interest or principal forfeited as a penalty for early withdrawal of savings from a time savings account. Underlying asset account is the amount of the early withdrawal. The money field is positive.

ORIGINAL ISSUE DISCOUNT--The difference between the issue price and the stated redemption price at maturity. In the case of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, “issue price” means the initial offering price to the public at which price a substantial amount such bonds, etc. were sold. The underlying asset is the bond generating the OID.
Form 1099-R

On these transactions, the underlying asset account will be the total amount distributed to the taxpayer.

IRA DISTRIBUTIONS-- Amount distributed from an Individual Retirement Arrangement (IRA), Simplified Employee Pension (SEP), or Deductible Voluntary Employee Contribution (DEC). May be includible in recipient's current income. Total does not include any amounts paid for IRA insurance protection. The underlying asset account is the plan generating the income. The money field is positive.

EMPLOYEE CONTRIBUTIONS-- Employee contributions made to a profit sharing or retirement plan, or insurance premiums. This is the amount actually contributed by employee over years under the retirement or profit-sharing plans plus any employer-contributed amounts considered to have been contributed by the employer. This is also the accumulated cost of premiums paid for life insurance protection, taxable to the employee in previous years and in the current year and premiums paid on commercial annuities.

ORDINARY INCOME and CAPITAL GAIN-- Upon retirement an allocation of the taxable portion of a lump-sum distribution between long-term capital gain and ordinary income is made on the basis of the number of employee's months of plan participation before 1974 and after 1973. A lump-sum distribution is a payment of the entire balance to the credit of a participant in a qualified plan within one taxable year of the participant. A 1099-R is issued by the payer of the lump-sum distribution to show the allocation between capital gain and ordinary income. Money field is positive.

GROSS INCOME-- Total of ordinary income and capital gain distributed.

UNREALIZED APPRECIATION-- Net unrealized appreciation in employer's securities. In a trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries, if a distribution includes securities of the employer corporation (or a subsidiary of the parent corporation) and the net unrealized appreciation in the employer's securities can be computed, it would be reported on the Form 1099-R. Money field is positive.

OTHER INCOME-- Payers whose distribution includes items not covered by any other entries on Form 1099-R and information to employees or beneficiaries is desired would report it as other income. (For example the current actuarial value of an annuity contract that is a part of a lump-sum distribution or the value of US retirement bonds that may be distributed to employees or beneficiaries.)
Form 5498
The underlying asset will be the plan to which contributions were made.


ROLLOVER IRS DEC CONTRIBUTIONS--An individual may withdraw all or part of one IRA, SEP or DEC and transfer it to another IRA.

IRA OR DEC CONTRIBUTION TY 85 IN 86--Contributions made in 1986 up to April 15, 1986 for tax year 1985.
Form 1099-A

The underlying asset would be any distribution of proceeds on foreclosure etc.

DEBT OUTSTANDING--Reported on Form 1099-A, Information Return for Acquisition or Abandonment of Secured Property, for each borrower if money is lent in connection with the trade or business and, in full or partial satisfaction of the debt, an interest in property that is security for debt is acquired, or the lender has reason to know that the property has been abandoned.

Property means real property, such as a personal residence, intangible property, or tangible personal property held for investment or used in a trade or business. This is the debt outstanding at the time the interest in the property was acquired or on the date one first knew or had reason to know that the property was abandoned.

DEBT SATISFIED--For acquisition by the lender only of property, the amount of debt satisfied by the acquisition.

FAIR MARKET VALUE--The standard for determining value of property received in an exchange or acquisition. In the case of foreclosure, execution, or similar sale, the proceeds of sale will be considered the fair market value of the property in the absence of clear and convincing evidence to the contrary. Money field is positive.

Several of the IRS documents available that can give you information are listed below. These can be obtained from your local IRS office.

Instruction to Filers of Forms 1099, 1098, 5498, 1096, and W2-G
Publication 916, Information Returns
Publication 550, Investment Income and Expenses
Publication 525, Taxable and Nontaxable Income
Publication 905, Tax Information Unemployment Compensation
Notice to ADC Assistance Groups Concerning the Social Security Number Requirement in the Determination of Cash Benefits for Newborns

Sample Notice to ADC Assistance Groups Concerning the Social Security Number Requirement in the Determination of Cash Benefits for Newborns
Sample Format to a Potential Applicant
Sample Format to a Potential Applicant
School Inquiry
Sample of the School Inquiry Form
Sample State Tax Refund Offset Program Review Decision - Sustained

Sample of the State Tax Refund Offset Program Review Decision - Sustained
Other Agency Forms
I-797 Sample Immigration and Naturalization Service Notice of Action of Approval
Sample Immigration and Naturalization Service Notice of Action of Approval
SAVE Document Verification Request (Form G 845)
G-845, Document Verification Request
SAVE Instructions for Completion of the Document Verification Request

Instructions for Completing the "Document Verification Request" G-845S
Iraqi and Afghan Special Immigrant Visa Holders: Eligibility for Public Assistance Eligibility Period Chart

Iraqi and Afghan Special Immigrant Visa Holders: Eligibility for Public Assistance Eligibility Period Chart
Iraqi and Afghan Special Immigrant Visa Holders-Eligibility for Public Assistance Verification of SIV Status

Iraqi and Afghan Special Immigrant Visa Holders-Eligibility for Public Assistance Verification of SIV Status
Sample [INS Codes Identifying Refugee Status]
Temporary Assistance for Repatriates Pamphlet
Temporary Assistance for Repatriates Pamphlet
U.S. Repatriate Program Privacy Act Statement/Repayment Agreement

U.S. Repatriate Program Privacy Act Statement/Repayment Agreement
Initial Eligibility Threshold
Initial Eligibility Threshold
SSA-1696-U4  Appointment of Representative
SSA-1696-U4,  Appointment of Representative
U.S. Department of Health and Human Services - Repatriate Program - Privacy Act Statement (ACF - 120)
ACF-120, U.S Repatriate Program - Privacy Act Statement
Victims of Trafficking - Certification Letter

Sample Certification letter
Victims of Trafficking - Letter for Children
Sample [Victims of Trafficking Letter for Children](#)
I-864 Affidavit of Support Under Section 213A of the Act

Sample Affidavit of Support Under Section 213A of the Act
I-864A Contract Between Sponsor and Household Member
Sample [Contract Between Sponsor and Household Member]
Budget History: Payment Standards for ADC, TANF, OWF
Click here to view the Budget History: Payment Standards For ADC, TANF, OWF
ADC/TANF Budget History - Need Standards (7/90 through 7/97)
The table below references month/year 7/90 through 7/97.

Click here to view the Budget History: Payment Standards For ADC, TANF, OWF
ADC/TANF Budget History - Need Standards (10/81 through 7/89)

The table below references month/year 10/81 through 7/89.

Click here to view the Budget History: Payment Standards For ADC, TANF, OWF
Application Situations for Cash Programs

Click here to view the sample of the Application Situations for Cash Programs
Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status

Click here to view the Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status
Initial Eligibility Threshold

Click here to view the Initial Eligibility Threshold
Public Assistance Manual Transmittal Letters
The following Public Assistance Manual Transmittal Letters (PAMTL) are related to the Cash Assistance program. These letters were removed from the Public Assistance Manual upon issuance of the Cash Assistance Manual and are being provided for user convenience.
TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
FROM: TOM HAYES, DIRECTOR
SUBJECT: CASH ASSISTANCE: MARCH 1, 2002 MTL

This MTL transmits changes with the proposed effective date of March 1, 2002. If there are any changes made to any of the rules contained in this MTL during the JCARR review period, corrected rules will be sent out with the next MTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

The "Technical Changes" section of this cover letter provides corrections caused by typographical errors, printing errors, and inadvertent omissions in the PAM. Technical changes do not go through the clearance process.

CHAPTER 3000

Rule 5101:1-23-40 - OWF Payments

This rule is being amended to remove the requirement of the issuance of photo identification cards for OWF and DA recipients. Amended Substitute House Bill 94 of the 124th General Assembly removed this requirement. Section 329.19 of the Revised Code, allows the CDJFS the option of issuing a card for recipients of any assistance program administered by the CDJFS.

An administrative decision has been made to eliminate the requirement to complete a JFS 07348 (formerly ODHS 7348) when adding an individual to an ongoing OWF assistance group. Paragraph H of this rule is being amended to remove this requirement and to clarify the difference between the date that an individual becomes a required assistance group member and the beginning date of OWF eligibility for that individual. Included in this paragraph is language clarifying the beginning date of OWF for newborns and specified relatives in need who have requested to be included in the OWF assistance group. The JFS 07348 is being obsoleted with the issuance of this MTL. (CCN 4797)

CHAPTER 4000

Rule 5101:1-1-50 - Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements (SAVE) Program

The Immigration Reform and Control Act (IRCA) of 1986, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires the verification of immigration status of aliens applying for federally funded entitlements. The Ohio Works First (OWF) and Refugee Resettlement Program (RRP) participate in a systematic alien verification documentation program.

This rule is being revised as a result of updated policy received from the U.S. Department of Justice' Immigration and Naturalization Service. Clarification is also being provided to county departments of job and family services (CDJFSs) regarding situations in which secondary verification is necessary.

In preparation for a Medicaid-only manual, policy language is revised to remove references to the Medicaid program.

Paragraph (G) of this rule is being revised to state that regardless of the method of verification used, (primary and/or secondary) the CDJFS shall not delay, deny, reduce, or terminate benefits pending receipt of alien status verification index (ASVI) response. If the alien assistance group appears to be eligible based on available Immigration and Naturalization Service (INS) documentation and all other program eligibility criteria have been met, the CDJFS shall approve and issue benefits in accordance with rule 5101:1-2-10 of the Administrative Code while awaiting a response from the INS. When a response is received from ASVI and material discrepancies exist, the CDJFS shall propose to reduce or terminate benefits in accordance with
Chapter 5101:6 of the Administrative Code. An overpayment as a result of inappropriate receipt of benefits shall be determined in accordance with Rule 5101:1-23-70 of the Administrative Code.

In paragraph (H) of this rule, policy language is revised to reflect the procedure for obtaining secondary verification requests. The Document Verification Request (G-845S) and the Document Verification Request Supplement (G-845 Supplement) from INS are included along with procedural instructions. (CCN 4791)

**Rule 5101:1-2-40 - Refugee Cash Assistance (RCA) Program**

On March 22, 2000, the Department of Health and Human Services' Office of Refugee Resettlement (ORR) issued final regulations for the Refugee Resettlement Program. The final rules amend current requirements governing refugee cash assistance (RCA) and refugee medical assistance (RMA). The changes in the refugee resettlement program involve State options in designing refugee cash assistance for those refugees ineligible for Temporary Assistance for Needy families (TANF) or Supplemental Security Income (SSI).

A decision was made by the State of Ohio in cooperation with the Ohio Refugee and Immigrant Advisory Council (ORIAC) to align RCA with appropriate TANF regulations in regard to determination of eligibility, treatment of income and resources, benefit levels, and budgeting methods.

Because of separate eligibility determinations for refugee cash assistance and for refugee medical assistance, an administrative decision has been made to separate the two programs. RCA will be aligned with Ohio Works First (OWF), while the RMA program will be aligned with the modifications elected by the State of Ohio under Section 1931 (b)(2) of the Social Security Act (SSA). This is in keeping with the amendments made by section 114 of the (PRWORA) to Section 1931 of the SSA. RMA policy will be issued under separate cover.

This rule contains the policy and procedure for the refugee cash assistance program. County departments of job and family services (CDJFSs) in cooperation with appropriate agencies who provide employment services shall follow the procedures as outlined within this policy. Enclosed is a copy of the Ohio Department of Job and Family Services (DJFS) 7349, "Refugee Employment Registration and Case Management Referral" which shall be used to provide employability and social service information at the CDJFS and appropriate agencies providing employability services and refugee social services. The ODJFS 7446, "Work Registration" form will no longer be used for the RCA program. (CCN 4793)

**Rule 5101:1-2-85 - New Hire Reporting Program (W-4)**

Senate Bill 180 of the 124th General Assembly repealed Ohio Revised Code Section 5101.312, that had contained the requirements for the New Hire Reporting Program. With the passage of Senate Bill 180, these requirements have been moved to Revised Code Sections 3121.89 to 3121.8911. Rule 5101:1-2-85 has been amended to correct the Revised Code section. (CCN 4767)

**Appendix to Chapter 4000**

Instructions for the completion of the forms used in the SAVE program are included.

In order to access refugee cash assistance program benefits, individuals must provide acceptable Immigration and Naturalization Service (INS) documentation. Included as part of the appendix to this chapter, are policy guidance charts provided by the Office of Refugee Resettlement to assist CDJFS in determining proof of immigration status.

**CHAPTER 8000**

**Rule 5101:1-2-30 - Citizenship**

This rule is being revised to reference the citizenship, qualified alien status, and exception status requirements for receipt of benefits and services in public assistance programs. An individual must be a citizen of the United States, a qualified alien or meet the exception statuses as delineated in this rule to be eligible for the Ohio Works First (OWF) and Disability Assistance (DA) programs.

In preparation for a Medicaid-only manual, policy language is revised to remove references to the Medicaid program.
In paragraph (B)(12), policy language has been included to define victims of severe forms of trafficking. These individuals are potentially eligible to receive benefits and services to the same extent as an alien admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act.

Policy language has been revised in paragraph (D)(3)(e) and (D)(3)(f) to clarify eligibility for benefits and services under the OWF and DA programs for a spouse and unmarried dependent child of a veteran or active duty service personnel who lawfully reside in Ohio; and the same program eligibility for a surviving spouse of a deceased veteran or individual on active duty. (CCN 4806)

**Rule 5101:1-2-30.1 - Victims of Trafficking Program**

The Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat. 1464 (2000), makes victims of severe forms of trafficking eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA). Adult victims of severe forms of trafficking must be certified by the U.S. Department of Health and Human Services (HHS). Children under the age of 18 who are victims of severe forms of trafficking are also eligible for benefits and services to the same extent as refugees, but do not need to be certified.

HHS' Office of Refugee Resettlement (ORR) will make certification determinations and issue letters of certification for adult victims of severe forms of trafficking. ORR will issue letters, similar to the adult certification letters, for children under 18 years of age, when it has been determined that the child is a victim of a severe form of trafficking. Only the ORR certification letter or letter for children may be accepted as proof of certification.

The attached rule has been created to provide policy language and procedure for county departments of human services (CDJFs) to follow when determining eligibility for victims of severe forms of trafficking. The CDJFS shall follow the regular procedures for refugees and treat the victim of a severe form of trafficking the same as a refugee. However, instead of requiring Immigration and Naturalization Service (INS) documentation, such as the I-94 Arrival/Departure Card, a certification letter or letter for children shall be accepted as proof of status that confers eligibility for benefits. This policy was originally issued via Action Change Transmittal (ACT) 212. (CCN 4786)

**CRIS-E PROCESSING:** Manual budgeting must be completed for the Victims of Trafficking Program. County agencies shall file the individual's eligibility to pass on AEWIF and the assistance group on AEWFT.

**Rule 5101:1-2-35 - Sponsor-to-Alien Deeming Requirements**

This rule is being revised in preparation for a Medicaid-only manual. Policy language is amended to remove references to the Medicaid program. There are no other significant changes to this rule.

**Appendix to Chapter 8000**

A copy of the ORR certification letter and letter for children used for the Victims of Trafficking Program will be included within the appendix of this chapter. The format of these letters is subject to change.

**TECHNICAL CHANGES**

The Outline of Contents to Chapter 1000 has been modified to remove rescinded rule 5101:1-2-29, Ohio works first (OWF) and DA: Failure to comply with OWF and/or DA eligibility requirements.

The Outline of Contents to Chapter 3000 has been modified to remove rescinded rule 5101:1-23-07, OWF and DA, Nonrecurring Lump Sum Payment. This rule was obsoleted with the issuance of ACT 208 effective March 1, 2001.

The Outline of Contents to Chapter 4000 has been modified to remove the G-845 Response Form.

The Outline of Contents to Chapter 8000 has been modified to add new rule 5101:1-2-30.1, Benefit Eligibility: Victims of Trafficking, to add the Certification Letter, Letter for Children and to reflect title revisions to rules 5101:1-2-30 and 5101:1-2-35.

**INSTRUCTIONS**
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Obsolete ACT No. 212 "Trafficking Victims Protection Act of 2000" with the issuance of this MTL.
TO:       Food Stamp Certification Handbook Holders
          Public Assistance Manual Holders
FROM:    Tom Hayes, Director
SUBJECT: FOOD STAMP PROGRAM: PERSONAL RESPONSIBILITY PROVISIONS OF THE
          PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996
          (PRWORA)

October 3, 2001

These rules were proposed to be effective October 1, 2001. If no revisions are made to the proposed rules
prior to the finalization by JCARR, they will become effective on a permanent basis on October 1, 2001. If
changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This transmittal letter amends Food Stamp Program regulations to implement several provisions of the
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and reflects changes in the final rule
that was published in the January 17, 2001 Federal Register.

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state
agency is required to review its rules a minimum of once every five years. The intent of the law 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. Rules
reviewed include the following:

5101:4-1-03, 5101:4-2-03, 5101:4-2-07, 5101:4-3-09, 5101:4-3-11, 5101:4-3-20, 5101:4-5-15, 5101:4-6-15,
5101:4-6-16, 5101:4-8-03

5101:4-2-03: AG definition, non-AG members eligible to participate as separate AGs, non-AG
members ineligible to participate as separate AGs, and ineligible AGs

Individuals who are serving a sanction/disqualification in accordance with rule 5101:4-3-09 and individuals
who are ineligible due to reaching the time limit for able-bodied adults without dependents have been added
to the list of non-AG members ineligible to participate as separate AGs.

5101:4-2-07: Interviewing AGs

Language is being added to require county agencies to inform applicants of situations in which the face-to-
face office interview can be waived due to hardship. Hardship includes illness, transportation problems, care
of a household member, prolonged severe weather, or work or training hours which prevent the AG from
completing an in-office interview.
Rule 5101:4-3-09: Ohio works first food stamp assistance group sanctions and disqualifications

At the time the PRWORA was enacted, the law allowed states to use the rules and procedures that apply under Title IV-A to impose the same sanctions for OWF food stamp AGs which was interpreted to mean that the OWF applicant could be subjected to the sanction process. However, the final rule published in the January 17, 2001 Federal Register contains directives on the treatment of applicants in the sanction process. The requirements of CFR 273.11(k)(2) do not allow sanctions or disqualifications of an initial applicant under the provisions of this rule. The individual must be receiving OWF and food stamp benefits in order for a sanction or disqualification to be imposed.

Clarification has been provided on situations which would not result in a sanction or disqualification. Those situations include AGs reaching the OWF time limit, failing to complete the reapplication process, and failing to perform a purely procedural requirement such as signing the self-sufficiency contract or providing required verification.

Situations which would result in a sanction or disqualification are called substantive requirements which are defined as a behavioral requirement in the OWF program designed to improve the well-being of the recipient family such as participating in job search activities or compliance with another provision of the self-sufficiency contract.

FNS has clarified that the county agency must end the food stamp sanction or disqualification if it becomes aware that the individual has become ineligible for OWF for some other reason. For example, if an AG is serving a sanction for failing to comply with a provision of the self-sufficiency contract and during that sanction period the children are removed from the home, the county agency must end the food stamp sanction because there is no longer potential eligibility for OWF. If a sanction or disqualification is still in effect at the end of one year, the county agency must review the case to determine if the sanction or disqualification continues to be appropriate. Sanctions or disqualifications that extend beyond one year must be reviewed at least annually but may be ended at any time by the county agency. If, for example, an AG is sanctioned in the OWF program and the AG subsequently decides that they do not wish to participate with OWF after serving the minimum sanction period, the county agency should reevaluate the AG’s food stamp situation.

Rule 5101:4-3-20: Able-Bodied Adults Without Dependents

Section 824 of the PRWORA limits the receipt of food stamps for certain able-bodied adults without dependents (ABAWDs) to three months in a thirty-six months period unless the individual is either working at least half-time, participating in an approved work program for at least 20 hours per week or participating in a workfare program. The rules and regulations published in the Federal Register on January 17, 2001 permit unpaid work and work for in-kind services to count as "work" for purposes of fulfilling the work requirement. An example of in-kind services is working in exchange for commodities.

The regulations now allow county agencies to determine good cause for missing work for circumstances beyond the AG member’s control. These conditions include, but are not limited to, illness, illness of another AG member requiring the presence of the member, an AG emergency, or the unavailability of transportation.

Previously, hours spent on Job Search and Job Search Training activities could not be considered in meeting the 20 hour per week minimum. Effective 10/1/01 Job Search and Job Search Training can now be included as a subsidiary component of the requirement as long as the activity is less than half of the requirement. Job search and Job Search Training hours are only allowable as a subsidiary component in an employment and training program. Workfare such as WEP and self-initiated community services should not contain these subsidiary components.

The Food and Nutrition Service (FNS) has clarified that all adults in an AG where there is a child under age 18 are exempt. This provision applies even if the individual who is under 18 years old is not eligible for food stamps in that AG. The child's presence in the AG exempts those adults who are members of the AG.

Individuals who are ineligible due to the time limit for able-bodied adults can regain eligibility if the individual works at least 80 hours in a 30 day period. Rule 5101:4-3-20(D)(2) addresses the beginning date of benefits for individuals regaining eligibility. For individuals who are working and/or participating in a work program, benefits are prorated back to the date the eighty hours are completed. For individuals who are participating in
WEP whose assigned hours are based on the allotment must have benefits prorated back to the date of application.

One of the exceptions to the work requirement for ABAWDs is for an individual to be certified as physically or mentally unfit for employment. FNS has determined that verification of a disability is not necessary if it is obvious to the eligibility worker that an individual is unfit for employment. Medical certification is only required in cases where the unfitness is not evident to the county agency. In these cases, a statement from a nurse, nurse practitioner, designated representative at a doctor's office, social worker, or other medical personnel the county agency deems appropriate would suffice as a medical certification.

5101:4-6-15: Determining eligibility of households with other non-AG members

Fleeing felons and parole/probation violators are being removed from this rule; they were added to rule 5101:4-6-13 effective June 1, 2001. The income and resources of these individuals are to be counted in their entirety to the remaining AG members.

Rule 5101:4-6-16: Reduction of public assistance benefits due to AG’s failure to perform an action required under a Federal, State, or local means-tested program

Section 829 of the PRWORA provides that, if the benefits of an AG are reduced under a federal, state, or local law relating to a means-tested public assistance program (OWF, SSI, or DA) for the failure of a person to perform an action required under the assistance program or for fraud, the AG may not receive an increased food stamp allotment as the result of that decrease for the duration of the reduction. Rule 5101:4-6-16(B) reiterates this language to clarify that the ban on increased benefits includes cases of fraud.

The ban on increased benefits does not apply to individuals reaching the time limit for OWF benefits, failing to reapply or complete the reapplication process for continued assistance under the other program, or failure to perform a purely procedural requirement. A procedural requirement which would not trigger a food stamp penalty is a step that an individual must take to continue receiving benefits in the public assistance program such as providing verification of circumstances or signing the self-sufficiency contract.

A substantive requirement which would trigger a food stamp penalty is a behavioral requirement designed to improve the well-being of the recipient family, such as participating in job search activities or ensuring that the children receive the proper vaccinations or complying with other provisions of the self-sufficiency contract. A substantive action must be within the power of the individual in order to trigger a food stamp penalty. For example, an individual is required to attend parenting classes as specified in the self-sufficiency contract in order to continue receiving assistance. The individual is willing to take the class but the individual is unable to because the classes are full. Therefore, failing to perform an action because the individual is unable to perform, as opposed to refusing, shall not be considered failure to perform a required action.

Further clarification has been provided that the ban on increasing food stamps only applies to individuals who are receiving food stamps and cash assistance at the time of the failure to perform a required action in a means-tested assistance program.

FNS has expanded the language regarding the length of the ban on not increasing food stamp benefits for failure to take required action or for fraud. The ban on increasing food stamps is for the duration of the reduction in the assistance program. If the ban on increased food stamps is still in effect at the end of one year, the county agency must review the case to determine if the penalty continues to be appropriate. If, for example, the AG is still not receiving assistance, it may not be appropriate to continue the penalty. The county agency must lift the ban on increasing food stamp benefits when it becomes aware that the individual is ineligible during the penalty period for some other reason.

Guidance is provided in paragraph (H)(3) of rule 5101:4-6-16 regarding AG movement within the state or if an individual moves out of state once the ban on increasing benefits is imposed. If the individual moves within the state, the prohibition on increasing benefits shall be applied to the gaining AG unless that person is ineligible for the assistance program for some other reason. If the individual moves to another state, the prohibition on increasing benefits shall not be applied.

Implementation

These provisions are effective no later than October 1, 2001 and must be implemented no later than October 1, 2001.
Rule 5101:1-2-29: Ohio works first (OWF) and DA: Failure to comply with OWF and/or DA eligibility requirements

This rule is being rescinded and the policy contained in this rule will no longer be included in the Public Assistance Manual. This rule was created to support the food stamp policy provision requiring that food stamp benefits not be increased when as assistance group lost income due to the imposition of a penalty or sanction due to a failure to comply with the cash program's eligibility requirements. The provisions contained in this rule are fully addressed in food stamp rule 5101:4-6-16.

Claim referral management

The Recipient Claim Establishment and Collection Standards Regulation 7 CFR 273.18, published on July 6, 2000, and effective August 1, 2001, requires that each state implement a process for efficient and effective management of claim referrals. Ohio's Claim Referral Plan establishes the required time lines for each step in the processing of overpayment claims. It is important that each CDJFS follow all sections of the plan and ensure that at least ninety percent of its claim complaints result in established claims, or are appropriately disposed of, according to the applicable time lines. The rule supporting this process is at Section 5101:4-8-15 of the Administrative Code. The Claim Referral Plan is being placed in the FSCH as Appendix 76. The food stamp claim process for Administrative Error (AE) and Inadvertent Household Error (IHE) referrals is Appendix 77. Appendix 78 is the process for Intentional Program Violation referrals and the process for AE and IHE referrals identified in a Quality Control Review is Appendix 79.

Miscellaneous

The definitions in rule 5101:4-1-03 have been updated to reflect current terminology. Language that is obsolete and that is no longer appropriate has been deleted.

Rule 5101:4-8-03 has been revised to remove language addressing overpayment claims "held in suspense" since overpayment claims are no longer held in suspense status.

Rule 5101:4-3-11 has been updated to reflect the change from Ohio Bureau of Employment Services to Employment Services and to add clarifying language.

Procedure 5, "Procedures for Work Registration" outlines the work registration referral process between the Ohio Bureau of Employment Services and the Ohio Department of Human Services. Since these agencies have merged, this procedure is no longer needed and is being eliminated.

Appendix 19, ODHS 7406, which is an example of an Authorization to Participate (ATP) card and Appendix 20, "Household Activity Card" are obsolete because of the EBT process.

Appendix 28, "Examples of Immigration Documentation" is no longer needed since the United States Department of Justice (DOJ) information is available on the Dynaweb version of the FSCH (available through the ODJFS Innerweb).

Appendix 38, "Statement of Expected Income" (for migrant farm workers) is outdated and no longer needed.

Appendix 48, "Notice of Food Stamp Work Registration Responsibility" has been revised to reflect updated language.

Appendix 107, "Food Stamp Worksheet Supplement" is not needed since this worksheet has been incorporated into the Application Worksheet, JFS 7402-WS

MTL Instructions:

FSTL Instructions
Remove and file as obsolete the entire Table of Contents dated November 30, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-1-03 dated July 15, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-2-03 dated March 1, 2001 and replace with the attached pages dated October 1, 2001.
Remove and file as obsolete all pages headed 5101:4-2-07 dated May 2, 1998 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete the Outline of Contents to Chapter 3000 dated 11/30/99 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-09 dated December 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-11 dated December 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-20 dated October 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-5-05.

Remove and file as obsolete all pages headed 5101:4-5-15 dated February 1, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete the Outline of Contents to Chapter 6000 dated November 30, 1999 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-6-15 dated February 9, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-6-16 dated January 2, 1998 and replace with attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-03 dated May 1, 1999 and replace with attached pages dated October 1, 2001.

Remove and file as obsolete all pages of the Index and replace with the attached pages.

Remove and file as obsolete page headed Part II - Procedural Section Index dated July 1, 2001 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete Procedure 5 dated July 15, 1999.

Remove and file as obsolete all pages of the Appendix Index dated October 1, 2001 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete the Appendix Index page headed Appendix 64, "Consent of Disclosure" dated July 15, 1999 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete Appendix 19 [example of an Authorization to Participate (ATP) card].

Remove and file as obsolete Appendix 20, "Household Activity Card".

Remove and file as obsolete Appendix 28, "Examples of Immigration Documentation".

Remove and file as obsolete Appendix 38, "Statement of Expected Income".

Remove and file as obsolete Appendix 48, "Notice of Food Stamp Work Registration Responsibility" and replace with the attached corresponding page.

Insert all pages of the "Ohio Department of Job and Family Services Claim Referral Plan" as Appendix 76.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Non QC" as Appendix 77.

Insert the "Food Stamp Claim Referral Process - IPV Referrals" as Appendix 78.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Identified by QC" as Appendix 79.

Remove and file as obsolete Appendix 107, "Food Stamp Worksheet Supplement".

Update Appendix 35, "Record of Changes to Handbook", with the number and date of this transmittal.
This MTL transmits changes with the proposed effective date of August 1, 2001, with the exception of rule 5101:1-23-40. If there are any changes made to any of the rules contained in this MTL during the JCARR review period, corrected rules will be sent out with the next MTL. This cover letter includes a summary statement of policy changes. Each statement references the clearance control number (ccn) assigned when the policy change was placed in the clearance process.

CHAPTER 1000

Rule 5101:1-2-01 - Applications and the Application Process for OWF, DA and RRP is being amended to change the name of the JFS 07200 (formerly ODHS 7200) to "Request for Cash, Medical and Food Stamp Assistance". The revised JFS 07200 has been issued with the joint MTL 424/FSTL 234.

The requirement in paragraph (J)(9) to secure an original signature when an application is faxed to the agency has been removed. This removal coincides with the change proposed in food stamp rule 5101:4-2-01. (CCN 4713)

CHAPTER 3000

Rule 5101:1-23-40 - OWF: Payments is included in this MTL. This rule was included in MTL #423, effective July 1, 2001. Due to an unforeseen complication, the effective date of this rule was changed to July 7, 2001. THIS IS THE ONLY CHANGE AND THERE HAVE BEEN NO MODIFICATIONS TO THE LANGUAGE CONTAINED IN THE RULE. Because the effective date of the rule is July 7, 2001, as opposed to July 1, 2001, we are re-issuing the rule to reflect the correct effective date of July 7, 2001.

CHAPTER 4000

Rule 5101:1-2-90 - Burial Awards is being rescinded. With the passage of Amended Substitute House Bill 94, the Burial Award Program has been eliminated. Section 5101.52 of the Revised Code has been repealed and State funding will no longer be available for the program. Instructions for completion of applications and the submission of expenditures were issued in ACT 209. (No Clearance)

CHAPTER 8000

Rule 5101:1-2-30 - Ohio Works First (OWF), Disability Assistance (DA), Medicaid, ADC-Related Medicaid: Citizenship is being amended to clarify that an individual who meets the requirements of an alien who is lawfully residing in the United States as of August 22, 1996 continues to meet the citizenship requirement for OWF, DA, and the medicaid programs as set forth in paragraph (C) of this rule.

Policy language is being removed from paragraph (B)(3) of this rule regarding the definition of Temporary Assistance for Needy Families (TANF) as it relates to the Prevention, Retention, and Contingency (PRC) program. This is due to receipt of federal clarification of the definition of "assistance" versus "non assistance." The PRC program, funded from TANF provides federal public benefits which are not considered assistance.

Throughout this rule, references to County Departments of Human Services have been corrected. (CCN 4715)

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## OPERATING PRINCIPLES


### CHAPTER 3000 - OHIO WORKS FIRST


### CHAPTER 4000 - SPECIAL PROGRAMS AND PROCEDURES

| Outline of Contents to Chapter 4000 | Outline of Contents (effective January 1, 2001) | Outline of Contents (effective August 1, 2001) |
| Burial Awards | 5101:1-2-90 (effective October 1, 1998) | N/A |
| Appendix to Chapter 4000 | ODHS 2600, "Application for Burial Award" | N/A |

### CHAPTER 8000 - OWF, MEDICAID, ADC-RELATED MEDICAID, DA

| Ohio Works First, Disability Assistance, Medicaid, ADC-Related Medicaid: Citizenship | 5101:1-2-30 (effective January 1, 1999) | 5101:1-2-30 (effective August 1, 2001) |

TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
    ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS
FROM: GREGORY L. MOODY, DIRECTOR
SUBJECT: REVISIONS TO THE JFS 07200 and JFS 07501

As a result of required food stamp and Civil Rights changes, the JFS 07200 (formerly the ODHS 7200) and
the JFS 07501 (formerly the ODHS 7501) have been revised, with an effective date of August 1, 2001. Rule
5101:1-2-01 has been revised to reflect the name change and is being issued in MTL 425.

**ODJFS 07200**

It is now titled "Request for Cash, Medical and Food Stamp Assistance". The CRIS-E generated Printed Copy
of Information (PCI) is now considered the application for assistance. This allows the removal of certain items
from the JFS 07200 that are federally required to be contained in an application document. These items are
being added to the PCI. This change does not affect the current application processing provisions contained
in the Public Assistance Manual or Food Stamp Certification Handbook.

All references to ODHS and CDHS have been changed to ODJFS and CDJFS.

The following changes have been made to the JFS 07200:

- The Food Stamp Fact Sheet has been removed.
- The question regarding whether the assistance group has outstanding medical bills has been removed. This
  information is captured on the AEFMQ and AEFME screens.
- The questions regarding whether the assistance group has group health coverage have been removed. This
  information is are captured on the AEFMQ and AEFMC screens.
- The question regarding pregnancy has been added to the box that captures the individuals at the address.
- The question regarding whether a household member is a student has been removed. This information is
  captured on the AEISA screen.
- The Child Support Services request if OWF is denied has been removed. This has been moved to the last
  page of the PCI (before the rights and responsibilities).
- Questions regarding self-declaration have been removed This information is currently captured on the AEISD
  screen.
- The rights and responsibilities pages have been removed, since the CRIS-E generated rights and
  responsibilities pages are issued at the face-to-face interview or a hardcopy JFS 07501 is provided to
  individuals who have not completed a face-to-face interview or where CRIS-E is not available.
- A Primary Language field for the person completing the form has been added.
- A question regarding the need of an interpreter if the assistance group member does not speak English or is
  hearing-impaired, has been added. If an interpreter is needed at the interview, the CDJFS shall offer an
  interpreter and if one is provided, it will be done so at no charge to the assistance group.
- A question regarding the receipt of benefits in other states in the past has been added. This will allow better
  tracking for TANF assistance issued in other states that is countable towards Ohio's 36-month time limit, as
  well as to identify individuals who have participated in the Food Stamp Program in other states as "able-
  bodied adults without dependents" (ABAWDS).
- A box with non-discrimination information, has been added. This information is required by the United States
  Department of Agriculture.
The following changes have been made to the JFS 07501 "Rights and Responsibilities":

Information has been added to the "Release of Information on Social Security Number" section of the form as a result of Federal Guidance issued jointly by the Office of Civil Rights, the Department of Health and Human Services and the Department of Agriculture. Specifically, it indicates when a social security number is required.

A new section titled "Information on Citizenship and Immigration Status" has been added as a result of Federal Guidance issued jointly by the Office of Civil Rights, the Department of Health and Human Services and the Department of Agriculture. Specifically, it indicates when verification of citizenship and immigration status is required.

Minor changes have been made to the "Food Stamp Penalty Warning" section, primarily to add the word "benefit" after "Food Stamp", since EBT has replaced the issuance of coupons.

Information has been added regarding voluntarily providing the social security number and other requested information for the Food Stamp Program. Information has been added regarding release of information collected on the applicant, including social security number to Federal, State, and private collection agencies for claims collection action.

A "Civil Rights Information" section has been moved from the JFS 07200 to the JFS 07501.

A new section titled "Prohibition Against Discrimination on the Basis of Disability" has been added as a result of Federal Guidance issued by the Department of Health and Human Services Office for Civil Rights regarding the obligations that Title II and Section 504 of the Rehabilitation Act impose on state and local governments, and on recipients of Federal financial assistance involved in TANF activities. Specifically, this required language will be used by the Office for Civil Rights for compliance reviews and/or investigations of complaints of discrimination on the basis of disability in TANF programs. These requirements are not new and have been part of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

A new section titled "Assisting Persons Who Are Limited English Proficient" has been added to include language that an interpreter will be provided for individuals whose primary language is not English or for hearing-impaired individuals.

A new section titled "Questions or Complaints About Your Civil Rights" has been added along with addresses where individuals can file complaints.

PRINTED COPY OF INFORMATION (PCI)

A Service Request Form (SRF) has been written for the following changes to the Printed Copy of Information:

To add the 2nd phone number that is captured on the AEICI screen.

To move the signature lines from the Rights and Responsibilities page to the last page of the actual PCI (the page before the Rights and Responsibilities).

To add another signature line on the last page of the PCI before the Rights and Responsibilities, indicating whether the assistance group wants child support services if the OWF is denied.

To change the CRIS-E generated "Rights and Responsibilities" pages to match the hard-copy JFS 07501.

These changes are expected to be in production by August 1, 2001. A view flash bulletin will be provided when these changes have been made.

CHANGES TO CRIS-E

Additional Service Request Forms (SRF) have been submitted to MIS that may change the JFS 07200 in the future. One SRF has been submitted to add language to the AEINH screen which would remove question B from page 3 of the revised JFS 07200. A second SRF has been submitted to add the Food Stamp disqualification questions and responses which is Question C on page 3 of the revised JFS 07200. This will affect the AEISD screen. A view flash bulletin will be provided when these changes are in production and the JFS 07200 will be revised to remove these questions. (CCN 4708)

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TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
FROM: GREGORY L. MOODY, DIRECTOR
SUBJECT: JULY 1, 2001 MTL

This MTL transmits changes with the proposed effective date of July 1, 2001. If there are any changes made to any of the rules contained in this MTL during the JCARR review period, corrected rules will be sent out with the next MTL.

CHAPTER 1000

Rule 5101:1-2-20 OWF/DA/RRP: Verification and Reporting Requirements is being amended to state at paragraph (B)(1)(f), that DA assistance groups must report receipt of a non-recurring lump sum payment within 10 days. Previously, this paragraph was also applicable to OWF and RRP assistance groups. (CCN 4699)

CHAPTER 3000

Rule 5101:1-23-07 OWF and DA: Nonrecurring Lump-Sum Payment is being rescinded. This rule set forth the policy governing the treatment of non-recurring lump sum payments and included provisions for the calculation of future periods of ineligibility. (CCN 4699)

Rule 5101:1-23-10 OWF: Standard Filing Unit is being amended to remove policy formerly contained in paragraph (B)(3) which provided for the exclusion of individuals and/or assistance groups from the standard filing unit who were ineligible due to prior receipt of a non-recurring lump sum payment. (CCN 4699)

This rule is also amended to restore language which states that an individual who is a recipient of SSI may choose to receive OWF or SSI but cannot receive both at the same time. The absence of this language was identified as a result of a clearance comment on this rule.

Rule 5101:1-23-20 OWF: Income and Eligibility is being amended to add language to the definition of "gross unearned income" at paragraph (D)(2) to include non-recurring lump-sum payments. The paragraph now states that a non-recurring lump-sum payment is income that is not anticipated or expected to be received again, and the lump-sum payment is income in the month received. This means that, in most cases, receipt of a non-recurring lump-sum payment by an OWF assistance group will not adversely affect the assistance group's continued OWF eligibility. Receipt of a non-recurring lump-sum payment in the same month in which an assistance group applies for OWF may affect the assistance group's potential OWF eligibility in the month of application because it is considered income in the month received. It will not affect eligibility for any subsequent month. (CCN 4699)

Rule 5101:1-23-40 OWF: Payments is being amended to remove the language at former paragraph (A)(1)(b) which stated that a non-recurring lump-sum payment was counted as income in the month received and apportioned toward future months' eligibility. (CCN 4699)

CHAPTER 5000

Rule 5101:1-5-01 The Disability Assistance Program Definitions and Payment Standards is being amended to remove the reference to individuals who are ineligible for OWF due to prior receipt of a non-recurring lump-sum payment from paragraph (E)(3). (CCN 4699)

Rule 5101:1-5-30 - DA: Resources is being amended to exclude the value of all vehicles for the DA Program. This change is being made to correspond with the exclusion of vehicles for the OWF and Food Stamp Programs. (CCN 4709)

CRIS-E table TMVE has been updated to reflect this change.
Rule 5101:1-5-40 DA: Income is being amended at paragraph (D)(1) to include language specifying that non-recurring lump-sum payments are treated as unearned income in the month received, and as a resource subject to the provisions set forth in rule 5101:1-5-30, thereafter for DA program purposes. (CCN 4699)

Rule 5101:1-5-70 DA: Interim Assistance is being modified to reflect recent policy changes in federal SSI and Interim Assistance regulations. The definition of "Interim Assistance" was changed to parallel the revised federal definition of interim assistance. Specifically, the beginning date of interim assistance for an initial claim is the later of: the first day of the month following the month in which the individual applied for SSI, or the first day of the month following the month in which the individuals is determined to be eligible for SSI. As a result, the SSA no longer prorates the first month of an initial claim for SSI. Initial posteligibility claims may still be prorated, and that language is included in the rule.

Additionally, language was added to provide instructions for situations in which the law requires the Commissioner of SSA to restrict the manner in which the residual amount of a retroactive SSI payment may be paid to an individual (such as installment or dedicated account cases). In these situations, SSA will send notice to the CDJFS asking the CDJFS to determine the amount of interim assistance it is entitled to receive. Once that information is received by SSA, SSA will release that amount to the CDJFS. SSA also includes time frames under which the CDJFS response is necessary. In the event that the CDJFS does not comply with the time frames, SSA will release the entire amount to the SSI recipient. This policy is set forth in new paragraph (I)(4) of the rule. (CCN 4681)

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TO:       ALL PUBLIC ASSISTANCE MANUAL HOLDERS
FROM:    JO ANN DAVIDSON, DIRECTOR
SUBJECT:  OWF Time Limits

This letter transmits a rule modification that is effective May 1, 2001.

CHAPTER 3000

Rule 5101:1-23-01 OWF: Time-Limited Receipt of Assistance (CCN 4681)

An amended federal interpretation regarding receipt of assistance for TANF purposes was recently issued, prompting the modification of the OWF time limit rule. Specifically, the federal interpretation states that a month in which TANF benefits are reduced to $0 to repay an overpayment **is not countable as receipt of assistance toward the federal 60-month lifetime limit.** In order to follow federal policy, we have amended rule 5101:1-23-01 to remove the provision at paragraph (D)(3), which previously counted a month in which OWF benefits were reduced to $0 to repay an overpayment, toward the OWF 36-month limit. Additionally, new paragraph (E)(13) was added which states that any month for which OWF assistance is reduced to $0 to repay an overpayment does not count toward receipt of assistance.

CRIS-E modifications have been requested to support this policy change. The change is a prospective change; thus any month prior to May 1, 2001 that was counted toward the 36-month limit due to the pre-May 1, 2001 policy, will continue to be countable. Only those OWF benefits that are affected (i.e., reduced to $0 to repay an overpayment) as of May 1, 2001 or after will not be counted toward the 36 and 60-month lifetime limits for receipt of OWF.
CHAPTER 3000

Rule 5101:1-3-01 OWF: Definitions of Assistance Group Composition for Work Participation Rates

Rule 5101:1-3-01 is being modified to amend the definition of two-parent assistance group for clarity. This amendment is being made so that the definition of two-parent assistance group reflects the language contained in the final federal TANF regulations issued April 12, 1999. Specifically, the definition includes language that addresses the fact that two-parent assistance groups contain both natural or adoptive parents of a common child. (CCN 4642)

Rule 5101:1-3-12 - OWF: Work Activity Participation and Child Care

Language removed from rule 5101:1-3-16 regarding good cause circumstances to exempt individuals from participation in work activities has been added to paragraph (F) of this rule. (CCN 4583)

Rule 5101:1-3-16 - The Subsidized Employment Program

In order to align SEP with the final TANF regulations, changes have been made to the policy and processing of SEP cases.

Rule 5101:1-3-16, "Ohio Works First (OWF) Work Activities" has been rescinded. Information contained in Paragraph (A) of that rule regarding good cause has been moved to Rule 5101:1-3-12. Rule 5101:1-3-16 has been reissued and retitled as "The Subsidized Employment Program (SEP)".

The SEP rule is divided into three sections. Section "A" outlines the criteria for an employer to receive a SEP subsidy. Section "B" describes the Subsidized Employment Program for OWF recipients. Section "C" outlines the option for issuing an employer subsidy under PRC.

Effective January 1, 2001, SEP can only be provided to an individual who receives OWF. As long as the assistance group remains eligible for OWF, the SEP employee is subject to all OWF requirements set forth in Chapter 5107 of the Revised Code and Chapter 5101:1 of the Administrative code. These requirements include such things as signing and cooperating with the provisions of the self-sufficiency contract, reapplication requirements, and time limits.

More than one individual in an assistance group can be placed in SEP concurrently. There are not any lifetime limits to the number of months an individual can be placed in SEP.

Under the terms of the SEP contract, the county will issue a subsidy of $350.00 per month to the employer for a time period not to exceed six payment months per individual placed with that employer.

Employers are eligible for the monthly SEP payment provided that 1) the employee is eligible for OWF, and 2) the terms of the SEP contract are met. The contract must indicate that the SEP placement is for at least 30 hours per week.

SEP is not a grant diversion program and SEP cases will not be "frozen". Earnings from SEP employment is counted as earned income. Once the assistance group becomes ineligible for OWF for any reason, including earnings from the SEP placement, the OWF assistance group will be terminated. After the OWF assistance is terminated, the employer may continue to be eligible for a subsidy provided that the county: 1) has designated the employer subsidy as a PRC service under the county's PRC plan, 2) the employee is eligible for PRC and
3) the individual is still working for the employer and the terms of the original SEP contract are met. The county should structure the program in such a way that the employer and participant will not notice the transition of the subsidy payment from SEP to PRC.

Rule 5101:1-3-16 (C) states that an individual who is not receiving OWF may potentially be eligible for an employer subsidy through PRC. Although not addressed in this rule, state statute allows individuals who are receiving OWF to be potentially eligible to receive an employer subsidy under PRC. In order to issue a PRC employer subsidy, the employer subsidy must be designated as a service in the county's PRC plan and the individual must be eligible for PRC. Unlike SEP, there are not any restrictions in state regulations as to the number of hours worked by the employee, the amount of the employer subsidy, or the number of months of employer subsidy issued under PRC.

These changes will affect how SEP is processed in CRIS-E. When an individual begins SEP employment, the worker will enter the SEP activity code on WPAS. The worker will then enter the SEP employment on AEIEI, with an employment type code "S". The worker will re-run eligibility and authorize the OWF and MAC AGs. The SEP subsidy may continue as long as 1) the individual is eligible for OWF and 2) the individual is still working for the SEP employer and the terms of the contract are met.

If the assistance group becomes ineligible for OWF during the SEP contract period, the worker will end-date the SEP assignment on WPAS and the OWF AG will be closed. The employer subsidy may continue under PRC if the requirements of rule 5101:1-3-16 (C) are met. If an employer subsidy is issued under PRC, the county worker will enter the subsidy amount on the SFPR screen, using reason code 013. Please refer to OWF/PRC Guidance Letter No. 9-A for further information on PRC reporting.

For SEP placements beginning January 1, 2001, or later, CRIS-E will not issue SEP checks to reimburse the county for SEP payments to employers. The county will issue the subsidy to the employer and code the subsidy payment on the ODHS 2827. If the subsidy payment is for an OWF recipient and the subsidy is not being paid through PRC, the 2827 financial code is 223-50. If the subsidy is being paid out of PRC funds, the 2827 financial code is 227 53. CRIS-E will continue to reimburse the CDJFS for those SEP cases that began prior to January 1, 2001.

Counties must continue to explore eligibility for food stamps, Medicaid, child care, transportation and other supportive services necessary to support the individual's participation in SEP or any PRC subsidy program.

Because Medicaid and OWF are delinked, a separate eligibility determination is required for Medicaid. Ohio Revised Code 5101:1-40-02(D) currently provides that OWF AGs participating in SEP, but whose grant has been diverted to the employer, are considered to remain eligible for Medicaid as though they remained eligible for OWF. However, the revised rule contained in this MTL eliminates the diversion of the assistance grant and clearly delineates between the subsidy which is paid to the employer for someone who remains eligible for OWF and the subsidy which may be paid for someone who loses eligibility for OWF. In addition to Transitional Medicaid, some families will also remain eligible for MAC if their income remains under 100% of the federal poverty level. OAC 5101:1-40-02(D) has been pending revision due to concerns relating to the impact on Medicaid. Recently, federal clarification has been received and 5101:1-40-02(D) will be revised to reflect the clarification contained in this paragraph. (CCN 4591)

**Rule 5101:1-23-01 - OWF: Time Limited Receipt of Assistance**

**Welfare-to-Work**

Rule 5101:1-23-01, "OWF: Time-Limited Receipt of Assistance" is being amended to add language from the federal regulations regarding receipt of Welfare-to-Work (WtW) assistance as it relates to the OWF time limits. We have received several inquiries regarding how federal Welfare-to-Work (WtW) provisions impact OWF time limits, so we are expanding this rule to include this information, which has been in federal law since the issuance of the TANF regulations, and was also included in final federal regulations issued April 12, 1999. Each CDJFS is bound by these federal regulations.

There are two types of WtW grants: (1) formula grants to states, and (2) competitive grants to local communities. Ohio does not currently receive any of the formula grant monies but there are a number of counties and communities that receive competitive grant monies.
Pursuant to federal regulations set forth in 45 CFR §260.32, WtW assistance can be provided in the form of WtW "cash" assistance and "non-cash" assistance. WtW cash assistance benefits are countable toward the 60-month TANF time limit - and as a result, count toward the 36-month OWF time limit, while WtW non-cash assistance benefits do not count against the TANF (or OWF) time limit.

The federal definition of WtW cash assistance differs somewhat from the federal definition of TANF assistance. 45 CFR §260.32 defines WtW cash assistance. WtW cash assistance only includes benefits that: (1) meet the definition of assistance at §260.31; and (2) are directed at basic needs. Thus it includes benefits described in paragraphs (a)(1) and (a)(2) of §260.31, but excludes benefits described in (a)(3) and (b) of §260.31.

In defining "WtW cash assistance", HHS started with the presumption that, to be considered "WtW cash assistance", a benefit must fall within the definition of "assistance". The federal definition of TANF assistance is found at 45 CFR §260.31. First, "WtW cash assistance" includes assistance designed to meet a family's ongoing, basic needs. Second, it includes such benefits as cash assistance to the family, even when provided to participants in community service or work experience (or other work activities) and conditioned on work. The definition of "WtW cash assistance" also incorporates both cash payments and benefits in other forms that can be legally converted to currency. This definition does not limit the types of WtW benefits for which families that have received 60 months of TANF benefits are eligible. Under 45 CFR §264.1(a)(3), State and local agencies may provide cash and noncash WtW assistance and other benefits to such families beyond the 60-month limit on assistance.

Paragraphs (a)(1) and (a)(2) of 45 CFR §260.31 state, in part: "... 'assistance includes cash payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs... It includes such benefits even when they are provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients, and conditioned on participation in work experience or community service...". Thus, services, work supports, and nonrecurrent, short-term benefits that are excluded from the definition of assistance at 45 CFR §260.31(b) are not "WtW cash assistance".

If a benefit falls within the TANF definition of assistance, but does not meet the definition of "WtW cash assistance", it is considered "noncash assistance". By statute at Section 408(a)(7)(G) of the Social Security Act, WtW "noncash assistance" does not count against the 60-month TANF time limit. Examples of WtW "noncash assistance" would include housing vouchers or a State version of food stamps. Also excluded are supportive services provided to nonworking families. Although these services meet the TANF definition of assistance, these WtW benefits are services designed to meet specific nonbasic needs, and are thus not like cash.

Paragraphs (a)(3) and (b) of 45 CFR §260.31 provide for the following exclusions from the definition of TANF "assistance":

1. Nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode, are not intended to meet recurrent or ongoing needs, and will not extend beyond four months;
2. Work subsidies - payments to employers or third parties to help cover the costs of employee wages, benefits, supervision and training;
3. Supportive services such as child care and transportation to families who are employed;
4. Refundable earned income tax credits;
5. Contributions to and distributions from Individual Development Accounts (IDA);
6. Services such as counseling, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; and
7. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to Sections 404(k) of the Act, to an individual who is not otherwise receiving assistance.

45 CFR §264.1(a)(3) provides that a state must not count any month for which an individual receives only noncash assistance provided under WtW, pursuant to section 403(a)(5) of the Social Security Act. 45 CFR §264.1(a)(3) also provides policy excluding months of assistance from the federal five year time limit,
including the provisions that a state may provide cash [and non-cash] assistance under WtW, pursuant to section 403(a)(5) of the Social Security Act, to a family that is ineligible for TANF solely because it has reached the five-year time limit.

Because of the potential impact on OWF time-limited receipt of assistance, it is important to note and understand all of the ramifications associated with the use of WtW assistance in serving needy families. A family's time-limited OWF assistance will not be adversely affected by the receipt of WtW non-cash assistance services. This is an important difference between OWF (TANF) regulations and WtW regulations - an unemployed family can be served with WtW noncash assistance, and such receipt does not count as receipt of cash assistance for WtW or OWF/TANF. Conversely, supportive services provided to an unemployed family with OWF monies are countable toward the OWF time limit. Consequently, we encourage providers to carefully examine the circumstances of the individuals in the population to be served with WtW assistance so that both the WtW and OWF monies are maximized to the benefit of the families who are served.

In those situations where the agency has determined that WtW cash assistance services have been provided to individuals for whom the OWF time limit is countable, those months for which WtW cash assistance was provided are countable toward the individual's 36-month limit. Months of receipt of WtW cash assistance from 10/01/97 for countable individuals must be added to the individual's time limit count in CRIS-E. Those WtW cash assistance benefits will have to be added for countable individuals via the TLOS CRIS-E screen.

**Head-of-Household Designation**

- **Two-Parent Assistance Groups**

  This rule is also being amended to add language to paragraph (C), regarding the designation of head-of-household in a two-parent assistance group. This paragraph was expanded to include language which addresses those situations when another parent becomes a required member of an existing two-parent assistance group. When this situation occurs, a new head-of-household designation may need to be made, depending on the ages and marital status of each of the parents who are required assistance group members.

  For example, if a two-parent assistance group contains two adult parents who are unmarried, one of the unmarried parents is designated as head-of-household. If another adult parent becomes a required member of the assistance group (because the incoming parent has a child in common with one of the other adult parents), a new head-of-household designation will need to be made. The same would be true if another adult parent becomes a required member of the two-parent assistance group containing married adult parents. A head-of-household designation is necessary because the entering adult parent can be designated head-of-household. If, however, the entering adult parent is not designated as head-of-household, then both the married parents in the original two-parent assistance group are countable for time limits; one as head-of-household and the other as the spouse of the head-of-household.

  Another example is when a two-parent assistance group contains two unmarried minor parents. Because they are unmarried, one of the minor parents is designated as head-of-household for OWF time limit purposes. Another minor parent then becomes a required member of the two-parent assistance group. Therefore, a new head-of-household designation will need to be made because the assistance group contains three minor parents and one of them must be designated as head-of-household. Conversely, if the parent who becomes a required member of this two-parent assistance group is an adult, there is no head-of-household designation to be made; the adult parent is the head-of-household. With the inclusion of the adult parent, neither of the minor parents are considered to be a minor head-of-household (i.e., a minor child who is a parent of a child included in the same assistance group that does not include an adult, as set forth in Section 5107.02 of the Revised Code).

- **Assistance groups excluding an adult and containing two minor sibling parents and their sibling(s)**

  An additional paragraph was added to the rule under paragraph (C) to address the head-of-household designation when an assistance group does not contain an adult, but contains (at least) two minor parents and their children, and a sibling(s) of these minor parents. In accordance with standard filing unit policy,
because the minor parent siblings are each required to be in two separate filing units (i.e., each minor parent in an assistance group with their child, and also in an assistance group with their siblings), the filing units must be combined into one assistance group. Even though this assistance group contains more than one parent, it is not a two-parent assistance group, as defined in rule 5101:1-3-01, which states that a two-parent assistance group contains both natural or adoptive parents of a common child. As a result, this assistance group is not subject to a head-of-household designation, and both of the minor parents are countable for OWF time limit purposes. In these cases, CRIS-E Help Desk intervention will be necessary to ensure that both minor parents are identified in CRIS-E as countable for time limits.

Paragraph (E) of the rule has also been amended for clarity. A sentence has been added to paragraph (E) which states that any month for which any of the conditions set forth in paragraphs (E)(1) to (E)(12) exist that appear on an individual's time limit count must be removed from the individual's time limit count via CRIS-E screen TLIN. (CCN 4642)

CHAPTER 4000

ODJFS 02132 "Affidavit in Support of Application for Replacement Warrant"

The ODHS 2132 has been revised effective November 2000 to change references from the County Department of Human Services to County Department of Job and Family Services. The revised form is available in the warehouse.

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CHAPTER 4000 SPECIAL PROGRAMS AND PROCEDURES

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To: All Public Assistance Manual Holders  
From: Jacqueline Romer-Sensky, Director  
Subject: OWF and RRP: October 2000 Changes  

The rules in this MTL, with the exception of rule 5101:1-23-01, are effective October 1, 2000. This cover letter includes a summary statement of each policy change. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 3000  

Rule 5101:1-3-15 - OWF: Penalties and Three-Tier Sanctions  

This rule is being amended to clarify that a request made on the written notice of sanction is for a county conference and a state hearing and that the written notice is generated by ODJFS when an assistance group fails a provision of the self-sufficiency contract.

Also included in the rule is language that the provisions in section 5107.161 of the Revised Code and this rule do not replace the time period for requesting a state hearing and county conference. If a request is made within the 15 calendar days from the mailing of the notice, the sanction is postponed. If the request is made after the 15th day but before the 90th day, the hearing will be conducted, but the sanction is imposed. (CCN 4613)

Rule 5101:1-23-01 - Ohio Works First (OWF): Time Limited Receipt of Assistance  

Rule 5101:1-23-01 is being amended to identify an additional situation that does not count toward the time limited receipt of assistance in the OWF program.

New paragraph (E)(11) has been added to clarify that LEAP enrollment, attendance and graduation bonuses paid to LEAP participants in accordance with the provisions set forth in rule 5101:1-23-50 of the Administrative Code, are not considered assistance for OWF time limit purposes.

The effective date of this rule amendment is October 2, 2000. The effective date of the rule is October 2, 2000, due to rule refiling timeframes. Please note that although the effective date of the rule change is October 2, 2000, the change is applicable to any situation in which a LEAP enrollment, attendance and/or graduation bonus was issued (and no OWF cash assistance benefit was also issued for the same month) from October 1, 1997.

LEAP benefits with the following issuance codes, do not count towards the OWF time limits:

- **BE** - LEAP enrollment
- **BA** - LEAP attendance
- **BL** - auxiliary LEAP bonus
- **RL** - recurring LEAP bonus

On 8/1/00, the CRIS-E system corrected prior LEAP benefits that counted toward the 36 months (reference CRIS-E bulletin dated 8/1/00 - 8/1/00). Workers do not have to make any corrections on the TLIN screen. (CCN 4623)

CHAPTER 4000  

Rule 5101:1-1-90 - Ohio Works First: State Tax Refund Offset Program (STOP)  

Section 5101.184 of the Revised Code requires that the Ohio Department of Job and Family Services work with the Ohio Department of Taxation (ODT) to collect overpayments of assistance from refunds of state income taxes. Overpayments which may be collected using this method include those obtained by fraud or
misrepresentation, and those resulting from error made by the recipient or by the county department of job and family services.

Beginning in January, 2001, ODJFS will refer to STOP the ADC/TANF/OWF delinquent claim debts which meet the STOP criteria. Individuals who file State of Ohio income tax returns for tax year 2000 will be subject to the offset.

A debtor whose claim is selected by CRIS-E for referral to STOP is mailed a 30-day notice of intent to offset. The notice informs the debtor concerning how to prevent the offset, and how to request a review of the intended action. Reviews are conducted by the applicable CDJFS, with second-level reviews being conducted by ODJFS. Sample formats for CDJFS review decisions are included with this transmittal.

**The State Tax Refund Offset Program Review Decision - Sustained.**

**The State Tax Refund Offset Program Review Decision - Overruled.**

Much of the offset process is automated via CRIS-E, including selection of the applicable claims, issuance of appropriate notices, crediting of offset collections, cancellation of referrals in some situations, updating the ODT concerning decreases in claim amounts, and restoration of correct claim balances when offset collection amounts are refunded to debtors. (CCN 4596)

**Rule 5101:1-2-40 The Refugee Resettlement Program (RRP)**

The Department of Health and Human Services' Office of Refugee Resettlement (ORR) has issued final regulations for the Refugee Resettlement Program. Final rules amend current requirements governing refugee resettlement program-financial assistance (RRP-FA) and refugee resettlement program-medical assistance (RRP-MA).

Changes in the RRP program involve State options in designing RRP-FA for those refugees not eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI). States may establish the refugee cash assistance program as a public/private partnership between States and local resettlement agencies or continue the refugee cash assistance program as a publicly administered program. A decision has been made by the State of Ohio in cooperation with the Ohio Refugee and Immigrant Advisory Council (ORIAC) to align the refugee resettlement program with appropriate TANF regulations in regard to determination of eligibility, treatment of income and resources, benefit levels, and budgeting methods.

The current State Plan must be amended to reflect the alignment of the RRP program with TANF regulations. Final RRP policy must be in place by March, 2002. During the interim period, beginning with this MTL, policy language will be continuously amended until final RRP regulations are in place.

Throughout the entire rule, the county department of human services (CDHS) will be changed to county department of job and family services (CDJFS) and the Ohio department of human services (ODHS) will be changed to the Ohio department of job and family services (ODJFS).

Ohio Bureau of Employment Services (OBES) offices, now part of ODJFS will be referred to within this rule as local employment services.

Paragraph (A)(2) and (A)(5) of Administrative Code rule 5101:2-40 has been deleted to remove reference to obsoleted alien statuses within the refugee resettlement program.

Paragraph (A)(6) adds Cuban and Haitian entrants in accordance with Part 401 under the authority of section 412(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1522 (a)(9)).

Paragraph (C) requires the CDJFS to notify the local resettlement agency when a refugee applies for cash assistance.

Paragraph (H)(3) has been revised to allow Asylees to be eligible for assistance and services beginning on the date that they are granted asylum.

Paragraph (V) has been revised to reemphasize the requirement that CDJFS shall require a reapplication when RRP program eligibility is to end to determine potential eligibility for OWF or DA due to changed circumstances.
Paragraph (Y) has been revised to reflect Section 412(e)(2)(b) of the INA which prohibits RRP-FA for full-time students in higher education. Professional refresher training and other recertification services are limited to individuals who are employed.

Paragraph (Z)(3) requires that any cash grant provided to a refugee applicant by the Department of State or Department of Justice Reception and Placement programs shall not be considered in determining program eligibility and grant amount. (CCN 4620)
Policy changes in this MTL are effective July 1, 2000. This cover letter includes a summary statement of each policy change. Each statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

CHAPTER 1000

Rule 5101:1-2-01 - Applications and the Application Process for OWF, DA and RRP

As a result of an administrative decision to begin the process of creating a Medicaid specific manual, rules pertaining to application processing of Medicaid assistance groups have been removed from rules in Chapter 1000 and will now be found in Chapter 5101:1-38 of the Administrative Code (Chapter 7000 of the Public Assistance Manual).

All references to application processing of Medicaid assistance groups have been removed from this rule, and will be found in new rule 5101:1-38-012. The list of items to be included in the application packet now reflect new brochures produced by the Office of Communications.

Information regarding the requirement of the CDJFS to offer and to provide an interpreter at no cost to the assistance group has been added in order to comply with Title VI of the Social Security Act (Civil Rights). The CDJFS shall not require the assistance group to use friends or family members as interpreters. However, a family member or friend may be used as an interpreter if this approach is requested by the assistance group member and the use of such a person would not compromise the effectiveness of services or violate the assistance group member's confidentiality, and the assistance group member is advised that a free interpreter is available.

To promote outreach for the Child Care Program, new ODJFS form 1139 "Child Care Application Addendum" has been created. This form is to be included in the application and reapplication packet. When the assistance group member completes the ODJFS 1139, it is recommended that the CDJFS worker include copies of the assistance group's income and forward the application addendum to the appropriate child care eligibility worker. Further instructions on the processing of the application addendum by the child care eligibility worker will be issued in a future guidance letter.

All references to the County Department of Human Services have been changed to the County Department of Job and Family Services in light of the July 1, 2000 merger. (CCN 4583)

Rule 5101:1-2-20 - OWF/DA/RRP - Verification and Reporting Requirements

The only change to this rule is the removal of all references to Medicaid. New rule 5101:1-38-02 reflects the verification and reporting requirements for the Medicaid program. (CCN 4583)

PAM Sections 1600 - 1600.3 - Group Health Insurance

PAM Sections 1600 and subsections are being removed from the PAM. The rule relating to Group Health Insurance has been rescinded.

CHAPTER 7000

Rule 5101:1-38-012 - Medicaid and Covered Families and Children: Application Process

New rule 5101:1-38-012 provides the regulations relating to the application process for Medicaid. This rule is similar to the information contained in rule 5101:1-2-01. This rule also includes information regarding the requirement that the CDJFS provide an interpreter and a list of the required information, including the Child Care Application Addendum, that must be issued with each application and reapplication. A significant
change in the application process is that the CPA will also be used as an application for assistance for Low-Income Families (LIF) Medicaid. Information has been added about the use of the ODHS 2398 "Program of All-Inclusive Care for the Elderly (PACE) Referral." ODHS 2399 "Home and Community-Based Services (HCBS) Waiver Referral," and ODHS 7120 "Optional State Supplement Referral" forms that are used in conjunction with the application forms.

OAC rule 5101:1-39-13 regarding the intent to file an application via an ODHS 2453 is being rescinded. The information is included in new rule 5101:1-38-012 on application processing. PAM Sections 1015.2 through 1015.5 are being removed from Chapter 1000. The information in these sections is included in rule 5101:1-38-012. (CCN 4569)

**Rule 5101:1-38-02 - Medicaid and Covered Families and Children: Verification and Reporting Requirements**

New rule 5101:1-30-02 provides the verification and reporting requirements for Medicaid. Significant changes have been made in the verification requirements. Self-declaration of age, identity, social security number, citizenship, residence and living arrangement is acceptable verification unless the information is confusing or contradictory to other information available to the CDJFS. Verification is still required for income, resources, pregnancy, limiting physical factor and third party medical information. (CCN 4569)


The requirements for a social security number have not changed. Each applicant/recipient of Medicaid is required to furnish or apply for a social security number. PAM Sections 7406 and 7406.1 are being removed from the PAM. Information regarding the social security number requirements for Medicaid are in rule 5101:1-38-021. (CCN 4569)

**Rule 5101:1-38-04 - Outstationing of Eligibility Workers at Disproportionate Share Hospitals and Federal Qualified Health Centers**

PAM Sections 1015.6 through 1015.9 are being obsoleted and replaced with rule 5101:1-38-04, which is now contained in Chapter 7000. (CCN 4569)

**Rule 5101:1-38-10 - Medicaid Estate Recovery**

New rule 5101:1-38-10 provides information pertaining to Medicaid estate recovery. This rule includes the definition of estate, when an undue hardship waiver to exempt an estate from recovery may be granted, the notice requirements, and that any disputes relating to estate recovery will be resolved through the judicial process. The ODHS 7400 "Estate Recovery" form has been revised. (CCN 4575)
TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
FROM: JACQUELINE ROMER-SENSKY, DIRECTOR
SUBJECT: OWF/DA/RRP - JULY 1, 2000 CHANGES

CHAPTER 3000
Rule 5101:1-3-09 - OWF and RRP - Enumeration requirement

Paragraph (H) of this rule was obsoleted as it pertains to the Medicaid program and will be added to a rule in Chapter 5101:1-38 of the Administrative Code. (CCN 4583)

Rule 5101:1-3-15 - Ohio Works First (OWF): penalties and three-tier sanctions

As a result of passage of Substitute Senate Bill 245, changes have been made to the sanction rule to include language on the written notice of sanction. These changes are effective July 1, 2000. Section 5107.161 of the Revised Code requires that before a County Department of Job and Family Services sanctions an assistance group, a notice shall be provided by the Ohio Department of Job and Family Services. The notice shall include a provision printed in bold face type that informs the assistance group that, not later than 15 days after the mailing of the notice, the assistance group may request a face-to-face county conference with the county department. The purpose of the county conference is to allow the assistance group to explain why they feel a sanction should not be imposed. The county conference does not negate the request for a state hearing; it precedes the state hearing.

This section of the Revised Code replaces the current language requiring the counties to send a pre-sanction notice prior to the mailing of the prior notice of adverse action that proposes a sanction. Effective July 1, 2000, the 15 days begins from the mailing date of the prior notice of adverse action. A request for a county conference within the 15 days, results in a postponement of the proposed sanction until after the county conference and state hearing decisions are rendered. A state hearing may not be required if the county conference overturns the proposed sanction. The county will no longer be required to send a separate pre-sanction notice; the statutory language will be printed on the prior notice of adverse action proposing the sanction, which is generated by CRIS-E.

Also required on the notice, is the toll-free number of the County Department of Job and Family Services that will provide the participant with the telephone number of the OWF Ombudsperson. A Service Request Form (SRF) has been generated to print the toll-free telephone number of each county that is listed on CRIS-E table TTOC on the prior notice of adverse action. In addition, all references to the County Department of Human Services have been changed to the County Department of Job and Family Services (CDJFS) in light of the July 1, 2000 merger. (CCN 4589)

CHAPTER 4000
Rule 5101:1-2-40 The Refugee Resettlement Program

Policy language is being amended to include the one hundred eighty-five percent and the one hundred percent need standards used in determining eligibility for the refugee resettlement program-financial assistance (RRP-FA) and refugee resettlement program-medical assistance (RRP-MA). The need standards were previously referred to as set forth in Administrative Code rule 5101:1-40-26 of Medicaid policy. Effective July 1, 2000, the one hundred eighty-five percent standard will no longer be used in computing eligibility for covered families and children medicaid. The refugee resettlement program policy has not changed, the one hundred eighty-five percent standard and the one hundred percent standard remain a requirement in determining eligibility. The attached one hundred eighty-five and one hundred percent standard chart is applicable for the RRP program and will be updated annually when the new federal poverty guidelines are provided.
Policy language is being amended to correct references in sections G(2) and BB(3)(e) of this rule. (CCN 4583)

CHAPTER 5000
Rule 5101:1-5-30 - DA: Resources

Language has been added to clarify that the exception to evaluating resources according to equity value is in the determination of the value of motor vehicles, since DA follows the provisions in Chapter 5101:4-4 for the food stamp program. (CCN 4583)
CHAPTER 1000

Rule 5101:1-2-10 - "OWF/DA/RRP: The Determination of Eligibility for Applications and Reapplications"

As a result of an administrative decision, rules pertaining to the application processing of Medicaid assistance groups will now be found in Chapter 5101:1-38 of the Administrative Code (Chapter 7000 of the Public Assistance Manual). To align with this change, all references to the Medicaid program have been removed from this rule.

In order to comply with Title VI of the Social Security Act (Civil Rights), language has been added regarding the CDHS responsibility to provide an interpreter at no charge to assistance groups whose primary language is not English. (CCN 4566)

CHAPTER 3000

Rule 5101:1-23-011 - OWF Time Limits: Calculation of the Twenty Percent Limit for the Extension of OWF Participation Due to Hardship Exemption

Rule 5101:1-23-011 has been developed to provide the method for the calculation of the 20% limit for the OWF time limit hardship extension. The rule contains language that addresses how the calculation of the 20% of the average monthly number of the county's OWF assistance groups is derived.

As stated in the rule, the 20% figure will be calculated at the beginning of the federal fiscal year, based on data from the immediately preceding federal fiscal year. Once the 20% figure is calculated, it will remain unchanged for all 12 months of the federal fiscal year.

This rule is being proposed at this time in order to provide the CDHS with advance notice of how the calculations will be made. This may be helpful for county planning purposes, especially in preparation for October 1, 2000, when the first OWF assistance groups will lose OWF eligibility due to the 36-month time limit.

The CDHS must continue to assist OWF assistance groups to whom the extension due to hardship is granted in meeting their plans for self sufficiency. Assistance groups that receive a hardship extension are also subject to all other OWF eligibility requirements, including compliance with the self sufficiency plan. (CCN 4552)
TO: STATE HEARINGS MANUAL HOLDERS
ALL PUBLIC ASSISTANCE MANUAL HOLDERS

FROM: JACQUELINE ROMER-SENSKY, DIRECTOR

SUBJECT: CHANGES TO ADMINISTRATIVE DISQUALIFICATION PROVISIONS

As the result of a recent review of the Administrative Disqualification provisions in the Ohio Administrative Code rules, changes are being made to clarify the policy. Paragraphs (A)(3)(a) of rule 5101:1-23-75 contained in the Public Assistance Manual, and (B)(1) of rule 5101:6-21-01 contained in the State Hearings Manual, have been revised to remove the words "intentional program violation" and to insert language which includes a finding of an intentional program violation when a court determines that an individual has committed a criminal offense connected to a violation of the OWF and/or PRC program requirements. All references to OWF and PRC have been removed from rule 5101:6-20-50 of the Administrative Code.

In addition to the above changes, some changes are being made to simplify record retention for state hearings. The official hearing records will now be maintained by the ODHS Bureau of State Hearings, rather than returned to the county agencies. Upon request a copy will be sent to the local agency. This change is being made to simplify the process of record retrieval and maintain these records as available for additional appeal actions.

As part of our ongoing review of State Hearings Rules, technical changes are being made to some of the State Hearings rules. State and federal adoption assistance programs have been included in the definition of "benefits." Exclusion of these programs was an oversight.

Rule 5101:6-20-18 has been modified to require that copies of the "Notice of Disqualification for Intentional Program Violation," ODHS 4062 be sent to the fraud control specialist at the appropriate district office. A corresponding change has been made to the form.
Ohio Works First: Chapter 3000

Rule 5101:1-23-20 - "OWF: Income and Eligibility"

In accordance with the provisions set forth in the temporary law section of Substitute House Bill 283 (Sub. H.B. 283), the OWF payment standards are being increased effective January 1, 2000. The law provides for a three percent increase in the OWF payment standards.

Rule 5101:1-23-20 is attached and has been modified to reflect the revised OWF payment standards. A CRIS-E table change request has been submitted so that the appropriate OWF payment standards will be used by CRIS-E in the determination of OWF cash assistance eligibility and payment amount after cut-off in November, for benefits that will be issued on or after January 1, 2000.
October 29, 1999

TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
FROM: JACQUELINE ROMER-SENSKY, DIRECTOR
SUBJECT: INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM

The rule contained in this MTL is effective December 1, 1999. This cover letter includes a summary statement of the policy and the clearance control number (CCN) assigned when the policy was placed into clearance.

Rule 5101: 1-3-18 - "Individual Development Account (IDA) Program"

Revised Code Section 5101.97 states that the Ohio Department of Human Services (ODHS) shall adopt rules in accordance with Chapter 119 of the Revised Code to govern the implementation, by county departments of human services (CDHS), of an Individual Development Account Program as established in Revised Code Sections 329.11 to 329.14. An "Individual Development Account" means a trust created to enable an individual to accumulate funds for specified purposes. Under an IDA, an individual may deposit earned income with a fiduciary organization, i.e., a nonprofit fund-raising organization that is exempt from federal income taxation. The fiduciary organization will secure matching funds for the money held on deposit at a match rate not to exceed a rate of two to one. The matching funds may be secured from corporations, individuals, other entities or the CDHS. An account may have no more than ten thousand dollars in it at any time.

An individual whose household income does not exceed one hundred fifty percent of the federal poverty line is eligible to participate in an IDA program established by the county department of human services of the county in which the individual resides. An individual seeking to be a participant in an IDA program shall enter into an agreement with the fiduciary organization administering the program. The agreement shall specify: (1) the terms and conditions of uses of funds deposited; (2) financial documentation required to be maintained by the participant; (3) expectations and responsibilities of the participant; and, (4) services to be provided by the fiduciary organization.

The IDA funds may be withdrawn only for specified purposes as established by law. These purposes are: (1) post-secondary education, (2) first-time home purchase, or (3) the establishment of a business. Allowances are made for emergency withdrawal of funds the individual has contributed. However, penalties are imposed for inappropriate use of withdrawn funds. A withdrawal may be made only with the approval of the fiduciary organization.

The CDHS will need to modify the county PRC plan appropriately to include IDA accounts if PRC funds are used for the match. For the purposes of PRC assistance, the match money is considered as non-assistance even if provided on an on-going basis.

According to Section 263.20 of the federal TANF regulations, the funds in an IDA account are disregarded in determining eligibility for, or the amount of, assistance in any federal means-tested program. Therefore, funds in an IDA account are disregarded as a resource for Food Stamps and Medicaid during any period an individual maintains or makes contributions to the account. However, any money paid out of the account directly to the individual is not excluded as income for OWF or food stamps. Any money paid out of the account directly to a third party is excluded as income for OWF and food stamps.

Based on data that the fiduciary organization is required to collect as outlined in the rule, a semi-annual report on Individual Development Account programs is required to be submitted by the CDHS to ODHS. In a letter to be released in the near future, instructions regarding the report will be provided, i.e., due date of the report and how to file the report. The individual CDHS reports will be summarized into a full annual report which will be filed with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives. (CCN 4462)

Instructions:
Ohio Works First: Chapter 3000: Please remove Outline of Contents (effective October 1, 1999) and replace with Outline of Contents (effective November 1, 1999).

Ohio Works First: Chapter 3000: Please insert rule 5101-1-3-18, "Individual Development Account (IDA) Program" immediately after rule 5101:1-3-16, "Ohio Works First (OWF) Work Activities."
Policy changes in this MTL are effective October 1, 1999. This cover letter includes a summary statement of each policy change. Each statement either references the clearance control number (CCN) assigned when the policy change was placed in the clearance process, or indicates that the policy change did not go through the clearance process. We have also included miscellaneous changes where language has been added to the Ohio Revised Code, but an Ohio Administrative Code rule was not written to address the provision.

AMENDED SUBSTITUTE HOUSE BILL 283
Ohio Works First: Chapter 3000

Rule 5101:1-3-01 - "OWF: Definitions of Assistance Group Composition for Work Participation Rates"
This rule sets forth the definitions of assistance group composition for work participation rates. This rule is being proposed to provide definitions that are used in determining both the state and federal work participation rates, and align with the recently issued final TANF regulations. Former rule 5101:1-3-01 is being rescinded and is being replaced by this new rule. There are three types of assistance group compositions that relate to federal and state work participation rate calculations. They are, "two-parent assistance groups", "all-family assistance groups", and "child only" assistance groups. (CCN 4497)

Rule 5101:1-3-03 - "Ohio Works First (OWF): Residence and Living Arrangement Requirement"
Section 5107.10 of Amended Substitute House Bill (Am. Sub. H.B.) 283 allows for a minor child to receive OWF benefits if the child is residing in the home of a parent, guardian, specified relative or custodian to the extent permitted by Title IV-A and federal regulations adopted under Title IV-A. A custodian, as defined in Section 5107.02 of Am. Sub. H.B. 283, is an individual who has legal custody of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

There is an outstanding issue as to whether the federal regulations permit the use of TANF funds for children not residing with parents or specified relatives. If it is determined that TANF funds cannot be used for children residing with non-related individuals, custodians and guardians (who are not specified relatives) will be removed from the rule.

The 'NPC' field on AEIIHH will now accept a 'C' for custodian. This will enable CRIS-E to determine OWF eligibility for the minor child, but not the custodian, since Section 5107.11 (C) of Am. Sub. H.B. 283 prohibits OWF benefits for a custodian or guardian in the assistance group with the minor child, unless the custodian or guardian is also a specified relative. 'C' or 'L' should only be entered if the individual is not a specified relative of the minor child.

Children currently receiving DA who are living with a person standing in place of a parent, shall have OWF eligibility explored at case change or reapplication, if the person standing in place of a parent is a legal custodian as defined in Section 5107.02 of Am. Sub. H.B.283. (CCN 4499)

Rule 5101:1-3-04 -"Ohio Works First (OWF): Temporary Absence"
Section 5107.10 of Am. Sub. H.B. 283 increased the time frame for PCSA reunification from 3 payment months to 6 payment months. Children may continue to receive OWF benefits in the removal home during the 6 payment months. The rule has been amended to reflect this change.

A Service Request Form (SRF) has been completed to change the language on CRIS-E screens AEIIA and AEIDC from 90 days to 180 days. CRIS-E currently allows for a 6-month end-date on AEIDC. The end-date on AEIDC must always reflect the last day of the month. Reason code 706 has been revised to reflect the change from 3 months to 6 months.
Any OWF assistance group with a child whose third month under the current 90-day policy ends in September 1999 or later, shall be reviewed with the PCSA to determine if the assistance group remains eligible for the additional 3 months. Upon verbal or written confirmation from the PCSA, the CDHS shall change the end-date on AEIDC to reflect the change from 3 to 6 months. Any child whose 90-days ended on or before August 31, 1999, is not eligible for the additional 3 months. OWF/PRC Guidance Letter #6 identified the cases with children eligible under the current 90-day policy.

As a result of questions from counties and regional offices, language has been added regarding an assistance group member whose sole absence from the home is service in the military. This individual meets the good cause criteria for temporary absence. (CCN 4499)

Rule 5101:1-3-15 - "Ohio Works First (OWF): Penalties and Three-Tier Sanctions"

In accordance with Section 5107.17 of Am. Sub. H.B. 283, language regarding the assistance group’s requirement, upon compliance, to sign a new or amended self-sufficiency contract and complete a reapplication, has been changed. Specifically, Section 5107.17 states that when an assistance group resumes participation in OWF following a sanction, the CDHS shall not require the assistance group to complete a reapplication unless one is necessary to continue the Medicaid or Food Stamps benefits. The CDHS shall not require a new self-sufficiency contract unless the CDHS determines that an appraisal is necessary or the assistance group’s circumstances have changed since the prior contract was completed. If a reapplication is not completed by the CDHS, the assignment of support rights will be deemed to have been met with the existing application. The effective date of the assignment remains the month following the reinstatement of OWF.

In addition, clarification regarding the period of ineligibility for employment termination without just cause for an individual in receipt of OWF, Transitional Medicaid, Transitional Child Care or an individual receiving none of those types of assistance, has been added to the penalty section of this rule.

Language regarding assistance group movement in penalty situations has been added to the rule. The rule currently addresses assistance group movement in sanction situations. (CCN 4499)

Rule 5101:1-23-10 - "OWF: Standard Filing Unit"

Custodians have been added to this rule, pending a final decision regarding the appropriate use of federal TANF funds, as previously detailed on page one of the cover letter.

Language has been added to include in the standard filing unit, an individual who is under house arrest. The CDHS will need to work closely with the parole board to determine what work activity requirements that the offender will be assigned to in order to meet the family’s participation rate. Section 2929 of the Ohio Revised Code does allow for the eligible offender to be away from the home for periods of time during which he/she is at the place of employment or at other premises as authorized by the sentencing court or by the parole board. (CCN 4499)

5101:1-23-20 "OWF: Income and Eligibility"

This rule has been amended to remove all references to the 18-month time limit for receipt of the $250 and ½ of the remainder earned income disregard. The state budget bill, Sub. H.B. 283 removes the time limit for receipt of the $250 and ½ the remainder earned income disregard. A SRF has been generated to remove the limit and avoid terminating OWF benefits to an assistance group that reaches the 18-month limit on 09/30/99.

For families that are receiving small OWF cash assistance benefit amounts, the CDHS should discuss the possibility of leaving OWF with the assistance group, in order to preserve the future availability of time-limited OWF cash assistance benefits. As a part of this discussion, the CDHS should advise the assistance group of the availability of PRC services and non-assistance support services, as well as food stamp, Medicaid and child care assistance. (CCN 4497)

Rule 5101:1-23-40 - "OWF: Payments"

Custodians have been added to this rule, pending a final decision regarding the appropriate use of federal TANF funds, as previously detailed on page one of the cover letter. (CCN 4499)

Rule 5101:1-23-60 - "OWF: Underpayments"
As a result of the elimination of the 18-month period for the earned income disregard, all references to that time period have been removed from the rule. (CCN 4499)

**MISCELLANEOUS AMENDED SUBSTITUTE HOUSE BILL 283 CHANGES**

**Section 5107.24 - Minor parent living arrangement**
Custodian has been added to this section as an acceptable individual for a minor parent or pregnant minor to reside with to qualify for OWF benefits.

**Section 5107.26 - Termination of employment without just cause**
Section 5107.26 of Am. Sub. H.B. 283 added language prohibiting termination of OWF if the termination of employment was due to an assistance group member's securing of comparable or better employment. It is recommended that the CDHS refer to the ODHS Office of Legal Services Legal Brief 99-04 regarding "comparable" employment. This requires no change to CRIS-E, as this will be considered a just cause reason for employment termination.

**TANF REGULATIONS**

**Ohio Works First: Chapter 3000**

**Rule 5101:1-3-10 - "OWF: Child Support Requirement"**
This rule replaces former rule 5101:1-3-10 "OWF: Assignment of Child Support, Mandatory Cooperation in Securing Support, and CDHS/CSEA Interface". SETS interface language that was previously deleted has been reinstated in this rule. Included in the rule is an explanation of TANF definition of what is assigned and examples of what is not assigned (i.e, support services for employed assistance groups, nonrecurrent short-term benefits). Federal Child Support Guidance OCSE-AT-98-24 makes a distinction between "assistance" under the TANF program purposes under Title IV-A (OWF) and "assistance paid to the family" for child support distribution purposes under IV-D (Child Support). "Assistance paid to the family" for child support enforcement collection purposes, means money payments in cash, check or warrants immediately redeemable at par to eligible families under a state plan approved under Title IV-A.

The distinction is important because although all TANF (OWF) "assistance" is assigned, only "assistance paid to the family" is reimbursable in the child support distribution process. Assignment of support is not required under TANF if the family is not in receipt of "assistance" as defined in the final federal regulations. For example, any benefits provided under PRC are not subject to assignment and are not used to reimburse assistance, even if the PRC is in the form of a cash payment to the family.

A SRF has been completed to capture all benefits that meet the definition of assistance and must be assigned for child support purposes. The assignment is still captured by completion of the application and would not require the CDHS to process this information any differently than is currently being done. However, it will make a difference in the determination of when the child support being paid on the family's behalf is greater than the amount of assistance paid to the family, since the definition of "assistance" has been expanded.

Additional language has been added to clarify that there is no non-cooperation penalty for assistance groups not containing an adult or minor head of household. (CCN 4499)

**Rule 5101:1-3-12 - "OWF: Work Activity Participation and Child Care"**
Single custodial parents caring for a child under age six, who has demonstrated an inability, as determined by the CDHS, to obtain needed child care, cannot be sanctioned for refusing to engage in required work. This exception applies if appropriate child care within a reasonable distance from the individual's home or work site is not available; informal child care by a relative or under other arrangements is unavailable or unsuitable; or appropriate and affordable formal child care arrangements are unavailable. Definitions for "appropriate child care", "reasonable distance", "unsuitability of informal care" and "affordable child care arrangement" have been included in this rule.

The federal regulations require that TANF (OWF) single custodial parents caring for a child under age six, be informed of the child care exception and definitions; the CDHS procedures for determining the inability to obtain needed child care; and the fact that this exception does not extend time limits. (CCN 4499)

As a result of the issuance of the final federal TANF regulations, this rule has been amended and reorganized to more clearly define receipt of "assistance" in the OWF program.

According to the time limit provisions contained in the April 12, 1999, federal register, only months in which an actual cash benefit was issued count toward the federal 60-month TANF time limit. This includes the issuance of OWF cash assistance benefits via EFT, EBT, warrant, voucher or check; the issuance of supportive services such as child care and transportation for an assistance group containing an unemployed adult or minor head of household (unless the payments meet the definition of nonrecurrent, short-term benefits as set forth in §260.31(b)(1) of Title 45 of the Code of Federal Regulations); and in situations when an assistance group's OWF cash benefits are reduced to zero to repay an overpayment.

The rule has also been amended to identify each circumstance under which an assistance group is NOT considered to be receiving assistance in the OWF program for purposes of applying the time limit. TANF time limit policy effective October 1, 1999, does not count certain months toward the federal 60-month time limit that have been counted under OWF since October 1, 1997. This includes:

- SEP cases, where the assistance payment is diverted in its entirety to an employer;
- Cases in which the assistance case is left open, but the cash benefit is reduced to zero because of the imposition of a sanction, such as the LEAP sanction which is imposed after six months of the $62 LEAP sanction [ref: OAC rule 5101:1-23-50(P)(3)], and the Learnfare sanction for refusal to consent to release of school records, as provided by ORC Section 5107.284;
- Minimum payment cases - when the assistance group is determined to be financially eligible to participate in OWF, but is eligible for a benefit of less than $10, so no benefit is issued.
- Cases in which supportive services such as transportation and child care are provided to an assistance group containing an employed adult or minor head of household.
- Cases in which prevention, retention and contingency (PRC) services under the PRC program, as set forth in Sections 5108.01 to 5108.10 of the Revised Code are provided to an assistance group that is not receiving OWF cash assistance.

A SRF has been generated to make the appropriate changes in CRIS-E effective 10/01/99, and to retroactively remove any of the months listed above for all adults and minor heads of households affected by this change. (CCN 4497)

5101:1-23-50 - "Ohio Works First: The LEAP - Learning, Earning And Parenting Program"

The final TANF regulations allow a state that is operating a waiver to exclude cases that are exempt from participation from the denominator for purposes of calculating the work participation rates. The regulations also allow states to modify waiver policies to make them more consistent with TANF.

Therefore, beginning 10/1/99, all LEAP teens who are exempt from participation will be excluded from the denominator with one exception: teens who are excused from compulsory school attendance in accordance with Section 3321.04 of the Revised Code for the purpose of home education.

The Department of Education has a rule that states that a parent who elects to provide home education has to provide the superintendent with an assurance that the child will be provided a minimum of 900 hours of home education each school year. As a result, a teen for whom home education is provided can be considered to be maintaining satisfactory attendance, and as such is deemed to be engaged in work for work participation rate calculations.

A teen excused from compulsory attendance is considered to be subject to LEAP program requirements for work participation rate calculations only, and is not eligible to receive the enrollment, attendance, grade completion, or graduation bonuses, nor subject to the reduction in benefits for failure to comply with the LEAP program requirements. (CCN 4497)

Rule 5101:1-23-70 - "OWF: Erroneous Payment"

Clarifying language was included regarding IV-A and IV-D overpayments. This coincides with language found in Child Support rule 5101:1-29-78 and CSEM sections 4500 - 4502. (CCN 4499)
Rule 5101:1-5-01 - "The Disability Assistance Program Definitions and Payment Standards"

This rule has been modified to reflect changes required by the state budget bill, Sub. H.B. 283. Specifically, the provisions regarding the potential eligibility of individuals who are in treatment for drug or alcohol addiction have been changed. The statute requires that, effective 10/01/99 only those individuals who are RESIDENTS in a drug or alcohol addiction treatment facility certified by the Ohio Department of Drug and Alcohol Addiction Services (ODADAS) are potentially eligible for DA. Previous policy allowed DA eligibility for individuals who are actively participating in an ODADAS certified drug or alcohol addiction program. No desk review is required to terminate DA benefits to affected individuals. Instead, the CDHS should review cases at the next reapplication or case change, and to take appropriate action based on the specific circumstances of each individual affected by this change in policy.

In addition, the temporary law which provided for the DA eligibility of certain refugees and legal immigrants expired, and was not renewed or included in Revised Code Chapter 5115 as permanent law. Therefore, the policy previously listed in paragraph (D)(1)(f) and the separate payment standards in DA for the refugee and legal immigrants category is no longer applicable, and has been deleted.
Action Change Transmittal Letters
The following Action Change Transmittals (ACT) are related to the Cash Assistance program. These letters were removed from the Public Assistance Manual upon issuance of the Cash Assistance Manual and are being provided for user convenience.
ACT 275 (Update to Interview and Erroneous Payment Procedures- Timeframe Extended)

Action Change Transmittal Letter No. 275

June 3, 2020

TO: All Cash Assistance Manual Holders

FROM: Kimberly Hall, Director Ohio Department of Job and Family Services

SUBJECT: Update to Interview and Erroneous Payment Procedures- Timeframe Extended

Background:

On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. Additionally, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic. The Families First Coronavirus Response Act (Public Law 116-127) became law on March 18, 2020 and provided states the ability to seek waivers to expand flexibility of programs to ease administrative burden of issuing Supplemental Nutrition Assistance Program (SNAP) benefits while under a state of emergency.

As part of this effort, the Ohio Department of Job and Family Services (ODJFS) received various waiver approvals from the United States Department of Agriculture, Food and Nutrition Services (FNS). The waivers include: the option to waive the interview in specific circumstances; and delaying collection on newly established overpayments. In order to align the SNAP and OWF programs, the new procedures for interviews and erroneous payments were implemented for OWF through Action Change Transmittal (ACT) No. 273 & 274. The SNAP waivers were due to expire on May 31, 2020; therefore, the OWF procedures in the ACTs were set to expire on this date as well.

Update:

FNS has approved ODJFS to extend the SNAP waivers through June 30, 2020. To maintain program alignment, the option to waive the interview in specific circumstances and delaying the sending of initial demand notices for newly established erroneous payment claims until after June 30, 2020.

Interview

Through June 30, 2020, a county agency is not required to conduct an interview at application prior to approving OWF or RCA benefits, provided the following are met:

- The applicant’s identity has been verified;
- All other verifications required to establish eligibility as outlined in rule 5101:1-2-20 of the Ohio Administrative Code (OAC) have been completed. (i.e. income, social security numbers, age, citizenship, living arrangement, etc.); and
  - Verification shall be attempted through data matches, documents currently in the case record or provided with the application, and if unavailable, through client statement.
  - A county agency is required to contact the applicant if any information on the application is questionable or cannot be verified.
  - When a county agency is unable to contact the applicant, it shall schedule a telephone interview and send notice of the appointment to the applicant. The scheduled interview establishes a means of contact with the applicant to gather missing information not included in the application and to obtain client statement where electronic documentation is unavailable. If there is no contact with the applicant at the scheduled appointment time, and the applicant does not request to reschedule, the application shall be denied.
  - For all work eligible individuals, an appraisal is conducted and a self-sufficiency contract (SSC) or individual opportunity plan (IOP) must be completed and signed prior to authorization. As outlined in Action Change Transmittal (ACT) No. 271 (03/17/2020), the SSC or IOP may be completed and signed over the telephone.
As part of the appraisal process, the county agency must screen for domestic violence and refer any individual who responds affirmatively to a screening question to counseling and supportive services as outlined in rule 5101:1-3-20 of the OAC.

Additionally, if a county agency does have to complete an interview, it is not required to offer a face-to-face interview, even if an applicant requests this interview method. If a face-to-face interview is requested, the county agency can schedule an interview to be conducted by telephone.

**OWF Erroneous Payment Processing**

Ohio Administrative Code 5101:1-23-70 (F) states, in part, that the county agency shall take action to recover erroneous payments in accordance with rule and with provisions set forth in sections 5107.05 and 5107.76 of the Revised Code.

As a result of accepting the blanket waiver from FNS and to align OWF and SNAP policy, any erroneous payment claim established after the date this ACT is published shall not have an initial demand notice mailed to the individual until after June 30, 2020.
TO: All Cash Assistance Manual Holders  
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services  
SUBJECT: Extending Certification Periods, Erroneous Payment Processing and Refugee Cash Assistance Extension

**Background:** On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio’s citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings. In addition to the state-declared state of emergency, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic.

On April 13, the United States Department of Agriculture, Food and Nutrition Services FNS (FNS), issued guidance allowing states to accept a blanket waiver for flexibilities in the time frame for establishing or disposing of new claims. Ohio has accepted part of the terms of the blanket waiver. Furthermore, on April 22, FNS issued guidance that recertification periods scheduled to expire in June can be extended six months to December.

To align policy between SNAP and the Ohio Works First (OWF) program, initial demand notices for newly established erroneous payment claims shall be delayed being sent to the individual until after May 31, 2020. Additionally, certification periods for households receiving OWF, including child only assistance groups, will be extended.

Additionally, on April 22, 2020 the Administration of Children and Families, Office of Refugee Resettlement (ORR), released Policy Letter (PL) 20-03 providing states the waiver option to extend the Refugee Cash Assistance (RCA) eligibility period. Ohio has applied for and been approved for this waiver.

**New Procedure:** Effective immediately, the following changes apply:

**Extending Certification Periods:**

All OWF assistance groups due for recertification in June 2020 will have their certification periods extended through December 2020. Assistance groups will be notified that their certification date will be extended and that they do not have to reapply and participate in the interview until December 2020.

**OWF Erroneous Payment Processing**

Ohio Administrative Code 5101:1-23-70 (F) states, in part, that the county agency shall take action to recover erroneous payments in accordance rule and with provisions set forth in sections 5107.05 and 5107.76 of the Revised Code.

As a result of accepting the blanket waiver from FNS and to align OWF and SNAP policy, any erroneous payment claim established after the date this ACT is published shall not have an initial demand notice mailed to the individual until after May 31, 2020.

**Refugee Cash Assistance**

RCA provides time-limited cash assistance to refugees who are not eligible for OWF or Supplemental Security Income (SSI) if eligibility requirements are met. Ohio Administrative Code 5101:1-2-40.1 (C) states that the eligibility period for RCA begins with the refugee’s entry date and ends the last day of the eighth month after the entry date. When the first eight months since the entry date have passed, the refugee is no longer eligible for RCA.
As a result of waiver approval from ORR, effective immediately through September 30, 2020 Ohio can extend the RCA eligibility period from 8 months up to 18 months for individuals who became eligible for RCA between April 1, 2019 and January 31, 2020.

- Individuals who became eligible for RCA between April 1, 2019 - September 30, 2019 have exhausted their 8 months of RCA eligibility. They must reapply and meet all eligibility requirements as outlined in rule 5101:1-2-40.1 of the Ohio Administrative Code (OAC). Their RCA benefits will be terminated as of September 30, 2020.
- Current RCA recipients who became eligible between October 1, 2019 - January 31, 2020 will have their eligibility period extended to September 30, 2020. They must continue to meet all eligibility requirements as outlined in rule 5101:1-2-40.1 of the OAC.
- RCA recipients who became eligible for RCA on or after February 1, 2020, the eligibility period will remain at eight months. Additional months cannot extend beyond September 30, 2020.

Since this a very small population of individuals, a list will be sent to county agencies to run and extend the period with an override as well as document in journal notes.
**ACT 273 (Interview Procedures during COVID-19 Pandemic)**

**Action Change Transmittal Letter No. 273**

March 31, 2020

TO: All Cash Assistance Manual Holders

FROM: Kimberly Hall, Director Ohio Department of Job and Family Services

SUBJECT: Interview Procedures during COVID-19 Pandemic

**Background:** On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio’s citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings.

On March 26, 2020 the United States Department of Agriculture, Food and Nutrition Services (FNS) issued guidance allowing states to accept a blanket adjustment for interview requirements due to COVID-19 for Supplemental Nutrition Assistance Program (SNAP) households. Ohio has accepted terms of the blanket adjustment. To align procedures among SNAP, Ohio Works First (OWF) and Refugee Cash Assistance (RCA) programs, the Ohio Department of Job and Family Services (ODJFS) has outlined the procedures below.

**New Procedures:** Effective immediately through May 31, 2020, a county agency is not required to conduct an interview at application prior to approving OWF or RCA benefits, provided the following are met:

- The applicant’s identity has been verified;
- All other verifications required to establish eligibility as outlined in rule 5101:1-2-20 of the Ohio Administrative Code (OAC) have been completed. (i.e. income, social security numbers, age, citizenship, living arrangement, etc.); and
  - Verification shall be attempted through data matches, documents currently in the case record or provided with the application, and if unavailable, through client statement.
  - A county agency is required to contact the applicant if any information on the application is questionable or cannot be verified.
  - When a county agency is unable to contact the applicant, it shall schedule a telephone interview and send notice of the appointment to the applicant. The scheduled interview establishes a means of contact with the applicant to gather missing information not included in the application and to obtain client statement where electronic documentation is unavailable. If there is no contact with the applicant at the scheduled appointment time, and the applicant does not request to reschedule, the application shall be denied.
- For all work eligible individuals, an appraisal is conducted and a self-sufficiency contract (SSC) or individual opportunity plan (IOP) must be completed and signed prior to authorization. As outlined in Action Change Transmittal (ACT) No. 271 (03/17/2020), the SSC or IOP may be completed and signed over the telephone.
  - As part of the appraisal process, the county agency must screen for domestic violence and refer any individual who responds affirmatively to a screening question to counseling and supportive services as outlined in rule 5101:1-3-20 of the OAC.

Additionally, if a county agency does have to complete an interview, it is not required to offer a face-to-face interview, even if an applicant requests this interview method. If a face-to-face interview is requested, the county agency can schedule an interview to be conducted by telephone.
ACT 272 (Extending Certification Periods and Signing Compliance Form during COVID-19 Pandemic)
Action Change Transmittal Letter No. 272
March 25, 2020

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services
SUBJECT: Extending Certification Periods and Signing Compliance Form during COVID-19 Pandemic

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio’s citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings. In addition to the state-declared state of emergency, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic.

The Families First Coronavirus Response Act (Public Law 116-127) became law on March 18, 2020 and provided states the ability to seek waivers from the United States Department of Agriculture, Food and Nutrition Services (FNS), to expand flexibility to ease administrative burdens of issuing Supplemental Nutrition Assistance Program (SNAP) benefits while under a state of emergency. As part of this effort, the Ohio Department of Job and Family Services (ODJFS) submitted a waiver and was approved to extend SNAP certification periods.

To align policy among SNAP and the Ohio Works First (OWF) programs, ODJFS will extend certification periods for households receiving OWF, including child only assistance groups.

Additionally, as part of this effort and to maintain compliance with Ohio Administrative Code rule 5101:1-3-15, which requires the JFS 03804 “Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement” to be signed, ODJFS has established the following procedure for accepting verbal signatures over the telephone the JFS 03804 compliance form.

New Procedure: Effective immediately, the following changes apply:

Extending Certification Periods:

- All assistance groups scheduled to expire in March 2020, who have not already been recertified for April 1, 2020, will have their certification periods extended through September 2020.
  - If the recertification process has not been completed in Ohio Benefits as of the date ODJFS runs the batch process, the assistance group will be notified that their certification date will be extended. No further recertification actions will be required by the household or county agency until September 2020.
  - If an assistance group has completed the recertification process in March 2020 and benefits have been approved beginning in April, the new certification period will remain and will not be changed to September 2020.

- All assistance groups due for recertification in April 2020 will have their certification periods extended through October 2020.
  - Assistance groups will be notified that their certification date will be extended and they do not have to reapply and participate in the interview until October 2020.

- All assistance groups due for recertification in May 2020 will have their certification periods extended through November 2020.
  - ODJFS will notice assistance groups that their certification date will be extended.

Accepting a Verbal Signature for the JFS 03804
While under the state of emergency declared through executive order 2020-01D, a county agency may opt to accept a verbal signature over the telephone for the JFS 03804 compliance form. During the telephone appraisal the county agency must read to the client the contents of the JFS 03804 compliance form. Following the verbal signature, a copy of the JFS 03804 compliance form must be mailed to the individual.

The county agency must record the following information in the case journal notes to document the verbal signature: “On [insert date] [Insert client name] provided a verbal signature to the JFS 03804 compliance form. This verbal signature is in accordance with Action Change Transmittal Letter No. 272. A copy of the JFS 03804 compliance form has been mailed to the individual.”
ACT 271 (Signing Self-sufficiency Contracts and Individual Opportunity Plans during COVID-19 Pandemic)
Action Change Transmittal Letter No. 271

March 17, 2020

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services
SUBJECT: Signing Self-sufficiency Contracts and Individual Opportunity Plans during COVID-19 Pandemic

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio’s citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings.

As part of this effort and continued compliance with Ohio Administrative Code rules 5101:1-2-01 and 5101:1-3-11, which require self-sufficiency contracts (SSC) or individual opportunity plans (IOP) to be signed, the Ohio Department of Job and Family Services (ODJFS) has established the following procedure for accepting verbal signatures over the telephone for an SSC or IOP.

New Procedure: While under the state of emergency declared through executive order 2020-01D, a county agency may opt to accept a verbal signature over the telephone for an SSC or IOP. During the telephone appraisal the county agency must read to the client the contents of the SSC or IOP, including the rights, responsibilities and assigned activities. Following the appraisal and verbal signature, a copy of the SSC or IOP must be mailed to the client.

The county agency must record the following information in the case journal notes to document the verbal signature: “On [insert date] [Insert client name] provided a verbal signature to the SSC or IOP. This verbal signature is in accordance with Action Change Transmittal Letter No. 271. A copy of the SSC or IOP has been mailed to the client.”
TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: January 1, 2020: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase

Background: Section 5107.04 of the Revised Code requires the Ohio Department of Job and Family Services to increase the Ohio Works First (OWF) payment standard on the first day of each January by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration.

New Payment Standard: On October 10, 2019, the Social Security Administration announced a COLA increase of 1.6 percent. Beginning January 1, 2020, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

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<th>Assistance Group Size</th>
<th>Payments as of January 1, 2020</th>
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Implementation: Mass change will run in Ohio Benefits to update the payments; program blocks will be updated the week of November 25, 2019. An exception report will be created for all cases which Ohio Benefits could not update automatically. The eligibility worker will be required to run the Eligibility Determination/Benefit Calculation (ED/BC), then save and accept the results for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.
TO: All Cash Assistance Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: January 1, 2019: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase  

Background: Section 5107.04 of the Revised Code requires the Ohio Department of Job and Family Services to increase the Ohio Works First (OWF) payment standard on the first day of each January by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration.

New Payment Standard: On October 11, 2018, the Social Security Administration announced a COLA increase of 2.8 percent. Beginning January 1, 2019, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

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Implementation: Mass change will run in Ohio Benefits to update the payments; program blocks will be updated on or before December 3, 2018. An exception report will be created for all cases which Ohio Benefits could not update automatically. The eligibility worker will be required to run the Eligibility Determination/Benefit Calculation (ED/BC), then save and accept the results for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.
TO: All Cash Assistance Manual Holders  
FROM: Cynthia C. Dungey, Director Ohio Department of Job and Family Services  
SUBJECT: Telephonic Applications and Signatures

**Background:** As part of an ongoing streamlining effort, the Ohio Department of Job and Family Services (ODJFS) will be aligning the cash assistance programs with Supplemental Nutrition Assistance Program (SNAP) to accept applications over the telephone. In order to implement this process, the State must ensure that certain requirements and protections are in place. ODJFS has established the following procedure for accepting applications and signatures over the phone to ensure compliance.

**New Procedure:** A county agency may opt to accept a telephonic signature as part of an initial application or reapplication made over the phone. Telephonic signatures cannot be required by a county agency; thereby an applicant’s right to apply in writing or online must always remain available. Only counties that have the permission of ODJFS may adopt the procedure to accept telephonic signatures for cash and SNAP applications and reapplications described below.

*Use of Standardized Scripts*

ODJFS has developed standardized scripts for county agencies to accept initial applications and reapplications by phone. The scripts ensure that the application process includes:

- Required information (including information about application processing timeframes) is provided to the applicant;
- The uniform collection of the minimum application requirements (i.e., name, address, and signature); and
- Safeguards against identity theft.

The scripts specifically indicate what information has to be recorded during the application process, and concludes by leading the applicant into the interview to capture the remaining information necessary to determine eligibility. The phone interview immediately proceeding the submission of the application should be conducted in the same manner as a scheduled phone interview would otherwise be conducted had a paper application been received.

*Retrievable Audio Recording*

The county agency must ensure there is ready access to the audio file containing the verbal assent of the applicant and that the audio file is retrievable and complies with records retention requirements. The county agency must also ensure that there is a direct link between the audio and case files. For example, the county agency could meet this requirement by using a filename with a unique identifier (such as case name, case number, time, and date) or by adding a hyperlink to the audio file in the electronic case file.

*Safeguarding*

Steps must be taken to prevent impersonation, identity theft, and invasions of privacy by individuals attempting to apply or reapply over the phone. The county agency must take steps to ensure an individual applying over the phone is who they claim to be. For current or former public assistance recipients, this information could be verified based on details in their current or former case; but for individuals never known to have received public assistance, the county agency must review information from a reliable third party source to confirm the identity of the caller. ODJFS has developed the attached guide to assist with identifying reliable sources of information. The inability to confirm the identity of the caller would not necessarily lead to termination of the interview, but the county agency would be unable to provide (but could receive and document) confidential information during the call and would need to verify information independent of the phone call.

*Procedures for Correcting Application Information*
All approval and denial notices contain language explaining how an individual can make corrections to the information listed in the notice (i.e. name, address, and budget information if applicable). This language will give all applicants - regardless of whether they apply in writing, online or by telephone - ten days to contact the county agency to correct any information contained in the notice. If an individual contacts the county agency to correct an error or omission in the notice, the county agency must act upon the information in accordance with the rules of the Ohio Administrative Code.

Implementation: At this time, only those county agencies working with Shared Services may implement the procedure for accepting applications over the phone. County agencies not currently working with Shared Services should email css@das.ohio.gov for more information about adopting this procedure.

**Intake- Telephonic Signature Script**

If English is not your primary language, we can provide someone who can help you understand the questions during this application and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

Once I obtain your name, address and signature over the phone, this application for assistance will be dated XX/XX/XXXX. You will get an answer about your application within 30 days for cash or food assistance.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your application for benefits. Once you've signed your application, we will stop the recording, submit your application and begin the interview. During the interview you will be asked a series of questions to help determine your eligibility for assistance as well as questions to see if you are eligible to receive food assistance benefits within 7 days. You always have the right to submit an application in writing, however, once your telephone application is submitted over the phone, it will be treated exactly the same as a written application.

We will now begin recording…

**Start Recording**

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, “A voter registration form will be sent to you following this interview. Follow the instructions on the form once received.”]

By signing this application over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this application, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

Please listen to the brief description of our programs. After each description of the program you will be asked if you would like to apply for this program. Only programs that you say “yes” to will be reviewed for eligibility;

- Cash assistance programs include the Ohio Works First and Refugee Cash Assistance programs. To qualify you must either have a minor child(ren), be at least 6 months pregnant or be a refugee who is within 8 months of arrival. Would you like to apply for Cash assistance? [YES/NO]. [AFTER ANSWERING PROCEED TO NEXT PARAGRAPH].
- Food Assistance, also known as the Supplemental Nutrition Assistance Program, helps people afford healthy food. To qualify, you must meet certain financial and non-financial requirements. Would you like to apply for Food Assistance? [YES/NO].

By completing this application over the phone, you are confirming that you understand the following:

- Your right to:
  - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
  - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.
Your responsibility:

- Provide proof that you are eligible,
- Report changes in household circumstances as instructed,
- Not sell, trade, or give away your food assistance benefits.
- Use your food assistance benefits to only buy eligible items.
- Understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
- Understand that the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
- Understand that by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
- Provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
- Understand that if you are only applying for food assistance, you do not have to respond to questions about gender.
- Understand that Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
- Understand that a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?
What is your address?
Do you agree and understand your rights and responsibilities and the information I've just provided? [YES/NO]
Do you want to submit this application for assistance over the phone? [YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed an application for [REPEAT PROGRAM(S) CLIENT REQUESTED] that will be dated for today [TODAY’S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and determine eligibility.

[Confirm identity of person on the phone]

Recertification- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this reapplication and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

[Confirm identity of person on the phone]
Once I obtain your name, address and signature over the phone, this reapplication for assistance will be dated XX/XX/XXXX. You will get an answer about your reapplication by the end of your current certification period.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your reapplication for assistance. Once you've signed your reapplication, we will stop the recording, submit your reapplication and begin the interview. During the interview you will be asked a series of questions to help re-determine your eligibility for assistance. You always have the right to submit a reapplication in writing, however, once your telephone reapplication is submitted over the phone, it will be treated exactly the same as a written reapplication.

We will now begin recording…

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received.”]

By signing this reapplication over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this reapplication, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this reapplication over the phone, you are confirming that you understand the following:

- Your right to:
  - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
  - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your reapplication.

- Your responsibility:
  - Provide proof that you are eligible,
  - Report changes in household circumstances as instructed,
  - Not sell, trade, or give away your food assistance benefits.
  - Use your food assistance benefits to only buy eligible items.
  - Understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
  - Understand that the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
  - Understand that by signing this reapplication and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
  - Provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
  - Understand that if you are only reapplying for food assistance, you do not have to respond to questions about gender.
• Understand that Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
• Understand that a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?
What is your address?
Do you agree and understand your rights and responsibilities and the information I've just provided? [YES/NO]
Do you want to submit this reapplication for assistance over the phone? [YES/NO]
Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed a reapplication for assistance that will be dated for today [TODAY’S DATE]. Now we will stop recording and begin the interview.

*Stop Recording*

Now that you have applied, let's continue with the additional questions needed to complete the interview and re-determine eligibility.
November 9, 2017

TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: January 1, 2018: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase

Background: Section 5107.04 of the Revised Code requires the Ohio Department of Job and Family Services to increase the Ohio Works First (OWF) payment standard on the first day of each January by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration.

New Payment Standard: On October 13, 2017, the Social Security Administration announced a COLA increase of 2.0 percent. Beginning January 1, 2018, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

<table>
<thead>
<tr>
<th>Assistance Group Size</th>
<th>Payments as of January 1, 2018</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>+15 ADD</td>
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</tbody>
</table>

Implementation: Over the Thanksgiving weekend a mass change will run in CRIS-E to update the payments. Alerts will be generated, and exception reports will be created for all cases that CRIS-E could not update automatically. For those cases, eligibility workers must run ED/BC in order for the changes to be implemented. All assistance groups affected will receive notices stating their new benefit amounts. A CLVB was issued with the details of the system changes.
TO:     All Cash Assistance Manual Holders

FROM:   Cynthia C. Dungey, Director

SUBJECT: Elimination of the Disability Financial Assistance Program

Background:
The Disability Financial Assistance Program (DFA) is a state and county-funded program which provides cash assistance to persons who meet DFA program requirements and who are ineligible for any financial assistance program supported in whole or in part by federal funds (e.g., Ohio Works First (OWF), Supplemental Social Security Income (SSI) or Social Security Disability Insurance (SSDI)). No federal regulations govern the administration of the DFA program. In accordance with Section 812.40 of the Ohio Revised Code, the DFA program is being repealed; State funding will no longer be available and the program will end effective December 31, 2017.

New Policy:
Effective July 1, 2017, the guidance provided below shall supersede any existing rule, policy guidance or training material issued by the Ohio Department of Job and Family Services (ODJFS).

- Any new application (or reapplications) for DFA received on or after July 1, 2017 must be denied. A denial notice must be issued to the applicant.
- Any DFA recipient who has a pending application for SSI or SSDI with the Social Security Administration, and who has ever received a denial of SSI or SSDI at the reconsideration appeal level on or before July 1, 2017 shall be terminated effective 7/31/2017 with prior notice of adverse action and fair hearing rights.
- Any DFA recipient who does not have a pending application for SSI or SSDI with the Social Security Administration, and who has ever received an initial denial of SSI or SSDI on or before July 1, 2017 shall be terminated effective July 31, 2017 with prior notice of adverse action and fair hearing rights.
- Any DFA recipient who receives a denial of SSI or SSDI at the reconsideration appeal level after July 1, 2017 shall be terminated with prior notice of adverse action and fair hearing rights.
- Any DFA recipient who does not have an application for SSI or SSDI pending with the Social Security Administration on or before September 30, 2017, shall be terminated with prior written notice of adverse action with fair hearing rights.
- Any DFA recipient still in receipt of benefits on December 1, 2017, shall be terminated effective December 31, 2017. Recipients shall be provided prior written notice of the termination.

Implementation:
In order to ease the administrative burden to the county agencies, ODJFS has automated as much of the new policy requirements as possible. However, some of the new requirements do not lend themselves to automation and will require action from the county agencies to terminate some DFA benefits and deny applications/reapplications. Implementation of the new policy will take place in the following phased approach:

ODJFS Actions:
- On July 8, 2017, ODJFS will auto-terminate DFA recipients who meet the criteria for termination on July 31, 2017.
In early August 2017, ODJFS will mail a notice to all remaining DFA recipients informing them that if they do not currently have an application for SSI or SSDI pending, they must have one pending on or before September 30, 2017; and that the failure to do so will result in a termination of DFA. The notice will also inform recipients that if their SSI or SSDI applications are denied at the reconsideration appeal level, they will be terminated from DFA. Lastly, the notice will explain that the program will be ending on December 31, 2017, and no benefits will be issued after December 2017.

Beginning in August 2017, ODJFS will provide county agencies with monthly reports that will identify DFA recipients who appear to have received a denial of SSI or SSDI at the reconsideration appeal level after July 1, 2017; and a one-time report in October, that will identify recipients who did not have an SSI or SSDI application pending on or before September 30, 2017.


County Agency Actions:

- The county agency shall accept DFA applications or reapplications received on or after July 1, 2017, then the application will be denied with a system-generated reason code of 523. For applications pending on or before June 30, 2017, the county agency shall process the application in accordance with the pre-July 1 guidance and authorize benefits until they meet the new July 2017 termination criteria described above. The county agency must provide prior written notice of the termination and fair hearing rights.

- Beginning in August, when a monthly report from ODJFS indicates a recipient meets termination criteria for having received an SSI/SSDI application denial at reconsideration, the county agency shall confirm the denial at reconsideration on the CRISE screens “DESX” or “SVE1”, or by contacting SSA. If confirmed, the county agency shall terminate the DFA with reason code 599 and provide prior written notice of the adverse action and fair hearing rights.

- In early October, when ODJFS sends a report indicating DFA recipients who do not have an SSI/SSDI application pending on or before September 30, 2017. The county agency shall confirm there is no pending application on the CRISE screen “DESX” or by contacting SSA. If confirmed, the county agency shall terminate DFA with reason code 500 and provide prior written notice of the adverse action and fair hearing rights.

- If after July 1, 2017, a DFA recipient has a continuing disability review (CDR) scheduled to be completed prior to December, the county agency shall not initiate or complete the CDR. The recipient shall continue to receive DFA (without a CDR) until he or she is either denied at reapplication, or meets one of the new termination criteria.

Attached to this Letter is a Desk Guide for use by county agencies.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Ohio Works Now (OWN) Program.

This action change transmittal establishes the monthly amount for the Ohio Works Now food assistance program set forth in Ohio Administrative Code rule 5101:1-2-50.

New Policy: The Ohio Department of Job and Family Services has reinstated the Ohio Works Now benefit payable pursuant to Ohio Administrative Code Rule 5101:1-2-50. Assistance groups determined eligible in accordance with the rule will receive $10 a month in additional food assistance benefits in May 2017. The payment will be issued separately from the monthly food assistance benefits.

Action Required: No action is needed by county agencies. Assistance groups will receive a monthly notice about their eligibility for Ohio Works Now. Case information about the benefit will be available in CRIS-E.
TO: All Cash Assistance Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Ohio Works Now (OWN) Program.

This action change transmittal establishes the monthly amount for the Ohio Works Now food assistance program set forth in Ohio Administrative Code rule 5101:1-2-50.

New Policy: The Ohio Department of Job and Family Services has reinstated the Ohio Works Now benefit payable pursuant to Ohio Administrative Code Rule 5101:1-2-50. Assistance groups determined eligible in accordance with the rule will receive $10 a month in additional food assistance benefits in April 2017. The payment will be issued separately from the monthly food assistance benefits.

Action Required: No action is needed by county agencies. Assistance groups will receive a monthly notice about their eligibility for Ohio Works Now. Case information about the benefit will be available in CRIS-E.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: January 1, 2017: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase

Background: Section 5107.04 of the Revised Code requires the Ohio Department of Job and Family Services to increase the Ohio Works First (OWF) payment standard on the first day of each January by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration.

New Payment Standard: On October 18, 2016, the Social Security Administration announced a COLA increase of 0.3 percent. Beginning January 1, 2017, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

<table>
<thead>
<tr>
<th>Assistance Group Size</th>
<th>Payments as of January 1, 2017</th>
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<tr>
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<tr>
<td>+15 ADD</td>
<td>$118</td>
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</tbody>
</table>

Implementation: Over the Thanksgiving weekend a mass change will run in CRIS-E to update the payments. Alerts will be generated, and exception reports will be created for all cases that CRIS-E could not update automatically. For those cases, eligibility workers must run ED/BC in order for the changes to be implemented. All assistance groups affected will receive notices stating their new benefit amounts. A CLVB was issued with the details of the system changes.
ACT 261 (Interim Process for Disability Determinations in the Disability Financial Assistance Program)

Action Change Transmittal Letter No. 261

July 19, 2016

TO: All Cash Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Interim Process for Disability Determinations in the Disability Financial Assistance Program

Background

Currently the Ohio Department of Medicaid’s Disability Determination Area (DDA) determines an individual’s disability for both Medicaid for the Disabled and Disability Financial Assistance. Beginning on August 1, 2016, the Ohio Department of Medicaid will no longer require disability determinations for every individual alleging a disability. While the Ohio Department of Job and Family Services is finalizing changes to the DFA rules, the disability determination requirements for DFA remain unchanged at this time. This letter is intended to provide county agencies with guidance on how to process applications for DFA until the proposed changes to the rules in Chapter 5101:1-5 of the Administrative Code become effective.

Interim Policy

In accordance with rule 5101:1-5-20, a county agency is responsible for providing applicants with certain forms and collecting and submitting medical documentation to DDA. The Ohio Employees Health Plans (OEHP) assists the county agency with collecting medical documentation and then submitting it to DDA for a disability determination. This process is unchanged during the interim period: OEHP will continue to collect medical records for individuals applying for DFA and the disability determination process for DFA applicants will still take place through the Ohio Department of Medicaid. Also unchanged during this period is the use of eQuil for making referrals and storing medical records.

As Medicaid will no longer require every individual alleging a disability to be referred to OEHP, the county agency must ensure that applicants that are potentially-eligible for DFA are referred for a disability determination. Under the current rules, potential eligibility for DFA exists when the applicant:

- Meets the DFA financial and non-financial eligibility criteria; and
- Claims to be unable to do any substantial or gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months.

If both criteria are met, then the county agency must refer the case to OEHP and adhere to all of the requirements described in rule 5101:1-5-20. Once referred to OEHP, the disability determination process will proceed just as it did prior to August 1.

If an applicant is otherwise ineligible for DFA due to financial or non-financial eligibility criteria, then a disability determination is unnecessary and the application should be denied.

Implementation

County agencies shall follow the interim process in this letter beginning on August 1, 2016. On or before September 30, 2016, the Ohio Department of Job and Family Services will issue revised rules in Chapter 5101:1-5 of the Administrative Code or will issue additional guidance for conducting disability determinations until new rules are made effective.
Effective: July 22, 2015

TO: All Cash Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Definition of Marriage - Obergefell v. Hodges

Previous Policy
In accordance with rule 5101:1-3-03(B)(7) of the Ohio Administrative Code, a legal marriage is: ceremonial; one which meets the requirements of Chapter 3101 of the Ohio Revised Code; or common-law marriages prior to October 10, 1991, when they became prohibited in the state of Ohio.

New Policy
Consistent with the United States Supreme Court's decision in Obergefell v. Hodges, same-sex spouses must be considered to be married for the purposes of determining eligibility for the following programs: Ohio Works First, Prevention, Retention and Contingency, Disability Financial Assistance, and Refugee Cash Assistance programs.

Implementation
Effective July 22, 2015, the guidance provided in this letter shall supersede any conflicting rule, policy guidance or training material issued by the Ohio Department of Job and Family Services (ODJFS). ODJFS will update prior policy guidance and/or training materials as necessary.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: January 1, 2015: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase

Background: Section 5107.04 of the Revised Code requires the Ohio Department of Job and Family Services to increase the Ohio Works First (OWF) payment standard on the first day of each January by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration.

New Payment Standard: On October 22, 2014, the Social Security Administration announced a COLA increase of 1.7 percent. Beginning January 1, 2015, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

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<tr>
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<th>Payments as of January 1, 2015</th>
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<td>1</td>
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</table>

Implementation: Over the Thanksgiving weekend a mass change ran in CRIS-E to update the payments. Alerts will be generated, and exception reports will be created for all cases that CRIS-E could not update automatically. For those cases, eligibility workers must run ED/BC in order for the changes to be implemented. All assistance groups affected will receive notices stating their new benefit amounts. A CLVB was issued with the details of the system changes.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Ohio Works Now (OWN) Program.

This action change transmittal establishes the monthly amount for the Ohio Works Now food assistance program set forth in Ohio Administrative Code rule 5101:1-2-50.

**New Policy:** The Ohio Department of Job and Family Services has reinstated the Ohio Works Now benefit payable pursuant to Ohio Administrative Code Rule 5101:1-2-50. Assistance groups determined eligible in accordance with the rule will receive $10 a month in additional food assistance benefits starting May 2014. The payment will be issued separately from the monthly food assistance benefits.

**Action Required:** No action is needed by county agencies. Assistance groups will receive a monthly notice about their eligibility for Ohio Works Now. Case information about the benefit will be available in CRIS-E.
TO: All Cash Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: January 1, 2014: Ohio Works First and Refugee Cash Assistance Cost-of-Living Increase

Background: Ohio Revised Code Section 5107.04 requires the Ohio Department of Job and Family Services (ODJFS) to increase Ohio Works First (OWF) payments each January 1 by the cost-of-living adjustment (COLA) announced the previous year by the Social Security Administration (SSA).

New Payment Standard: On October 30, 2013, the SSA announced a COLA increase of 1.5 percent. Beginning January 1, 2014, ODJFS will issue the following revised OWF and Refugee Cash Assistance payments, based on assistance group size and reflecting the COLA increase:

<table>
<thead>
<tr>
<th>Assistance Group Size</th>
<th>Payments as of January 1, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$277</td>
</tr>
<tr>
<td>2</td>
<td>$380</td>
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<tr>
<td>3</td>
<td>$465</td>
</tr>
<tr>
<td>4</td>
<td>$572</td>
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<tr>
<td>5</td>
<td>$671</td>
</tr>
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<td>6</td>
<td>$746</td>
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<td>11</td>
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<td>12</td>
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<tr>
<td>13</td>
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<td>$1,471</td>
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<td>15</td>
<td>$1,564</td>
</tr>
<tr>
<td>+15 ADD</td>
<td>$116</td>
</tr>
</tbody>
</table>

Implementation: A mass change ran in CRIS-E the weekend of November 29, 2013, to update the payments. Alerts were generated, and exception reports were created for all cases that CRIS-E could not update automatically. For those cases, eligibility workers must run ED/BC in order for the changes to be implemented. All assistance groups affected will receive notices stating their new benefit amounts. A CLVB was issued with the details of the system changes.
TO: All Cash Assistance Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: January 1, 2013: Ohio Works First and Refugee Cash Assistance Grant Increase  

**Background:** With the passage of Amended Substitute House Bill 119 of the 127th General Assembly, Section 5107.04 of the Revised Code was amended to provide for an increase in the Ohio Works First (OWF) payment standard on January 1, 2009, and the first day of each January thereafter by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration in mid-October.

**New Payment Standard:** On October 16, 2012 the COLA increase of 1.7% was announced. The OWF payment standards have been updated based upon this increase. The standards for the Refugee Cash Assistance (RCA) program follow OWF and will be increased accordingly.

Below are the new payment standards for OWF and RCA for January 1, 2013:

<table>
<thead>
<tr>
<th>AG Size</th>
<th>01/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
<td>374</td>
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<tr>
<td>15</td>
<td>1541</td>
</tr>
<tr>
<td>+15 ADD</td>
<td>114</td>
</tr>
</tbody>
</table>
**Implementation:** A mass change is scheduled to run in CRIS-E the weekend of November 23, 2012 to increase the OWF and RCA payment standards. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected will also receive a notice providing their new benefit amount. A CLVB will be issued with the details of the system changes.
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Suspension of the Ohio Works Now Supplemental Food Assistance Program.

This action change transmittal announces the suspension of the Ohio Works Now (OWN) supplemental food assistance program, as set forth in rule 5101:1-2-50 of the Ohio Administrative Code as of June 30, 2012.

**Background:** Governor Kasich signed Executive Order 2011-19K, on September 26, 2011, providing the Ohio Department of Job and Family Services (ODJFS) the authority to develop a new state-sponsored program called OWN. OWN issued additional food assistance benefits to employed needy families with children who were receiving food assistance benefits. These additional food assistance benefits were issued to recipients on their Ohio Direction Cards. OWN was administered as part of the Temporary Assistance for Needy Families (TANF) program, with benefits issued from state maintenance-of-effort (MOE) funds.

**Prior Policy:** Effective January 1, 2012, Cash Assistance Transmittal Letter (CAMTL) #72 established the OWN program and set forth the eligibility requirements. Assistance groups determined eligible in accordance with rule 5101:1-2-50 received $10 a month in additional food assistance benefits.

**New Policy:** Effective June 30, 2012, the OWN food assistance program will no longer provide additional food assistance benefits.

**Action Required:** No action is needed by county agencies.
This Action Change Transmittal Letter establishes changes to the Ohio Works First (OWF) initial application process.

On August 28, 2009, Ohio received notification of its failure to meet both the two-parent and all-family work participation rates for federal fiscal year (FFY) 2007. As a result, the state faces a potential $32,758,572 penalty to the State Family Assistance Grant (Ohio’s Temporary Assistance to Needy Families grant). Ohio filed an appeal of reasonable cause for failure to meet the rate. On July 29, 2011, the U.S. Department of Health and Human Services, Administration for Children and Families, responded that the information submitted for FFY 2007 did not demonstrate Ohio’s claim of reasonable cause. As a result, the state entered into a corrective compliance plan.

Included in the corrective compliance plan are changes to the OWF application process. House Bill 337 of the 129th General Assembly was signed by the Governor on January 27, 2012, and is effective immediately. This bill includes a provision that eliminates the requirement to make an OWF eligibility determination regardless of whether the self-sufficiency contract is signed.

**Prior Policy:** The former policy allowed for the self-sufficiency contract to be signed no later than 30 days following the submission of an application for cash assistance; however, if all eligibility factors were verified, the authorization of OWF benefits could not be delayed.

**New Policy:** Effective immediately, the following changes have been made to the initial application process:

- Each work-eligible individual, adult and minor head of household, must have a signed self-sufficiency contract before the OWF benefits may be authorized.
- County agencies that choose for work-eligible individuals to complete job search/job readiness applicant assignments as part of their eligibility determination can allow the OWF application to pend until the applicant assignment is completed. However, county agencies must make eligibility determinations no later than 30 days following the submission of the application for OWF benefits.

**Implementation:** Effective immediately, as part of the OWF application process, county agencies cannot authorize an OWF application prior to the self-sufficiency contract being signed by each work-eligible individual, adult and minor head of household.

The policy contained within this Action Change Transmittal Letter will be incorporated into rules to be included in a future Cash Assistance Manual Transmittal Letter.
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Ohio Works Now (OWN) Program.

This action change transmittal establishes the monthly amount for the Ohio Works Now food assistance program set forth in Ohio Administrative Code rule 5101:1-2-50.

New Policy: Ohio Administrative Code Rule 5101:1-2-50 has been created to implement the Ohio Works Now program. Assistance groups determined eligible in accordance with rule 5101:1-2-50 will receive $10 a month in additional food assistance benefits starting January 2012. The payment will be issued separately from the monthly food assistance benefits.

Action Required: No action is needed by county agencies. Assistance groups will receive a monthly notice about their eligibility for Ohio Works Now. Case information about the benefit will be available in CRIS-E.
TO: All Cash Assistance Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: State Tax Refund Offset Program - 10 year limitation

Previous Policy: On January 1, 2011 Ohio Administrative Code Rule 5101:1-1-90, Ohio Works First: State Tax Refund Offset Program, was amended to remove the 10 year limitation on collecting on debts through the State Tax Refund Offset Program. This change was made because effective April 15, 2010, Food Assistance rule 5101:4-8-30, Food Assistance: Treasury Offset Program, was amended to remove the 10 year time limitation as a result of the 2008 Farm Bill and guidance received from the United States Department of Agriculture Food and Nutrition Service. In a continuing effort to align the cash and food assistance programs, the limitation for cash assistance overpayment claims referred to the State Tax Refund Offset Program was also removed.

New policy: Effective November 30, 2011 the 10 year limitation to collect on debts through the State Tax Refund Offset Program will be reestablished for the Ohio Works First program.

Implementation: Overpayment claims more than 10 years old, as a result of this rule change, will no longer be referred to the State Tax Refund Offset Program.
Background

With the passage of Amended Substitute House Bill 119 of the 127th General Assembly, Section 5107.04 of the Revised Code was amended to provide for an increase in the Ohio Works First (OWF) payment standard on January 1, 2009, and the first day of each January thereafter by the cost-of-living adjustment (COLA) that occurs in the previous year. The COLA is announced by the Social Security Administration in mid-October.

New Payment Standard

On October 19, 2011 the COLA increase of 3.6% was announced. The OWF payment standards have been updated based upon this increase. The standards for the Refugee Cash Assistance (RCA) program follow OWF and will be increased accordingly.

Below are the new payment standards for OWF and RCA for January 1, 2012:

<table>
<thead>
<tr>
<th>AG Size</th>
<th>01/12</th>
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<tbody>
<tr>
<td>1</td>
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<td>2</td>
<td>368</td>
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<td>3</td>
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<tr>
<td>15</td>
<td>1515</td>
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<tr>
<td>+15 ADD</td>
<td></td>
</tr>
</tbody>
</table>

**CRIS-E Changes**

A mass change is scheduled to run in CRIS-E over the Thanksgiving weekend to increase the OWF and RCA payment standards. Table TOWF has been updated with the new grant amounts effective January 1, 2012. A CLVB will be issued with the details of the system changes.
TO: All Cash Assistance Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Ohio Works First and Refugee Cash Assistance One-Time $100 Supplemental Cash Payment

May 26, 2010

This Action Change Transmittal establishes the authority for the Ohio Department of Job and Family Services to issue a one-time $100 cost of living supplemental payment to Refugee Cash Assistance (RCA) recipients. Pursuant to 45 CFR 400.66 the state must provide the same supplemental payment to RCA recipients as Ohio Works First (OWF) families.

Background: The TANF Emergency Contingency Fund was created by the American Recovery and Reinvestment Act, otherwise known as the "stimulus bill." The TANF Emergency Contingency Fund is available to states for increases in three categories of TANF spending: cash assistance, nonrecurring short term benefits, and subsidized employment. Ohio has been able to take advantage of the fund because the state has experienced increases in subsidized employment and cash assistance expenditures. Included in allowable expenditures for the TANF Emergency Contingency Fund cash assistance category are supplemental or short term grant increases.

The RCA program provides eight months of cash assistance to refugees who are not eligible for other state and federal programs, including TANF. Ohio's RCA program is operated consistent with the rules pertaining to the OWF program.

One-time supplemental payment: Pursuant to federal RCA regulations, the state will be providing the same supplemental payment to RCA recipients as OWF families. RCA is 100% federally funded through the federal Office of Refugee Resettlement. In calendar year 2010, OWF families did not receive the annual cost of living increase in benefits that is required under state law because the increase is tied to the cost of living increase determined by the Social Security Administration for Supplemental Security Income (SSI) for 2010, and because there was no cost of living adjustment for SSI, there was no corresponding increase to OWF payments. The lack of a cost-of-living adjustment comes at a time of greatest need for an increasing number of families struggling to make ends meet due to the poor economy. The TANF Emergency Contingency Fund allows the state to provide additional cash benefits to the most vulnerable Ohioans. This supplemental payment will provide an immediate help to the neediest Ohio families and an immediate stimulus to the economy.

Prior Policy: None

New Policy: Assistance groups receiving an OWF or RCA benefit in the month of May 2010 (both initial prorations or recurring payments) will receive the one-time $100 supplemental cash payment in June 2010. In the following circumstances, the OWF or RCA assistance group will not receive the one-time supplemental payment:

- The assistance groups do not receive a recurring benefit because they are eligible for less than the minimum payment of $10 or the grant has been reduced to $0 to recoup an overpayment;
- The assistance groups have a 'failed but issued' (FBI) status for the May 2010 recurring benefit. Cases will have an 'RE' in the TY field with reason code '102' as well as an 'RB' in the TY field with reason code '104' with a $0 amount on IQCH.

Effect on Cash Assistance, Child Care, Food Assistance and Medicaid benefits: The supplemental payment is considered a non-recurring lump sum for Medicaid, Child Care, cash and food assistance. Since the supplemental payment is considered a non-recurring lump sum it is not considered 'countable income' and will have no impact for any of the above program benefits.
The one-time supplemental payment will also not impact the number of hours for which a work-eligible recipient is required to participate for OWF or Food Assistance Employment and Training.

**Action Required**: No action is needed by county agencies. The payment will be issued to eligible OWF and RCA assistance groups by CRIS-E in the same way the assistance group receives the monthly recurring cash assistance benefits, either through direct deposit or on the EPPICard™.

County agencies will receive an exception report listing which assistance groups did not receive the supplemental payment, and an ad hoc notice will be sent to all assistance groups that will be receiving the supplemental payment.
ACTION CHANGE TRANSMITTAL LETTER NO. 249

APRIL 15, 2010

TO: All Cash Assistance Manual Holders

FROM: Douglas E. Lumpkin, Director


Background:

In 2008, the Ohio Department of Job and Family Services Office of Families and Children began a concerted effort to review food assistance policy to improve efficiency and payment accuracy. As a result of the 2002 and 2008 Farm Bills, federal law provided states with the option to move to 12-month certification periods to all households. To utilize these policy options efficiently, we received a waiver from the USDA Food and Nutrition Service to allow caseworkers to reinstate terminated benefits instead of taking new applications, as long as assistance groups return requested verifications or take the required actions within 30 days of the closure date. As part of an ongoing process, we will be aligning the cash assistance programs with food assistance to improve efficiency of case processing.

New Policy:

Reapplication periods

Previously, rule 5101:1-2-10, "Ohio Works First/Disability Financial Assistance/Refugee Cash Assistance: the Reapplication Requirement," required all Ohio Works First (OWF), Disability Financial Assistance (DFA) and Refugee Cash Assistance (RCA) assistance groups to have a six-month reapplication.

Effective April 1, 2010, OWF and DFA assistance groups that previously were required to complete a reapplication every six months will now be completing a reapplication every 12-months and OWF child-only assistance groups that previously completed a reapplication every six months will now be completing a reapplication every 24 months.

Any OWF and DFA assistance groups expecting a change that would make them ineligible to receive cash assistance, that include migrant farm workers, or that are homeless may now receive a reapplication period of either four, five, six or twelve months, to align with the food assistance certification period. The reapplication period for these groups will be decided based on county discretion.

Refugee cash assistance groups will continue to have six-month reapplications because of the time-limited nature of their benefits.

Reinstatement

Effective April 1, 2010, the same reinstatement policy that is being implemented for the food assistance program will also be applied to the cash assistance programs. County agencies will reinstate terminated benefits without a new application if an assistance group returns requested verifications or takes the required action within 30 days of the closure date as long as the assistance group is not in the last month of the food assistance certification period and is otherwise eligible for cash assistance benefits (i.e., not under a period of ineligibility or sanction). This includes assistance groups whose benefits were terminated for failure to return an interim report. However, cash assistance benefits shall not be reinstated if the assistance group is otherwise ineligible (i.e., serving a penalty period of ineligibility or a three-tier sanction).
TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Removal of the Time Limitation for Special Immigrant Visa Holders

Background: Public Law 110-161 granted Iraqi and Afghan aliens special immigrant visas under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members who have been granted this special immigrant status are eligible for resettlement assistance, entitlement programs and other benefits, the same as refugees admitted under section 207 of the INA for a period of eight months. For Afghan aliens, this eligibility was limited to six months from the date of entry to the United States.

Public Law 111-8 under section 602 of the Omnibus Appropriations Act of 2009 extended the Afghan special immigrant eligibility period for Ohio Works First and Food Assistance to eight months from their date of entry to the United States or the date of adjustment to special immigrant visa status.

New Policy: H.R. 3326, "Department of Defense Appropriations Act, 2010" (Public Law 111-118), has removed the eight-month limitation on cash and food assistance benefits for Iraqi and Afghan special immigrant visa holders. These individuals will now be able to receive benefits in the same manner as individuals admitted to the United States as refugees. Rules 5101:4-3-07, 5101:1-2-30 and 5101:1-2-40 of the Ohio Administrative Code will be amended to reflect changes in the federal regulations.

Food Assistance Eligibility: With the authority of Section 8120 of Public Law 111-118, effective December 19, 2009, the eligibility time limit for Iraqi and Afghan aliens with special immigrant visa status has been removed. An Iraqi or Afghan alien with special immigrant visa status will be considered a qualified alien under rule 5101:4-3-07. These individuals are eligible to receive food assistance indefinitely, provided all other eligibility requirements are met.

Ohio Works First (TANF) Eligibility: Section 8120 of Public Law 111-118 removes the eligibility time limit for Iraqi and Afghan aliens with special immigrant visa status. As of December 19, 2009, an Iraqi or Afghan alien with special immigrant visa status may be eligible for TANF benefits for the same time period as a refugee. Prior to the enactment of Public Law 111-118, Iraqi and Afghan aliens with special immigrant visa status could receive TANF benefits for up to eight months. They then had to wait five years before being eligible for additional public benefits. Effective with this Public Law, Iraqi and Afghan aliens with special immigrant visa status are no longer subject to a five-year waiting period for TANF benefits.

Refugee Social Services Program (RSSP) Eligibility: In accordance with Section 8120 of Public Law 111-118, effective December 19, 2009, Iraqi and Afghan aliens with special immigrant visa status are eligible for RSSP services for five years from the date of admission to the United States or five years from the date special immigrant visa status was awarded in the United States under section 101(a)(27) of the INA.

Action Required: County agencies that become aware of any special immigrant visa holders who were terminated or denied benefits or services on or after December 19, 2009, should re-determine those terminations or denials using this new policy.
TO: All Cash Assistance Manual Holders
    All Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Exclusion of the $25 Supplemental Weekly Unemployment Compensation Payment

On March 18, 2009, the United States Department of Agriculture Food and Nutrition Service issued guidance stating that state agencies must count the temporary $25 supplemental weekly amount of federal additional compensation as income when determining eligibility for food assistance. This federal additional compensation payment was made possible by the American Recovery and Reinvestment Act. Ohio opted to align its cash assistance programs (Ohio Works First, Refugee Cash Assistance and Disability Financial Assistance) with its Food Assistance Program to count the supplemental weekly unemployment compensation payment as well.

On November 6, 2009, President Obama signed the Worker, Homeownership, and Business Assistance Act of 2009 (HR 3548), which requires states to exclude the $25 supplemental weekly unemployment compensation payments from all calculations of resources and income for their food assistance programs.

Food Assistance
Effective November 1, 2009, eligibility determinations and benefit calculations for all months beginning with the entire month of November 2009 must exclude the $25 supplemental weekly unemployment compensation payments from countable income. The state will run a mass change in the CRIS-E system on December 12, 2009, to remove the $25 supplemental weekly unemployment compensation payment starting in January 2010.

Unfortunately, a system-wide change could not be made retroactive to November 2009. As a result, county agencies will need to issue supplements for food assistance cases in which the supplemental unemployment compensation payments were counted as income for the months of November and December. We will provide each county with a list of the affected cases no later than Friday, December 11, 2009.

The CRIS-E table TVIN (the unearned income table), has been updated to reflect this change. The "UCFA" code for federal additional compensation will now be reflected as excluded income. The mass change that will run in CRIS-E on December 12, 2009, will exclude the supplemental weekly unemployment compensation payments listed under the "UCFA" category on the AEFMI screen effective January 1, 2010.

It is possible that some people who were denied food assistance in November or December 2009 were recipients of the $25 supplemental weekly unemployment compensation and could have been eligible if the payments were excluded at the time they applied. If possible, county agencies should examine their records to identify such households, re-open households’ applications, certify the households if they are still eligible, and restore any lost benefits back to November 2009. County agencies also could consider notifying their communities about this change in policy and the possibility of restored benefits, through posters in local offices or through other means.

Cash Assistance
The policy to exclude the supplemental weekly unemployment compensation from cash assistance income is effective January 1, 2010. The mass change that is set to run on December 12, 2009, also will remove the $25 weekly benefit from consideration in Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance cases. However, for cash assistance cases this change is not retroactive. County agencies are not required to issue supplements for unemployment compensation payments counted as income for the months of November and December.
EFFECTIVE DATE: March 10, 2009

OAC Rules: 5101:4-3-07, 5101:1-2-40, and 5101:1-2-40.2

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
    ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Afghan Special Immigrant Visa extension of benefits.

Background: Public Law 110-161 granted Iraqi and Afghan aliens special immigrant visas (SIV) under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. For Afghan aliens, this eligibility was limited to six months from the date of entry to the United States.

New Policy: Public Law 111-8 under section 602 of the Omnibus Appropriations Act of 2009 extended the Afghan special immigrant eligibility period for Ohio Works First, Refugee Cash Assistance and Food Assistance to eight months from their date of entry to the United States or the date of adjustment to special immigrant status.

Food Assistance eligibility: With the authority of Public Law 111-8 effective March 10, 2009, the eligibility time limit for Afghan aliens with a special immigrant status has been extended. An Afghan alien with special immigrant status will be considered a qualified alien under rule 5101:4-3-07 for eight months from their date of entry to the United States or the date of adjustment to special immigrant status.

For Afghan aliens with special immigrant status the Food Assistance certification period shall not exceed eight months from their date of entry or SIV grant date if applied from within the United States. When this eight month limit has passed the individuals must meet one of the other citizenship requirements listed in rule 5101:4-3-07 in order to receive benefits.

Ohio Works First or Refugee Cash Assistance eligibility: Afghan special immigrants are exempt from the five year bar on receipt of federal means-tested TANF public benefits for a time-limited period. The time-limited exemption period for Afghan special immigrants is now eight months from the date of entry into the United States or the date of adjustment to special immigrant status.

Once the eight month exemption period ends, these special immigrants would meet the definition of lawful permanent residents and would no longer be exempt from the five year bar on receipt of a federal means-tested public benefit.

Refugee Social Services Program (RSSP) eligibility: In accordance with Public Law 111-8, effective March 10, 2009, an Afghan special immigrant is eligible for RSSP services for eight months from the date of admission to the United States or from the date special immigrant status was awarded in the U.S. under section 101(a)(27) of the INA.

Action Required: County agencies that discover or become aware of any special immigrants who were terminated or denied any benefits or services on or after March 10th, 2009 should re-determine those terminations or denials using this current policy.
**Reason for Change:** This letter is to provide information recently received from the Office of Refugee Resettlement and the Office of Family Assistance, Administration for Children and Families, Health and Human Services, and the Food and Nutrition Service, United States Department of Agriculture, regarding Public Law (PL) 110-161 of the Consolidated Appropriations Act of 2008, and PL 110-181, National Defense Authorization Act for Fiscal Year 2008, granting special immigrant status to Afghan and Iraqi aliens for a time-limited period.

The law pertaining to Iraqi special immigrants is in effect for five federal fiscal years, for FFY 2008 through FFY 2012. The law pertaining to Afghan special immigrants is contained in an appropriations bill, and thus is only in effect through the end of the federal fiscal year (FFY), September 30, 2008, unless extended by Federal law. Historically, such appropriation bills remain in effect after the end of the fiscal year through continuing resolutions and it is anticipated to be extended.

**Prior Policy:** None

**New Policy:** Effective December 26, 2007, PL 110-161 granted Iraqi and Afghan aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA.

The period of eligibility for Afghan special immigrants cannot exceed six months from the date of entry into the United States (U.S.). Effective January 28, 2008, PL 110-181 extended eligibility for Iraqi special immigrants from six to eight months from the date of entry into the U.S. However, PL 110-181 did not extend the six-month period of eligibility for Afghan special immigrants.

No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

The policies contained in this ACT/FACT will be incorporated into a future CAMTL and FSTL.

**Food stamp eligibility:** Under the authority of PL 110-161, the Afghan special immigrant's food stamp certification period for food stamps cannot exceed six months from the date of entry. For example, if the date of entry is October 10, 2007, the six month period is October through March; if the food stamp application file date of this individual with an entry date of October 10, 2007 is not until sometime in February 2008, the certification period would only be for two months, February 2008 through March 2008.

Under the authority of PL 110-181, the Iraqi special immigrant's food stamp certification period for food stamps cannot exceed eight months from the date of entry. For example, if the date of entry is December 12, 2007, the eight month period is December through July 2008; if the food stamp application file date of this individual with an entry date of December 12, 2007 is not until sometime in March 2008, the certification period would only be for five months, March 2008 through July 2008.

**Ohio Works First (OWF) or Refugee Cash Assistance (RCA) eligibility:** Qualified aliens are the only non-citizens eligible to receive a Federal TANF public benefit. A qualified alien who enters the U.S. on or after
August 22, 1996 is not eligible for any Federal means-tested public benefit (e.g., federally funded TANF assistance) for a period of five years beginning on the date of the alien’s entry into the U.S.

Iraqi and Afghan special immigrants are exempt from the five year bar on receipt of Federal means-tested TANF public benefit for a time-limited period. The time-limited exemption period for Afghan special immigrants is six months from the date of entry into the U.S. The time-limited exemption period for Iraqi special immigrants is eight months from the date of entry into the U.S.

Once the six or eight month exemption period ends, these special immigrants would meet the definition of lawful permanent residents and would no longer be exempt from the five year bar on receipt of a Federal means-tested public benefit.

When an application is received, eligibility under "entitlement programs" (i.e.,TANF/OWF) would be explored first. If eligibility for OWF exists, it is limited to the six or eight months of this program. If eligibility for OWF does not exist, Afghan and Iraqi special immigrants could qualify for benefits under the RCA program for six or eight months.

The date of eligibility for OWF or RCA benefits cannot precede the date of application or the date that the law went into effect. No provision exists to provide benefits between the date of entry and the date that the county department of job and family services (CDJFS) receives an application.

**Refugee Social Services Program (RSSP) eligibility:** In accordance with PL 110-161, effective December 26, 2007, and extended under PL 110-181, effective January 28, 2008, an Iraqi special immigrant is eligible for RSSP services for eight months from the date he or she was admitted to the U.S. with special immigrant status under section 101(a)(27) of the INA. For Iraqis who acquire special immigrant status while in the U.S., the date of eligibility for benefits and services is the grant date of Iraqi special immigrant status. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

In accordance with PL 110-161, effective December 26, 2007, an Afghan special immigrant is eligible for RSSP services for six months from the date of admission to the U.S. with special immigrant status under section 101(a)(27) of the INA. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

**Action Required:** The CDJFS shall process applications submitted by Iraqi and Afghan special immigrants as detailed in this transmittal. It is imperative that the six or eight month period be manually tracked from the date of entry into the U.S. to ensure that receipt of benefits do not exceed the maximum time-limited period of six or eight months. Eligibility determination examples are provided in Appendix A.

To facilitate tracking, ODJFS will provide the counties a list of Iraqi and Afghan immigrants each month from CRIS-E. The CDJFS will need to review documentation and Systematic Alien Verification for Entitlement (SAVE) to determine which have special immigrant status and ensure benefits are granted and terminated appropriately.

If the CDJFS discovers or becomes aware of any special immigrants who were denied any benefits or services prior to the passage of these provisions, the CDJFS should reconsider those denials using this current policy. Restorations or under issuances back to the date of application, but no earlier than December 26, 2007, not to exceed the periods of eligibility based on the date of entry for each special immigrant status, may be appropriate.

Acceptable verification is described in Appendix B.

**CRIS-E Instructions:** Review the documentation of status and verify it on SAVE. If the documentation confirms that the person holds one of the statuses explained above, complete the CRIS-E screen AEICZ following these instructions:

- Enter the appropriate code for the country of origin from the TCOU table (001 for Afghanistan or 045 for Iraq).
- Enter the entry date into the U.S. and the date from the document presented granting such status in the respective fields (usually the same date).
• For people with Iraqi/Afghan SIV documentation described above: use code "SI" as the Alien Status Code. This will trigger CRIS-E to explore eligibility for OWF, Food Stamps, and Medicaid prior to exploring eligibility for Refugee Cash Assistance and Refugee Medical Assistance.

• Enter the 8 or 9 digit alien number in the "Document Number" field on CRIS-E. This is the number following the "A" that is usually found on the back of the I-94 form or is on the front of the I-551 "Permanent Resident Card".

• Enter "Y" or "N" in the 40 quarter section.

Following the eight or six month eligibility period, Iraqi and Afghan special immigrants are treated as any other Lawful Permanent Resident and are subject to the 40 quarter requirement.

Case entry instructions will also be issued in a CRIS-E View Flash Bulletin.

Attachments:

Appendix A to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Eligibility Period Chart

Click here to view Appendix A to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Eligibility Period Chart

Appendix B to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status

Click here to view Appendix B to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status
Reason for Change: The TANF Educational Awards Program (TEAP) was established by Executive Order 2006-10T signed by Governor Taft on May 10, 2006. The Ohio Department of Job and Family Services (ODJFS) has entered into an interagency agreement with the Ohio Board of Regents to provide TANF funding for this program in SFY 2007. The program will provide educational incentive payments to eligible students attending a participating college and will be based on the student's progress in successfully completing college level course work. The award is available to both part-time and full-time students. The maximum award that can be granted to a single student in a school year is $1,200.00.

Effective immediately, TEAP payments are excluded as countable income in the OWF and DFA programs. Excluded income for OWF is set forth in rule 5101:1-23-20, and as set forth in rule 5101:1-5-40, income excluded under the OWF program is also excluded in the DFA program.

Prior Policy: None

New Policy: Effective immediately, TEAP payments received by applicants and recipients are excluded as countable income in the OWF and DFA programs.

Action Required: There is no desk review required; however, the CDJFS must correct any negative case action on any OWF or DFA case that was adversely affected (i.e., termination, reduction or denial of OWF or DFA cash assistance) as a result of not excluding these payments. Rule 5101:1-23-20 will be amended in the near future to reflect the policy addressed in this Action Change Transmittal.
ACT 243 (OWF/DFA: Exclusion of Kinship Permanency Incentive (KPI) Payments as Countable Income)

Action Change Transmittal Letter No. 243

January 31, 2006

Effective Date: Immediately

CAM Chapter: 2000

OAC Rule: 5101:1-23-20

TO: ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: BARBARA E. RILEY, DIRECTOR

SUBJECT: OWF/DFA: Exclusion of Kinship Permanency Incentive (KPI) Payments as countable income

Reason for Change: The Kinship Permanency Incentive (KPI) program was implemented January 1, 2006, and is funded with Temporary Assistance for Needy Families (TANF) funds. Kinship Permanency Incentive payments are designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. (More information about the program can be found at O.A.C. rule 5101:2-40-04, Kinship permanency incentive program, of the Family, Children and Adult Services Manual.)

Effective immediately, KPI payments are being excluded as countable income in the OWF and DFA programs in order to maximize the financial resources that can be provided for individuals who serve as kinship caregivers. Excluded income for OWF is set forth in rule 5101:1-23-20, and as set forth in rule 5101:1-5-40, income excluded under the OWF program is also excluded in the DFA program.

Prior Policy: None

New Policy: Effective January 1, 2006, all KPI payments received by kinship caregivers are excluded as countable income in the OWF and DFA programs.

Action Required: There is no desk review required; however, the CDJFS must correct any negative case action on any OWF or DFA case that was adversely affected (i.e., termination, reduction or denial of OWF or DFA cash assistance from January 1, 2006 through the date of issuance of this ACT.)

Code OT KP has been added to CRIS-E table TVIN to denote that KPI is countable only in the calculation of food stamp program benefits.
ACT 242 (Supplemental Security Income (SSI) Case Management Program Objective and Structure)

Action Change Transmittal Letter No. 242

July 15, 2005

Effective Date: Immediately

CAM Chapter: 3000

OAC Rule: 5101:1-5-60

TO: ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: BARBARA E. RILEY, DIRECTOR

SUBJECT: SUPPLEMENTAL SECURITY INCOME (SSI) CASE MANAGEMENT PROGRAM OBJECTIVE AND STRUCTURE

Reason for Change: Section 302 of the Social Security Protection Act (SSPA) of 2004 extends the attorney fee withholding and payment process under title II of the Social Security Act (the Act) to claims for benefits under title XVI (Supplemental Security Income [SSI]) of the Act. As a result, the Social Security Administration (SSA) will send direct payment of past due SSI benefits to an attorney or approved non-attorney who successfully represents an SSI claimant.

Section 303 of the SSPA also allows the SSA to implement and to include certain non-attorney representatives of claimants under titles II and XVI of the Act in the direct fee reimbursement process. This means that certain non-attorney representatives also have the option to have their approved fees withheld and paid directly to them by SSA from a beneficiary's past-due SSI benefits. The SSA will determine the eligibility of non-attorney applicants to participate as representatives of claimants in this new process. The specific requirements for non-attorney representatives are detailed later within this ACT.

Because the changes in the SSA direct payment process have an effect on the SSI Case Management Program policy contained in rule 5101:1-5-60 of the Administrative Code, this ACT sets forth those changes.

Prior Policy: Current language in rule 5101:1-5-60 of the Administrative Code requires that attorneys who represent individuals applying for SSI and Social Security Disability (SSDI) benefits and who are successful in obtaining approval of those benefits, be reimbursed for their services directly by SSA prior to the issuance of the Interim Assistance Reimbursement (IAR) from SSA to the CDJFS.

Attorneys who represent DFA applicants or recipients applying only for SSI benefits and who are successful in obtaining approval of those benefits, be reimbursed for their services directly by SSA prior to the issuance of the Interim Assistance Reimbursement (IAR) from SSA to the CDJFS.

New Policy: The new policy is only applicable to situations where there is an attorney or an approved non-attorney representative requesting direct fee reimbursement from SSA. When SSA has both the fee agreement and representation authorization completed by an attorney or certain approved non-attorney representative (who meets the SSA eligibility conditions listed within this ACT) the SSA will send the direct fee payment to the attorney or approved non-attorney representative when the SSI claim is awarded. This policy became effective February 28, 2005. Attorney/approved non-attorney representatives representing successful SSI-only claims, as well as successful dual SSI/SSDI claims will be paid directly by the SSA.

The SSA will send the CDJFS a SSA-L8125-F6, "IAR Payment Pending Case: State Due Payment" at the time that the individual has been awarded an SSI claim for benefits. The CDJFS shall complete the section titled "State's Account of Reimbursement Claimed" and must return the form to the SSA within ten (10) working days. The SSA will then reimburse the CDJFS for the IAR paid upon the approval of SSI benefits. The attorney/approved non-attorney representative will be paid directly by the SSA.
Notification is provided to an attorney/approved non-attorney representative in all cases where a representative agreement has been filed with SSA. In cases where the attorney/approved non-attorney representative is not charging a fee, the claimant receives a notice that the attorney/approved non-attorney representative agreed not to charge a fee.

In cases where there is a fee agreement, the attorney/approved non-attorney representative is notified of the amount of the fee approved, the service charge that is being deducted and how the fee was computed.

When a CDJFS receives a JFS 07365 from an attorney/approved non-attorney representative for payment of successful SSI claims, the CDJFS shall request a copy of the SSA notification from the attorney/approved non-attorney representative. If the attorney/approved non-attorney representative reports that he/she has not received any notice and has filed with the SSA to represent the claimant, the CDJFS shall refer the attorney/approved non-attorney representative to the local SSA office to resolve the issue and provide needed verification. SSA notice verification will ensure that fees are not paid to the attorney/approved non-attorney representative by both the SSA and the CDJFS when claims have been approved.

The existing SSI case management policy remains in effect for all situations where direct fee reimbursement from SSA is not requested by the non-attorney representatives.

**Approved Non-Attorney Representatives**

Pursuant to Section 303 of the SSPA, the SSA also has implemented a 5-year demonstration project on fee withholding for certain non-attorney representatives. The demonstration project began on February 28, 2005. This project allows certain non-attorney representatives the option to have fees withheld and paid directly from the claim by the SSA. Previously, this option was only available to attorneys.

To become an approved non-attorney representative SSA requires certain qualifications as listed below:

- Qualifications equal to a bachelor's degree;
- Experience in representing claimants before SSA;
- Liability insurance or equivalent insurance adequate to protect claimants in the event of malpractice by the representative;
- Criminal background check that ensures a representative's fitness to practice before the SSA Commissioner;
- Examination testing knowledge of the relevant provisions of the Act and the most recent developments in agency and court decisions affecting titles II and XVI of the Act; and
- Completion of relevant continuing education courses.

**Representation Without Fee Payment**

Non-attorney representatives who do not meet the qualifications of the SSA may not receive direct fee payment for representation of approved SSI claim awards from the SSA.

In accordance with the provisions set forth in rule 5101:1-5-60 of the Administrative Code, non-attorney representatives who do not meet the SSA qualifications may still represent DFA individuals who apply for or have been denied SSI benefits but are requesting a reconsideration of the denial of those benefits through the appeal process. CDJFS' SSI case managers may also represent DFA individuals who apply for or have been denied SSI benefits but are appealing the denial of those benefits before the SSA. The non-attorney representative who successfully appeals an SSI claim may receive payment from the CDJFS for services rendered when the requirements of rule 5101:1-5-60 for fee payment by the CDJFS have been met. There shall be no IAR fee payable by the CDJFS to a claimant who may elect to represent himself, nor to a CDJFS, or a CDJFS employee who may be representing an individual in the SSI claim process.

**Examples of IAR Payment**

The following examples represent how the IAR payment will be made dependent upon the situation:

1) A DFA applicant makes application for an SSI claim. An attorney/non-attorney representative who has met SSA guidelines for a fee payment represents the applicant. The CDJFS initiates DFA assistance and has the applicant sign the JFS 07319, "Repayment Authorization for Interim Assistance Paid"
During Initial Eligibility Payment Period" for CDJFS reimbursement. The SSI claim is approved. The SSA sends the CDJFS a SSA-L8125-F6, "IAR Payment Pending case: State Due Payment" for completion of the DFA received. The CDJFS completes the form and returns to SSA within ten (10) working days. The SSA then reimburses the CDJFS for the IAR payment received by the claimant pending approval of the SSI claim. The SSA sends the attorney/non-attorney representative a direct fee payment and sends the remaining payment due to the claimant.

2) A DFA applicant previously applied for SSI/SSDI benefits and was denied by SSA. The individual appeals the denial and is assisted by the CDJFS case manager. The case manager is successful in appealing the initial decision. The SSA sends the individual's retroactive payment and a SSA-L8125-F6 to the CDJFS for completion. The CDJFS calculates the amount of interim assistance paid, lists it on the SSA-L-8125-F6, retains that amount, and forwards the remainder to the claimant. The CDJFS must return the SSA-L8125-F6 to the SSA within ten (10) working days.

3) An attorney represents a DFA recipient in a reconsideration of an SSI denial. The attorney has filed a representative agreement for a fee with SSA. The SSA reverses a previous decision and awards SSI to the individual. The attorney provides a JFS 07365 to the CDJFS for payment. The CDJFS requests SSA notification from the attorney. The attorney states that he/she has not received notification from SSA. The CDJFS refers the attorney to the local SSA office for resolution of the matter. The attorney provides notification to the CDJFS stating the amount of the fee approved, the service charge that was deducted and how the fee was computed. Upon receipt of this information it is determined the attorney will be paid directly by SSA. The CDJFS shall within fifteen (15) days, deny the JFS 07365 submitted by the attorney stating the reason for denial. If the attorney disagrees, he/she may within fifteen (15) days of the decision file a written request for a review with the "Ohio Department of Job and Family Services, Office of Legal Services."

There are no substantive changes to the IAR process in accordance with rule 5101:1-5-70 of the Administrative Code. However, the rule will be amended in the future to include appropriate reference to the direct fee reimbursement process.

The policy contained within this ACT will be incorporated in a future CAMTL.
ACT 212 (Trafficking Victims Protection Act of 2000)
Action Change Transmittal Letter No. 212

Food Assistance Change Transmittal No. 21

August 23, 2001

Effective Date: Immediately
PAM Chapters: 3000, 4000, 5000, 7000, and 11000;
FSCH Chapter: 3000
OAC Rules: 5101:1-2-30, 5101:1-2-301 and 5101:4-3-06

TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: GREGORY L. MOODY, DIRECTOR

SUBJECT: TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Reason for Change: The Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat.1464 (2000), makes adult victims of severe forms of trafficking who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA). Victims of severe forms of trafficking who are under age 18 are also eligible for benefits to the same extent as refugees, but do not need to be certified.

Under section 103 (8) of the Act, the term "severe forms of trafficking in persons" means:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or,

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The Trafficking Victims Protection Act aims to combat trafficking through increased law enforcement, to ensure effective punishment of traffickers, to protect victims and to provide Federal and State assistance to victims. This ACT shall contain the procedure for county departments of job and family services (CDJFS) to follow and the acceptable documentation in determining eligibility for benefits.

The Trafficking Victims Protection Act of 2000 was enacted in October 2000, and the regulations explained above are now in effect. The federal guidance on this topic has just been issued and because the regulations are currently in effect we are issuing this ACT/FACT with an immediate effective date. The OAC rules listed on the front page will be placed in departmental clearance.

Prior Policy: None

New Policy: HHS' Office of Refugee Resettlement (ORR) will make certification determinations and issue letters of certification for adult victims of severe forms of trafficking. Children under 18 years of age who are determined to have been subjected to a severe form of trafficking do not need to be certified in order to receive benefits. ORR will issue letters, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking. Victims of severe forms of trafficking are eligible for benefits and services to the same extent as refugees under section 207 of the INA. Other agencies may issue letters or other documents to victims of severe forms of trafficking. However, only the ORR certification letter or letter for children may be accepted as proof of certification.

Action Required: CDJFS shall follow their regular procedures for refugees and treat the victim of a severe form of trafficking the same as a refugee. However, instead of requiring Immigration and Naturalization Service (INS) documentation, such as the I-94 Arrival/Departure Card, a certification letter or letter for children shall be accepted as proof of status that confers eligibility for benefits. Sample copies of letters are
attached. Please note that the signature and make-up of these letters may change in the coming months.

When a victim of a severe form of trafficking applies for benefits, the CDJFS shall:

(A) **Accept the original certification letter or letter for children in place of the INS documentation.** A photocopy should be retained for the case file and the original returned to the applicant. Victims of severe forms of trafficking are not required to provide any immigration documents to receive benefits.

(B) **Call the trafficking verification line to confirm validity of the certification letter.** The certification letter for adults and the letter for children have a phone number to call to verify their validity. The CDJFS must call the trafficking verification line at (202) 401-5510 for verification before providing benefits. During the verification phone call, the CDJFS must notify ORR of the benefits for which the victim of trafficking has applied.

**Note:** At this time, the INS Systematic Alien Verification for Entitlements (SAVE) program does not contain information about victims of severe forms of trafficking. ORR is working with INS on this issue and further instructions will be released as soon as possible. Until further notice, the CDJFS shall not contact the SAVE system to confirm eligibility for benefits for victims of a severe form of trafficking.

(C) **Confirm identity.** When confirming identity, many victims of severe forms of trafficking do not yet possess standard identity documents, such as driver's licenses. If confirming identity in these cases is difficult, the CDJFS shall not automatically deny the application, but shall call the trafficking verification line as listed above for assistance.

(D) **Assist in obtaining a social security number.** CDJFS shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a social security number. If an individual is required to provide or apply for a social security number for another benefit program, such as Medicaid, Ohio Works First (OWF) or food stamps; or the victim of severe forms of trafficking does not yet have or is unable to obtain a social security number for work purposes, assistance must be given to these individuals in obtaining non-work social security numbers as delineated below.

The individual will need to present a letter to the Social Security Administration (SSA) from the CDJFS that:

1. is on letterhead;
2. includes the applicant's name;
3. references the non-work reason for which the number is required; and,
4. states that the applicant meets the requirements to receive the benefit except for the social security number.

The letter cannot be a generic application, form letter or photo copy.

(E) **Note the "entry date" for refugee benefits purposes.** Once the certification letter or letter for children is received and the validity of the document is verified by calling the trafficking verification line, the CDJFS shall note the individual's "entry date" for refugee benefit purposes. The entry date is the date of certification. The certification date appears in the body of the certification letter or letter for children.

(F) **Record the expiration date.** The certification letter and the letter for children contain expiration dates. At this time, the expiration dates are eight months from the initial certification date. The CDJFS shall record the expiration date and a reapplication must be completed at the end of the eight-month period. ORR intends to issue follow-up certification letters if individuals continue to meet the statutory certification requirements.

(G) **Issue benefits.** If the applicant meets other program eligibility criteria (e.g., income levels), the individual should receive benefits and services to the same extent as a refugee.

**CRIS-E Processing:** Manual budgeting must be completed. CDJFS shall flat the individual's eligibility to pass on AEWIF and the assistance group on AEWFT.

**Individuals Without Certification**
If a CDJFS encounters an individual that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification, the CDJFS should call Michael Jewell at (202) 401-4561 or Neil Kromash at (202) 401-5702. If the agency encounters a child believed to have been subjected to a severe form of trafficking and lacks a letter for children, the agency should call Loren Bussert at (202) 401-4732.

This policy will be incorporated in a future Manual Transmittal Letter.

Attachments

the ORR Certification Letter.

the ORR Letter for Children.
Current Policy: The Burial Award Program is available for the purpose of providing burial funds to defray the total cost of funeral, cremation, cemetery, and burial expenses to eligible deceased individuals who have insufficient resources to meet burial costs. The program is mandated by Section 5101.52 of the Revised Code and provides a maximum payment of $750 for an adult and $500 for a child under age eleven.

Reason for Change: With the passage of Amended Substitute House Bill 94, the Burial Award Program has been eliminated. Section 5101.52 of the Revised Code has been repealed and State funding will no longer be available for the program.

New Policy: Effective July 1, 2001, the Burial Award Program will no longer be offered by the state of Ohio. In order to be reimbursed, applications must have been processed prior to the close of business on June 29, 2001. Due to the termination of the program, the deadline for submitting expenditures will be the September 2001 report on the ODJFS 2827. The report is due October 20, 2001.


Action Required: CDJFS applications for the burial award program must have been processed prior to the close of business on June 29, 2001 and no applications shall be taken after this date. Due to the termination of the program, the deadline for submitting expenditures will be the September 2001 report on the ODJFS 2827. The report is due October 20, 2001.

The decision on burial claims made by the CDJFS on denials or the burial award payment is final. The state hearing provisions found in Chapter 5101:6-2 of the Administrative Code are not applicable to burial award claims.
ACT 208 (OWF and Covered Families and Children (CFC) Medicaid: Immediate Rescission of the Non-Recurring Lump Sum Payments Policy)

Action Change Transmittal Letter No. 208

March 9, 2001

EFFECTIVE DATE: MARCH 1, 2001

PAM SECTIONS: 11560 - 11565


TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS

FROM: JACQUELINE ROMER-SENSKY, DIRECTOR

SUBJECT: OWF AND COVERED FAMILIES AND CHILDREN (CFC) MEDICAID: IMMEDIATE RESCISSION OF THE NON-RECURRING LUMP SUM PAYMENTS POLICY

Reason for Change: An administrative decision has been made to rescind the policy regarding the treatment of nonrecurring lump-sum payments. This policy change is effective March 1, 2001 and affects any OWF or CFC Medicaid (including Healthy Start) assistance group that receives a non-recurring lump-sum payment, as well as any OWF or CFC Medicaid assistance group that is currently ineligible, due to prior receipt of a non-recurring lump-sum payment for which a period of ineligibility was computed. All previous periods of ineligibility for OWF and CFC Medicaid assistance groups due to prior receipt of a non-recurring lump-sum payment end as of February 28, 2001.

Prior Policy: Receipt of a non-recurring lump-sum payment by an OWF and/or a CFC Medicaid assistance group was counted as income in the month received and apportioned toward future months. This calculation often resulted in a period of ineligibility, meaning that the assistance group was ineligible to participate in OWF and/or CFC Medicaid for a certain number of months, depending upon the amount of the non-recurring lump-sum payment that was received.

Receipt of a non-recurring lump-sum payment by a DA assistance group was counted as income in the month received and as personal property in the months thereafter. The lump sum became a resource in the month following the month of receipt and was treated in accordance with the provisions set forth in rule 5101:1-5-30.

New Policy: Effective March 1, 2001, receipt of a non-recurring lump-sum payment by a member of an OWF and/or CFC Medicaid assistance group shall not result in the calculation of a period of ineligibility. The lump-sum payment shall be excluded from the determination of continued eligibility for OWF and CFC Medicaid.

Action Required: No desk review is required for OWF, CFC Medicaid or DA.

OWF AND CFC MEDICAID:

Effective March 1, 2001, all non-recurring lump-sum payments received by an OWF and/or a CFC Medicaid assistance group shall be considered to be income in the month received, and a resource thereafter. This means that the receipt of the nonrecurring lump sum payment in a month most often will not affect continued eligibility for OWF and CFC Medicaid in that month, because an assistance group that is eligible on the first day of the month is eligible for the entire month. Changes in income during a month that affect the assistance group's future eligibility are used in calculating the future months' eligibility. Because the non-recurring lump-sum payment is not a recurring source of income, it should not be used in determining prospective eligibility. Since there is no resource limit for the OWF program, treatment of the lump-sum payment after the month of receipt as a resource will not affect OWF eligibility.

No calculation of a future period of ineligibility for OWF or CFC Medicaid shall be made based on receipt of the non-recurring lump sum payment.

When an OWF or CFC Medicaid assistance group for whom a prior period of ineligibility was computed reapplies, the assistance group will pass, and if all other eligibility requirements are met, the assistance group(s) shall be approved and authorized. In those situations where the case is being rerun for another
reason, OWF and CFC Medicaid assistance groups will pass; however, the OWF and CFC assistance groups should not be authorized without a new application. Instead, the county is advised to notify the assistance group advising that potential eligibility for OWF and/or CFC Medicaid exists, and that they may reapply for these benefits at the CDJFS.

**DA**

DA policy is not changing. The policy governing receipt of non-recurring lump-sum payment in the DA program was formerly contained in rule 5101:1-23-07. With the rescission of rule 5101:1-23-07, rule 5101:1-5-40 has been amended to state that a non-recurring lump-sum payment is considered income in the month received and a resource thereafter.

**FOOD STAMPS**

Food stamp policy is not changing. In accordance with rule 5101: 4-4-07, for food stamps, nonrecurring lump-sum payments are to be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal laws. For example, all resources of an SSI or OWF recipient are excluded.

**CRIS-E PROGRAMMING CHANGES**

The AERLS screen has been modified to prevent a period of ineligibility from being computed for OWF and CFC Medicaid assistance groups as of March 1, 2001. The AERLS screen will predisplay "N" on the "ADC/ADC RELATED MA:" field. The "N" will be protected and cannot be changed by the user.

The result of this screen change is that any time a case is rerun on or after March 1, 2001, it will prevent the entry of lump sum information for OWF and CFC Medicaid purposes so that a period of ineligibility will not be computed, and any previous period of ineligibility will also be ended. While the end date for a prior period of ineligibility reflected on AEOIE will reflect the original ineligibility dates, the assistance group's eligibility for OWF and/or CFC Medicaid will not be affected by the previously determined period of ineligibility, i.e., if the assistance group is otherwise eligible for OWF and/or CFC Medicaid, the assistance group will pass and show as eligible.