



May 17, 2022

Cash Assistance Manual Transmittal Letter No. 181

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Five Year Review**

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 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 06/01/2022.

Chapter 2000

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 rule describes how education directly related to employment aids to gaining a high school diploma or equivalent. OFA amended this rule. Changes to the rule include:

- The title to paragraph (A) has been amended to "Which section of the Revised Code applies to 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?";
- Language in paragraph (A)(1) was removed and replaced with "Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules as necessary to comply with Title IV-A, Title IV-D, federal regulations, state law, and the state plan";
- Previous paragraph (A)(1) was moved to new paragraph (A)(2); and
- Minor language changes were also made to improve clarity.

5101:1-3-13 "Ohio Works First: Good Cause for Work Activity Failures." The rule describes good cause reasons for work activity failures. OFA amended this rule. Changes to the rule include:

- The title to paragraph (A) has been amended to "Which section of the Revised Code applies to good cause for work activity failures?";
- Language in paragraph (A)(1) was removed and replaced with "Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules as necessary to comply with Title IV-A, Title IV-D, federal regulations, state law, and the state plan";
- Previous paragraph (A)(1) was moved to new paragraph (A)(2); and
- Minor language changes were also made to improve clarity.

5101:1-3-20 "Ohio Works First: Domestic Violence- Information, Screening, Referral and Waiver of Eligibility Requirements." The rule describes information, screening, referral, and waiver of certain Ohio Works First eligibility requirements in t domestic violence situations. OFA amended this rule. Changes to the rule include:

- The rule citation in paragraph (D)(1) was updated; and
- Minor language changes to improve clarity.

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.**

(A) ~~Conflict with Revised Code~~ Which section of the Revised Code applies to 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) 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)(1) Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules as necessary to comply with Title IV-A, Title IV-D, federal regulations, state law and the state plan. 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.~~

(2) The county agency is to 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~~ definition of "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 shall 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.

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5101:1-3-13

Ohio works first: good cause for work activity failures.

(A) Which section of the Revised Code applies to good cause for work activity failures?~~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)(1) Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules as necessary to comply with Title IV-A, Title IV-D, federal regulations, state law and the state plan. 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.~~

(2) The county agency is to 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 into this rule.

(B) What is good cause for work activity failures?

- (1) "Good cause" is defined as a valid reason a work eligible individual failed to comply with a provision of their self sufficiency contract requirements.
- (2) For each failure, refusal or absence, the county agency shall determine when good cause exists.

(C) What are allowable good cause reasons?

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, when care by the work eligible individual was 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 when good cause exists for nonparticipation with a work requirement for a work eligible individual, the county agency shall determine when 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 (PCSA) 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 that 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 when good cause is not found?

When the claim of good cause is not found to be valid, the county agency shall either:

- (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.

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5101:1-3-20

Ohio works first: domestic violence- information, screening, referral and waiver of eligibility requirements.

~~Effective January 1, 2008, each~~Each applicant for and recipient of Ohio works first (OWF) shall receive information, screening, referral and waiver of certain OWF eligibility requirements 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. 11/2016~~) to every applicant as 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~~5101:1-3-11 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 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. 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 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 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?

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.

(G) What OWF eligibility requirements can be waived?

- (1) The following OWF eligibility requirements shall be waived when the requirements 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 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 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 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 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 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 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 described in this rule.

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