



October 5, 2022

Cash Assistance Manual Transmittal Letter No. 187

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, 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 these rules; rescind these rules; or continue these rules without amendment.

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). These rules will become effective on 11/01/2022.

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. OFA amended this rule. The following changes have been made to the rule:

- The title to paragraph (A) has been amended to “Which section of the Revised Code applies to subsidized public and private employment?”;
- 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”;
- Paragraph (A)(3) was removed as language under paragraph (A)(2) already references that the county agencies are bound to follow requirements contained in this rule and not in accordance with sections 5107.40 and 5107.52 of the Revised Code;
- Minor language changes were also made to improve clarity.

5101:1-3-12.7 "Vocational Educational Training."

This rule describes the vocational educational training work activity for the Ohio Works First program. OFA amended this rule. The following changes have been made to the rule:

- The title to paragraph (A) has been amended to “Which section of the Revised Code applies to vocational education training?”;
- Language under paragraph (A) was removed and replaced with new paragraph (A)(1) stating that “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”;
- Language under old paragraph (B) was moved to new paragraph (A)(2) and the last sentence was removed as the language in this paragraph already state that the county will follow the requirements contained in this rule;
- The internal cross reference found under new paragraph (E)(4) was updated from (F)(2) to (E)(2) to account for the reordering of the rule paragraphs;
- Minor language changes were also made to improve 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 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. The following changes have been made to the rule:

- The title to paragraph (A) has been amended to “Which section of the Revised Code applies to 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?”;
- Language in paragraph (A) was removed and replaced with new paragraph (A)(1) stating “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”;
- Language under old paragraph (B) was moved to new paragraph (A)(2) and the last sentence was removed as the language in this paragraph already state that the county will follow the requirements contained in this rule;
- Minor language changes were also made to improve clarity.

5101:1-3-12.12 "Alternative Activities."

This rule describes the alternative activity work activity for the Ohio Works First program. OFA amended this rule. The following changes have been made to the rule:

- The title to paragraph (A) has been amended to “Which section of the Revised Code applies to alternative activities?”;
- Language in paragraph (A) was removed and replaced with new paragraph (A)(1) stating “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”;
- Language under old paragraph (B) was moved to new paragraph (A)(2) and the last sentence was removed as the language in this paragraph already state that the county will follow the requirements contained in this rule;
- Minor language changes were also made to improve clarity.

5101:1-3-12.2

Subsidized public and private employment.

(A) Which section of the Revised Code applies to subsidized public and private employment?~~Conflict with Revised Code~~

(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~~Section (5) of the 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 5107.40 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 means 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 when the individual's earnings are subsidized by the educational institution.

(2) Hours of participation in substance abuse treatment, mental health treatment or rehabilitation activities or various other barrier removal or educational activities may count when the individual is paid for these hours as part of 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 county agency shall determine when the subsidy will begin and when the subsidy shall end in accordance with the subsidized employment contract.

- (4) A 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 subsidized employment?

Acceptable models of 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.

Effective: 11/1/2022
Five Year Review (FYR) Dates: 7/21/2022 and 11/01/2027

CERTIFIED ELECTRONICALLY

Certification

10/03/2022

Date

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Prior Effective Dates: 09/29/2006 (Emer.), 12/29/2006, 07/01/2007,
10/01/2008, 02/01/2012, 06/01/2017

5101:1-3-12.7

Vocational educational training.

- (A) Which section of the Revised Code applies to vocational education training?~~Conflict with Revised Code~~

~~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 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.~~

- (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.

~~(B)(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, 5107.40, 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)~~(B) 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 shall 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 when they are a necessary and regular part of the vocational educational training.

~~(D)~~(C) 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 shall document the homework expectations of the educational program in order to count homework time.

~~(E)~~(D) 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 work participation 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 monthly work participation as described in rule 5101:1-3-01 of the Administrative Code.

~~(F)~~(E) 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(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) When 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) When 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 ~~(E)(2)(F)(2)~~ of this rule shall establish procedures governing loan application for and the approval and administration of loans granted.

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10/01/2008, 02/01/2012, 06/01/2017

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.**

(A) Which section of the Revised Code applies to 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?~~Conflict with Revised Code~~

~~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 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.~~

(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.

~~(B)(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)~~ (B) What is the work activity known as "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?"

(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 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 shall 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.

~~(E)~~(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.

~~(E)~~(D) 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 a high school equivalency test. 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 (GED).

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10/01/2008, 02/01/2012, 06/01/2017

5101:1-3-12.12 **Alternative activities.**

(A) Which section of the Revised Code applies to alternative activities?~~Conflict with Revised Code~~

~~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 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.~~

(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.

~~(B)(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, 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)~~(B) 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 mental health and addiction services under section 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.

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