



September 19, 2023

Cash Assistance Transmittal Letter No. 194

TO: All Cash Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Rule changes due to Amended Substitute House Bill 33 of the 135th General Assembly.

On July 3, 2023, Amended Substitute House Bill 33 of the 135th General Assembly was signed into law removing the requirement that a woman must be in her sixth month of pregnancy to receive Ohio Works First benefits. Therefore, rules 5101:1-1-01, 5101:1-2-50, 5101:1-3-01, 5101:1-23-40 of the Ohio Administrative Code have been updated. Additionally, Ohio Administrative Code rules 5101:1-3-12.3, and 5101:1-3-12.6 have been amended to clarify that a work eligible individual is to be placed in *and participating* in a work experience or community service activity in order for a private or government entity to be required to pay premiums to the bureau of workers' compensation on account of the work eligible individual unless a county agency pays the premiums for the entity.

The Office of Family Assistance (OFA) has completed a review of the following rules and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 10/1/2023.

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 that are contained in federal regulations and set forth in the Revised Code. OFA amended this rule. Changes to the rule include:

- Paragraph (Q)(1) was amended to remove the requirement that the married minor has to be at least six months pregnant in order to be considered a minor head of household. This paragraph has been updated to reflect that the minor head of household is married, pregnant and a member of an assistance group that does not include an adult.

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

This rule describes the federal work participation requirements and activities for eligible individuals. OFA amended this rule. Changes to the rule include:

- Paragraph (D)(4) was amended to remove the requirement that a pregnant woman must be in her sixth month of pregnancy. This paragraph has been updated to state an assistance group containing only a pregnant woman can be an all-family assistance group; and
- Paragraph (H)(3) was amended to correct rule citations to (H)(1)(a) or (H)(1)(b).



5101:1-3-12.3 "Work Experience Program."

This rule describes the work experience program (WEP) for Ohio Works First participants. OFA amended this rule. Changes to the rule include:

- Paragraph (D)(4) was amended to clarify that a work eligible individual is to be placed in and participating in a WEP activity in order for a private or government entity to pay premiums to the bureau of workers' compensation on account of the work eligible individual unless a county agency pays the premiums for the entity.

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

This rule describes the community service program for Ohio Works First participants. OFA amended this rule. Changes to the rule include:

- Paragraph (F) was amended to clarify that a work eligible individual is to be placed in and participating in a community service activity in order for a private or government entity to pay premiums to the bureau of workers' compensation on account of the work eligible individual unless a county agency pays the premiums for the entity; and
- Minor language changes were made to improve clarity.

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

This rule describes payments for the Ohio Works First program. OFA amended this rule. Changes to the rule include:

- Paragraph (B)(4)(a)(i) was amended to remove the requirement that a woman is at least in her sixth month of pregnancy and has been updated to state that pregnancy is met when it is medically verified that the woman is pregnant; and
- Minor language changes were made to improve clarity.

Chapter 4000

5101:1-2-50 "Ohio Works Now."

This rule describes 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. OFA amended this rule. Changes to the rule include:

- The word "statewide automated eligibility system" was replaced with "Ohio benefits integrated eligibility system"; and
- Paragraph (A)(2)(a) was amended to remove the requirement that a woman is at least in her sixth month of pregnancy and has been updated to state a pregnant woman with no other children.

5101:1-1-01

Temporary assistance for needy families definitions.

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 in this paragraph:

(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.
- (C) "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 standard filing unit (SFU).
- (D) "Case" has the meaning described in paragraph (C) of this rule.
- (E) "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.
- (F) "Commingled State TANF expenditures" means expenditures of state funds that are made within the TANF program and commingled with federal TANF funds.
- (G) "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.
- (H) "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.

- (I) "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).
- (J) "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.
- (K) "Indian" as defined in 25 U.S.C. 5304 (10/1994) means a person who is a member of an Indian tribe.
- (L) "Indian country" as defined in 18 U.S.C. 1151 (5/1976) 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.
- (M) "Indian tribe" as defined in 25 U.S.C. 5304, 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.
- (N) "Indian Tribal Organization" or "tribal organization" as defined in 25 U.S.C. 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.
- (O) "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.
- (P) "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).

- (Q) "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.
- (R) "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.
- (S) "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.
- (T) "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.
- (U) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) is a United States federal law as defined in 45 C.F.R. 260.30, or Pub. L. No. 104-193 (8/1996). PRWORA instituted TANF.
- (V) "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.
- (W) "State TANF expenditures" as defined in 45 C.F.R. 260.30 means the expenditure of state funds within the TANF program.
- (X) "Statewide automated eligibility system" means the centralized statewide automated system that supports all eighty-eight county agencies.
- (Y) "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.
- (Z) "Supplemental security income (SSI) recipient" means a person who receives SSI payments.
- (AA) "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.
- (BB) "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.
- (CC) "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.
- (DD) "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) The kinship permanency incentive program created under section 5101.802 of the Revised Code.

- (5) The Title IV-A demonstration program created under section 5101.803 of the Revised Code.
 - (6) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;
 - (7) A component identified in the Title IV-A state plan that is listed as a component of a Title IV-A program in paragraphs (DD)(1) to (DD)(6) of this rule.
- (EE) "Work eligible individual" as defined in 45 C.F.R. 261.2 (02/2008) 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 (10/2006) and 45 C.F.R. 261.23 (10/2006). 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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CERTIFIED ELECTRONICALLY

Certification

09/18/2023

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5101:1-2-50

Ohio works now.

The 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 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 OWN food assistance benefit?

- (1) Participation in the OWN program is determined automatically on a monthly basis based on data in the ~~statewide automated eligibility system~~Ohio benefits integrated eligibility system.
- (2) For members of a SNAP assistance group to receive the OWN benefit, data in the ~~statewide automated eligibility system~~Ohio benefits integrated 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.
 - (c) Meets federal TANF requirements under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, including citizenship.

(B) Who will not receive the OWN food assistance benefit?

- (1) Any SNAP assistance group that includes a member that is also receiving Ohio works first (OWF) benefits in the month, including OWF benefits received pending a state hearing pursuant to rule 5101:6-4-01 of the Administrative Code;
- (2) A member of a SNAP assistance group that is receiving 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 SNAP assistance group that no longer meets the criteria described in paragraph (A)(2) of this rule.

(C) How are OWN food assistance benefits issued?

- (1) OWN food assistance benefits will be issued to eligible assistance groups on their existing SNAP electronic benefit transfer (EBT) card.
- (2) OWN food assistance benefits shall be used pursuant to rule 5101:4-1-04 of the Administrative Code.

(D) Are OWN benefits subject to OWF and SNAP requirements?

- (1) A family in receipt of OWN food assistance benefits is not subject to OWF requirements, including, but not limited to:
 - (a) Assigning child support or cooperating with child support enforcement as described in rule 5101:1-3-10 of the Administrative Code.
 - (b) Participating in work activities as 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 described in rule 5101:1-23-01 of the Administrative Code.
- (2) OWN food assistance benefits shall not be used in the calculation of participation hours for the SNAP employment and training program as described in rule 5101:4-3-31 of the Administrative Code.
- (3) The OWN food assistance benefit shall not be considered in the SNAP income eligibility determination and allotment amount.

(E) How are the amount and duration of the OWN benefit determined?

- (1) The amount of 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 SNAP assistance group. The monthly amount of OWN food assistance will be described in an ODJFS cash assistance action change transmittal letter that will be distributed to all county agencies.
- (2) No more than one OWN food assistance benefit may be issued to a SNAP assistance group per month.

- (3) In order to confine OWN expenditures to appropriated state funds, the director of 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, 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) OWN food assistance benefits shall not be used to repay a claim of erroneous payment or overpayment for any public assistance program.

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5101:1-3-01

Ohio works first: federal work participation rates.

(A) Which section of the Revised Code applies to federal work participation rates?

- (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.
- (2) The county agency will 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.

(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 (2/2008) and 45 C.F.R. 261.23 (2/2008). 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 shall 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 the 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, foster care maintenance payments, kinship support payments as described in rule 5101:2-42-18.2 of the Administrative Code, or federal or state kinship guardianship assistance program (KGAP) payments as described in rules 5101:2-56-02 and 5101:2-55-03 of the Administrative Code 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.

(D) 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, adoption assistance payments, kinship support payments as described in rule 5101:2-42-18.2 of the Administrative Code, or federal or state kinship guardianship assistance program (KGAP) payments as described in rules 5101:2-56-02 and 5101:2-55-03 of the Administrative Code 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.

(E) 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.

(F) What are countable federal work activities?

Activities in paragraph (F)(1) 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)(2) 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.

(1) 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.

(2) 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.

(G) What are the federal work participation requirements ?

For purposes of meeting the federal work participation rates:

- (1) The work-eligible individuals in two parent assistance groups containing at least two work-eligible individuals and not receiving federally funded child care shall participate at least an average total of thirty-five hours per week (one hundred fifty-two hours monthly), thirty hours of which shall be in a core activity.
- (2) 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 shall participate at least an average total of fifty-five hours per week (two hundred thirty-eight hours monthly), fifty hours of which shall be in a core activity.
- (3) The work-eligible individuals in all family assistance groups shall participate at least an average total of thirty hours per week (one hundred thirty hours monthly), twenty hours of which shall be in a core activity.
- (4) 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-seven hours monthly).
- (5) In order to meet the federal work participation rate at least one of the parents in a two-parent assistance group shall participate sufficient hours to meet the all-family rate as described in paragraph (G)(3) of this rule.
- (6) 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. For purposes of the federal work participation rate, this disregard

can only be applied to the work eligible individual for not more than a total of twelve months, even if the single custodial parent continues to care for a child under the age of twelve months.

(H) When are federal work participation hours deemed to have been met?

- (1) 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:
 - (a) Maintains satisfactory attendance at secondary school or the equivalent during the month; or
 - (b) Participates in education directly related to employment for an average of at least twenty hours per week during the month.
- (2) For a married recipient, such participation counts as the greater of twenty hours or the actual hours of participation.
- (3) When both parents in the family are under twenty years old, the federal work requirements specified in paragraph (G)(2) of this rule are met when both meet the conditions of paragraph ~~(G)(7)(a)(i) or (G)(7)(a)(ii)~~ (H)(1)(a) or (H)(1)(b) of this rule.

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

(A) Which section of the Revised Code applies to the work experience program (WEP)?

- (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.
- (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.

(B) What is the definition of a work experience program ?

- (1) 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) 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 when they have a minor child enrolled in that school. Assignments pursuant to this paragraph shall meet the definition of 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. 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 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 WEP?

- (1) Hours assigned to WEP are subject to the Fair Labor Standards Act (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 WEP sites available to the public.
- (3) Work-eligible individuals assigned to WEP are not employees of the Ohio department of job and family services (ODJFS) or the county agency. The operation of 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~~ A work eligible individual is to be placed in and participating in WEP in order for a private or government entity with which a work eligible individual is placed for WEP activities shall to pay premiums to the bureau of workers' compensation on account of the work eligible individual unless a county agency pays the premiums for the entity.

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5101:1-3-12.6 **Community service.**

(A) Which section of the Revised Code applies to community service?

- (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.
- (2) The county department of job and family services will administer the work activity programs in accordance with requirements contained in this rule and not in accordance with sections 5107.40, 5107.541 and 5107.60 of the Revised Code.

(B) What is community service?

Community service means structured programs and embedded activities ~~in which that~~ Ohio works first (OWF) work eligible individuals perform work for the direct benefit of the community under the direction 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) 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~~that the child is enrolled.
 - (3) Unless it is not possible or practical, a contract is to 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 rule is not required to obtain an educational aide permit or paraprofessional license. The work eligible individual is not to 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.

- (E) Are community service activities subject to the Fair Labor Standards Act (05/2007) (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.

- (F) Who is responsible for workers compensation premiums?

~~A private or government entity with which a~~ A work eligible individual is to be placed in and participating in for a community service activities activity in order for a private or government entity to shall pay premiums to the bureau of workers workers' compensation on account of the work eligible individual unless a county agency pays the premiums for an the entity.

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5101:1-23-40

Ohio works first: payments.

(A) 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.
- (2) An assistance group's countable income is determined by the appropriate calculation as described in rules 5101:1-23-20, 5101:1-23-20.1 and 5101:1-23-20.2 of the Administrative Code.

(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 that~~ 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.

(B) 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~~ that 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~~ pregnant; 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~~ that 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 verification 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) 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.
- (F) 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) Support services (e.g., transportation) and learning, earning and parenting (LEAP) program's allowances are never prorated.
- (3) 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.

(G) 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~~that 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.

(H) 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 ~~mismangement~~mismanagemnt situation ~~which~~that 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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