



December 13, 2023

**Cash Assistance Manual Transmittal Letter No. 199**

**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 01/01/2024.

**Chapter 2000**

**5101:1-3-15 " Ohio works first: three-tier sanctions ."** The rule describes how three-tier sanctions are applied for OWF assistance groups. 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 three-tier sanctions?”;
- 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);
- Paragraph (C)(4) was removed due to it no longer being a requirement in Medicaid policy; and
- Minor language changes were also made to improve clarity.

5101:1-3-15

**Ohio works first: three-tier sanctions.**

(A) ~~Conflict with the Revised Code~~ Which section of the Revised Code applies to three-tier sanctions?

~~(1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.~~

~~(2)~~ (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 a sanction?

A sanction is the denial or termination of an assistance group's eligibility to participate in Ohio works first (OWF) due to a member of the assistance group failing and/or refusing to comply in full with a provision of the self sufficiency contract without good cause as set forth in rule 5101:1-3-13 of the Administrative Code.

(C) When shall a sanction be imposed and how long shall it last?

For purposes of this rule a payment month means a calendar month and sanctions shall be imposed as follows:

- (1) For a first failure or refusal, the county agency shall deny or terminate benefits for one calendar month or until the failure or refusal ceases, whichever is longer.
- (2) For a second failure or refusal, the county agency shall deny or terminate benefits for three calendar months or until the failure or refusal ceases, whichever is longer.
- (3) For a third or subsequent failure or refusal, the county agency shall deny or terminate benefits for six calendar months or until the failure or refusal ceases, whichever is longer.
- ~~(4) An adult who is sanctioned, pursuant to paragraph (C)(3) of this rule for a failure and/or refusal, without good cause, to comply in full with a provision of a self sufficiency contract related to work activities, loses eligibility for medicaid as set forth in rule 5160:1-2-01 of the Administrative Code unless the adult is otherwise eligible for medicaid pursuant to another division of section 5162.03 of the Revised Code.~~
- ~~(5)~~(4) Subsequent failures and/or refusals without good cause to comply with a provision in the self sufficiency contract that occur up until the imposition of the sanction are considered the same occurrence.
- ~~(6)~~(5) In a two-parent assistance group, the assistance group's number of occurrences is the higher amount that either individual incurred prior to the formation of the two-parent assistance group.
- ~~(7)~~(6) Individuals in a two-parent assistance group who separate carry only the occurrences caused by their own failure and/or refusals into another assistance group.

(D) Who is included in the sanction?

All individuals in the OWF assistance group in accordance with rule ~~5101:1-3-10~~5101:1-23-10 of the Administrative Code at the time of the failure and/or refusal are included in the sanction. An assistance group must include the non-recipient work eligible individual as set forth in rule 5101:1-3-12 of the Administrative Code.

(E) When does an imposed sanction become effective?

- (1) For applicant assistance groups the sanction period begins with the date of application.

- (2) For recipient assistance groups the sanction period begins with the next recurring month following the expiration of the adverse action period as set forth in rule 5101:6-2-04 of the Administrative Code unless a hearing is requested pursuant to the provisions of division 5101:6 of the Administrative Code. If a hearing is requested timely and the assistance group continues to receive OWF the work requirements are applicable.
- (3) If a hearing request is made within fifteen calendar days after the mailing of the notice, the imposition of the sanction is postponed. If a hearing request is made after the fifteenth day, but on or before the ninetieth day, the hearing shall be conducted but the sanction is not postponed.
- (4) Sanctions shall not be held in abeyance. For assistance groups whose OWF benefits are terminated for another reason, the sanction period begins with the month after OWF is terminated for the assistance group, subject to the prior notice of adverse action requirements as set forth in rule 5101:6-2-04 of the Administrative Code.

(F) How is an assistance group notified of the proposed sanction?

Before a county agency sanctions an assistance group pursuant to paragraph (C) of this rule, the Ohio department of job and family services (ODJFS) shall provide the assistance group with written notice of the sanction failure and/or refusal dates and failed and/or refused hours when applicable.

(G) How is a sanction ended?

The assistance group member who failed or refused a provision of the self sufficiency contract must:

- (1) Sign and submit to the county agency a JFS 03804 "Ohio Works First/ Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement"~~(rev. 11/2016)~~ or the statewide automated eligibility system equivalent; and
- (2) Serve the minimum sanction period.
- (3) For a second and any subsequent sanction the assistance group member who failed and/or refused, to comply with a provision of the self sufficiency contract without good cause, must demonstrate a willingness to comply with the self sufficiency contract through the completion of an appropriate compliance activity as assigned by the county agency as set forth in paragraph (H) of this rule.

(H) What are acceptable compliance activities?

- (1) For applicant and recipient sanctions imposed due to a failure and/or refusal to complete a work activity and/or alternative activity without good cause, the compliance assignment shall:
  - (a) Consist of no more than the missed hours listed on the notice provided in paragraph (F) of this rule for a consecutive fourteen day period.
  - (b) The consecutive fourteen day period begins with the first work or alternative activity failure and/or refusal date indicated on the notice.
  - (c) Compliance assignments must be completed in no more than fourteen consecutive days.
  - (d) Work eligible individuals may not complete work and/or alternative activity hours in a compliance activity prior to the imposition of the sanction.
- (2) For recipient sanctions proposed due to a failure and/or refusal to cooperate with the child support enforcement agency without good cause, the sanctioned assistance group member's child support compliance activity shall be determined by the child support enforcement agency.
- (3) For recipient sanctions proposed due to all other types of failures or refusals without good cause the work eligible individual's compliance activity shall be determined by the county agency.

(I) What if the compliance activity is not completed?

- (1) The county agency shall determine if good cause exists for each failure, refusal or absence. If the county agency determines the failure, refusal or absence was a result of a good cause reason the hours or other compliance activity shall be considered completed by the sanctioned individual. Good cause reasons are limited to:
  - (a) Holidays as set forth in rule 5101:1-3-12 of the Administrative Code; and
  - (b) Good cause reasons as defined in rule 5101:1-3-13 of the Administrative Code.
- (2) If the county agency does not find good cause for a failure and/or refusal to complete a compliance activity:

- (a) For work and/or alternative compliance activities, the sanctioned individual shall start all work and/or alternative compliance activities again.
- (b) For compliance with the child support enforcement agency, the sanctioned individual shall work with the child support enforcement agency until compliance is met.
- (c) For other compliance activities, the sanctioned individual shall work with the county agency until the county agency determined compliance is met.

(J) When shall OWF be reinstated?

OWF shall be reinstated the first day of the month following the expiration of the minimum sanction period when all of the following are met:

- (1) The assistance group member who failed and/or refused a provision of the self sufficiency contract has entered into a new or amended self sufficiency contract with the county agency;
- (2) The sanction compliance activity is completed on or before the last day of the minimum sanction period; and
- (3) All other eligibility requirements are met. If the assistance group's circumstances have changed such that the county agency questions the eligibility for OWF, the county agency shall request the necessary verifications, as set forth in rule 5101:1-2-20 of the Administrative Code, to establish eligibility. Every effort shall be made by the county agency to determine eligibility before the expiration of the minimum sanction period. This time frame for reinstating OWF benefits following the expiration of the sanction period may be exceeded if the following occurs:
  - (a) There is a failure, with good cause, to secure the necessary verifications; and
  - (b) The failure to secure the verifications is considered beyond the control of the county agency or the assistance group.

(K) When shall OWF benefits not be reinstated?

The situations in which OWF shall not be reinstated are when:

- (1) The assistance group was sanctioned as an applicant assistance group;
  - (2) It is time for the assistance group's regularly scheduled eligibility redetermination;
- or

- (3) The individual who caused the sanction has not completed sanction compliance, as set forth in paragraphs (G) and (H) of this rule, or failed and/or refused to enter into a new or amended self sufficiency contract, before the last day of the minimum sanction period.

(L) How can an assistance group get OWF benefits if they are not reinstated?

When OWF is not reinstated:

- (1) The assistance group must reapply as set forth in rule 5101:1-2-01 of the Administrative Code.
- (2) OWF eligibility begins either when sanction compliance has been met or the date of application, whichever is later.

(M) Does a sanction move with an assistance group member?

- (1) If the individual who caused the sanction becomes a required member of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period and the completion of the sanction compliance as set forth in paragraphs (G) and (H) of this rule by the sanctioned individual.
- (2) If the adults in a sanctioned assistance group who did not cause the sanction become required member(s) of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period.
- (3) If only the minor children who no longer reside with the original sanctioned adults become required members of a new assistance group, they may be eligible for OWF and are not required to serve the minimum sanction period.

(N) What social services are sanctioned assistance groups eligible for?

An assistance group that would be participating in OWF if not for a sanction shall continue to be eligible for all of the following:

- (1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;
- (2) Support services in accordance with section 5107.66 of the Revised Code; and

- (3) To the extent permitted by the Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C.A. 201 ~~(05/00)~~(05/11), to participate in work activities and alternative activities.



Effective: 1/1/2024  
Five Year Review (FYR) Dates: 10/3/2023 and 01/01/2029

CERTIFIED ELECTRONICALLY

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Certification

12/12/2023

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Date

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Statutory Authority: 5107.05  
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