



November 9, 2021

Food Assistance Transmittal Letter No. 424

TO: Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Rule Changes to Implement Federal Requirements.

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

Ohio Administrative Code rules 5101:4-1-03, 5101:4-2-07, 5101:4-3-11, 5101:4-3-11.1, 5101:4-3-11.2, 5101:4-3-20, 5101:4-3-29, 5101:4-3-30, 5101:4-3-31, 5101:4-3-33, 5101:4-3-35 and 5101:4-7-07 have been amended to implement the Agricultural Improvement Act of 2018 (2018 "Farm Bill") final regulations issued by FNS.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 11/18/2021.

Chapter 0000

5101:4-1-03 "Food Assistance: Definitions."

This rule describes the terms and meanings used to administer SNAP. Changes to the rule include:

- Paragraph (B)(18) was amended to reflect the SNAP E&T components offered in Ohio; and
- Amend Paragraph (B)(20) was amended to include case management services as part of the SNAP E&T program.

Chapter 2000

5101:4-2-07 "Food Assistance: Initial Interview Process."

This rule describes the process of initial interviews for SNAP. Changes to the rule include:

- Paragraphs (D)(12) and (D)(13) were added to describe the consolidated written and oral noticing requirements; and
- Minor changes for clarity.

Chapter 3000

5101:4-3-11 "Food Assistance: Work Registrations and Exemptions."

This rule describes the process for determining which SNAP recipients are subject to work registration requirements. Changes to the rule include:

- Paragraph (C)(5) was added to include the consolidated written and oral noticing requirements; and
- Minor changes for clarity.

5101:4-3-11.1 "Food Assistance: Work Registration Requirements."

This rule describes the work registration requirements of a work registered individual. Changes to the rule include:

- Paragraph (C)(2) was added to describe that an able-bodied adult without dependents (ABAWD) who receives good cause for SNAP E&T requirements also receives good cause for failure to comply with ABAWD work requirements;
- Paragraph (C)(3) was added to define the requirements of a provider determination for good cause when an ABAWD is found not suited to participate in a SNAP E&T component;
- Paragraph (C)(4)(g) was added as a new good cause reason when an appropriate SNAP E&T component is not available;
- Language from previous paragraph (C)(2) was reorganized and moved to paragraph (C)(4) for clarity; and
- Minor changes for clarity.

5101:4-3-11.2 "Food Assistance: Work Registration Sanctions and Compliance."

This rule describes the consequences for failing to meet the work registration requirements.

Changes to the rule include:

- Paragraph (C) was added to define the process of a provider determination for good cause when an ABAWD is found not suited to participate in a SNAP E&T activity;
- "Food Assistance" has been changed to "SNAP"; and
- Minor changes for clarity.

5101:4-3-20 "Food Assistance: Able-Bodied Adults Without Dependents."

This rule describes the process for determining who is considered an ABAWD; the work registration, SNAP E&T and work requirements applicable to ABAWDs; and the ABAWD time limit. Changes to the rule include:

- Paragraph (B)(3)(b) was amended to clarify that a “work program” must be a program under Title 1 of the Workforce Innovation and Opportunity Act (WIOA);
- Paragraph (C)(3)(b) was amended to clarify that when an individual missed hours from work, a work program, or work experience, and the absence was temporary, then good cause would be considered to have been met; and
- Minor changes for clarity.

5101:4-3-29 "Food Assistance Employment and Training: Case Management."

This rule describes the process for providing case management services for individuals required to participate in SNAP E&T. OFA has rescinded and replaced this rule with a new rule as more than 50 percent of the language has been stricken. Changes to the rule include:

- The title of the rule was changed to case management;
- New paragraph (A) was added to describe case management and applicable activities;
- New paragraph (B) was amended and restructured to describe the comprehensive appraisal process;
- New paragraph (C) was amended and restructured to describe the individualized employability plan;
- New paragraph (D) was added to describe ongoing progress monitoring;
- New paragraph (E) was amended to clarify procedures for failures to comply with the comprehensive appraisal and employability plan;
- New paragraph (G) was added to describe how hours are counted for case management; and
- Minor changes for clarity.

5101:4-3-30 "Food Assistance Employment and Training Program."

This rule describes the requirements of the SNAP E&T program. Changes to the rule include:

- Paragraph (A) was amended to include that a required SNAP E&T participant must participate in case management services in addition to a SNAP E&T component;
- Paragraph (B)(2) was added to explain that a county SNAP E&T program must consist of one or more SNAP E&T components and case management services;
- Paragraph (B)(3) was amended to include that the county agency is to ensure that a contractor or agency operating a SNAP E&T component notify the county agency within ten days when a participant is found not suited for an assigned SNAP E&T component;
- Updated date references in paragraph (B)(4) to align with federal regulations; and
- Minor changes for clarity.

5101:4-3-31 "Food Assistance Employment and Training: Required Hours."

This rule describes the hour requirements of the SNAP E&T program. Changes to the rule include:

- Paragraph (A)(4) was added to explain the minimum hour requirement for case management;
- Paragraph (B)(4) was added to explain the limitations on the hours that a required participant can complete in case management;
- Paragraph (C) was amended to align with federal regulations for volunteers; and
- Minor changes for clarity.

5101:4-3-33 "Food Assistance Employment and Training: Supervised Job Search."

This rule describes the supervised job search component of the SNAP E&T program. Changes to the rule include:

- Paragraph (A) was amended to align with federal regulations;
- Paragraphs (B)(1) through (B)(4) were amended to define the requirements for supervised job search;
- Paragraph (C) was added to define responsibilities of county agencies when implementing supervised job search; and
- Minor changes for clarity.

5101:4-3-35 "Food Assistance Employment and Training: Education and Training Activities."

This rule describes the education and training activities for the SNAP E&T program. Changes to the rule include:

- Paragraph (E)(1) was amended to replace job skills assessments with employability assessments; and
- Minor changes for clarity.

Chapter 7000

5101:4-7-07 "Food assistance: Recertification."

This rule describes the process for recertification of SNAP benefits. Changes to the rule include:

- Paragraph (A)(3) was added to describe the noticing requirements of the available SNAP E&T services;
- Paragraph (A)(4) was added to describe the written and oral consolidated noticing requirements;
- Paragraph (C)(5) was amended for clarity;

- Paragraph (D)(3) was added to clarify that the county agency is to deny the recertification when an assistance group has completed an interview and failed to submit an application for recertification;
- Paragraph (D)(4) was amended to align with federal regulations;
- Language was moved from paragraph (D)(4) to new paragraph (D)(5);
- Paragraph (D)(7) was amended to clarify that when an assistance group submits an application for recertification but does not complete an interview, the county agency is to deny the application;
- Language from previous paragraph (G)(2) was amended and moved to new paragraph (I)(3); and
- Minor changes for clarity.

5101:4-1-03

Food assistance: definitions.

(A) This rule describes the terms and meanings used to administer the supplemental nutrition assistance program (SNAP), formerly known as the food assistance program. These definitions are not intended to fully explain or to limit the scope of any action in the administration of the program.

(B) Definition:

- (1) "Allotment" means the total value of SNAP benefits an assistance group is authorized to receive during each month or other time period. The allotment may be issued in the form of a check (cash-out) or electronic benefit transfer (EBT).
- (2) "Application for Cash, Food, or Medical Assistance (JFS 7200)" means the document utilized by the state of Ohio as an application for cash, food, and medical assistance. It is also a screening device for determining entitlement to expedited SNAP benefits. It is the beginning step in the application process and is used in conjunction with the interactive interview.
- (3) "Assessment" means an in-depth evaluation of employability skills coupled with counseling on how and where to search for employment.
- (4) "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 SNAP household.
- (5) "Assistance group name" means the case name. All assistance groups will have an assistance group name. The assistance group name may or may not be the applicant. The person designated as the assistance group name will be the person to receive all notices and will assume all responsibilities such as reviewing the application form for completeness and validity, signing and dating the application, participating in the interactive interview and accepting the program rights and responsibilities unless the assistance group has designated an authorized representative to apply on their behalf.
- (6) "Assistance group payee" means a person who is designated to receive the benefits for an assistance group. The person who is the assistance group name will be the payee unless the assistance group has an authorized representative to receive the benefits. There will only be one assistance group payee per assistance group and benefits will only be issued to this person.
- (7) "Beneficiary and earnings data exchange (BENDEX)" means the system that is used to verify social security benefit information.

- (8) "Case file or case record" means all program information, verification, application, forms, notices and journal entries used to make an eligibility determination for the assistance group.
- (9) "Case Worksheet-Cash, Food Stamp, and Medical Assistance Interview (JFS 01846)" means the document which is utilized by the state of Ohio to gather data for the cash, food, and medical assistance programs for home visits and telephone interviews when the statewide automated eligibility system is unavailable. The applicant must acknowledge the information on the form by signing and dating the form.
- (10) "Code of Federal Regulations (CFR)" means the codification of the rules published in the Federal Register by the U. S. government.
- (11) "Date of entry" means the date established by U.S. citizenship and immigration services (USCIS) as the date an alien was admitted into the United States.
- (12) "Department of housing and urban development (HUD)" means a governmental agency that provides housing to low-income households.
- (13) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or publicly operated community mental health center, under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x) (1992).
- (14) "Elderly or disabled member" means a member of an assistance group who:
 - (a) Is sixty years of age or older;
 - (b) Receives supplemental security income benefits under Title XVI of the Social Security Act of 1935 or disability or blindness payments under Title I, II, X, XIV, or XVI of the Social Security Act;
 - (c) Is a veteran with a service-connected or nonservice-connected disability rated by the veterans administration as total or paid as total under Title 38 of the United States Code (U.S.C.) (2002);
 - (d) Is considered in need of regular aid and attendance or permanently housebound under such title of the code;
 - (e) Is a surviving spouse of a veteran and considered by the veterans administration to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the

veterans administration to be permanently incapable of self-support under Title 38 of the U.S.C.;

- (f) Is a surviving spouse or surviving child of a veteran and considered by the veterans administration to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not receiving them;
 - (g) Receives federally or state-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
 - (h) Receives disability retirement benefits from a governmental agency because of disability considered permanent under section 221(i) of the Social Security Act;
 - (i) Received an annuity payment under section (2)(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive medicare by the railroad retirement board; or section (2)(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act;
 - (j) Is a recipient of interim assistance benefits pending the receipt of supplemental security income; or
 - (k) Receives federally or state administered supplemental benefits under section 212(a) of P.L. No. 93.66, 42 U.S.C. 1382, (12/2013).
- (15) "Eligibility determination/benefit calculation (ED/BC)" means the automated process of determining eligibility and the level of benefits by the statewide automated eligibility system which is based on data entered into the system.
- (16) "Eligibility worker" means an employee of the county agency responsible for determining eligibility for SNAP.
- (17) "Eligible foods" means:

- (a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, hot food products prepared for immediate consumption;
 - (b) Seeds and plants to grow foods for the personal consumption of eligible assistance groups;
 - (c) Meals prepared and delivered by an authorized meal delivery service;
 - (d) Meals served by a communal dining facility for the elderly and their spouses, disabled recipients who receive social security or supplemental security income (SSI) and their spouses, and to homeless assistance groups;
 - (e) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them;
 - (f) Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined in paragraphs (B) (15)(b) to (B) (15) (k) of this rule;
 - (g) Meals prepared and served by a shelter for battered individuals and children to its eligible residents;
 - (h) Meals prepared and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter), as determined by the county agency, which provides meals on a regular basis to homeless persons; and
 - (i) Container deposit fee required to purchase any food or food product contained in a returnable bottle, can or other container, regardless of whether the fee is included in the shelf price posted for the food or food product, as long as the amount does not exceed the state's container deposit fee.
- (18) "Employment and training (E&T) component" means a work experience, ~~work training education and training~~, or supervised job search program as described in ~~section 6(d)(4)(B)(i)(I) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015), (12/2018) Chapter 5101:4-3 of the Administrative Code~~ designed to help SNAP recipients move promptly into unsubsidized employment.
- (19) "Employment and training (E&T) mandatory participant" means a SNAP program applicant or participant who is required to be work-registered according to rule 5101:4-3-11 of the Administrative Code.

- (20) "Employment and training (E&T) program" means a program operated by each county agency consisting of case management and one or more ~~work, training, education or supervised job search~~ E&T components.
- (21) "Employment services" means the agency responsible for work registration and job search activities.
- (22) "Food and nutrition service (FNS)" means the federal agency of the United States department of agriculture (USDA) responsible for the overall administration of the SNAP program.
- (23) "Guardian" 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 child under the age of eighteen to the extent provided in the court's order and subject to residual parental rights of the child's parents.
- (24) "Guardianship payments" means a payment made to a person who becomes a legal guardian of a child under the age of eighteen that can include:
- (a) Kinship care payments which enables children and families to remain connected to their family of origin; or
 - (b) Subsidized guardianship payments for foster care which enables children who cannot be adopted, and do not live with relatives, to have a greater degree of permanency.
- (25) "Group home" means a public or private nonprofit residential setting that provides its residents with a majority of their meals (over fifty per cent of their meals daily), has no more than sixteen residents, and is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act, or under standards determined by the secretary of the United States department of agriculture to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security Act. In accordance with rule 5101:4-6-26 of the Administrative Code to be eligible, for SNAP benefits, a resident of the group home is to be blind or disabled as defined in paragraphs (B)(15)(b) to (B)(15)(k) of this rule.
- (26) "Group living arrangement" means the same as a group home.
- (27) "Homeless individual" means an individual who lacks a fixed and regular night time residence or an individual whose primary night time residence is:

- (a) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - (b) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - (c) A night time residence which is a temporary accommodation for no more than ninety days from the date the temporary accommodation began in the residence of another individual; or
 - (d) A place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).
- (28) "Homeless meal provider" means an authorized public or private establishment (e.g., soup kitchen, temporary shelter), which provides meals on a regular basis to homeless persons, as determined by the county agency.
- (29) "Household" means a personal place of residence where persons live together at the same common address. The persons may or may not be related. Group homes and commercial establishments such as hotels or boarding houses are not included in this definition of household. ~~The entire household will be referred to as the case.~~
- (30) "Income and Eligibility Verification System (IEVS)" means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act.
- (31) "Interactive interview" means the interview between the eligibility worker and the applicant to discuss eligibility information to determine benefits. The interview may be conducted face-to-face, by telephone or a home visit.
- (32) "Internal revenue service (IRS)" means the federal agency responsible for the administration of governmental income from taxes, including collection of taxes and enforcement of tax laws.
- (33) "Kinship support payments" means the payment that is received by caretakers for children in accordance with rule 5101:2-42-18.2 of the Administrative Code.
- (34) "Management evaluation (ME) review," means an analysis conducted to determine if a county is administering and operating the SNAP program in accordance with program requirements.

- (35) "Minimum benefit" means the lowest full monthly amount of SNAP that an eligible one or two person assistance group may receive. By law, this amount is eight per cent of the maximum allotment for an assistance group containing one member, rounded to the nearest dollar.
- (36) "Non-assistance" means an assistance group that participates in the SNAP program but at least one of its members does not receive public assistance.
- (37) "Ohio works first (OWF)" means a program funded under Title IV-A of the Social Security Act. This program was formerly referred to as the "TANF program" and the "ADC program."
- (38) "Ohio works first (OWF) recipient" means any person who receives an OWF payment, in accordance with paragraph (E) of rule 5101:1-23-01 of the Administrative Code.
- (39) "Overpayment" means the amount by which benefits issued to an assistance group exceed the amount the assistance group was eligible to receive.
- (40) "Public assistance (PA)" means any of the following programs authorized by the Social Security Act: old-age assistance; TANF funded under Title IV-A of the Social Security Act; aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind, or disabled.
- (41) "Quality control (QC) review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the SNAP allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend or terminate cases are correct.
- (42) "Retail food store" means an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume as determined by visual inspection, sales records, or other methods that are customary or reasonable in the retail food industry, is more than fifty per cent staple food items for home preparation and consumption; public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers for drug addicts and/or alcoholics; public or private nonprofit group living arrangements; public or private nonprofit shelters for battered women and children; public or private establishments approved by an appropriate state or local agency that feeds homeless persons; any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and a farmer's market.

- (43) "Shelter for battered individuals and children" means a public or private nonprofit residential facility that serves battered individuals and their children. When such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered individuals and their children.
- (44) "SNAP program" means a program designed to promote general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.
- (45) "Social security administration (SSA)" means the federal agency responsible for the administration of benefits for retirement, survivors', or disability benefits.
- (46) "Spouse" means:
- (a) Those defined as married to each other under applicable state law and those required to be recognized as married pursuant to the United States supreme court decision in *Obergefell v. Hodges*, 576 U.S., 135 S. Ct. 2584 (2015); or
 - (b) Those who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople. Since October 10, 1991 Ohio has not recognized common law marriages so only couples established as a common law marriage prior to October 10, 1991 fall under this definition.
- (47) "State agency" means the Ohio department of job and family services, including the local offices, that have the responsibility for the administration of the federally aided public assistance programs within the state.
- (48) "State data exchange (SDX)" means the system used to verify supplemental security income (SSI) benefits.
- (49) "Statewide automated eligibility system" means the centralized automated system that supports all eighty-eight county agencies.
- (50) "Substantial lottery or gambling winnings" means a cash prize won in a single game before taxes or other withholdings are taken that is equal to or greater than the maximum allowable financial resource limit for elderly or disabled households as outlined in rule 5101:4-4-01 of the Administrative Code. In Ohio this may include but is not limited to payouts from casinos, racinos, slot machines, poker, and keno and other forms of gambling. All assistance groups are subject to report lottery or gambling winnings equal to or greater than the

limit defined in rule 5101:4-4-01 of the Administrative Code. Resource limits are reviewed and adjusted annually; a food assistance transmittal letter is issued notifying the county agencies of the updated amounts. Division 3770:1 of the Administrative Code describes the types of lottery permitted in Ohio. Section 2915.01 of the Revised Code defines gambling as permitted in Ohio. This is not limited to substantial lottery or gambling winnings won only in Ohio.

- (51) "Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act, to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.
- (52) "Supplemental security income (SSI) recipient" means a person who receives SSI payments, whose entire SSI grant is being recouped, whose SSI case is in suspended status, or whose SSI has been authorized but payment has yet to be received.
- (53) "Systematic alien verification for entitlements (SAVE)" means the U.S. citizenship and immigration services (USCIS) whereby county agencies may verify the validity of documents provided by aliens applying for SNAP benefits by obtaining information from a central data file.
- (54) "Temporary assistance for needy families (TANF)" means a program funded under Title IV-A of the Social Security Act. This is the title used in federal legislation and regulations. Ohio has adopted the title "Ohio works first (OWF)" for its Title IV-A cash assistance program and the "prevention, retention, and contingency program (PRC)" for its benefits and services program.
- (55) "Thrifty food plan" means the diet required to feed a family of four persons consisting of a man and a woman ages twenty through fifty, a child ages six through eight, and a child ages nine through eleven determined in accordance with the secretary of agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum SNAP allotments, the secretary of agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments as required by law.
- (56) "U.S. citizenship and immigration service (USCIS)" (formerly known as the immigration and naturalization service) is an agency under the department of homeland security.
- (57) "United States department of agriculture (USDA)" means the federal agency responsible for overseeing the SNAP program.

- (58) "Workforce Innovation and Opportunity Act (WIOA)" means the legislation providing funding for job training, adult education, education for youths, employment for dislocated workers, and vocational rehabilitation. This legislation was formerly administered by the Workforce Investment Act of 1998.
- (59) "Work program" means:
- (a) A program under the Workforce Innovation and Opportunity Act of 2014 (Pub. L. No. 113-128);
 - (b) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (7/2014); and
 - (c) A program of employment and training operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 6 (d)(4) of the Food and Nutrition Act.
 - (d) A program of employment and training for veterans operated by the department of labor or the department of veterans affairs, and approved by the United States department of agriculture (USDA) food and nutrition service (FNS).

Effective: 11/18/2021
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CERTIFIED ELECTRONICALLY

Certification

11/08/2021

Date

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 12/15/1997, 07/15/1999, 10/01/2001 (Emer.),
 10/11/2001, 05/02/2005, 10/01/2008 (Emer.),
 12/18/2008, 08/01/2010, 09/01/2012, 10/01/2016,
 03/01/2018, 11/01/2019, 04/01/2021

5101:4-2-07

Food assistance: initial interview process.

(A) What is the process for an initial interview?

- (1) Upon receipt of an application, as defined in rule 5101:4-2-01 of the Administrative Code , the county agency shall conduct an interactive interview with a member of the assistance group or an authorized representative for the assistance group making application.
- (2) The county agency shall schedule an interview for all applicant assistance groups who are not interviewed on the day they submit an application. The interview notice shall contain the date and time of the interview. The notice shall also list the phone number the county agency will call when completing a phone interview, or the phone number the applicant will call to complete the interview with the county agency.
- (3) When separate applications are filed for assistance groups residing in the same household, each assistance group that has applied on a separate application shall be interviewed or scheduled for an interview.
- (4) When scheduling an interview, the county agency shall consider and attempt to accommodate any special circumstances or requests from an assistance group, including the assistance group's work schedule.
- (5) The county agency shall schedule all interviews as promptly as possible to ensure eligible assistance groups receive an opportunity to participate within thirty days after the application is filed.

(B) What are the options for conducting an initial interview?

- (1) The county agency may conduct an:
 - (a) Office interview;
 - (b) Telephone interview; or
 - (c) Home visit (as long as it is scheduled in advance with the assistance group).
- (2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency shall grant a face-to-face interview to any assistance group that requests one.

(C) What are the standard interview practices?

- (1) The interview may be conducted with the head of the assistance group, spouse, any other responsible member of the assistance group or an authorized representative.
 - (2) When it is obvious the applicant is not mentally competent and is not able to understand the hearing rights, the applicant shall be required to name an authorized representative to receive notices.
 - (3) An applying assistance group shall report all changes related to its supplemental nutrition assistance program (SNAP) eligibility and benefits at the certification interview.
 - (4) The JFS 01846, "Case Worksheet- Cash, Food ~~Stamp~~Stamps, and Medical Assistance Interview", shall be completed by the county agency when the statewide automated eligibility system is down for an extended period of time or a home visit is necessary.
- (D) What are the county agency's responsibilities during an interview?
- (1) Review the information appearing on the application, and explore and resolve unclear and incomplete information.
 - (2) Perform necessary collateral contacts and collect required verifications.
 - (3) Advise assistance groups of their rights and responsibilities during the interview, including the appropriate application processing standard and the assistance group's responsibility to report changes. The rights and responsibilities include:
 - (a) For all work registrants, the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code;
 - (b) For all work registrants required to participate in the SNAP employment and training program (E&T), the requirements described in rule 5101:4-3-30 of the Administrative Code;
 - (c) For all able-bodied adults without dependents (ABAWD), the work requirement, time-limit and process for regaining eligibility described in rules 5101:4-3-20 and 5101:4-3-20.1 of the Administrative Code.
 - (d) The ~~household's~~ assistance group's responsibility to report changes in accordance with rule 5101:4-7-01 of the Administrative Code; and
 - (e) The application processing standards described in rule 5101:4-2-11 of the Administrative Code.

- (4) Conduct the interview as an official and confidential discussion of assistance group circumstances.
- (5) Protect the applicant's right to privacy during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.
- (6) Advise assistance groups that are also applying for or receiving Ohio works first (OWF) cash assistance benefits that time limits and other requirements that apply to the receipt of OWF benefits do not apply to the receipt of SNAP, and that assistance groups that stop receiving OWF benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits.
- (7) Confirm the assistance group is not subject to an intentional program violation.
- (8) In accordance with rule 5101:9-2-02 of the Administrative Code, the county agency shall comply with the Americans with Disabilities Act of 1990 (ADA) (~~1990~~) plan adopted by the county agency. This includes, but is not limited to, providing the assistance group with an explanation of their rights under the amendments to Title II of the Americans with Disabilities Act (~~ADAAA~~)(ADA) and section 504 of the Rehabilitation Act of 2008 (~~2008~~) and offering additional screening to any individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.
- (9) Determine if each member of the assistance group is required to register for work in accordance with rule 5101:4-3-11 of the Administrative Code.
- (10) Notify the assistance group of their right to request a copy of their completed application.
- (11) Confirm that a member of the assistance group has not been convicted of and is not out of compliance with the terms of the sentence for crimes described in rule 5101:4-2-03 of the Administrative Code. The county agency is to document the individual's attestation in the case record.
- (12) Provide a comprehensive oral explanation of each applicable work requirement pertaining to individuals in the assistance group as described in rules 5101:4-3-11.1, 5101:4-3-30 and 5101:4-3-20 of the Administrative Code.
- (13) Ensure the assistance group receives a written notice that includes the following information:

- (a) Which individuals in the assistance group are subject to a work requirement(s);
- (b) The applicable work requirements for all members of the assistance group including:
 - (i) The general work registration requirement in accordance with rule 5101:4-3-11.1 of the Administrative Code;
 - (ii) The SNAP E&T requirement in accordance with rule 5101:4-3-30 of the Administrative Code; and
 - (iii) The ABAWD work requirement in accordance with rule 5101:4-3-20 of the Administrative Code.
- (c) Exemptions from each applicable work requirement;
- (d) The process to request an exemption, including contact information to request an exemption;
- (e) Rights and responsibilities of each applicable work requirement;
- (f) What is required to maintain eligibility under each applicable work requirement;
- (g) Pertinent dates by which an individual is to take any actions to remain in compliance with each applicable work requirement;
- (h) Consequences for failure to comply with each applicable work requirement;
- (i) The process for requesting good cause, including examples of good cause circumstances and contact information to initiate a good cause request;
- (j) Any other information the county agency believes would assist the assistance group members with compliance; and
- (k) When an individual is subject to mandatory SNAP E&T, the written notice is to also explain the individual's right to receive participant reimbursements for allowable expenses related to participation in SNAP E&T, up to any applicable cap, and the responsibility of the county agency to exempt the individual from the requirement to participate in SNAP E&T when the individual's allowable expenses exceed what the county agency will reimburse in accordance with rule 5101:4-3-32 of the Administrative Code.

(E) What happens when an assistance group misses its interview?

- (1) The county agency shall notify an assistance group of its missed interview appointment by using the JFS 04218 "Notice of Missed Interview" or the statewide automated eligibility system equivalent, in accordance with rule 5101:4-5-07 of the Administrative Code and inform the assistance group they are responsible for rescheduling a missed interview.
- (2) When the assistance group contacts the county agency within the thirty-day application processing period, the county agency shall schedule a second interview.
- (3) The county agency shall not deny an assistance group's application prior to the thirtieth day when the assistance group fails to appear for the first scheduled interview.
- (4) When the assistance group requests a second interview during the thirty-day application processing period and is determined eligible, the county agency shall issue prorated benefits from the date of application.

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5101:4-3-11.1

Food assistance: work registration requirements.

(A) What are the work registration requirements for work registered individuals?

Each individual required to register for work shall:

- (1) Respond to a request for supplemental information regarding employment status or availability for work;
- (2) Report to an employer when referred by the county agency unless the potential employment meets the unsuitability criteria described in paragraph (E) of this rule;
- (3) Accept a bona fide offer of suitable employment when referred by the county agency;
- (4) Continue suitable employment until it is no longer considered suitable; the individual is terminated for reasons beyond the individual's control; or the individual becomes exempt from work registration; and
- (5) Participate in the appraisal process and the supplemental nutrition assistance program (SNAP) employment and training program (SNAP E&T) in accordance with rule 5101: 4-3-29 of the Administrative Code, unless the individual is:
 - (a) Pregnant;
 - (b) Under eighteen or fifty years of age or older;
 - (c) A parent (natural, adoptive or step) of an assistance group member under age eighteen, even ~~if~~ when the assistance group member who is under eighteen is not eligible for SNAP benefits; or
 - (d) Residing in an assistance group where an assistance group member is under age eighteen, even ~~if~~ when the assistance group member who is under eighteen is not eligible for SNAP benefits.

(B) What happens when an individual fails or refuses to meet the work registration requirements?

- (1) Failure or refusal to complete the appraisal process as defined in rule 5101:4-3-29 of the Administrative Code by a required individual will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. County agencies shall follow rule 5101:4-6-13 of

the Administrative Code for the treatment of income and resources of the individual.

- (2) Failure or refusal without good cause to participate in SNAP E&T to the extent required by the county agency will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code.
- (3) Failure or refusal without good cause to accept an offer of suitable employment will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. Unsuitable employment is defined in paragraph (E) of this rule.
- (4) Failure or refusal without good cause to provide the county agency with sufficient information to allow the county agency to determine the employment status or the job availability of the individual will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code.
- (5) Voluntarily and without good cause: quits a job of thirty or more hours a week or reduces work effort and, after the reduction, the individual is working less than thirty hours per week will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. When the individual reduces his or her work hours to less than thirty a week, but continues to earn weekly wages that exceed the federal minimum wage multiplied by thirty hours, the individual remains exempt from work registration in accordance with rule 5101:4-3-11 of the Administrative Code.

(C) What is good cause?

- (1) The county agency shall be responsible for determining good cause at any time when a work registered individual fails or refuses to comply with an appraisal, SNAP E&T assignment or when a work registered individual voluntarily quits a job or reduces his or her work effort. In determining whether or not good cause exists, the county agency shall take into account the facts and circumstances, including information submitted by the employer and the assistance group member involved.
- (2) An able-bodied adult without dependents (ABAWD) who received good cause for failure to comply with the mandatory SNAP E&T requirement is to also receive good cause for failure to comply with the ABAWD work requirement, except as specified in paragraph (C)(4)(g) of this rule.
- (3) When a SNAP E&T provider determines an ABAWD is not suited for participation in the assigned component as described in rule 5101:4-3-11.2 of

the Administrative Code the individual has good cause from the SNAP E&T assignment and ABAWD work requirement through the month the individual is notified in writing of the determination. The ABAWD is to accrue countable months toward their three-month time limit the next full benefit month after the notification.

~~(2)~~(4) Good cause shall include circumstances beyond the individual's control, such as, but not limited to; ~~illness, illness of another assistance group member requiring the presence of the member, an assistance group emergency, the unavailability of transportation, the lack of adequate child care for children who have reached age six but are under age twelve or domestic violence as outlined in paragraph (F) of this rule.~~

(a) Illness;

(b) Illness of another assistance group member requiring the presence of the member;

(c) Assistance group emergency;

(d) The unavailability of transportation;

(e) The lack of adequate child care for children who have reached age six but are under age twelve;

(f) Domestic violence as outlined in paragraph (F) of this rule; or

(g) When an appropriate SNAP E&T component is not available. This is not considered good cause from the able-bodied adults without dependents work requirement.

~~(3)~~(5) When the county agency determines that good cause exists the individual shall be excused and a sanction shall not be imposed.

(D) What is good cause for leaving employment?

Good cause for leaving employment includes the good cause provisions outlined in paragraph (C) of this rule. Good cause for leaving employment also includes, but is not limited to, the following:

(1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.

- (2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.
- (3) Acceptance of employment by the individual, or enrollment by the individual in any recognized school, training program, or institution of higher education on at least a half time basis, that requires the individual to leave employment; or acceptance by any other assistance group member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision that requires the assistance group to move and thereby requires the individual to leave employment.
- (4) Resignations by persons under the age of sixty that are recognized by the employer as retirement.
- (5) Employment that becomes unsuitable, as specified in paragraph (E) of this rule, after the acceptance of such employment.
- (6) Acceptance of a bona fide offer of employment of more than thirty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by thirty hours that, because of circumstances beyond the control of the individual, subsequently either does not materialize or results in employment that does not meet the requirements provided for in paragraph (E) (1) of this rule.
- (7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where assistance groups will apply for SNAP benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered good cause when it is part of the pattern of that type of employment.
- (8) When a county agency finds the information regarding an assertion of good cause is questionable as defined in rule 5101:4-2-09 of the Administrative Code, the county agency shall request verification of the assistance group's statements. It is the assistance group's responsibility to provide the necessary verification in accordance with rule 5101:4-2-09 of the Administrative Code. However, when the county agency has access to the information needed it should be considered. When assistance in gathering the information is needed, it must be provided. When good cause is questionable and the assistance group fails or refuses to provide verification of the questionable information, good cause shall not be determined.

(E) What is unsuitable employment?

- (1) In addition to any criteria established by county agencies, employment shall be considered unsuitable under any of the following conditions:
 - (a) The wage offered is less than the highest of:
 - (i) The applicable federal or state minimum wage; or
 - (ii) Eighty per cent of the federal minimum wage, ~~if~~when neither the federal nor the state minimum wage is applicable;
 - (b) The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages;
 - (c) The assistance group member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization; or
 - (d) The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under section 208 of the Labor-Management Relations Act of 1947 29 U.S.C. 141 (6/1947), or unless an injunction has been issued under section 10 of the Railway Labor Act of 1926, 45 U.S.C. 151 (10/1996).

(F) What are the requirements for victims of domestic violence?

Individuals who are victims of domestic violence as defined in rule 5101:1-3-20 of the Administrative Code shall be treated as follows:

- (1) Individuals who are victims of domestic violence shall be identified through the appraisal process in accordance with rule 5101:4-3-29 of the Administrative Code.
- (2) When the county agency determines that the individual has been subjected to domestic violence and requiring participation in SNAP E&T would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual, the county agency may excuse the individual from the employment and training program requirements, ~~if~~when supporting documentation as described in paragraph (F)(1) of rule 5101:1-3-20 of the Administrative Code is provided.

- (3) When an individual is assigned to and engaged in an employment and training activity and fails to comply as a result of domestic violence, the county agency shall excuse and shall not impose a sanction for failure to comply with the SNAP E&T requirement.
- (4) The county agency shall review the continued eligibility of the excused non-participation at least once every six months. The county agency may, at its option, review the individual's excused non-participation more frequently than every six months. There is no limit on the number of times (or length of time) that an excuse can be extended.

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5101:4-3-11.2 **Food assistance: work registration sanctions and compliance.**

(A) What happens when an individual does not comply with a work registration requirement?

(1) When an individual fails or refuses to meet the work registration requirements in rule 5101:4-3-11.1 of the Administrative Code, the individual shall be sanctioned from participation in the supplemental nutrition assistance program (SNAP) as follows:

(a) For a first failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of one benefit month.

(b) For a second failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of three benefit months.

(c) For the third or subsequent failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of six benefit months.

(2) When an individual stops receiving SNAP benefits before the actual imposition of the sanction, the sanction will not be held in abeyance. The establishment of new residence in another county or another assistance group by an individual who has been proposed for a sanction or who is currently under sanction does not, in and of itself, negate the sanction.

(B) What is the process for notification of noncompliance?

(1) Prior to issuing a notice of noncompliance in accordance with paragraph (B)(2) of this rule, the county agency is to ensure that the individual was informed of the failure(s) and his or her right to provide good cause information to the county agency.

(a) The county agency or the SNAP (E&T) provider may inform the individual of the failure by any reasonable means (letter, phone call, email, etc.).

(b) The SNAP E&T provider is to adhere to the reporting time frame to the county agency described in paragraph (B)(2) of rule 5101:4-3-30 of the Administrative Code.

(c) The attempt to contact the individual is to be documented in the case record.

- (2) Once an individual has been informed in accordance with paragraph (B)(1) of this rule, it is the individual's responsibility to contact the county agency within seven days of the notification of noncompliance to show good cause for the failure. Within ten days of determining the failure was without good cause, in accordance with Chapter 5101:6-2 of the Administrative Code, proper notice of adverse action is to be provided to the individual.

The notification shall contain:

- (a) The particular act of noncompliance committed;
- (b) The proposed period of the sanction;
- (c) Language explaining that the individual may, ~~if~~ when appropriate, reapply at the end of the sanction period;
- (d) Information on or with the notice describing the action that can be taken to avoid the sanction before the sanction period begins; and
- (e) Notice and hearing requirements contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code that apply in each instance of noncompliance and subsequent sanction action.

(C) What is the process when it is determined an individual is not suited for participation in an assigned SNAP E&T activity?

- (1) When a SNAP E&T provider determines that an individual is not suited for participation, either at the time the individual is referred to the activity or until the activity completion, the provider is to notify the county agency within ten days of the determination to explain the reason the individual is not an appropriate placement in the E&T program. The provider may provide information that will assist in making a change in placement. However, if the provider is unable to provide a reason for the determination, the county agency is to process the provider determination without the reason.
- (2) Within ten days of the county agency receiving the provider notification, the county agency is to notify the individual of the provider determination. The notice is to include:
 - (a) A description of the provider determination when available;
 - (b) The steps the county agency will take as a result of the determination;
 - (c) The contact information for the agency;

- (d) Information that the individual is not being sanctioned as a result of the provider determination; and
- (e) Information that an able-bodied adult without dependents who receives a provider determination will accrue countable months towards their three-month time limit the next full benefit month after the month during which the county agency notifies the individual of the provider determination unless the individual:
 - (i) Has met the work requirements as described in rule 5101:4-3-20 of the Administrative Code;
 - (ii) Has established good cause;
 - (iii) Lives in a waived county; or
 - (iv) Is determined to be exempt as described in rule 5101:4-3-11 of the Administrative Code.
- (3) Within ten days of the county agency notifying the individual but no later than the next recertification the county agency is to:
 - (a) Reassess the physical and mental fitness of the individual to determine if an exemption is met in accordance with rule 5101:4-3-11 of the Administrative Code or determine if an update to the employability plan is needed based on limitations for participating in an activity; and
 - (b) Update the case record and when necessary the employability plan with any changes.

~~(C)~~(D) How does an individual comply to regain eligibility for SNAP?

Except for individuals sanctioned as a result of a voluntary quit or reduction of work effort, the county agency shall require the individual to:

- (1) Prior to reinstatement of benefits, the individual shall sign the JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement" agreeing to participate in the work program and to comply with the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code.
 - (a) When the JFS 03804 is signed prior to the end of the sanction period, the sanctioned individual shall regain eligibility and benefits shall be reinstated after the minimum sanction period is served.

(b) When the JFS 03804 is signed after the end of the minimum sanction period, the individual shall regain eligibility effective the day the JFS 03804 was signed and returned to the county agency and benefits shall be reinstated pursuant to rule 5101:4-7-01 of the Administrative Code.

(2) When the circumstances change and the individual qualifies for an exemption from work registration in accordance with rule 5101:4-3-11 of the Administrative Code, the individual may qualify for SNAP benefits. Such exemptions may occur before the minimum sanction period ends.

(3) Individuals sanctioned as a result of a voluntary quit or reduction of work effort shall be required to regain eligibility in accordance with rule 5101:4-3-19 of the Administrative Code.

~~(D)~~(E) How are failures for noncompliance with unemployment compensation or an Ohio works first (OWF) work requirement handled?

Individuals receiving unemployment compensation or OWF benefits are exempt from work registration. Instead, the individual must comply with the unemployment compensation or OWF requirements. ~~If~~When the assistance group reports a loss or denial of unemployment compensation or OWF eligibility or ~~if~~when the county agency learns of the loss or denial, the county agency shall determine whether the loss or denial was caused by a determination by the administering agency that the individual refused or failed without good cause to comply with an unemployment compensation or OWF requirement. When it is determined the individual failed or refused to meet an unemployment compensation or OWF requirement, the county agency shall:

(1) Determine if the assistance group is an OWF assistance group. An OWF assistance group is a group in which all members are receiving OWF benefits. For OWF assistance groups, the county agency shall follow rule 5101:4-3-09 of the Administrative Code. However, when all of the individuals in the assistance group are not receiving OWF cash benefits (i.e. one or more members are only in receipt of SNAP), the assistance group remains subject to the requirements of this rule.

(2) Determine if the individual meets one of the other work registration exemptions outlined in rule 5101:4-3-11 of the Administrative Code. When the individual meets another work registration exemption in rule 5101:4-3-11 of the Administrative Code, no action is required.

(3) When the individual does not meet another work registration exemption, the individual shall be sanctioned in accordance with this rule. The income and

resources of the individual shall be treated in accordance with paragraph (A) of rule 5101:4-6-13 of the Administrative Code.

- (4) Assistance group members who fail to comply with an unemployment compensation or OWF requirement that is not equivalent to that of a ~~food assistance~~ supplemental nutrition assistance program (SNAP) work requirement shall lose their exemption and must be registered for work ~~if~~ when not otherwise exempt.

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Food assistance: work registration and exemptions.

(A) What is work registration?

Work registration is the process for identifying employable individuals who are applying for or are participating in the supplemental nutrition assistance program (SNAP). Individuals who are work registered must comply with the requirements described in rule 5101:4-3-11.1 of the Administrative Code.

(B) Who must be work registered for SNAP?

Unless an individual meets one of the following exemptions, the individual shall be registered for work and be required to comply with the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code:

- (1) A person younger than sixteen years of age.
 - (a) A sixteen- or seventeen-year-old participant who is not the assistance group name as defined in rule 5101:4-1-03 of the Administrative Code is exempt from work registration.
 - (b) A sixteen- or seventeen-year-old participant who is the assistance group name and is attending school or enrolled in an employment training program at least half time is exempt from work registration.
- (2) Person sixty years of age or older.
- (3) A parent or other assistance group member who is responsible for the care of a dependent child under age six or an incapacitated person. When a parent and another member of the assistance group both claim to be responsible for the care of the same dependent child(ren) or incapacitated assistance group member, only one member shall be exempt. The responsibility should be determined by discussion with the applicant.
- (4) A person receiving unemployment compensation benefits. A person who has applied for, but is not yet receiving, unemployment compensation benefits is also exempt ~~if~~when that person is complying with the requirements of the unemployment compensation application process.
- (5) A person determined by the county agency to be physically or mentally unfit for employment either permanently or temporarily. Notwithstanding paragraph (D) of this rule, persons claiming a temporary disability shall be required to register once they become physically and mentally fit unless otherwise exempt. An individual is medically certified as physically or mentally unfit for employment ~~if~~when he or she is:

- (a) Receiving temporary or permanent disability benefits issued by governmental or private sources; or
 - (b) Obviously mentally or physically unfit for employment as determined by the county agency; or ~~if~~when the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the county agency determines appropriate, that he or she is physically or mentally unfit for employment. The county agency shall maintain documentation within the case file capable of withstanding a third-party review to support the granting of the exemption.
- (6) Assistance group members who are applying for both SSI and SNAP benefits at the local social security office shall have the requirement for work registration waived until:
- (a) They are determined eligible for SSI and thereby become exempt from work registration; or,
 - (b) They are determined ineligible for SSI at which time their exemption from work requirements shall be reevaluated.
- (7) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.
- (8) A student enrolled in a recognized school, training program, or institution of higher education, as defined in rule 5101:4-6-04 of the Administrative Code, is exempt from work registration ~~if~~when enrolled at least half time.
- (a) A student enrolled at least half time in any recognized school, training program, or institution of higher education will remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer).
 - (b) Persons who are not enrolled at least half time or who experience a break in enrollment due to graduation, expulsion, or suspension, or who drop out or otherwise do not intend to return to school, shall not be considered students for the purpose of qualifying for this exemption.
 - (c) The determination of whether the student is enrolled at least half time is made by the school, training program, or institution of higher education.

- (d) A person who is subject to work registration as a condition of eligibility and whose assignment is to attend a recognized school, training program, or institution of higher education is not exempt from work registration. Individuals who are required to work register who are assigned to a recognized school, training program or institution of higher education through the employment and training program meet a student exemption defined in paragraph (B)(4) of rule 5101:4-6-04 of the Administrative Code and are considered eligible students for the SNAP.
 - (e) A person who is enrolled in a school but taking only noncredit courses is not considered a student for purposes of this exemption.
- (9) An assistance group member subject to and complying with any work requirement under the Ohio works first (OWF) program.
 - (10) An employed or self-employed person working a minimum of thirty hours weekly or earning weekly wages at least equal to the federal minimum wage multiplied by thirty hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within thirty days (although this shall not prevent individuals from seeking additional services from the county agency).

(C) What procedures shall the county follow for each work registrant?

The county agency shall:

- (1) Ensure each individual has received an explanation of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code and the consequences of failing to comply with the work registration requirements described in rule 5101:4-3-11.2 of the Administrative Code. A written statement of the above shall also be provided to each individual who is registered for work. A statement shall also be provided when a previously exempt individual or new ~~household~~ assistance group member becomes subject to a work registration, and every twelve months after initial registration.
- (2) Document each individual registration via the statewide automated eligibility system.
 - (a) The county agency shall update the statewide automated eligibility system for each individual required to work register prior to authorization of SNAP benefits.

- (b) Individuals required to work register shall not be required to be present at the time the county agency work registers the individual. These individuals shall be notified of work registration requirements in accordance with paragraph (C)(1) of this rule.
- (3) Provide each work registrant with information about services available through the OhioMeansJobs website (OhioMeansJobs.com) and/or the closest OhioMeansJobs center;
- (4) Conduct an appraisal in accordance with rule 5101:4-3-29 of the Administrative Code for each individual subject to the work registration requirement described in paragraph (A)(5) of rule 5101:4-3-11.1 of the Administrative Code.
- (5) Provide a comprehensive oral explanation of the work requirements each assistance group member is subject to and ensure the assistance group has received the statewide automated eligibility system generated notice of the work requirements in accordance with rule 5101:4-2-07 of the Administrative Code. This comprehensive oral explanation is to be provided at initial certification, when a previously exempt assistance group member or new assistance group member becomes subject to the work requirements as described in rules 5101:4-3-11.1 and 5101:4-3-20 of the Administrative Code, and at recertification.
- (D) What happens when an individual is no longer exempt from work registration?
- (1) The county agency shall register any person losing exemption status due to any change in circumstances that is subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code at the time the change is reported. Registration shall be documented via the statewide automated eligibility system.
- (2) The county agency shall register persons who lose their exemption due to a change in circumstances that is not subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code at the assistance group's next ~~reapplication~~ recertification. Registration shall be documented via the statewide automated eligibility system.

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5101:4-3-20

Food assistance: able-bodied adults without dependents.

(A) Who is considered an able-bodied adult without dependents (ABAWD)?

- (1) Every individual not exempt from work registration in accordance with rule 5101:4-3-11 of the Administrative Code is an ABAWD and subject to the requirements of this rule and rule 5101:4-3-20.1 of the Administrative Code unless the individual is:
 - (a) Under eighteen or fifty years of age or older;
 - (b) Pregnant;
 - (c) A parent (natural, adoptive, or step) of an assistance group member under age eighteen, even ~~if~~when the assistance group member who is under eighteen is not himself/herself eligible for supplemental nutrition assistance program (SNAP); or
 - (d) Residing in an assistance group where an assistance group member is under age eighteen, even ~~if~~when the assistance group member who is under eighteen is not himself/herself eligible for SNAP.
- (2) When an individual previously identified as an ABAWD is later determined to either no longer be an ABAWD or to be exempt from work registration requirements in accordance with rule 5101:4-3-11 of the Administrative Code, the individual is no longer subject to the requirements of this rule.

(B) What are the work requirements for an ABAWD?

- (1) Every ABAWD shall comply with:
 - (a) The work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code; and
 - (b) The SNAP employment and training (SNAP E&T) program requirements described in rule 5101:4-3-30 of the Administrative Code.
- (2) Every ABAWD that does not reside in a county subject to a waiver of the ABAWD time-limit approved in accordance with 7 C.F.R. 273.24 ~~(06/2006)~~(01/2021), shall either:
 - (a) Participate in and comply with a SNAP E&T work experience program (WEP) activity for the maximum number of hours permitted by rule 5101:4-3-31 of the Administrative Code; or

(b) For twenty hours per week (twenty hours per week averaged monthly means eighty hours per month) as determined by the county agency:

(i) Participate in one or more SNAP E&T ~~activities~~components, other than supervised job search, operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 7 C.F.R. 273.7(e)~~(06/2006)~~(01/2021). Such a program may contain supervised job search as a subsidiary ~~component~~activity as long as such ~~component~~an activity is less than half the requirement; or

(ii) In combination with hours spent in SNAP E&T activities, be engaged in work or a work program.

(3) For purposes of this rule and rule 5101:4-3-20 of the Administrative Code:

(a) "Work" includes working in exchange for (alone or in combination): money; goods or services (in-kind work); or verified unpaid work.

(i) "Unpaid work" includes any activity in which the individual exerts strength or faculties to do or perform something for which no compensation is received and that benefits the community or a member of the community that does not reside with the individual. Unpaid work shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(ii) Every ABAWD engaged in work shall report when their work hours fall below twenty per week, averaged monthly in accordance with rule 5101:4-7-01 of the Administrative Code.

(b) "Work program" includes a program under Title 1 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, (07/2014); a program under section 236 of the Trade Act of 1974, 19 U.S.C. 2296, ~~(01/2006)~~(06/2015); or a program of employment and training for veterans operated by the department of labor or the department of veterans affairs, and approved by the United States department of agriculture (USDA) food and nutrition service (FNS).

(C) What happens ~~if~~when an ABAWD fails to meet a work requirement?

(1) An ABAWD who fails without good cause to comply with a work registration or SNAP E&T program requirement is subject to the sanction and compliance process described in rule 5101:4-3-11.2 of the Administrative Code.

(2) An ABAWD is not eligible to participate in SNAP as a member of any assistance group ~~if~~when he or she has received benefits for three countable months during any thirty-six month period. The first month of the thirty-six month count begins during the first full month of benefits. A "countable month" is any month ~~in which~~that the ABAWD:

- (a) Received a full SNAP allotment; and
- (b) Was subject to and failed without good cause to meet the work requirement described in paragraph (B)(2) of this rule.

(3) Good cause.

- (a) When determining good cause as described in ~~paragraph~~paragraph (C)(1) of this rule, the county agency shall follow the good cause provisions of rule 5101:4-3-11.1 of the Administrative Code; and
- (b) When determining good cause as described in paragraph (C)(2) of this rule, good cause is determined by the county agency. ~~If~~When an individual would have ~~worked an average of twenty hours per week~~fulfilled the work requirement as defined in paragraph (B) of this rule, but missed some ~~work hours~~ for good cause, the individual shall be considered to have met the work requirement ~~if~~when the absence from work, the work program, or the work experience program is temporary ~~and the individual retains his or her job~~. Good cause shall include circumstances beyond the individual's control, such as, but not limited to: illness, illness of another assistance group member requiring the presence of the member, an assistance group emergency, or the unavailability of transportation.

(D) What are the county agency responsibilities for ABAWDs?

The county agency shall ensure that:

(1) Every ABAWD:

- (a) Has been appraised and assigned to one or more SNAP E&T activities in accordance with rule 5101:4-3-29 of the Administrative Code;
- (b) Is sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code for failing to comply with a work registration or SNAP E&T program requirement; and
- (c) Is assigned a four month certification period in accordance with rule 5101:4-5-03 of the Administrative Code when the ABAWD has no

countable earned income and is unable to meet the work requirement through participation in SNAP E&T alone;

- (2) The time-limit on participation described in ~~paragraph~~paragraph (C)(2) of this rule is enforced; and
- (3) An ABAWD who has exhausted their three countable months in a thirty-six month period only receives SNAP benefits in accordance with rule 5101:4-3-20.1 of the Administrative Code.

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5101:4-3-29**Food assistance employment and training: case management.**(A) What is case management?

The purpose of case management services is to determine the appropriate supplemental nutrition assistance program (SNAP) employment and training (E&T) components and activities based on the participant's needs and interests, to directly support an individual's participation in the SNAP E&T program, and to provide activities and resources that help the participant achieve program goals. Case management services can be provided in-person or virtually (i.e. any communication that does not happen in-person), and can include activities such as coordination with service providers, but is to include the following:

- (1) Comprehensive appraisals;
- (2) Individualized employability plans; and
- (3) Ongoing progress monitoring.

(B) What is a comprehensive appraisal?

(1) As a condition of SNAP eligibility, individuals subject to the work registration requirement described in paragraph (A)(5) of rule 5101:4-3-11.1 of the Administrative Code are required to be appraised. As part of the appraisal process, the county agency is to:

- (a) Determine the best assignment for a participant based on their skills and needs to move them toward self-sufficiency and personal responsibility; and
- (b) Screen to identify possible victims of domestic violence in accordance with rule 5101:1-3-20 of the Administrative Code. Victims of domestic violence may be excused from a work activity as described in paragraph (F) of rule 5101:4-3-11.1 of the Administrative Code; however, the individual may still choose to participate.

(2) During the comprehensive appraisal process the county agency is to ensure:

- (a) Each individual is provided a copy and an explanation of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code; and
- (b) When an individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency is to offer additional screening to the individual consistent

with the requirements of rule 5101:9-2-02 of the Administrative Code and the Americans with Disabilities Act (ADA) plan adopted by the county agency in accordance with rule 5101:9-2-02 of the Administrative Code. When additional screening indicates the presence of a disability, the employability plan made in accordance with paragraph (C) of this rule, is to be consistent with the county agency's ADA plan and is to include a description of each reasonable modification requested and made for an individual with a disability.

(3) A comprehensive appraisal is to be completed:

(a) No later than thirty days from the authorization of SNAP benefits at initial certification and recertification;

(b) Any time reinstatement of eligibility is completed;

(c) When the county agency determines the assistance group's circumstances warrant any additional appraisals; and

(C) What is an individualized employability plan?

As part of the appraisal process, the county agency is to develop an employability plan with each individual to achieve the goal of self-sufficiency and personal responsibility. The employability plan is to be signed by the individual and is to include:

(1) Assignment to activities in one or more SNAP E&T components as referenced in rules 5101:4-3-33, 5101:4-3-34 and 5101:4-3-35 of the Administrative Code;

(2) Supportive services to be provided to the individual; and

(3) Case management services, including ongoing progress monitoring, that are to be provided to the individual.

(D) What is ongoing progress monitoring?

Ongoing progress monitoring is engaging with the individual at least once per month to discuss their progress in assigned activities, any new barriers and supportive services that may be necessary, and/or potential next activities. The county agency is to:

(1) Perform ongoing progress monitoring or have the SNAP E&T provider perform it;

- (2) Include ongoing progress monitoring within a SNAP E&T activity or operate ongoing progress monitoring as a stand-alone activity; and
 - (3) First communicate with the participant, when the participant fails to comply with ongoing progress monitoring without good cause, to discuss their interest in continuing with ongoing progress monitoring and adjust their required participation and employability plan accordingly.

 - (a) When an individual expresses a lack of interest in continuing ongoing progress monitoring or has two consecutive failures and is otherwise progressing through the SNAP E&T activity or component, the county agency is to suspend ongoing progress monitoring.
 - (b) When the individual's hours in ongoing progress monitoring are used to meet the able-bodied adults without dependents (ABAWD) work requirement as described in rule 5101:4-3-20 of the Administrative Code, the individual is to accrue a countable month in accordance with paragraph (C)(2) of rule 5101:4-3-20 of the Administrative Code.
- (E) What happens when the assistance group member fails to cooperate with the comprehensive appraisal or employability plan?
- (1) Failure without good cause to attend an appraisal interview or to complete an appraisal by any required participant is to result in a sanction in accordance with paragraph (B) of rule 5101:4-3-11.1 of the Administrative Code.
 - (2) When the individual fails or refuses, without good cause, to comply in full with any provision of their employability plan, except ongoing progress monitoring, the county agency is to sanction the individual in accordance with paragraph (B) of rule 5101:4-3-11.1 of the Administrative Code.
- (F) How is good cause determined?
- Good cause is determined in accordance with paragraphs (C) and (F) of rule 5101:4-3-11.1 of the Administrative Code.
- (G) How are hours spent in case management counted?
- (1) The assigned hours spent in case management are to be counted toward the number of hours a participant is required to participate in SNAP E&T as described in rule 5101:4-3-31 of the Administrative Code and the ABAWD work requirement as described in rule 5101:4-3-20 of the Administrative Code.

- (2) The participant cannot participate only in case management in order to complete all SNAP E&T and ABAWD hours.
- (3) For time spent in case management, only allowable SNAP E&T activities can be counted toward the SNAP E&T requirement. For example, hours a participant spends with a case manager identifying a temporary housing solution are to count toward the work requirement, but the hours spent actually moving into temporary housing will not count as an allowable SNAP E&T component or activity.

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5101:4-3-30

Food assistance employment and training program.

- (A) What is the supplemental nutrition assistance program (SNAP) employment and training (E&T) program ~~(SNAP E&T)~~?

Work registrants subject to the work registration requirement in paragraph (A)(5) of rule 5101:4-3-11.1 of the Administrative Code who are in receipt of SNAP benefits are also required to participate in case management services and at least one SNAP E&T component.

- (B) What requirements must the county agencies meet for the SNAP E&T program?

(1) The county agency shall develop written standards, criteria, and procedures for the operation of the SNAP E&T. The standards shall include an explanation of each participating individual's rights under the amendments to Title II of the Americans with Disabilities Act of 1990 ~~(ADAAA)~~ ~~(1990)~~ (ADA) and section 504 of the Rehabilitation Act ~~(2008)~~ of 2008, including the right to request reasonable modification in program activities.

(2) In addition to case management services as described in rule 5101:4-3-29 of the Administrative Code, the county SNAP E&T program is to consist of one or more of the following components:

(a) Education and training;

(b) Supervised job search; or

(c) Work experience program (WEP).

~~(2)~~(3) The county agency shall establish a procedure that ensures a contractor or agency operating a component of its SNAP E&T program notifies the county agency within ten days when: ~~a required participant fails to comply with the employment and training requirements.~~

(a) A required participant fails to comply with the SNAP E&T requirements;
and

(b) The provider determines a participant is not suited for the assigned SNAP E&T component as described in rule 5101:4-3-11.2 of the Administrative Code.

~~(3)~~(4) The county agency and/or contract providers shall meet any reporting requirements pursuant to the provisions of the Food and Nutrition Act of 2008, Pub.L.No. 110-246; (10/2008)(12/2019).

~~(4)~~(5) Each employable and volunteer individual shall be informed in writing of their rights and responsibilities concerning the employment and training program prior to or during the appraisal. The county agency shall ensure each required and voluntary individual has received an explanation of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code. Failure or refusal to meet these responsibilities could result in sanctions ~~which~~that would adversely affect the amount of SNAP benefits.

(a) The rights of required SNAP E&T participants shall include, but are not limited to:

- (i) Receiving copies of all employability plans.
- (ii) Notification of the right to request a state hearing on issues related to participation in SNAP E&T and failure or refusal to participate.
- (iii) Nondiscrimination in SNAP employment and training program assignments.
- (iv) Receiving supportive services, pursuant to the provisions of rule 5101:4-3-32 of the Administrative Code, for the authorized SNAP E&T activity.
- (v) Filing a conciliation request pursuant to rule 5101:4-3-38 of the Administrative Code.
- (vi) Accepting employment pursuant to the requirements of rule 5101:4-3-11.1 of the Administrative Code.

(b) The responsibilities of SNAP E&T participants shall include, but are not limited to:

- (i) Reporting to the appraisal and other appointments with the county agency program staff or providers.
- (ii) Reporting to the work experience program (WEP), education, training, supportive service, or supervised job search sites at the scheduled dates and times.
- (iii) Obeying the rules at the work site, following instructions, and otherwise demonstrating acceptable work habits and behavior.

- (iv) Providing the county agency with information relevant to securing or retaining employment and providing supplemental information as requested.
- (v) Notifying the immediate supervisor, other designated individual, or the county agency staff of the reason for nonparticipation as scheduled.
- (vi) Participating in SNAP E&T activities for the scheduled number of hours as assigned.
- (vii) Accepting necessary supportive services determined to be needed for participation.
- (viii) Reporting any changes ~~which~~that would affect the individual's ability to participate in the SNAP E&T.
- (ix) Providing the county agency with documentation of attendance and participation in a SNAP E&T activity as requested.
- (x) Providing a good cause reason for nonparticipation as required pursuant to the provisions of rule 5101:4-3-11.1 of the Administrative Code.
- (xi) Contacting the county agency, unless otherwise instructed by the county agency, ~~if~~when a monthly scheduling notice or the participant expense allowance has not been received.
- (xii) Reporting to a job site, to an employer for a scheduled job interview or to any related subsequent interviews or testing appointments when referred by the county agency or its designee.
- (xiii) Accepting a bona fide offer of employment pursuant to rule 5101:4-3-11.1 of the Administrative Code.
- (xiv) Signing and complying with the employability plan developed with the county agency.

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5101:4-3-31

Food assistance employment and training: required hours.

(A) How many hours should a required participant in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program be assigned?

(1) Work experience program: the maximum hours of participation per month for the required participant assigned to a work experience program assignment shall be the SNAP allotment amount divided by the federal or state minimum wage, whichever is higher. ~~When~~ there are multiple required participants in a given assistance group, the total hours of participation shall be shared by all required participants. Whether the participation requirement is being met by one or multiple assistance group members, the total required hours of participation cannot exceed the total SNAP benefit amount divided by the federal or state minimum wage, whichever is higher.

(2) Education and training assignments: a required participant shall be assigned to education and training for the number of hours needed to complete the education and training assignment.

(3) Supervised job search assignments: at a minimum, a required participant's level of effort shall be comparable to spending twelve hours a month making job contacts.

(4) Case management: at a minimum, a required participant is to spend at least one hour in case management services in accordance with rule 5101:4-3-29 of the Administrative Code.

(B) Are there limitations on the hours a required participant can complete?

(1) The total monthly hours of participation in a SNAP E&T ~~component~~program for any assistance group member, together with any hours worked for compensation (in cash or in kind), shall not exceed one hundred twenty.

(2) No participant shall be required to work more than eight hours on any given day without his or her consent.

(3) An assignment to an activity shall not interfere with an individual's hours of paid employment so long as this employment is countable income pursuant to rule 5101:4-4-19 of the Administrative Code.

(4) Hours spent in case management services are not to be the only hours spent participating in the SNAP E&T program, however, these hours are to count towards both the total monthly hours of participation in the SNAP E&T program and the able-bodied adult without dependents (ABAWD) work

requirement as described in rule 5101:4-3-20 of the Administrative Code. Individuals are to participate in both case management and at least one or more SNAP E&T components.

- (C) Can an individual not required to participate in the SNAP E&T program volunteer to participate?

County agencies may allow volunteers to participate in the SNAP E&T program. Individuals who are voluntarily participating do not have a limit on how many hours they can participate in education and training or supervised job search assignments. Individuals who are voluntarily participating in a work experience program are subject to the maximum hours of participation in accordance with paragraph (A)(1) of this rule. and a county agency County agencies shall not disqualify voluntary participants for failure to comply with the SNAP E&T requirements.

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5101:4-3-33 **Food assistance employment and training: supervised job search.**

(A) What is supervised job search?

Supervised job search is a supplemental nutrition assistance program (SNAP) employment and training (E&T) ~~activity component~~ in which applicants and participants are provided with activities that have a reasonable opportunity to find suitable direct link to increasing employment opportunities for participants.

(B) What are the requirements of supervised job search?

(1) ~~Supervised job search shall occur at a county-approved site locations in at which the county agency determines a participant's activities and participation time an individual is are able to be directly supervised and tracked while participating in this component. Each site shall be listed in the county agency's SNAP E&T plan. Examples include the OhioMeansJobs centers operated by the local workforce development board, resource rooms at the job and family services office, or the OhioMeansJobs.com website.~~ County approved locations include any location deemed suitable by the county agency where the participant has access to tools, and materials needed to perform supervised job search.

(2) ~~Time spent in activities in supervised job search shall be tracked within the case record. Information tracked may include, but is not limited to: the participant's name; date and time of attendance; hours spent in supervised job search; and the number of applications submitted to employers.~~ Supervised job search locations are not limited to a physical building and may include virtual tools. Examples of physical locations may include the Ohio means jobs centers operated by the local workforce development board, resource rooms at the job and family services office; whereas virtual tools may include the OhioMeansJobs.com website, other websites, portals or web applications. Offering a variety of locations and formats to best meet participant needs is encouraged and to the extent possible, county agencies are to allow participants to choose their preferred location.

(3) Supervision, either remotely or in-person, is to be provided by skilled staff who provide meaningful guidance and support with at least monthly check-ins. Supervision and job search activities may occur at different times, and is to be provided in such a way to best support the participant and may include activities such as job search coaching, review of job search activities, and guidance on how to best target participant job search activities.

~~(3)~~(4) Supervised job search hourly requirements are established by the county agency pursuant to the time limit described in paragraph ~~(C)~~(D) of this rule and

shall be assigned in accordance with rule 5101:4-3-31 of the Administrative Code.

(C) What are the responsibilities of the county agency when implementing supervised job search?

The county agency is to include a summary in their E&T plan of the county guidelines used to implement supervised job search. The summary of the county guidelines, at a minimum, is to describe:

- (1) Criteria used by the county agency to approve locations for supervised job search;
- (2) An explanation of why those criteria were chosen; and
- (3) How the supervised job search component meets the requirements to directly supervise the activities and track the timing and activities of participants.
- (4) Time spent in activities in supervised job search is to be tracked within the case record. Information tracked may include, but is not limited to: the participant's name; date and time of attendance; hours spent in supervised job search; and the number of applications submitted to employers.

~~(C)~~(D) What are the time limits for supervised job search?

- (1) Except as described in paragraphs ~~(C)(1)(a)~~(D)(1)(a) and ~~(C)(1)(b)~~(D)(1)(b) of this rule, a county agency shall not assign supervised job search as a continuous, year-round assignment for a SNAP E&T participant who is either a volunteer or an able-bodied adult without dependents (ABAWD) who resides in a county subject to a waiver of the ABAWD time-limit approved in accordance with 7 C.F.R. 273.24 (6/2006).
 - (a) An assignment to supervised job search immediately following certification of SNAP benefits shall not exceed thirty days.
 - (b) When thirty days have passed since the initial assignment to supervised job search and a county agency determines that supervised job search is the most suitable assignment, supervised job search may be assigned for as long as the county agency believes it will provide the SNAP E&T participant a reasonable opportunity to find suitable employment.
- (2) For a SNAP E&T participant who is an ABAWD subject to the time-limit described in rule 5101:4-3-20 of the Administrative Code, supervised job search may be assigned as follows:

- (a) When an ABAWD is meeting the ABAWD work requirements described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code by participating in SNAP E&T, supervised job search may be assigned at any time during the certification period with no durational limitation. However, the supervised job search activity must be paired with another SNAP E&T activity and the required hours of supervised job search must be less than half of the total number of hours the ABAWD is required to participate in SNAP E&T.
- (b) When an ABAWD is meeting the work requirement described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code through something other than SNAP E&T (e.g., work) but an assignment to SNAP E&T supervised job search is appropriate, the assignment shall be made in accordance with paragraph (C)(1) of this rule.

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5101:4-3-35 **Food assistance employment and training: education and training activities.**

Education and training activities or job readiness training activities shall improve the basic skills and directly enhance the employability of the participant.

(A) What types of education and training activities may be provided to supplemental nutrition assistance program (SNAP) employment and training (E&T) participants?

(1) Basic education;

(2) Vocational education;

(3) Job readiness training activities;

(4) Educational programs including, but not limited to, courses or programs of study that are a part of a program of career and technical education as defined in section three of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302); and

(5) Other programs or activities determined by the county agency to expand the employability of the participant.

(B) What is the goal of basic education?

Basic education may be provided to individuals who do not possess basic literacy skills whether or not they have obtained a high school diploma or equivalent education. Basic education includes high school or equivalent education, remedial education, adult basic education, basic literacy education, and instructional programs in English as a second language (ESL).

(C) What are the county agency's responsibilities for tracking the progress of an individual engaged in basic education activities?

The county agency shall document the progress of the participant assigned to basic education in conjunction with the service provider. In order to remain assigned to the activity, an individual shall be expected to make "satisfactory progress" as determined by the county agency. An individual who is unable to make satisfactory progress shall be reassessed to determine ~~if~~ when the assignment should continue. Assignment to this activity shall be based on the goal of obtaining employment.

(D) What is the goal of vocational education?

The goal of vocational education is to assist individuals in obtaining useful employment in a recognized occupation. Vocational education may include:

occupational training in technical job skills and equivalent knowledge and abilities in a specific occupational area; post-secondary education; and training offered by other entities such as public secondary schools and public and private entities. For the vocational and post secondary education components Ohio has aligned the allowable SNAP E&T programs with the workforce innovation and opportunity act (WIOA) approved programs found on the workforce inventory of education and training (WIET) list. ~~A listing of these programs can be found by accessing the following website: <https://owd.jfs.ohio.gov/wiet>.~~

(E) What is the goal of job readiness training activities?

- (1) Job readiness training activities are designed to expand the employability of participants by ensuring that participants become familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. Various types of structured programs qualify, such as rehabilitation, counseling, ~~job skills employability~~ assessments, ~~job clubs~~, training in techniques for employability, and job placement services.
- (2) Job readiness training activities may include, but are not limited to the following:
 - (a) Classroom instruction on the strategies and skills in job seeking;
 - (b) Job lead development;
 - (c) Identifying and overcoming personal barriers to employment;
 - (d) Building self-confidence and self-promotion;
 - (e) Good grooming and dress techniques;
 - (f) Managing time, money, and household budgets;
 - (g) Obtaining proper dependent care and supervision of dependents while working;
 - (h) Conducting self-assessments to determine employment options and training needs;
 - (i) Completing resumes, work histories, and application forms;
 - (j) Learning and using good interviewing techniques;

- (k) Using resources such as the telephone, telephone directories, newspapers, internet, and friends and/or relatives;
- (l) Contacting the individual who does the hiring;
- (m) Maintaining good records of job search activities;
- (n) Understanding employer expectations;
- (o) Understanding unions, benefits, taxes, deductions, and hospitalization policies;
- (p) Being prompt and punctual for work;
- (q) Accepting supervision positively;
- (r) Relating to other employees; or
- (s) Retaining the job as a step toward security and independence.

(F) What is the goal of educational programs, courses or programs of study that are a part of a program of career and technical education as defined in section three of the Carl D. Perkins Act of 2006?

The goal of educational programs, courses or program of study defined in section three of the Carl D. Perkins Act of 2006 is to ensure individuals are participating in a defined career and technical education program to assist in obtaining useful employment in a recognized occupation. These educational programs may be offered concurrently or contextually with basic education or vocational education. An educational program, course or program of study does not have to receive Perkins funding in order to be considered meeting the definition of a career and technical education program.

(G) What is the goal of other programs or activities determined by the county agency to expand the employability of the participant?

The goal of other programs or activities determined by the county agency allows for county agencies to assign an individual to participate in an education and training activity where there is a direct link between the educational activity and job readiness. These activities shall also expand the employability of the participant.

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5101:4-7-07

Food assistance: recertification.

(A) What is the recertification process?

- (1) In accordance with rule 5101:4-5-03 of the Administrative Code, all supplemental nutrition assistance program (SNAP) assistance groups are assigned a certification period for which they are eligible. An assistance group may not participate beyond the expiration of its assigned certification period without a determination of eligibility for a new period. Assistance groups must apply for recertification and comply with interview and verification requirements.
- (2) The county agency shall collect sufficient information and necessary verifications to ensure an accurate determination of eligibility and benefits as described in rule 5101:4-2-09 of the Administrative Code.
- (3) Assistance groups are to receive the statewide automated eligibility system generated approval that contains websites that provide employment and training services when the assistance group:
 - (a) Contains a member that is subject to the work requirements;
 - (b) Contains at least one adult member;
 - (c) Contains no elderly or disabled members; and
 - (d) Has no earned income.
- (4) Assistance groups are to receive a written notice and an oral explanation of the specific work requirements each assistance group member is subject to in accordance with rule 5101:4-2-07 of the Administrative Code.
- ~~(3)~~(5) The recertification process shall only be utilized for an assistance group that applies for recertification prior to the end of its current certification period, except for delayed applications as specified in paragraphs (H)(5) and (H)(6) of this rule.
- ~~(4)~~(6) The county agency shall not recertify an assistance group without a signed application for recertification.

(B) How is an assistance group notified it is time for a recertification?

- (1) The county agency shall provide an assistance group certified for expedited benefits a notice of expiration at the time of certification.

- (2) All other certified assistance groups shall receive the statewide automated eligibility system generated notice of expiration ~~before~~ between the first day of the ~~and last day of the month of the certification period, but not before the first day of the next to the last month~~ prior to the month the certification period ends.
- (C) What shall the assistance group provide to the county agency in order to establish an application date for recertification?
- (1) When the assistance group indicates that it wishes to establish a filing date for its recertification prior to its interview, the assistance group shall be provided a JFS 07200, "~~Request Application~~ for Cash, Food, and/or Medical Assistance" (~~rev. 10/2016~~) or JFS 07204, "Application to Reapply for Cash and/or Food Assistance" (~~rev. 9/2018~~) and instructions to complete and submit the form. The assistance group shall be advised that the date of application for recertification will be established when the form is submitted with a name, address, and signature.
- (2) The assistance group shall file an application for recertification using the JFS 07200, the JFS 07204, the electronic equivalent of the JFS 07200 or JFS 07204, or the telephonic equivalent of the JFS 07200 or JFS 07204.
- (3) The assistance group shall be advised that the date of application for recertification will be established when the application is submitted with the minimum requirements of name, address, and signature as described in rule 5101:4-2-01 of the Administrative Code. When the completed application is received after ~~the business hours of the county agency~~, the date of application shall be the next business day.
- (4) ~~When an interactive interview is not conducted~~ the statewide automated eligibility system is unavailable or a home visit is necessary, the county agency shall complete the JFS 01846, "Case Worksheet: Cash, Food Stamps and Medical Assistance Interview" (~~rev. 5/2005~~).
- (5) ~~When an interactive interview is conducted, and neither a JFS 07200 or JFS 01846 were completed, the application date is established when the JFS 07204 contains an address, a signature from an assistance group member or its authorized representative, and is received by the county agency.~~ When an interactive interview is conducted or a JFS 01846 was completed, the application date is established when the JFS 07200 or the JFS 07204 contains a name, address, and signature from an assistance group member or its authorized representative, and is received by the county agency.
- (D) Is an interview required at the time of recertification?

- (1) As part of the recertification process, the county agency shall conduct an interview with a member of the assistance group or its authorized representative. The standard interview practices in rule 5101:4-2-07 of the Administrative Code also apply to interviews for recertification.
- (2) The county agency shall conduct a face-to-face interview or the telephonic equivalent. Telephone interviews may be conducted in lieu of a face-to-face interview unless the agency has determined the assistance group's situation requires a face-to-face interview or the assistance group requests a face-to-face interview. The county agency shall grant a telephone interview to any assistance group that requests one.
- (3) When an interview is conducted but the assistance group does not submit an application for recertification, the county agency is to deny the recertification at that time or at the end of the certification period.
- ~~(3)(4)~~ Upon request, the county agency shall provide the assistance group with the JFS 07501, "Program Enrollment and Benefit Information" and the JFS 04196, "Food Assistance Change Reporting" (rev. 4/2018). ~~The county agency shall also notify the assistance group of the date the verifications must be received. The assistance group shall be allowed a minimum of ten days to provide required verification information.~~
- (5) The county agency is to notify the assistance group of the date the verification is to be returned. The assistance group is to be allowed a minimum of ten days to provide required verification information.
- ~~(4)(6)~~ For elderly or disabled assistance groups certified for twenty-four months, the county agency must have at least one contact with each elderly/disabled assistance group every twelve months. The JFS 07221, "~~Cash and Food Assistance~~ SNAP Interim Report" (rev. 11/2016) and the JFS 07223, "~~Cash and Food Assistance~~ SNAP Interim Report Reminder Notice" (9/2018) forms will serve as the contact.
- ~~(5)(7)~~ County agencies shall schedule interviews so that the assistance group has at least ten days after the interview in which to provide verification before the certification period expires. When an assistance group misses its scheduled interview, the county agency shall send the assistance group a JFS 04218, "Notice Of Missed Interview" (rev. 11/2016). ~~When an assistance group misses its scheduled interview and requests another interview, the county agency shall schedule a second interview as described in rule 5101:4-2-07 of the Administrative Code.~~

(a) When an assistance group misses its scheduled interview and requests another interview, the county agency is to schedule a second interview as described in rule 5101:4-2-07 of the Administrative Code.

(b) When an assistance group does not request to reschedule the interview but has submitted an application for recertification, the county agency is to deny the recertification thirty days following the date the application is received.

(E) What shall be verified at recertification?

(1) Information provided by the assistance group shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(2) Any assistance group whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, ~~if~~ when eligible, within five working days after the assistance group submits the missing verification. Benefits shall not be prorated.

(F) When is an application for recertification considered timely?

(1) An assistance group certified for expedited benefits shall have fifteen days from the date the notice of expiration is received to file for recertification timely.

(2) Assistance groups, except those certified for expedited benefits, that submit an application for recertification by the fifteenth day of the last month of the certification period shall be considered to have made a timely application for recertification.

(3) For assistance groups consisting of applicants or recipients of supplemental security income (SSI) ~~which~~ that apply for SNAP recertification at the social security administration (SSA) office, the application shall be considered filed for normal processing purposes when the signed application is received by the SSA by the fifteenth day of the last month of the certification period.

(G) What are the processing timeframes for timely recertifications?

Assistance groups certified under normal processing standards are to be provided an opportunity to participate by the assistance group's normal issuance cycle in the month following the end of its current certification period. Assistance groups are to be notified of their eligibility or ineligibility by the end of their current certification period.

- ~~(1) Assistance groups that were certified for expedited benefits and have met all required application procedures shall be notified of their eligibility or ineligibility within twenty-four hours or seven days depending on the expedited service they qualify for as described in rule 5101:4-6-09 of the Administrative Code.~~
- ~~(2) Assistance groups certified under normal processing standards shall be provided an opportunity to participate by the assistance group's normal issuance cycle in the month following the end of its current certification period and shall be notified of their eligibility or ineligibility by the end of their current certification period.~~

(H) What is delayed processing?

- (1) When an eligible assistance group files an application before the end of the certification period, but the recertification process cannot be completed within thirty days after the date of the application because of the county agency, the county agency must continue to process the case and provide a full month's allotment for the first month of the new certification period.
- (2) When an assistance group files an application before the end of the certification period, but fails to take a required action, the county agency may deny the case at that time, at the end of the certification period, or at the end of thirty days. Although the county agency may have the right to issue a denial prior to the end of the certification period, the assistance group has thirty days after the end of the certification period to complete the process and have its application treated as an application for recertification.
- (3) When the assistance group takes the required action before the end of the certification period, the county agency shall reopen the case and provide a full month's benefit for the initial month of the new certification period.
- (4) When the assistance group takes the required action after the end of the certification period, but within thirty days after the end of the certification period, the county agency shall reopen the case and provide retroactive benefits to the date the assistance group took the required action.
- (5) When an assistance group files an application within thirty days after the end of the certification period, the application shall be considered an application for recertification; however, benefits shall be prorated in accordance with rule 5101:4-4-27 of the Administrative Code and the application shall be processed within timeframes for processing initial applications as described in paragraph (J) of rule 5101:4-2-01 of the Administrative Code.

- (6) When an assistance group's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the county agency, the county agency shall provide restored benefits back to the date the assistance group's certification period should have begun.
 - (7) The county agency shall determine cause for any delay in processing an application for recertification in accordance with the provisions of rule 5101:4-5-07 of the Administrative Code.
- (I) Do the expedited service provisions apply at recertification?
- (1) The expedited service provisions of rule 5101:4-6-09 of the Administrative Code are not applicable when the assistance group applies for recertification before the end of its current certification period.
 - (2) When the date of application for recertification is after the certification period has expired, the assistance group may be entitled to expedited services ~~if~~when the assistance group's circumstances fall within the expedited criteria in accordance with rule 5101:4-6-09 of the Administrative Code.
 - (3) Assistance groups that are certified for expedited benefits are to be notified of their eligibility within twenty-four hours or seven days depending on the expedited services for which they qualify.

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