



June 7, 2022

Food Assistance Transmittal Letter No. 431

TO: Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Rule Changes to Implement the Addition of Two New SNAP E&T Components and Mandatory Components.

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 rules; rescind the rules; or continue the rules without amendment.

Ohio Administrative Code (OAC) rules 5101:4-3-11.1, 5101:4-3-20, 5101:4-3-20.1, 5101:4-3-29, 5101:4-3-30, 5101:4-3-31, 5101:4-3-32 and 5101:4-3-36 have been amended and new rules 5101:4-3-39 and 5101:4-3-40 are adopted to implement the addition of two new Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program components (Work-based Learning and Job Retention) and to add that county agencies must offer certain SNAP E&T components beginning in federal fiscal year 2023. OAC rule 5101:4-3-11 was amended to clarify exemption language based on federal regulations.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 06/16/2022.

Chapter 3000

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

This rule describes the process for determining which supplemental nutrition assistance program (SNAP) recipients are subject to the work registration requirements. Paragraph (B)(5) was

amended to clarify that an individual claiming a temporary disability does not need to register for SNAP E&T once the temporary disability ends.

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 amending paragraph (B)(2) to clarify that participants are not to receive a sanction for failure or refusal to participate in job retention services.

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

This rule describes the process for determining who is considered an able-bodied adult without dependents (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)(2)(b)(i)(a) was added to clarify when individuals are assigned to work-based learning and the maximum allowed hours are less than 20 per week, they are to be assigned to another SNAP E&T activity; and
- Paragraph (B)(2)(b)(i)(b) was added to clarify that hours spent receiving supportive services through job retention activities are not to count toward the ABAWD work requirement.

5101:4-3-20.1 "Food Assistance: Regaining Eligibility."

This rule describes the process for ABAWDs who have reached the ABAWD time-limit to regain SNAP eligibility. Changes to the rule include:

- Paragraph (B) was reordered due to the addition of new paragraph (B)(2);
- Paragraph (B)(2) was added to clarify that the hours spent receiving supportive services as part of a job retention activity are not to count towards regaining eligibility due to reaching the ABAWD time-limit; and
- Minor grammatical 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. Changes to the rule include 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 (B)(2)(a) was amended to state that beginning with federal fiscal year 2023, county E&T programs are to consist of education and training, supervised job search and work experience program (WEP); and

- Paragraph (B)(2)(b) was added due to the addition of job retention and work-based learning components which may be offered at the county agency's option.

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)(1) was amended to include work-based learning programs;
- Paragraph (A)(4) was added to explain the timeframes of job retention services; and
- Paragraph (C)(3) was added to explain a volunteer in work-based learning is subject to the Fair Labor Standards Act unless they are paid a wage at least equal to the higher of the applicable federal or state minimum wage.

5101:4-3-32 "Food Assistance Employment and Training: Supportive Services."

This rule describes processes and procedures for county agencies to provide necessary supportive services for individuals participating in SNAP E&T. Changes to the rule include:

- Paragraph (A)(2) was added to explain that supportive services may also be offered as part of job retention services;
- Paragraph (D) was amended to clarify that an individual is to be provided good cause for non-participation when publicly funded child care is not available; and
- Minor language changes for clarity.

5101:4-3-36 "Food Assistance Employment and Training: Displacement of Other Persons."

This rule describes the prohibition on the displacement of other persons from employment in regards to SNAP E&T. Changes to the rule include:

- Paragraph (B) was amended to include work-based learning;
- Paragraph (B)(1) was amended to include work-based learning; and
- Paragraph (B)(2) was added to explain that work-based learning participants are to be provided the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

5101:4-3-39 "Food Assistance Employment and Training: Job Retention."

This new rule describes the job retention component of the SNAP E&T program. This rule includes:

- A description of job retention services;
- The goal of job retention services;
- The types of activities that may be provided as part of job retention services;

- Who can receive job retention services;
- The time limits of job retention services;
- How job retention services count toward the ABAWD work requirement; and
- An explanation that a sanction should not be applied for failing to participate in job retention services.

5101:4-3-40 "Food Assistance Employment and Training: Work-Based Learning."

This new rule describes the work-based learning component of the SNAP E&T program. This rule includes:

- A description of work-based learning;
- The goal of work-based learning;
- The types of activities that may be provided as part of work-based learning;
- Who can be a work-based learning provider;
- How income from subsidized employment is to be treated;
- How long subsidized employment or apprenticeship activities may last; and
- The county agency's responsibility when assigning an individual to work-based learning.

5101:4-3-11

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 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 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 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 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 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 recertification. Registration shall be documented via the statewide automated eligibility system.

Effective: 6/16/2022

Five Year Review (FYR) Dates: 11/18/2026

CERTIFIED ELECTRONICALLY

Certification

06/06/2022

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07/01/2017, 11/18/2021

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 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 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, with the exception of job retention services as described in rule 5101:4-3-39 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.
 - (4) Good cause shall include circumstances beyond the individual's control, such as, but not limited to:
 - (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.
 - (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, 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, 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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5101:4-3-20

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 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 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 (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 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)(01/2021). Such a program may contain supervised job search as a subsidiary activity as long as such an activity is less than half the requirement; ~~or~~

(a) When an individual is assigned to a work-based learning program component for the maximum number of hours permitted by rule 5101:4-3-31 of the Administrative Code and the maximum number of hours permitted is less than twenty hours per week, the individual is to be assigned to another SNAP E&T activity for the number of hours necessary to bring the total number of hours to twenty hours per week.

(b) When an individual is assigned to job retention services as described in rule 5101:4-3-39 of the Administrative Code, the hours are to count toward the twenty hour per week ABAWD work requirement, except for when assigned to job retention supportive services; 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, (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 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 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 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 (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. When an individual would have fulfilled the work requirement as defined in paragraph (B) of this rule, but missed some hours for good cause, the individual shall be considered to have met the work requirement when the absence from work, the work program, or the work experience program is temporary. 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 (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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5101:4-3-20.1

Food assistance: regaining eligibility.

This rule describes the process for an able-bodied adult without dependents (ABAWD) to regain eligibility for the supplemental nutrition assistance program (SNAP) after reaching the ABAWD time-limit.

(A) What is the ABAWD time-limit?

In accordance with paragraph (C)(2) of rule 5101:4-3-20 of the Administrative Code, an ABAWD is not eligible to participate in SNAP as a member of any assistance group ~~if~~when he or she has received SNAP benefits for three countable months during any thirty-six month period.

(B) How can an individual who has lost eligibility due to the ABAWD time-limit regain eligibility?

~~An individual ineligible to participate in SNAP due to the ABAWD time-limit may regain SNAP eligibility if:~~

(1) ~~Meets ABAWD exemption criteria described in paragraph (A) of rule 5101:4-3-20 of the Administrative Code; or~~An individual ineligible to participate in SNAP due to the ABAWD time-limit may regain SNAP eligibility when:

(a) An individual meets ABAWD exemption criteria as described in paragraph (A) of rule 5101:4-3-20 of the Administrative Code; or

(b) The county agency determines that the individual during any thirty consecutive days has:

(i) Engaged in work or a work program for eighty hours;

(ii) Participated in and complied 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;

(iii) Participated in one or more SNAP E&T activities for eighty hours; or

(iv) Participated in a combination of SNAP E&T activities, work or work programs for eighty hours.

(2) ~~The county agency determines that the individual during any thirty consecutive days has:~~When an individual is receiving supportive services as part of a job retention activity described in rule 5101:4-3-39 of the Administrative Code, the hours are not to count toward regaining eligibility.

- ~~(a) Engaged in work or a work program for eighty hours;~~
- ~~(b) Participated in and complied 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;~~
- ~~(c) Participated in one or more SNAP E&T activities for eighty hours; or~~
- ~~(d) Participated in a combination of SNAP E&T activities, work or work programs for eighty hours.~~

(C) When does an individual regain eligibility in accordance with this rule?

For individuals regaining eligibility by:

- (1) Meeting an ABAWD exemption criteria, on the date of application;
- (2) Participating in a WEP activity and the WEP obligation is based on an estimated monthly allotment prorated back to the date of application, on the date of application; and
- (3) For all other individuals, on the day the eighty hours are completed.

(D) Is there a limit on the number of times an ABAWD may regain eligibility?

No, there is no limit on how many times an ABAWD may regain eligibility.

(E) What ~~if happens when~~ an ABAWD fails to meet the work requirement after regaining eligibility in accordance with this rule?

Once in a thirty-six month period, an ABAWD may remain eligible for an additional three consecutive months of SNAP ~~eligibility~~ eligibility after failing to meet the work requirement. When the county agency determines that an ABAWD who has regained SNAP eligibility in accordance with this rule has subsequently failed to meet the work requirement described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code, the county agency shall determine ~~if~~ when the ABAWD has received the additional three consecutive months of benefits in the past thirty-six months.

- (1) When the county agency determines that the ABAWD has already received the three consecutive additional months of eligibility, the ABAWD is ineligible.
- (2) When the county agency determines that the ABAWD has not yet received the three consecutive additional months of eligibility, the ABAWD is eligible for a period of three consecutive countable months starting on either:

- (a) The date the individual first notifies the county agency that he or she is no longer fulfilling the work requirement; or
- (b) ~~When~~ the individual has been satisfying the work requirement by participating in a WEP activity, the date the county agency notifies the individual that he or she is no longer meeting the work requirement.

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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~~ rule 5101:4-3-30 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?

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 (ADA) and section 504 of the Rehabilitation Act 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, beginning federal fiscal year 2023, the county SNAP E&T program ~~is to consist of one or more of the following components:~~

(a) ~~Education and training;~~ Is to consist of the following components:

(i) Education and training;

(ii) Supervised job search; and

(iii) Work experience program (WEP); and

(b) ~~Supervised job search; or~~ May consist of the following components:

(i) Work-based learning; or

(ii) Job retention.

~~(c) Work experience program (WEP).~~

(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) 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.
- (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, (12/2019).
- (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 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 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, 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 and work-based learning: the maximum hours of participation per month for the required participant assigned to a work experience program or work-based learning program assignment shall be in accordance with the Fair Labor Standards Act (FLSA) (9/2019) and is 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) Job retention services: there is no minimum or maximum required number of hours for a participant; however, a county agency is to make a good faith effort to provide job retention services for at least thirty days but no more than ninety days in accordance with rule 5101:4-3-39 of the Administrative Code.
- ~~(4)~~(5) 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 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.~~ County agencies shall not disqualify voluntary participants for failure to comply with the SNAP E&T requirements. Individuals who are voluntarily participating in:

- (1) Education and training or supervised job search do not have a limit on how many hours they can participate;
- (2) A work experience program are subject to the maximum hours of participation in accordance with paragraph (A)(1) of this rule; or
- (3) A work-based learning program and are being paid a wage at least equal to the higher of the applicable federal or state minimum wage for all hours spent in the work-based learning program, the FLSA restrictions described in paragraph (A)(1) of this rule do not apply.

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5101:4-3-32

Food assistance employment and training: supportive services.

(A) What are supportive services?

~~Supportive services are benefits provided to assist a supplemental nutrition assistance program (SNAP) employment and training participant with completing their assignment. Supportive services may include, but are not limited to, an expense allowance to cover the cost of transportation and other work, training or education related expenses and publicly funded child care.~~

(1) Supportive services are participant reimbursements provided to assist a supplemental nutrition assistance program (SNAP) employment and training (E&T) participant with completing their assignment. Supportive services may include, but are not limited to, an expense allowance to cover the cost of transportation and other work, training or education related expenses and publicly funded child care.

(2) Supportive services may also be offered as part of job retention services as described in rule 5101:4-3-39 of the Administrative Code.

(B) What is the county agency's responsibility for providing supportive services?

The county agency is responsible for arranging ~~or~~ and providing reasonably necessary supportive services for individuals that directly relate to participating in the SNAP ~~employment and training~~ E&T program. The county agency is the deciding authority for determining the appropriateness and the availability of funds.

(C) How is an expense allowance determined?

(1) An individual shall receive an expense allowance for the actual costs of transportation and/or other work, training or education related costs associated with participation up to the maximum level of reimbursement established by the county agency.

(2) An individual who documents costs in excess of the amount established by the county agency is eligible to receive reimbursement for the additional costs. The county agency ~~may~~ is to do one of the following:

(a) Increase the amount of the monthly expense allowance;

(b) Reassign the participant to another ~~site~~ activity; or

(c) Determine the individual has good cause for not participating until a suitable component is available or the individual's circumstances change and his/her monthly expenses do not exceed the expense allowance.

- (3) An individual who incurs no costs for participation is not eligible for the expense allowance.
- (4) Costs of meals away from home are not reimbursable.
- (D) How does the county agency provide publicly funded child care to individuals participating in the ~~employment and training~~ SNAP E&T program?

Individuals participating in the ~~employment and training~~ SNAP E&T program who need child care assistance in order to participate in the program, shall be referred to apply for publicly funded child care. When publicly funded child care is not available to the individual, the county agency may ~~exempt~~ provide good cause to the individual ~~from~~ for non- participation.

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5101:4-3-36

Food assistance employment and training: displacement of other persons.

- (A) Is it allowable for a supplemental nutrition assistance program (SNAP) employment and training participant to displace a person from employment?

Participants in the SNAP employment and training program shall not be assigned to program activities that result in the displacement of other persons. Displacement occurs when a participant's assignment results in removing or discharging employees or otherwise denying such employment to persons who:

- (1) Are already employed as regular full-time or part-time employees.
- (2) Are or have been employed full time or part time as participants in a subsidized employment program/on-the-job training or in other publicly subsidized employment and training programs.
- (3) Are or have been involved in a dispute between a labor organization and the employer or sponsor.
- (4) Have been laid off and are either:
 - (a) Receiving unemployment compensation; or
 - (b) Subject to recall under the established policies of the employer or sponsor.

- (B) Is it allowable for a work experience program (WEP) or work-based learning (WBL) participant to fill a vacant position?

~~WEP participants shall not be used to fill existing vacant positions. No employment and training participant shall perform work that has the effect of reducing the work or promotional opportunities of employees. They may, however, perform the same type of work as the employee. Reducing the work of employees means reducing the number of hours, wages, or employment benefits of regular or part-time employees, or reducing the number of positions that the employer certifies would otherwise be filled by regular employees.~~

- (1) WEP and WBL participants are not to be used to fill existing vacant positions. No employment and training participant is to perform work that has the effect of reducing the work or promotional opportunities of employees. They may, however, perform the same type of work as the employee. Reducing the work of employees means reducing the number of hours, wages or employment benefits of regular or part-time employees, or reducing the number of positions that the employer certifies would otherwise be filled by regular employees.

- (2) WBL participants are to be provided the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

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5101:4-3-39**Food assistance employment and training: job retention.**

Job retention provides opportunities for training and skill development to improve employment outcomes, job retention and promote long-term self-sufficiency and independence for supplemental nutrition assistance program (SNAP) employment and training (E&T) participants.

(A) What are job retention services?

Job retention services are an allowable SNAP E&T activity designed to help achieve satisfactory performance, retain employment and to increase earnings over time.

(B) What is the goal of job retention services?

The goal of job retention services is to assist SNAP E&T participants in improving basic skills, increasing employability, aiding in career advancement and enabling SNAP E&T participants to gain better employment.

(C) What types of activities may be provided as part of job retention services?

Job retention services may include but are not limited to:

- (1) Financial literacy planning;
- (2) Employer mediation;
- (3) Job coaching;
- (4) Workplace literacy;
- (5) Training/skills enhancement; and
- (6) Supportive services such as reimbursement for costs associated with transportation and childcare.

(D) Who can receive job retention services?

A participant who:

- (1) Secured employment after or while receiving other employment and training services under the SNAP E&T program; and
- (2) Is receiving SNAP in the month of or month prior to beginning job retention services. Job retention services can be provided when the participant is no longer in receipt of SNAP and is not:

- (a) Sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code; or
- (b) Disqualified due to an intentional program violation in accordance with division 5101:6 of the Administrative Code.

(E) What are the time limits for job retention services?

- (1) County agencies are to make a good faith effort to provide job retention services for at least thirty days. County agencies can demonstrate a good faith effort in a number of ways including but not limited to:
 - (a) Making a reasonable number of attempts to contact the participant;
 - (b) Discussing the thirty day minimum requirement with the participant; or
 - (c) Outlining specific steps the provider or the participant will take over the next thirty days to maintain a job.
- (2) Job retention services are to be offered for no more than ninety days.
- (3) A participant can receive job retention services for more than one job at the same time. The job retention time limits apply to each job separately and may overlap.

(F) Is there a limit on the number of times an individual can receive job retention services?

There is no limit to the number of times an individual can receive job retention services so long as prior to obtaining new employment, the individual re-engages with the SNAP E&T program.

(G) How do job retention services count when used to meet the able-bodied adults without dependents (ABAWD) work requirement?

- (1) The number of hours spent in an activity as part of job retention services including, but not limited to those listed in paragraph (C)(1) to (C)(5) of this rule, are to count towards the ABAWD work requirement as described in rule 5101:4-3-20 of the Administrative Code.
- (2) Supportive services as described in paragraph (C)(6) of this rule are not to count toward the ABAWD work requirement.

(H) Can a participant be sanctioned for failing to comply with job retention services?

An otherwise eligible participant who refuses or fails to accept or comply with job retention services offered by the county agency is not to be sanctioned from SNAP.

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CERTIFIED ELECTRONICALLY

Certification

06/06/2022

Date

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5101:4-3-40

Food assistance employment and training: work-based learning.**(A) What is work-based learning?**

Work-based learning is a supplemental nutrition assistance program (SNAP) employment and training (E&T) component that emphasizes employer engagement and enables participants to move into regular public or private employment. A work-based learning activity is to include an element of training that fosters in-depth, firsthand engagement with the tasks required in a given field that are aligned to curriculum and instruction. Work-based learning activities may also include an element of interaction or participation in industry or occupational real world settings.

(B) What is the goal of work-based learning?

The goal of work-based learning is to improve the employability of the SNAP E&T participant through actual work experience, training or both. Improving employability means providing the participant with new knowledge, skills and work experience that enable the participant to obtain employment and/or gain better employment.

(C) What activities are included in work-based learning?

Work-based learning program activities can include, but are not limited to the following:

(1) Internships;

(2) Pre-apprenticeships;

(3) Apprenticeships;

(4) Customized training;

(5) Transitional jobs;

(6) Incumbent worker training;

(7) On-the-job workers training as defined under Workforce Innovation and Opportunity Act (WIOA) (7/2014); or

(8) Subsidized employment.

(D) Who can be a provider of work-based learning activities?

Work-based learning is to be provided within the private for-profit sector, the non-profit sector or the public sector and is to provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

(E) How is income from a subsidized employment activity treated?

- (1) For the purposes of SNAP eligibility and benefits determinations, income from subsidized employment is to be treated in accordance with rule 5101:4-4-19 of the Administrative Code.
- (2) The county agency is to describe to the participant how income earned from subsidized employment activities may affect SNAP eligibility and benefit levels. The county agency is to allow the participant to choose a different SNAP E&T activity if losing eligibility or decreased benefits is a concern.

(F) How long can subsidized employment or apprenticeship activities last?

- (1) Subsidized work-based learning activities and apprenticeships are to last six months or less. However, if an individual is participating in a registered apprenticeship program and the program is to last longer than six months, the individual is to be permitted to complete the full apprenticeship program.
- (2) Subsidized work-based learning activities are limited to once every twelve months for each participant, unless the participant was found to have had good cause for not completing the activity, as described in rule 5101:4-3-11.1 of the Administrative Code.

(G) What is the county agency's responsibility when assigning an individual to a work-based learning activity?

- (1) The county agency is to assign a participant up to the maximum number of hours allowed in work-based learning in accordance with rule 5101:4-3-31 of the Administrative Code.
- (2) The county agency is to assign an able-bodied adult without dependents (ABAWD) to an additional SNAP E&T activity when the maximum number of hours assigned in work-based learning does not fulfill the twenty hour per week ABAWD work requirement as described in rule 5101:4-3-20 of the Administrative Code. If no other assignment is made and the ABAWD work requirement is not met, the ABAWD is to receive a countable month in accordance with rule 5101:4-3-20 of the Administrative Code.

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