



July 12, 2022

FOOD ASSISTANCE TRANSMITTAL LETTER NO. 432

TO: All Food Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Food Assistance: Voluntary Quit and Reduction of Work Effort.**

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) Federal 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.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 08/01/2022.

Chapter 3000

5101:4-3-19 "Food Assistance: Voluntary Quit and Reduction of Work Effort."

The rule describes the penalty for work registered individuals who voluntarily quit employment or reduce work hours. OFA amended this rule. This rule has been revised with the following changes:

- Paragraph (G)(2) was removed as it was repetitive to paragraph (F)(3); and
- Other minor changes for clarity.

5101:4-3-19

Food assistance: voluntary quit and reduction of work effort.

Applicants or recipients who voluntarily quit employment or reduce work hours are ineligible to participate in the supplemental nutrition assistance program (SNAP) subject to the requirements of this rule.

(A) What is considered a voluntary job quit or reduction of work?

- (1) A voluntary job quit is a situation in which an individual who is required to register for work, as ~~set forth~~ described in rule 5101:4-3-11 of the Administrative Code, has voluntarily quit a job of thirty hours or more a week without a good cause; or when an employee of the federal, state or local government participates in a strike against such government, and is dismissed from his or her job because of participation in the strike.
- (2) A reduction of work is a situation in which an individual who is required to register for work, as ~~set forth~~ described in rule 5101:4-3-11 of the Administrative Code, has voluntarily reduced their work hours less than thirty hours a week or to a level that results in earning less than the federal minimum wage times thirty hours a week without good cause.

(B) What situations are not considered a voluntary job quit or reduction of work?

Any individual required to register for work that has:

- (1) Any reduction in hours mandated by the employer;
- (2) Decided to terminate self-employment;
- (3) Resigned from employment at the demand of the employer for any reason; or
- (4) Quit a job and secured comparable employment. "Comparable" is not strictly defined. County agencies shall not declare a new job incomparable simply because the number of hours or the salary is lower than the job that was quit.

(C) How does the county agency verify a voluntary quit or reduction of work hours?

- (1) When the information given by the applicant or recipient is questionable, the county agency shall request verification as defined in rule 5101:4-2-09 of the Administrative Code.
- (2) The assistance group has the primary responsibility for providing verification, but when the assistance group reports difficulty obtaining the verification in a timely manner, the county agency shall provide assistance in obtaining the verification.

- (3) When the assistance group and county agency are unable to obtain requested verification because the quit or work effort reduction resulted from circumstances that are unverifiable for good reasons, the individual shall not be denied under the voluntary job quit or reduction of work effort provisions. Benefits shall not be delayed beyond the normal processing time limits specified in paragraph (J) of rule 5101:4-2-01 of the Administrative Code.

(D) How is good cause established?

Good cause is defined in paragraphs (C) and (D) of rule 5101:4-3-11.1 of the Administrative Code. In determining when good cause exists the county agency shall also determine if the employment was unsuitable as described in paragraph (E) of rule 5101:4-3-11.1 of the Administrative Code or if there was a domestic violence issue as established in paragraph (F) of rule 5101:4-3-11.1 of the Administrative Code. The county agency must take into account the facts and circumstances including information submitted by the employer, the assistance group, and or a collateral contact. When good cause is determined, the county agency shall excuse the job quit or reduction in hours and a sanction shall not be imposed.

(E) What happens when the county agency determines a voluntary job quit or reduction of hours has occurred without good cause?

- (1) When an applicant has a voluntary job quit or reduction of work hours within sixty days of applying for assistance and without good cause they shall be found ineligible for assistance for the period outlined in paragraph (A) of rule 5101:4-3-11.2 of the Administrative Code.
- (2) When a recipient of SNAP has a voluntary job quit or reduction of work hours without good cause they shall be placed on a sanction. The sanctions outlined in paragraph (A) of rule 5101:4-3-11.2 of the Administrative Code shall apply and the recipient shall be notified in accordance with paragraph (B) of rule 5101:4-3-11.2 of the Administrative Code.

(F) How is eligibility reestablished?

Eligibility may be reestablished during a disqualification period and the individual shall, if otherwise eligible, be permitted to resume participation without signing a JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program Sanction Compliance Agreement" (~~rev 11/2016~~) when:

- (1) The individual secures new employment ~~which~~ that is comparable in salary or hours to the job that was quit. Comparable employment may result in fewer hours or a lower net salary than the job that was quit;

- (2) The individual may increase his or her work effort to thirty or more hours per week or earn an amount equal to the federal minimum wage times thirty hours per week; or
 - (3) The individual becomes exempt from the work registration requirements in paragraph (B) of rule 5101:4-3-11 of the Administrative Code.
- (G) What occurs after the minimum sanction period is served ~~if~~when the sanctioned individual has not found new employment or increased hours of employment?
- ~~(1) After the minimum sanction period has been served, the individual may begin participation in the SNAP program if the individual is complying with the requirements of rule 5101:4-3-11.1 of the Administrative Code and is otherwise determined eligible.~~
 - ~~(2) The individual may reestablish eligibility at any time during the minimum sanction period by meeting an exemption from work registration in accordance with rule 5101:4-3-11 of the Administrative Code.~~

After the minimum sanction period has been served, the individual may begin participation in the SNAP program when the individual is complying with the requirements of rule 5101:4-3-11.1 of the Administrative Code and is otherwise determined eligible.

Effective: 8/1/2022
Five Year Review (FYR) Dates: 5/2/2022 and 08/01/2027

CERTIFIED ELECTRONICALLY

Certification

07/11/2022

Date

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