

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

- (1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDS), or any other agency formerly part of the Department of Human Services means the Department of Human Services (DHS), except --
 - (a) The rule in which reference occurs only regulates programs covered by OAR chapter 461.
 - (b) OCCS medical program eligibility rules are in OAR chapter 410, division 200.
- (2) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of *domestic violence* (see section (25) of this rule), sexual assault, or stalking.
- (3) "Adjusted income" means the amount determined by subtracting income deductions from *countable* (see section (18) of this rule) income (see OAR 461-140-0010). Specific rules on the deductions are in OAR chapter 461, division 160.
- (4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. "Adoption assistance" may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.
- (5) "Assets" mean income and resources.
- (6) "Basic decision notice" means a *decision notice* (see section (21) of this rule) mailed no later than the date of action given in the notice.
- (7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.
- (8) "Budgeting" means the process of calculating the benefit level.
- (9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine *eligibility* (see section (28) of this rule) and benefit level for the *payment month* (see section (50) of this rule).

- (10) "Cafeteria plan" means a written benefit plan offered by an employer in which:
- (a) All participants are employees; and
 - (b) Participants may choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Service does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:
 - (A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);
 - (B) Group term life insurance plans (up to \$50,000);
 - (C) Dependent care assistance plans; and
 - (D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).
- (11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a *microenterprise* (see section (43) of this rule), either directly or indirectly. A "capital asset" generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.
- (12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a *child* (see section (15) of this rule). The status of "caretaker" ends once the individual no longer exercises care, control, and supervision of the *child* for 30 days.
- (13) "Caretaker relative" means a caretaker (see section 12 of this rule) who meets the requirements of one of the following subsections:
- ~~(a) In the Pre TANF, SFPSS, and TANF programs, a dependent child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece who lives in a residence maintained by one or more of the relatives as the child's or the relative's own home.~~
 - ~~(b) In all programs not covered under subsection (a) of this section, a caretaker (see section (12) of this rule) who meets the requirements of one of the following paragraphs:~~
 - (Aa) Is one of the following relatives of the *dependent child* (see section (23) of this rule):
 - (iA) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.

- (~~B~~) Stepfather, stepmother, stepbrother, and stepsister.
 - (~~C~~) An individual who legally adopts the *child* and any individual related to the individual adopting the *child*, either naturally or through adoption.
 - (~~B~~) Is or was a *spouse* (see section (~~6263~~) of this rule) of an individual listed in ~~paragraph-subsection (Aa)~~ of this subsection.
 - (~~C~~) Met the definition of "caretaker relative" under ~~paragraph-subsection (Aa)~~ or (~~B~~) of this subsection before the *child* was adopted (notwithstanding the subsequent adoption of the *child*).
- (14) "Certification period" means the period for which an individual is certified eligible for a program.
- (15) "Child" includes natural, step, and adoptive children. The term "child" does not include an unborn.
- (a) In the ERDC program, a "child" need not have a biological or legal relationship to the *caretaker* but must be in the care and custody of the *caretaker*, must meet the citizenship or alien status requirements of OAR 461-120-0110, and must be:
 - (A) Under the age of 18; or
 - (B) Under the age of 19 and in secondary school or vocational training at least half time.
 - (b) In the GA, GAM, and OSIP programs, a "child" is an individual under the age of 18.
 - (c) In the OSIPM and QMB programs, "child" means an unmarried individual living with a *parent* (see section (49) of this rule) who is:
 - (A) Under the age of 18; or
 - (B) Under the age of 22 and attending full-time secondary, postsecondary or vocational-technical training designed to prepare the individual for employment.
 - (d) In the REF and REFM programs, a "child" is:
 - (A) An individual under the age of 18; or
 - (B) An individual who is 18 years of age and attending secondary school full-time or pursuing a GED full-time.

- (16) "Community based care" is any of the following:
- (a) Adult foster care - Room and board and 24 hour care and services for the elderly or for people with disabilities 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.
 - (b) Assisted living facility - A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.
 - (c) In-home Services - Individuals living in their home receiving services determined necessary by the Department.
 - (d) Residential care facility - A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.
 - (e) Specialized living facility - Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition, or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.
 - (f) Independent choices - In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).
- (17) "Continuing benefit decision notice" means a *decision notice* that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.
- (18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine *eligibility*.
- (19) "Cover Oregon" means Oregon Health Insurance Exchange Corporation.
- (20) "Custodial parents" mean parents who have physical custody of a *child*. "Custodial parents" may be receiving benefits as dependent children or as caretaker relatives for their own children.
- (21) "Decision notice" means a written notice of a decision by the Department regarding an individual's *eligibility* for benefits in a program.
- (22) "Department" means the Department of Human Services (DHS).
- (23) "Dependent child" in the TANF program means the following:

- (a) An individual who is not a *caretaker relative* (see section (13) of this rule) of a *child* in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or
 - (b) A *minor parent* (see section (44) of this rule) whose parents have chosen to apply for benefits for the *minor parent*. This does not apply to a *minor parent* who is married and living with his or her *spouse*.
- (24) "Disability" means:
- (a) In the SNAP program, see OAR 461-001-0015.
 - (b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining *eligibility*:
 - (A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or
 - (B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).
- (25) "Domestic violence" means the occurrence of one or more of the acts described in subsections (a) to (d) of this section between family members, intimate partners, or household members:
- (a) Attempting to cause or intentionally, knowingly, or recklessly causing physical injury or emotional, mental, or verbal abuse.
 - (b) Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury.
 - (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.
 - (d) Using coercive or controlling behavior.
 - (e) As used in this section, "family members" and "household members" mean any of the following:
 - (A) *Spouse*;
 - (B) *Former spouse*;

- (C) Individuals related by blood, *marriage* (see section (423) of this rule), or adoption;
 - (D) Individuals who are cohabitating or have cohabited with each other;
 - (E) Individuals who have been involved in a sexually intimate or dating relationship; or
 - (F) Unmarried parents of a *child*.
- (26) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to victims of *domestic violence*. If the facility serves other people, a portion must be used solely for victims of *domestic violence*.
- (27) "Electronic application" is an application electronically signed and submitted through the Internet.
- (28) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.
- (29) "Equity value" means *fair market value* (see section (30) of this rule) minus encumbrances.
- (30) "Fair market value" means the amount an item is worth on the open market.
- (31) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.
- (32) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by an individual, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain *family stability* (see section (31) of this rule).
- (33) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.
- (34) "Homeless" in the ERDC program means lacking a fixed regular and adequate nighttime residence and includes living in an emergency shelter, shared housing with others due to loss of housing or economic hardship, staying in motels, cars, parks, public places, tents, trailers, or other similar settings.
- (35) "Income-producing property" means:

- (a) In all programs except OSIP, OSIPM, and QMB, real or personal property that generates income for the *financial group* (see OAR 461-110-0530). Examples of "income-producing property" are:
 - (A) Livestock, poultry, and other animals.
 - (B) Farmland, rental homes (including a room or other space in the home or on the property of a member of the *financial group*), vacation homes, and condominiums.
 - (b) In the OSIP, OSIPM, and QMB programs, "income-producing property" means any real or personal property not used in self-employment (see OAR 461-145-0600 and 461-145-0915) that produces income for the *financial group*. "Income-producing property" includes:
 - (A) Livestock, poultry, or other animals that produce marketable products sold by the *financial group*.
 - (B) Farmland not excluded under OAR 461-145-0220 that is farmed or rented out by the *financial group*.
 - (C) Real property other than the home (including vacation homes and condominiums), that is rented out.
 - (c) In the OSIP, OSIPM, and QMB programs, "income-producing property" does not include:
 - (A) Rooms or other space for rent in the home (see OAR 461-145-0220).
 - (B) Livestock, poultry, or other animals kept for resale (see OAR 461-145-0010).
- (36) "Initial month" of *eligibility* means any of the following:
- (a) In all programs, the first month a *benefit group* (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.
 - (b) In all programs except the SNAP program, the first month a *benefit group* is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.
 - (c) In the SNAP program:

- (A) The first month for which the *benefit group* is certified following any period during which they were not certified to participate, except for *migrant and seasonal farm workers* (see OAR 461-001-0015).
- (B) For *migrant and seasonal farmworkers*, the first month for which the *benefit group* is certified following any period of one month or more during which they were not certified to participate.
- (d) For a new applicant to the GA, GAM, OSIP, or OSIPM program applying for care in a *nonstandard living arrangement* (see section (45) of this rule), for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the individual would have been eligible had it not been for the disqualifying transfer of *assets* (see section (5) of this rule).
- (e) For a current recipient of the GA, GAM, OSIP, or OSIPM program receiving or applying for care in a *nonstandard living arrangement*, for the purpose of calculating the correct divisor in OAR 461-140-0296, the later of the following:
 - (A) The month the disqualifying transfer occurred.
 - (B) The month of application for *long-term care* (see section (40) of this rule) services if the individual would have been eligible had it not been for the disqualifying transfer of *assets*.
- (37) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).
- (38) "Legally married" means a *marriage* uniting two individuals according to --
 - (a) The statutes of the state where the *marriage* occurred;
 - (b) Except in the SNAP program, the common law of the state in which the two individuals previously resided while meeting the requirements for common law marriage in that state; or
 - (c) The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.
- (39) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a "life estate" enables the owner of the "life estate" to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A "life estate" is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of the individual's life, certain rights to that property. In addition, a "life estate" is established when a member of the *financial group* purchases a "life estate" interest in the home of another individual.

- (40) "Lodger" means a member of the *household group* (see OAR 461-110-0210) who---
- (a) Is not a member of the *filing group* (see OAR 461-110-0310); and
 - (b) Pays the *filing group*:
 - (A) In all programs except the GA, GAM, OSIP, OSIPM, and QMB programs, for room and board.
 - (B) In the GA, GAM, OSIP, OSIPM, and QMB programs, for room with or without board.
- (41) "Long-term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).
- (42) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. "Lump-sum income" includes:
- (a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.
 - (b) Income from inheritance, gifts, winnings, and personal injury claims.
- (43) "Marriage" means the union of two individuals who are *legally married* (see section (37) of this rule).
- (44) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.
- (45) "Minor parent" in the ERDC and TANF programs means a *parent* under the age of 18.
- (46) "Nonstandard living arrangement" is defined as follows:
- (a) In the GA, GAM, OSIP, OSIPM, and QMB programs, an individual is considered to be in a "nonstandard living arrangement" when the individual is applying for or receiving services in any of the following locations:
 - (A) A nursing facility in which the individual receives *long-term care* services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay nursing facility.
 - (B) An intermediate care facility for the mentally retarded (ICF/MR).
 - (C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

- (D) *A community based care* (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a "nonstandard living arrangement".
- (b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, "nonstandard living arrangement" means each of the following locations:
- (A) Foster care.
 - (B) Residential Care facility.
 - (C) Drug or alcohol residential treatment facility.
 - (D) Homeless or domestic violence shelter.
 - (E) Lodging house if paying for room and board.
 - (F) Correctional facility.
 - (G) Medical institution.
- (47) "OCCS" is the Office of Client and Community Services, part of the Medical Assistance Programs under the Oregon Health Authority responsible for OCCS medical program *eligibility* policy, community outreach, OCCS Medical Program *eligibility* determinations, and the OHA Customer Service Call Center.
- (48) "OCCS Medical Programs" refers to programs for which *eligibility* policy can be found in OAR chapter 410, division 200, and includes CEC, CEM, MAA, MAF, EXT, OHP, Substitute Care, BCCTP, and MAGI Medicaid/CHIP programs, including:
- (a) MAGI Adult;
 - (b) MAGI Child;
 - (c) MAGI Parent or Other Caretaker Relative;
 - (d) MAGI Pregnant Woman; and
 - (e) MAGI CHIP.
- (49) "Ongoing month" means one of the following:
- (a) For all programs except the SNAP program, any month following the *initial month* (see section (35) of this rule) of *eligibility*, if there is no break in the program benefit of one or more calendar months.

- (b) For the SNAP program, any month in the *certification period* (see section (14) of this rule) following the *initial month of eligibility*.
- (50) "Parent" for all programs except ~~the JPI (see OAR 461-135-1260)~~ and the SNAP programs, means the biological ~~or legal~~ mother or father of an unborn child or the biological, step, or adoptive mother or father of ~~an individual or unborn a~~ child. For JPI and the SNAP program, a "parent" means the biological or legal mother or father of an individual. ~~For the JPI program, a "parent" means the biological or legal mother or father of a child under the age of 18.~~
- (a) If the mother lives with a male and either she or the male claims that he is the father of the *child* or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.
 - (b) A stepparent relationship exists if:
 - (A) The individual is *legally married* to the child's biological or adoptive parent; and
 - (B) The *marriage* has not been terminated by legal separation, divorce, or death.
 - (c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a "parent" if both of the following are true:
 - (A) The *child* lives with the biological parent; and
 - (B) The legal parent has given up care, control, and supervision of the *child*.
- (51) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.
- (52) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.
- (53) "Periodic income" means income received on a regular basis less often than monthly.
- (54) "Primary person" for all programs except the SNAP program, means the *filing group* member who is responsible for providing information necessary to determine *eligibility* and calculate benefits. The "primary person" for individual programs is as follows:
- (a) For the TANF program, the *parent* or *caretaker relative*.
 - (b) For the ERDC program, the *caretaker*.
 - (c) For SNAP, see OAR 461-001-0015.

- (d) For the GA, GAM, OSIP, OSIPM, QMB, REF, and REFM programs: the client or client's *spouse*.
- (55) "Qualified Partnership Policy" means a long-term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:
 - (a) Issued while the individual was a resident in Oregon on January 1, 2008 or later; or
 - (b) Issued in another state while the individual was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.
- (56) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as "real property".
- (57) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.
- (58) "Safe homes" mean private homes that provide a few nights lodging to victims of *domestic violence*. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.
- (59) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.
- (60) "Shelter-in-kind" means an agency or individual outside the *financial group* provides the shelter of the *financial group*, or makes a payment to a third party for some or all of the *shelter costs* (see section (58) of this rule) of the *financial group*. "Shelter-in-kind" does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.
- (61) "Sibling" means the brother or sister of an individual. "Blood-related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the *marriage* of their parents.
- (62) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced *spouse* to a member of the *financial group*.
- (63) "Spouse" means an individual who is *legally married* to another individual.
- (64) "Stable income" means income that is the same amount each time it is received.

- (65) "Standard living arrangement" means a location that does not qualify as a *nonstandard living arrangement*.
- (66) "Teen parent" means, for TANF and JOBS, a *parent* under the age of 20 who has not completed a high school diploma or GED.
- (67) "Timely continuing benefit decision notice" means a *decision notice* that informs the individual of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.
- (68) "Trust funds" mean money, securities, or similar property held by an individual or institution for the benefit of another individual.
- (69) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.
- (70) "Variable income" means earned or unearned income that is not always received in the same amount each month.

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In the JOBS, Pre-TANF, Post-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.

- (1) "Activity" means an action or set of actions to be taken by an individual, as specified in the *case plan* (see section (6) of this rule). An "activity" is intended to reduce barriers and:
 - (a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or
 - (b) Promote *family stability* (see OAR 461-001-0000).
- (2) "Adult Basic Education (ABE)" means an *activity* (see section (1) of this rule) in the *basic education* (see section (5) of this rule) *component* (see section (8) of this rule) that involves remedial education coursework intended to ensure functional literacy.
- (3) "Assessment" means an *activity* of the *program entry* (see section (30) of this rule) *component* that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the individual and to mutually determine an employment goal, the level of participation of the individual in the JOBS program, and which *support services* (see section (36) of this rule) are needed. This *activity* includes providing screenings and evaluations (if appropriate) to determine the level of participation, accommodation, and modification for the individual in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance abuse, domestic violence, and learning needs.
- (4) "Barrier" means a personal condition or circumstance that reduces the likelihood the individual will become employed or the ability of the individual to participate in an *activity* listed in the *case plan*.
- (5) "Basic education" means a *component* of *non-core activities* (see section (24) of this rule) intended to ensure functional literacy for all JOBS clients. "Basic education" activities are high school attendance, *English as a second language (ESL)* (see section (14) of this rule) instruction, *job skills training* (see section (20) of this rule), *adult basic education (ABE)* (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The *component* is discussed in OAR 461-190-0171 and 461-190-0181.
- (6) "Case plan" (formerly also known as an employment development plan (EDP), a personal plan, or personal development plan) means a written outline, developed in partnership by the individual and case manager, with input from partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments,

accommodations, and modifications to help the individual complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for individuals with safety concerns about *domestic violence* (see OAR 461-001-0000).

- (7) "Community service program" means an *activity* in the *unpaid employment* (see section (38) of this rule) *component* in which the individual works without pay at a job site to enhance the likelihood the individual will become employed and perform work for the direct benefit of the community. This *activity* is available through nonprofit organizations or public agencies.
- (8) "Component" means a set of one or more activities of the JOBS program including *paid unsubsidized employment* (see section (27) of this rule), *paid subsidized employment* (see section (26) of this rule), *unpaid employment*, *vocational training* (see section (40) of this rule), *job search and readiness* (see section (19) of this rule), and *basic education activities*.
- (9) "Core activities" means federally defined countable work activities including *paid unsubsidized employment*; *paid subsidized employment*; *work experience* (see section (41) of this rule); *on-the-job training* (see section (25) of this rule); *job search and readiness*; *community service program* (see section (7) of this rule); *vocational training*; and *providing child care services to a community service program participant* (see section (31) of this rule).
- (10) "Crisis intervention" means short-term services to address an immediate crisis need.
- (11) "Degree Completion Initiative (DCI)" means an *activity* in which a limited number of TANF recipients may participate for up to 12 months to complete an educational degree at a two- or four-year educational institution.
- (12) "Drug and alcohol services" means an *activity* in the *job search and readiness component* that provides substance abuse screenings and evaluations, outpatient or resident treatment, and support groups such as AA or NA.
- (13) "Employer contact" means client communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.
- (14) "Employment Payments" means three transitional payments totaling \$225.00 paid to a benefit group (see OAR 461-110-0750) with employment income as provided in OAR 461-135-1270 to help transition families off TANF program services.
- (14~~5~~) "English as a second language (ESL)" means an *activity* in the *basic education component*. "ESL" classes are designed to give individuals with limited English proficiency better working skills in the language.

- (156) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with individuals working in the *unpaid employment component*. "FLSA" requires that individuals engaged in *unpaid employment*, in effect, may not "work off" their SNAP and TANF benefits at an hourly rate less than the state minimum wage.
- (167) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).
- (178) "High School or GED Completion Attendance" means an *activity in the basic education component* that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.
- (189) "Job search (initial or regular)" means an *activity in the job search and readiness component* that focuses on clients looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and participating in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.
- (1920) "Job search and readiness" means a *component* designed to prepare individuals to compete in the local labor market. *Job search* (see section (18) of this rule), *life skills* (see section (22) of this rule), *drug and alcohol services* (see section (12) of this rule), *mental health services* (see section (23) of this rule), and *rehabilitation activities* (see section (32) of this rule) are the activities of the "job search and readiness" *component*.
- (201) "Job skills training" means an *activity in the basic education component* designed to provide classroom training in vocational and technical skills or equivalent knowledge and abilities in a specific job area.
- (242) "JOBS Plus program (JOBS Plus)" means an *activity in the paid subsidized employment component* that provides TANF clients with *on-the-job training* and pays their benefits as wages (see OAR 461-190-0401 to 461-190-0426).
- (223) "Life skills" means an *activity of the job search and readiness component*. The *activity* develops employment-preparation skills and skills and attitudes that are commonly found in the workplace.
- (234) "Mental health services" means an *activity in the job search and readiness component* that provides mental health screenings and assessments, counseling, medication management, and support groups.
- (245) "Non-core activities" means federally defined countable work activities that include *job skills training* directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.

- (256) "On-the-job training (OJT)" means an *activity* in the *paid subsidized employment component* in which an individual works for an employer for a contracted period. The employer trains the individual and is reimbursed by the Department, usually at 50 percent of the wages of the participant, for those training costs.
- (267) "Paid subsidized employment" means a *component* in which individuals are employed in a subsidized public or private sector job. *JOBS Plus* (see section (21) of this rule), *work supplementation* (see section (42) of this rule), and *on-the-job training* are the activities in the "paid subsidized employment" *component*.
- (278) "Paid unsubsidized employment" means a *component* in which individuals are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. The *UN work program* (see section (39) of this rule) and *microenterprise* (see OAR 461-001-0000) are the activities in the *paid unsubsidized employment component*.
- (289) "Parents as Scholars (PAS)" means a JOBS program *component* that assists TANF parents who are or will be undergraduates to begin or continue their education at a two- or four-year educational institution (see OAR 461-190-0199).
- (2930) "Program entry" means an *activity* that includes all the activities that prepare an individual to actively participate in the JOBS program including, but not limited to, *assessment* (see section (3) of this rule) and writing the initial *case plan*.
- (301) "Progress (good or satisfactory)" means, for federal reporting purposes, an individual participating in an education or training *activity* makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.
- (312) "Providing child care services to a community service program participant" means an *activity* in the *unpaid employment component*.
- (323) "Rehabilitation activities" means an *activity* in the *job search and readiness component* that provides medical or therapeutic screenings, assessments, and treatment. This *activity* also includes medical management and support groups.
- (334) "Self-initiated training (SI)" means a JOBS program *component* that is training needed to be competitive in the job market. Participation in this component is limited to six months. The component may be used to extend an approved *vocational training activity*.
- (345) "Supported work" means an *activity* in the *unpaid employment component* that gives individuals intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.

- (356) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, *crisis intervention* (see section (10) of this rule), *domestic violence* services, *family stability* activities, medical services, retention services, services to child welfare families, social security application, and stabilized living services.
- (367) "Support services" means services that case-managed clients need to participate successfully in activities outlined in their *case plan*, seek and maintain employment, or remove barriers.
- (378) "Transition services" means services included in an individual's *case plan* when the individual becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.
- (389) "Unpaid employment" means a *component* in which an individual is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. *Work experience*, *community service program*, *providing child care services to a community service program participant*, and *supported work* (see section (34) of this rule) are the activities of the "unpaid employment" *component*.
- (3940) "UN work program" means an *activity* in the *paid unsubsidized employment component* in which TANF clients work in *unsubsidized employment* and may also participate in another JOBS work site training *activity*.
- (401) "Vocational training" means an *activity* and *component* of the JOBS program that provides JOBS participants with up to 12 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.
- (412) "Work experience" means an *activity* in the *unpaid employment component* in which the individual works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the individual will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.
- (423) "Work supplementation" means an *activity* in the *unpaid employment component* that is up to six months of work-site training provided by an employer. The *component* and *activity* are both called "work supplementation". In "work supplementation", the Department subsidizes the wages of the participant by providing up to \$200 per month to the employer.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049, Or Laws 2015, ch 765, § 6

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049, Or Laws 2015, ch 765, § 6

- (1) This rule describes who is included in the household group. The household group generally consists of the individuals who live together with or without the benefit of a dwelling. For homeless individuals, the household group consists of the individuals who consider themselves living together.
- (2) A separate dwelling is not recognized for the purpose of determining the members of a household group unless the living space has, separate from any other dwelling, an access to the outside that does not pass through another dwelling, a functional sleeping area, bathroom, and kitchen facility.
- (3) Each individual in the household group who applies for benefits is an applicant. The household group and applicants form the basis for determining who is in the remaining eligibility groups.
- (4) For all programs except the SNAP program, a separate household group is established for individuals who live in the same dwelling as another household group, if all the following subsections are true:
 - (a) There is a landlord-tenant relationship between the two household groups in which the tenant is billed by the landlord at *fair market value* (see OAR 461-001-0000) for housing.
 - (b) The tenant lives independently from the landlord.
 - (c) The tenant:
 - (A) Has and uses sleeping, bathroom, and kitchen facilities separate from the landlord; or
 - (B) Shares bathroom or kitchen facilities with the landlord, but the facilities are in a commercial establishment that provides room or board or both for compensation at *fair market value*.
- (5) Individuals who live with more than one household group during a calendar month are members of the household group in which they spend more than half of their time, except as follows:
 - (a) In the ERDC program, if a *child* (see OAR 461-001-0000) lives with different caretakers during the month, the *child* is considered a member of both household groups.
 - (b) In the TANF program:
 - (A) If a *parent* (see OAR 461-001-0000) sleeps at least 30 percent of the time during the calendar month in the home of the *dependent child* (see OAR

461-001-0000), the *parent* is in the same household group as the *dependent child*.

(B) A *dependent child* is included in the household group with the *caretaker relative* (see OAR 461-001-0000), who usually has the major responsibility for care and control of the *dependent child*, if the *dependent child* lives with two household groups in the same calendar month for at least one of the following reasons:

(i) Education.

(ii) The usual *caretaker relative* is gone from the household for part of the month because of illness.

(iii) A family emergency.

(c) In the SNAP program:

(A) The individual is a member of the household group that provides the individual more than half of his or her 21 weekly meals. If the individual is a *child*, the *child* is a member of the household group credited with providing the *child* more than half of his or her 21 weekly meals. A household group is credited with providing breakfast and lunch for each day the *child* departs that group's home for school, even if the *child* eats no breakfast or lunch at that home.

(B) During the month in which a resident of a *domestic violence shelter* (see OAR 461-001-0000) enters the *domestic violence shelter*, the resident may be included both in the household group he or she left and in a household group in the *domestic violence shelter*.

(6) In the OSIPM program, individuals receiving or applying for *home and community-based care* (see OAR 461-001-0030) or nursing facility care are each an individual household group regardless of others living in the individual's dwelling or facility.

(7) Individuals absent from the household for 30 days or more are no longer part of the household group, except for the following:

(a) In all programs except the SNAP program, an individual in an acute care medical facility remains in the household group unless the individual enters *long-term care* (see OAR 461-001-0000).

(b) In the ERDC and TANF programs:

(A) A *caretaker relative* who is absent for up to 90 days while in a residential alcohol or drug treatment facility is in the household group.

- (B) A *child* who is absent for 30 days or more is in the household group if the *child* is:
 - (i) Absent for illness (unless the *child* is in a long-term care Title XIX facility), social service, or educational reasons;
 - (ii) In foster care, but expected to return to the household within the next 30 days.
- (c) In the ERDC, REF, and REFM programs, an individual in the household group who is--
 - (A) Absent because of education, training, or employment, including long-haul truck driving, fishing, or active duty in the U.S. armed forces;
 - (B) Absent to care for an emergent need of an individual related to illness, injury, or death; or
 - (C) Absent but reasonably anticipated to return within 90 days.
- (d) In the TANF program, when a *filing group* (see OAR 461-110-0330) includes more than one *caretaker relative*, a *caretaker relative* in the household group who is absent:
 - (A) ~~B~~Because of education, training, or employment -- including absence while working or looking for work outside the area of his or her residence, such as long-haul truck driving, fishing, or active duty in the U.S. armed forces; or
 - (B) For up to 60 days solely due to the regulations of a homeless or domestic violence shelter or other circumstances beyond the individual's control but who would otherwise be included in the household group.
- (e) In the TANF program, the Department may approve one or more 30-day extensions of this time period if the Department receives sufficient information to assure the Department that the absent individual will return within the extension period.
- (8) In the OSIP-EPD and OSIPM-EPD programs, the household group consists only of the individual applying for or receiving benefits.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.001, 412.006, 412.049, 413.085, 414.025, 414.685, 414.826, 414.839

- (1) The "need group" consists of the individuals whose basic and special needs are used in determining *eligibility* (see OAR 461-001-0000) and benefit level.
- (2) In the EA, REF, and REFM programs, the need group consists of the members of the *financial group* (see OAR 461-110-0530) who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.
- (3) In the ERDC, OSIPM-EPD, and QMB programs, the need group consists of each member of the *financial group*.
- (4) In the SNAP program, the need group consists of the members of the *financial group* who meet all nonfinancial eligibility requirements, except the following individuals are not in the need group:
 - (a) A member disqualified for an *intentional program violation* (see OAR 461-195-0601).
 - (b) A fleeing felon under OAR 461-135-0560.
 - (c) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.
- (5) In the GA and GAM programs, the need group consists of each member of the *financial group* except that the following individuals may not be in the need group:
 - (a) A fleeing felon under OAR 461-135-0560.
 - (b) An individual in violation of a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.
 - (c) An individual not complying with social security number requirements under OAR 461-120-0210.
- (6) In the Pre-TANF and TANF programs, the need group ~~is formed as follows~~ consists of all the members of the *financial group* except:
 - ~~(a) — Except as provided in subsection (b) of this section, the need group consists of the members of the *financial group* who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705.~~
 - ~~(b) — The need group may not include:~~

(Aa) A *parent* (see OAR 461-001-0000) who is in foster care and for whom foster care payments are being made.

(Bb) An unborn child.

~~(C) In the TANF program:~~

~~(i) An individual who may not be in the need group because of a disqualification penalty.~~

~~(ii) An individual who may not be in the need group because the individual has exceeded the 60-month time limit and does not meet any of the exceptions listed in OAR 461-135-0075.~~

~~(iii) A fleeing felon under OAR 461-135-0560.~~

~~(iv) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.~~

(7) In the OSIPM (except OSIPM-EPD) program:

(a) If a child is applying, the need group consists of the child.

(b) In all other situations, the need group consists of each member of the *financial group*.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, ~~414.231~~

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, ~~414.025, 414.231~~, 414.826, ~~414.831~~, 414.839

- (1) A "benefit group" consists of the individuals who receive benefits.
- (2) Except as provided in sections (3) and (5) of this rule, for an individual not assumed eligible for medical programs (see OAR 461-135-0010), the benefit group consists of each individual from the *need group* (see OAR 461-110-0630) requesting benefits who meets all financial and nonfinancial eligibility requirements.
- (3) In the GA and GAM programs, the following individuals are not in the benefit group:
 - (a) An individual receiving or deemed to be receiving SSI or SSDI benefits.
 - (b) An individual who meets the non-disability eligibility requirements under Title II of the Social Security Act.
- (4) For individuals assumed eligible for medical programs (see OAR 461-135-0010), the benefit group consists of the individuals who are in the benefit group of the program used to assume eligibility.
- (5) In the TANF program the following are not included in the benefit group:
 - (a) An individual who may not be in the benefit group because of a disqualification penalty (see OAR 461-130-0330 and 461-135-0085).
 - (b) An individual disqualified for an intentional program violation (see OAR 461-195-0601).
 - (c) An individual who may not be in the benefit group because the individual has exceeded the 60-month time limit in OAR 461-135-0071 and does not meet any of the extension criteria in OAR 461-135-0073 or exemption criteria in OAR 461-135-0075.
 - (d) A fleeing felon (see OAR 461-135-0560).
 - (e) An individual violating a condition of state or federal parole, probation, or post-prison supervision (see OAR 461-135-0560).
 - (f) An individual who does not meet the citizenship and alien status requirements in OAR 461-120-0110 and 461-120-0125.
 - (g) An individual who chooses not to receive benefits.

Requirement to Provide Social Security Number (SSN)

- (1) In the CAWEM, ERDC, REF, and REFM programs, a member of a *need group* (see OAR 461-110-0630) or a *benefit group* (see OAR 461-110-0750) is not required to provide or apply for a social security number (SSN). In these programs, the Department may request that a member of the filing group or *need group* provide an SSN on a voluntary basis.
- (2) In the EA and TA-DVS programs, an individual must provide his or her SSN if the individual can.
- (3) Except as provided in section (5) of this rule, in the OSIPM and QMB programs:
 - (a) An individual is not required to apply for or provide an SSN --
 - (A) If the individual does not have an SSN; and
 - (B) May only be issued an SSN for a valid non-work reason in accordance with 20 CFR 422.104.
 - (b) When subsection (a) does not apply, to be included in the *benefit group*, an individual must:
 - (A) Provide a valid SSN for the individual; or
 - (B) Apply for a number if the individual does not have a valid one and provide the SSN when it is received.
- (4) Except as provided in sections (5) to (7) of this rule, in the SNAP ~~and TANF~~ programs, to be included in the *need group*, an individual (other than an unborn) must:
 - (a) Provide a valid SSN for the individual; or
 - (b) Apply for a number if the individual does not have one and provide the SSN when it is received.
- (5) In TANF, to be included in the *benefit group*, an individual must:
 - (a) Provide a valid SSN for the individual; or
 - (b) Provide verification of application for a SSN if the individual does not have one and provide the SSN within six months of the individual's initial TANF approval or by the end of the *certification period* (see OAR 461-001-0000), whichever is sooner.

- (56) In the GA, GAM, OSIPM, QMB, and SNAP programs, an individual is not required to apply for or provide an SSN if the individual is ---
- (a) A member of a religious sect or division of a religious sect that has continuously existed since December 31, 1950; and
 - (b) Adheres to its tenets or teachings that prohibit applying for or using an SSN.
- (67) The requirement to apply for or provide the SSN is delayed as follows:
- (a) In the SNAP program:
 - (A) An applicant eligible for expedited services may receive his or her first full month's allotment without meeting the SSN requirement but must meet the requirement before receiving a second full month's allotment.
 - (B) Before applying for or providing an SSN, a newborn may be included in a *benefit group* (see OAR 461-110-0750) for six months following the date the child is born or until the group's next recertification, whichever is later.
 - (b) In the TANF program, ~~without meeting the SSN requirements of section (4) of this rule, a newborn-a~~ child born in an Oregon hospital may be added to the *benefit group* for six months following the child's date of birth or until the next redetermination of eligibility of the *filing group* (see OAR 461-110-0330), whichever is sooner.
- (78) In the SNAP program:
- (a) An individual who refuses or fails without good cause to provide or apply for an SSN when required by this rule is ineligible to participate. This period of ineligibility continues until the individual provides the SSN to the Department.
 - (b) An individual may participate in SNAP for one month in addition to the month of application, if the individual can show good cause why the application for an SSN has not been completed. To continue to participate, the individual must continue to show good cause each month until the application for an SSN is complete with Social Security Administration.
 - (c) An individual meets the good cause requirement in subsections (a) and (b) of this section if the individual provides evidence or collateral information that the individual applied for or made every effort to supply the Social Security Administration with the necessary information to complete the application process. Delays due to illness not associated with a *disability* (see OAR 461-001-0015), lack of transportation, or temporary absence do not qualify as good cause under this rule.

- (89) This rule authorizes or requires the collection of an SSN for each of the following purposes.
- (a) The determination of eligibility for benefits. The SSN is used to verify income and other assets, and match with other state and federal records such as the Internal Revenue Service (IRS), Medicaid, child support, Social Security benefits, and unemployment benefits.
 - (b) The preparation of aggregate information and reports requested by funding sources for the program providing benefits.
 - (c) The operation of the program applied for or providing benefits.
 - (d) Conducting quality assessment and improvement activities.
 - (e) Verifying the correct amount of payments, recovering overpaid benefits, and identifying any individual receiving benefits in more than one household.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, ~~411.081, 411.087~~, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, ~~414.025~~, 414.826, ~~414.831~~, 414.839

In the TANF program:

- (1) To be eligible for program benefits, except as permitted in section (2) of this rule, a *caretaker relative* (see OAR 461-001-0000) must make a *good faith effort* to help the Department:
 - (a) Establish paternity of each needy *child* ([see OAR 461-001-0000](#)); and
 - (b) Locate and obtain support payments from the noncustodial parent of each needy *child*.
- (2) A *caretaker relative* is excused from the requirements of section (1) of this rule:
 - (a) For *good cause* under OAR 461-120-0350;
 - (b) If the *caretaker relative* is a participant in the JOBS Plus, Post-TANF, or SFPSS programs or is receiving *Employment Payments* (see OAR 461-001-0025) under OAR 461-135-1270; or
 - (c) If the filing group (see OAR 461-110-0330) is a two-parent family.
- (3) A *good faith effort* includes taking such actions as:
 - (a) Supplying *sufficient information* for the Division of Child Support (DCS) to proceed with appropriate actions to establish paternity of a *dependent child* ([see OAR 461-001-0000](#)), to locate noncustodial parents, or to establish a support order with respect to the *child*. *Sufficient information* includes, but is not limited to, the time and place of each child's conception (if paternity is not established) and the following information, if known to the *caretaker relative*, regarding any noncustodial parent of a needy *child*:
 - (A) Full legal name and nicknames.
 - (B) Social Security Number.
 - (C) Current or last known address.
 - (D) Current or last known employer, including name and address.
 - (E) If a student, current or last known school.
 - (F) Criminal record, including where and when incarcerated.

- (G) Date of birth, or age.
 - (H) Race.
 - (I) Any known group or organizational affiliations.
 - (J) Names and addresses of close friends or relatives.
 - (K) Any other information the Department or DCS requests to help locate or identify an absent *parent* (see OAR 461-001-0000) of any children in the *benefit group* (see OAR 461-110-0750).
- (b) Supplying documentation or an explanation of the client's efforts to obtain information requested by the Department or DCS (if unable to provide any necessary information listed in subsection (a) of this section).
- (c) Keeping appointments with the Department and DCS related to establishing paternity.
- (d) Returning telephone calls and responding to correspondence when requested to do so by the Department or DCS.
- (4) If a client who has not been excused under section (2) of this rule has the opportunity to make a *good faith effort* to help the Department establish paternity of a needy *child* or locate or obtain support payments from the noncustodial *parent* of a needy *child* (and is unable to show he or she has *good cause* under OAR 461-120-0350), the Department applies penalties for failure to comply with requirements of section (1) of this rule in the following manner until the client meets the requirements of this rule:
- (a) For a *benefit group* (~~see OAR 461-110-0750~~) not currently receiving TANF, if the failure to comply occurs while an application for TANF is pending the filing group (~~see OAR 461-110-0330~~) is ineligible.
 - (b) For a *benefit group* receiving TANF benefits, if a failure to comply occurs, the net monthly TANF benefit, after reductions for the client's failure to comply with requirements of the JOBS program are made, is reduced by:
 - (A) 25 percent for the first month following the month in which failure to comply is determined.
 - (B) 50 percent for the second month following the month in which failure to comply is determined.
 - (C) 75 percent for the third month following the month in which failure to comply is determined.

- (D) 100 percent (total ineligibility for the *benefit group*) for the fourth and subsequent months following the month in which failure to comply is determined.
 - (c) Once a penalized client complies with the requirements and benefits are no longer reduced under this rule, a subsequent penalty is imposed without regard to any prior penalty.
 - (d) If the TANF payment is affected by the penalty imposed under this rule, *eligibility* ([see OAR 461-001-0000](#)) for and the level of SNAP benefits are determined as if the client were receiving cash benefits without reduction due to the penalty.
- (5) The penalty provided by this rule ends when the client meets the requirements of section (1) of this rule.

Stat. Auth.: ORS 411.060, 411.070, 412.024, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.024, 412.049

461-125-0010

~~Eff. 10-1-13~~

Deprivation as an Eligibility Requirement

THIS RULE IS REPEALED

~~(1) To be eligible for the TANF program, a *dependent child* (see OAR 461-001-0000) must be deprived.~~

~~(2) Deprivation is the loss of parental support or care because of the absence, death, incapacity, unemployment, or underemployment of a *parent* (see OAR 461-001-0000).~~

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.049

THIS RULE IS REPEALED

- (1) ~~In the TANF program, determination of deprivation for a *child* (see OAR 461-001-0000) who lives with one *parent* (see OAR 461-001-0000) or does not live with a *parent* is based on the continued absence or death of a *parent*.~~
- (2) ~~Determination of deprivation for a *child* who lives with two parents is based on:~~
- ~~(a) The unemployment or underemployment of both parents; or~~
 - ~~(b) The incapacity of a *parent*.~~
- (3) ~~If a *child* meets deprivation on more than one basis, the *branch office* (see OAR 461-001-0000) may choose which reason to use. However, the choice cannot adversely affect the *child's* eligibility.~~

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.049

461-125-0050

~~Eff. 10-1-13~~

Determining Deprivation for Child/Unborn Without Legal Paternity

THIS RULE IS REPEALED

~~In the TANF program, deprivation is based only on incapacity, underemployment, or unemployment if:~~

- ~~(1) The mother and alleged father of the *dependent child* (see OAR 461-001-0000) or unborn are living together; and~~
- ~~(2) Either the mother or the alleged father claim the alleged father is, in fact, the father, and no other man has been identified as the father.~~

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.024

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.024, 412.049

461-125-0060
Deprivation Based on Death

~~Eff. 10-1-13~~

THIS RULE IS REPEALED

~~If either *parent* (see OAR 461-001-0000) of a *child* (see OAR 461-001-0000) is deceased and the other *parent* has not remarried, or has remarried but the stepparent is not living in the home, the *child* meets TANF deprivation based on death.~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Deprivation Based on Continued Absence of a Parent

THIS RULE IS REPEALED

~~In the TANF program, there is deprivation based on continued absence if all the following are true:~~

- ~~(1) The *child* (see OAR 461-001-0000) lives with only one *parent* (see OAR 461-001-0000) or does not live with any *parent*.~~
- ~~(2) The nature of the parent's absence interrupts or ends their function as a provider of maintenance, physical care, or guidance for the *dependent child* (see OAR 461-001-0000).~~
- ~~(3) The known or indefinite duration of the absence precludes counting on the parent's performance of the functions of planning for the present support and care of the *dependent child*.~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Situations of Deprivation Based on Continued Absence

THIS RULE IS REPEALED

~~In the TANF program, if the *child* (see OAR 461-001-0000) lives with only one *parent* (see OAR 461-001-0000) or does not live with any *parent*, deprivation based on continued absence exists if any of the following is true:~~

- ~~(1) — The absent *parent* is confined to an institution and the confinement is anticipated to last more than 30 days.~~
- ~~(2) — The absent *parent* is living at home only to serve a court imposed sentence by performing unpaid public work and unpaid community service during the workday.~~
- ~~(3) — The *dependent child* (see OAR 461-001-0000) is adopted by a single *parent* and the *parent* is not living with a *spouse* (see OAR 461-001-0000).~~
- ~~(4) — The identity of the absent *parent* is not known or more than one individual is identified as the child's father and legal paternity has not been established.~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Situations of No Deprivation Based on Continued Absence

THIS RULE IS REPEALED

In the TANF program, deprivation based on continued absence does not exist if any of the following is true:

- ~~(1) The absence is due solely to the parent's participation in the uniformed services of the United States.~~
- ~~(2) Both parents share care, control, and supervision of the *child* (see OAR 461-001-0000) within each calendar month. This means:
 - ~~(a) Each *parent* (see OAR 461-001-0000) makes significant decisions about their child's life; and~~
 - ~~(b) The *child* sleeps at least 30 percent of the time during the calendar month in the home of each *parent*.~~~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Evidence of Deprivation Based on Continued Absence; TANF

THIS RULE IS REPEALED

In the TANF program:

- ~~(1) — There is deprivation based on continued absence (except as specified in OAR 461-125-0120) if the absent *parent* (see OAR 461-001-0000) is not living in the same home as the *dependent child* (see OAR 461-001-0000), per section (2) of this rule, and the visits of the absent *parent* with the *dependent child* in the child's home do not exceed four times per week or a total of 30 hours per week.~~
- ~~(2) — The Department uses the following guidelines in deciding whether the absent *parent* is living in the same home as the *dependent child*:~~
- ~~(a) — The absent *parent* is not living in the same home as the *dependent child* if either of the following is true:~~
- ~~(A) — The absent *parent* and the *dependent child* have been living in separate homes for 30 days or more; or~~
- ~~(B) — The absent *parent* and the *dependent child* have been living in separate homes for less than 30 days, but at least one of the following is true:~~
- ~~(i) — The filing group was receiving TANF when the absent *parent* and *dependent child* began living in separate homes.~~
- ~~(ii) — The client is a victim of *domestic violence* (see OAR 461-001-0000).~~
- ~~(iii) — The *parents* have filed for divorce or legal separation.~~
- ~~(iv) — The absent *parent* and *dependent child* have established separate verifiable residences.~~
- ~~(b) — The absent *parent* is considered to be living in the same home as the *dependent child* if the absent *parent* sleeps at least 30 percent of the time during the calendar month in the child's home.~~
- ~~(c) — If the absent *parent* is living on the same property as the *dependent child*, they are considered to be living in the same home as the *dependent child*, unless all the following are true:~~
- ~~(A) — The absent *parent* is the owner of the property, or is a tenant on the property. To be a tenant, the absent *parent* must be billed for rent.~~

~~(B) — The absent *parent* lives independently from the *dependent child* and *caretaker relative* (see OAR 461-001-0000).~~

~~(C) — The absent *parent*:~~

~~(i) — Has and uses sleeping, bathroom and kitchen facilities separate from the *dependent child* and *caretaker relative*; or~~

~~(ii) — Shares bathroom or kitchen facilities with the *dependent child* and *caretaker relative*, but the facilities are in a commercial establishment that provides room or board or both at a fair market rate.~~

Stat. Auth.: ORS 411.060, 411.070, 412.049, 412.114

Stats. Implemented: ORS 411.060, 411.070, 411.117, 412.049, 412.114

461-125-0170

~~Eff. 10-1-14~~

Deprivation Based on Unemployment or Underemployment; TANF

THIS RULE IS REPEALED

~~(1) In the TANF program, deprivation based on unemployment or underemployment exists if all the following are true:~~

~~(a) A *child* (see OAR 461-001-0000) lives with two parents.~~

~~(b) Both parents are unemployed or underemployed.~~

~~(2) For purposes of this rule, a *parent* (see OAR 461-001-0000) is not considered unemployed or underemployed if the *parent* is participating in a labor dispute.~~

Stat. Auth.: ORS 411.060, 411.070, 411.400, 412.006, 412.016, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.016, 412.049, 412.064

Deprivation Based on the Incapacity of a Parent

THIS RULE IS REPEALED

~~In the TANF program, deprivation based on incapacity exists if a *child* (see OAR 461-001-0000) lives with two parents and:~~

- ~~(1) At least one *parent* (see OAR 461-001-0000) is receiving SSI and/or SSB based on disability or blindness; or~~
- ~~(2) Medical documentation establishes that the *parent* has a physical or mental condition that:
 - ~~(a) Is expected to last for at least 30 days from the date of request (see OAR 461-115-0030) for TANF; and~~
 - ~~(b) Substantially reduces or eliminates the parent's ability to support or care for their *dependent child* (see OAR 461-001-0000), taking into consideration the following:
 - ~~(A) The limited job market opportunities of incapacitated individuals; and~~
 - ~~(B) The parent's education, training, work history, age and other related factors.~~~~~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Criteria for Determining the Incapacity of a Parent

THIS RULE IS REPEALED

~~In the TANF program, a condition is considered to substantially reduce or eliminate the parent's ability to support or care for their *dependent child* (see OAR 461-001-0000) if, as a result of the condition, one of the following criteria is met:~~

- ~~(1) — The *parent* (see OAR 461-001-0000) is unable to provide adequate care for the *dependent child* without help from others. Adequate care includes feeding, cleaning and supervising the *dependent child*.~~
- ~~(2) — The *parent* is unable to perform any type of employment.~~
- ~~(3) — The *parent* is able to perform work only in a job that is rehabilitative or in a sheltered workshop.~~
- ~~(4) — The *parent* is unable to work at least 30 hours a week at employment paying at least state or federal minimum wage, whichever is greater.~~
- ~~(5) — The number of hours the parent is able to work is substantially reduced.~~
- ~~(6) — The *parent* is unable to work at their customary employment, but is able to work at employment for which they are equipped by education, training, or experience, that pays substantially less than their customary employment.~~

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.049

461-125-0255

~~Eff. 1-27-11~~ Technical Amendment

Change in Basis of Deprivation; TANF

THIS RULE IS REPEALED

~~In the TANF program, when an absent parent joins a household receiving TANF benefits, or another change occurs that could change the basis of deprivation, the *filing group* (see OAR 461-110-0330) remains eligible during a 45-day period following the timely report of the change, during which the *filing group* may establish TANF eligibility based on incapacity or unemployment.~~

Stat. Auth.: ORS 411.060, 411.070, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.049, 412.114, 412.161, 418.647

Participation Classifications: Exempt, Mandatory, and Volunteer

- (1) In the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs:
 - (a) The Department assigns an individual to one or more employment program participation classifications--*exempt*, *mandatory*, and *volunteer* (see OAR 461-130-0305 for definitions of all three terms).
 - (b) In the Post-TANF program or while receiving *Employment Payments* (see OAR 461-001-0025) under OAR 461-135-1270, an individual is classified as a *volunteer*.
- (2) In the Pre-TANF, REF, and TANF programs:
 - (a) An individual is *exempt* from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is --
 - (A) Pregnant and in the ~~month before the month in which the due date last month~~ of the pregnancy ~~falls~~.
 - (B) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.
 - (~~BC~~) A *parent* (see OAR 461-001-0000) during the first six months after the birth of the parent's *dependent child* (see OAR 461-001-0000) except that the Department may require the *parent* to participate in parenting classes or a *family stability activity* (see OAR 461-001-0000). An exemption allowed under this paragraph may apply only to one *mandatory* participant in each filing group (see OAR 461-110-0310, 461-110-0330, and 461-110-0430).
 - (~~ED~~) Under 20 years of age during the first 16 weeks after giving birth except that the individual may be required to participate in suitable activities with a preference for educational activities, parenting classes, and *family stability activity*.
 - (~~DE~~) A *parent* providing care for a family member who is an individual with a *disability* (see OAR 461-001-0000) and is in the *household group* (see OAR 461-110-0210) with the *parent*. Medical documentation to support the need for the care is required.
 - (~~EF~~) An REF client 65 years of age or older.
 - (~~FG~~) A TANF client 60 years of age or older.

- (GH) A noncitizen who is not authorized to work in the United States.
- (HI) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.
- (IJ) A *caretaker relative* (see OAR 461-001-0000) who is non-needy.
- (JK) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the *dependent child* or *needy caretaker relative*.
- (KL) ~~A pregnant individual who participates and participating~~ more than 10 hours per week during the first two months before the month in which the pregnancy due date falls of the third trimester.
- (LM) A VISTA volunteer.

- (b) A *caretaker relative* of a *dependent child* or unborn who receives TANF program benefits is *mandatory* if the *caretaker relative* is in the same filing group with the *dependent child* or unborn (even if the *caretaker relative* is not in the TANF program *benefit group* under OAR 461-110-0750), unless the *caretaker relative* is otherwise *exempt* from participation under subsection (a) of this section.

(3) In the SNAP program:

- (a) An individual is *exempt* from employment program participation and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is --
 - (A) Working a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. This includes *migrant and seasonal farm workers* (see OAR 461-001-0015) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
 - (B) An individual with a physical or mental condition that prevents performance of any work.
 - (C) Responsible for the care of a *child* (see OAR 461-001-0000) in the household under 6 years of age or an individual in the household with a *disability* (see OAR 461-001-0015) that substantially reduces or eliminates the individual's ability to care for himself or herself.
 - (D) Providing care for at least 30 hours a week for an individual in another household with a *disability* that substantially reduces or eliminates the individual's ability to care for himself or herself.

- (E) Enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. An individual remains *exempt* during normal periods of class attendance, vacation, and recess but no longer qualifies for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion, or when the student drops out of school or does not enroll in classes for the next regular school term (excluding summer term).
- (F) Receiving REF or TANF program benefits under Title IV of the Social Security Act.
- (G) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, or is participating in at least one of the following Employment Department training programs:
 - (i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.
 - (ii) The Training Unemployment Insurance (TUI) program.
 - (iii) The Self-Employment Insurance (SEA) program.
 - (iv) The Apprenticeship Program (APT).
- (H) Participating in a drug or alcohol treatment and rehabilitation program.
- (I) Pregnant.
- (J) Chronically homeless. For purposes of this rule, an individual is chronically homeless if the individual is currently *homeless* (see OAR 461-001-0015) and one of the following applies:
 - (i) The individual has been *homeless* for more than six months.
 - (ii) The individual has been *homeless* more than one time in the last 12 months.
 - (iii) The individual states that the individual is unable to meet the basic necessities of everyday life.
- (~~JK~~) Lacking adequate dependent care.
- (~~KL~~) Without adequate transportation available.

(~~L~~M) Experiencing a barrier to employment, such as being homeless or having a short-term physical or mental limitation or a serious family problem.

- (b) A *mandatory client* is an individual in the *need group* (see OAR 461-110-0630); who is 16 or 17 years of age and a *primary person* (see OAR 461-001-0015), or 18 years of age and older and 59 years of age and younger; and who is not *exempt* under subsection (a) of this section.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009, 412.014, 412.049
Stats. Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009, 412.014, 412.049

Requirements for Mandatory Employment Program Clients; Pre-TANF, REF, SNAP, TANF

The following provisions apply to a *mandatory* (see OAR 461-130-0305) client:

(1) A *mandatory* client selected by the Department to participate in an employment program of the Pre-TANF, REF, SNAP, or TANF program must do all of the following:

(a) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.

~~(b) Maintain employment.~~

~~(A) In the Pre-TANF, REF, and TANF programs, in accordance with OAR 461-135-0070, a client fails to maintain employment when the client—~~

~~(i) Voluntarily quits work without *good cause* (see OAR 461-135-0327);~~

~~(ii) Is discharged for *misconduct* (see OAR 461-135-0070), felony or theft; or~~

~~(iii) Voluntarily reduces earnings or does not accept an increase in hours that would result in an increase of earnings without *good cause*.~~

~~(B) In the SNAP program:~~

~~(i) A client meeting the requirements of subparagraph (iii) of this paragraph fails to maintain employment when the criteria in at least one of the following sub-subparagraphs is met:~~

~~(I) Voluntarily leaving a job 30 days or less prior to the date of application for SNAP benefits or at any time thereafter;~~

~~(II) Being dismissed for striking while a federal, state, or county employee; or~~

~~(III) Reducing hours of work to less than 30 each week.~~

~~(ii) The following changes in employment status do not constitute a client's failure to maintain employment:~~

~~(I) An employer reduces a client's hours of work;~~

~~(II) An employer fires a client from a job;~~

- ~~(III) — A client terminates a self-employment enterprise; and~~
- ~~(IV) — A client resigns from a job at the demand of the employer.~~
- ~~(iii) — Subparagraph (i) of this paragraph applies only if the client meets at least one of the following requirements. The client —~~
 - ~~(I) — Is required to register for work;~~
 - ~~(II) — Is exempt from participating in the employment program due to employment under OAR 461-130-0310(3)(a)(A);~~
 - ~~(III) — Had a job that averaged not less than 30 hours each week or had provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours, and the client quit the job; or~~
 - ~~(IV) — Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).~~
- (eb) Schedule and keep required employment-related appointments and interviews.
- (ec) Notify the Department's case manager or the JOBS contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, or not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity.
- (ed) Provide the Department, in the manner the Department requires, with verifiable documentation of JOBS participation hours, including paid work, job search, and educational participation hours.
- ~~(f) — In the SNAP program, complete all work activities and components specified on the case plan (see OAR 461-001-0020).~~
- (ge) In the REF and TANF programs, complete all *activities* (see OAR 461-001-0025) specified on the *case plan* (see OAR 461-001-0025).
- (f) In the SNAP program:
 - (A) Complete all work activities and components specified on the case plan (see OAR 461-001-0020).
 - (B) Maintain employment.

- (i) A client meeting the requirements of subparagraph (iii) of this paragraph fails to maintain employment when the criteria in at least one of the following sub-subparagraphs is met:

 - (I) Voluntarily leaving a job 30 days or less prior to the date of application for SNAP benefits or at any time thereafter;
 - (II) Being dismissed for striking while a federal, state, or county employee; or
 - (III) Reducing hours of work to less than 30 each week.
- (ii) The following changes in employment status do not constitute failure to maintain employment:

 - (I) An employer reduces a client's hours of work;
 - (II) An employer fires a client from a job;
 - (III) A client terminates a self-employment enterprise; and
 - (IV) A client resigns from a job at the demand of the employer.
- (iii) Subparagraph (i) of this paragraph applies only if the client meets at least one of the following requirements. The client --

 - (I) Is required to register for work;
 - (II) Is exempt from participating in the employment program due to employment under OAR 461-130-0310(3)(a)(A);
 - (III) Had a job that averaged not less than 30 hours each week or had provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours, and the client quit the job; or
 - (IV) Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).

- (2) In the Pre-TANF, REF, and TANF programs a *mandatory* client who fails to meet a participation requirement without *good cause* (see OAR 461-130-0327) is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process under OAR 461-190-0231 has been completed.

Good Cause; ~~Employment Programs~~

In a Department ~~employment~~ program administered under ~~these rules~~ (OAR 461-130-0305 to 461-130-0335) and OAR 461-135-0085 and 461-135-0089:

- (1) The Department does not require a client to provide verification of good cause if providing the verification would expose the client to increased risk of *domestic violence* (see OAR 461-001-0000).
- (2) If in making a determination under this rule a client's physical or mental impairment is in question, the Department may require the client to provide documentation from a qualified and appropriate medical professional.
- (3) A client is excused for good cause from a failure to comply with a program requirement ~~of an employment program~~, including an *activity* in a *case plan* (both terms defined in OAR 461-001-0025) in the following circumstances:
 - (a) Participation in a required *activity* in a *case plan* would have an adverse effect on or risk to the client's physical or mental health or would expose the client to increased risk of *domestic violence* (see OAR 461-001-0000).
 - (b) Except in the SNAP program, participation is likely to cause undue hardship for the *dependent child* (see OAR 461-001-0000) or the client.
 - (c) Appropriate child care, or day care for an individual in the household who has a *disability* (see OAR 461-001-0000 and 461-001-0015 as applicable) that substantially reduces or eliminates the individual's ability to care for himself or herself, cannot be obtained. "Appropriate child care" means that—
 - (A) Both the provider and the place where care is provided meet health, safety, and provider requirements as required in OAR 461-165-0180;
 - (B) The care accommodates the parent's work schedule; and
 - (C) The care meets the specific needs of the *dependent child*, such as age and special-needs requirements.
 - (d) The work attachment position or employment offered is vacant due to a strike, lockout, or other labor dispute.
 - (e) The work attachment position or employment requires the client to join a union, and the client has religious objections to unions.
 - (f) The client belongs to a union and the employment violates the conditions of the client's membership in the union.

- (g) The wage for the client's current or potential job is:
 - (A) Less than applicable minimum wage; or
 - (B) If minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.
 - (h) The client's prospective employer engages in employment practices that are illegally discriminatory on the basis of age, sex, race, religious or political belief, marital status, disability, sexual orientation, or ethnic origin.
 - (i) The client's participation in a required *activity* in a *case plan* would prevent or interfere with the client's participation in an activity of the Grande Ronde Tribe's NEW program.
 - (j) The client's failure to participate is due to a circumstance beyond his or her reasonable control.
 - (k) When the failure to comply is caused by an aspect of the client's *disability*, including the Department's failure to provide a reasonable accommodation.
 - (l) The client quits a job to accept another job with a monthly income at least equal to the monthly income of the first job.
 - (m) The Department determines there are no appropriate activities or necessary *support services* (see OAR 461-001-0025) to support an *activity* (see OAR 461-001-0025) in order for the client to participate.
- (4) In the SNAP program, a client is excused from not accepting employment or for leaving a job under the following circumstances:
- (a) The hours or nature of the job interferes with the client's religious observances, convictions, or beliefs.
 - (b) The client accepts employment or enrolls at least half-time in any recognized school, training program, or institution of higher education that requires the client to quit a job.
 - (c) A client accepts employment or enrolls in school in another county, requiring the benefit group to move and the client to quit a job.
 - (d) A client less than 60 years of age resigns, and the employer recognizes the resignation as retirement.

- (e) The client leaves a job to follow a type of employment that moves from one area to another, such as migrant labor or construction.
- (f) The client accepts a job that, for reasons beyond the control of the client, does not materialize or results in fewer work hours or a lower wage than the client's previous job.
- (g) Work demands or conditions, such as not being paid for work or not being paid on schedule, make employment unreasonable.
- (h) The wage for the client's current or potential job is less than applicable minimum wage or, if minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.
- (i) The work schedule for the job in question does not conform to hours customary to the occupation or the hours worked each week are more than those customary to the occupation.
- (j) The client is not obligated to accept a job during the first 30 days of registration for employment if the job is not in the client's field of experience.
- (k) The client has no means of transportation and would have to walk an unreasonable distance to meet the participation requirement. An "unreasonable distance" is a distance that requires a commute of more than two hours each day. The client must make a good-faith effort to secure the needed transportation.
- (l) Lack of adequate child care for a child who is six years of age or older and less than 12 years of age.

Stat. Auth.: ORS 409.050, 411.060, 411.816, 412.006, 412.009, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.117, 411.816, 412.006, 412.009, 412.049

Specific Requirements; TANF

(1) To be eligible for TANF program benefits:

~~(a) a client~~ An individual must be one of the following:

- ~~(aA)~~ (A) A *dependent child* (see OAR 461-001-0000). However, a *dependent child* for whom foster care payments are made for more than 30 days is not eligible while the payments are being made for the *dependent child*.
- ~~(bB)~~ (B) A *caretaker relative* (see OAR 461-001-0000) of an eligible *dependent child*. However, a *caretaker relative* to whom foster care payments are made for more than 30 days is not eligible while the payments are being made to the *caretaker relative*.
- ~~(cC)~~ (C) A *caretaker relative* of a *dependent child*, when the *dependent child* is ineligible for TANF program benefits because of one of the following reasons:
 - ~~(Ai)~~ (A) The child is receiving SSI.
 - ~~(Bii)~~ (B) The child is in foster care, but is expected to return home within 30 days.
- ~~(dD)~~ (D) An essential person. An essential person is a member of the *household group* (see OAR 461-110-0210) who ---
 - ~~(Ai)~~ (A) Is not required to be in the filing group (see OAR 461-110-0330);
 - ~~(Bii)~~ (B) Provides a service necessary to the health or protection of a member of the *benefit group* (see OAR 461-110-0750) who has a mental or physical disability; and
 - ~~(Ciii)~~ (C) Is less expensive to include in the *benefit group* than the cost of purchasing this service from another source.
- ~~(eE)~~ (E) A *parent* (see OAR 461-001-0000) of an unborn, as follows:
 - ~~(Ai)~~ (A) For the TANF program, any *parent* whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.
 - ~~(Bii)~~ (B) For the TANF program, the *parent* of an unborn child, if there is another *dependent child* in the filing group (~~see OAR 461-110-0330~~).

- (b) Unless the individual is exempt from JOBS participation and JOBS disqualification under OAR 461-130-0310(2), an individual must demonstrate two-consecutive weeks of cooperation in appropriate activities (see OAR 461-001-0025) if:
 - (A) TANF program benefits had closed within the prior three consecutive calendar months from the *date of request* (see OAR 461-115-0030) for TANF with an active level 1 through level 4 TANF program disqualification (see OAR 461-130-0330 and 461-135-0085); or
 - (B) The *date of request* for TANF program benefits is within the prior three consecutive calendar months after the end of a two consecutive month period of TANF ineligibility according to OAR 461-130-0330(3)(d).
- (2) As used in this rule ~~and OAR 461-125-0170:~~
 - (a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --
 - (A) ~~Left-Quit work, including in anticipation of discharge;~~~~or~~
 - (B) Participated in behavior leading to the individual's discharge ~~or to the individual quitting work in anticipation of discharge;~~ or
 - (C) Voluntarily reduced work hours.
 - (b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --
 - (A) ~~Left-Quit work, including in anticipation of discharge;~~
 - (B) Participated in behavior leading to the individual's discharge; or
 - (C) ~~Quit work in anticipation of a discharge~~ Voluntarily reduced work hours.
 - (c) There is no "good cause" if the reason for separation from employment is a labor dispute.
- (3) Except as provided under section (4) of this rule, a *need group* (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a *caretaker relative* was separated from or voluntarily reduced work hours at his or her last employment in which the *caretaker relative* in the *need group* was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar

month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).

- (4) A *need group* (see OAR 461-110-0630) may not be reduced or denied TANF program benefits based on section (3) of this rule, ~~or based on not meeting OAR 461-125-0170(1),~~ if the *caretaker relative* is one of the following:
- (a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a *paid work experience* (see OAR 461-190-0199).
 - (b) A *teen parent* (see OAR 461-001-0000) returning to high school or equivalent.
 - (c) An individual fleeing from or at risk of *domestic violence* (see OAR 461-001-0000).
 - (d) An individual ~~in the ninth month of pregnancy who is pregnant and in the last month of the pregnancy falls or experiencing a medical complication due to the pregnancy which is documented by a qualified and appropriate professional.~~
 - (e) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.
 - (ef) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the *date of request* (see OAR 461-115-0030) for TANF program benefits.
 - (fg) An individual who was separated from employment for a reason the Department determines is *good cause* as defined in subsection (2) of this rule.
 - (gh) An individual who was separated from employment as a result of a layoff.
- (5) A family is ineligible for TANF program benefits if the family meets the requirements of all of the following subsections:
- (a) The family lives in Klamath County.
 - (b) The family meets any of the following conditions:
 - (A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;
 - (B) The family has two *custodial parents* (see OAR 461-001-0000) who are members of the Klamath Tribes, or only one of the two *custodial parents*

- is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or
- (C) The family has a *caretaker relative* who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.
- (c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.
- (6) A family is ineligible for TANF program benefits if all of the following subsections apply to the family:
- (a) A *parent, caretaker relative*, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.
- (b) The family includes members who are living in the same household and at least one of the following paragraphs applies:
- (A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.
- (B) A single-parent family with one enrolled Siletz tribal member.
- (C) A non-needy *caretaker relative* or essential person with one enrolled Siletz tribal member who is a minor.
- (D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.
- (c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.
- (7) If a *parent or caretaker relative* covered by section (5) or (6) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF program benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124, Or Laws 2015, ch 765, § 22
Stats. Implemented: ORS 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124, 2011 Or. Laws 604, 2012 Or. Laws 107, Or Laws 2015, ch 765, § 22

THIS IS A NEW RULE

- (1) Except as provided in OAR 461-135-0073 and 461-135-0075, a *minor parent* (see OAR 461-001-0000) head of household or needy *caretaker relative* (see OAR 461-001-0000) may not receive a TANF grant in Oregon if the *minor parent* head of household or needy *caretaker relative* has received a TANF grant in any state or states in excess of 60 months.
- (2) Each *minor parent* head of household and needy *caretaker relative* who qualifies for a TANF grant under OAR 461-135-0073 and 461-135-0075 must also meet all other TANF *eligibility* (see OAR 461-001-0000) requirements and cooperate with the requirements of his or her *case plan* (see OAR 461-001-0025), unless *good cause* (see OAR 461-130-0327) exists.
- (3) A *minor parent* head of household or a needy *caretaker relative* in the *benefit group* (see OAR 461-110-0750) who exceeds the 60-month time limit is removed from the *benefit group*. When a *minor parent* head of household or needy *caretaker relative* is removed from the *benefit group* under this section, the remaining *need group* (see OAR 461-110-0630) members may continue to receive TANF benefits.
- (4) If a *minor parent* head of household or needy *caretaker relative* is removed from the *benefit group* under section (3) of this rule, any disqualifications or sanctions that are accrued or have been accrued remain in place.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.079, Or Laws 2015, ch 765, § 19

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049, 412.064, 412.079, Or Laws 2015, ch 765, § 19

THIS IS A NEW RULE

- (1) Effective April 1, 2016, a *minor parent* (see OAR 461-001-0000) head of household or *needy caretaker relative* (see OAR 461-001-0000) who has reached the 60-month time limit in OAR 461-135-0071 may receive an extension of benefits if the individual is unable to obtain or maintain employment that provides earnings in excess of income limits established by the Department because the *minor parent* head of household or *needy caretaker relative*:
- (a) Is a victim of *domestic violence* (see OAR 461-001-0000);
 - (b) Has a learning disability;
 - (c) Has a mental health condition or an alcohol or drug abuse problem;
 - (d) Has a *disability* (see OAR 461-001-0000);
 - (e) Has a *child* (see OAR 461-001-0000) with a *disability*;
 - (f) Is deprived of needed medical care;
 - (g) Is subjected to battery or extreme cruelty. For purposes of this rule, an individual is subjected to battery or extreme cruelty if the individual has been subjected to one or more of the following:
 - (A) Physical acts that resulted in, or threatened to result in, physical injury to the individual.
 - (B) Sexual abuse.
 - (C) Sexual activity involving a *dependent child* (see OAR 461-001-0000).
 - (D) Being forced as the *caretaker relative* of a *dependent child* to engage in nonconsensual sexual acts or activities.
 - (E) Threats of, or attempts at, physical or sexual abuse.
 - (F) Mental abuse.
 - (G) Neglect or deprivation of medical care.

(2) When a *minor parent* head of household or needy *caretaker relative* receiving TANF reaches 60 months of receipt of TANF benefits, benefits may be temporarily continued past 60 months if the individual is otherwise eligible and:

(a) Is completing a previously approved JOBS Plus agreement; or

(b) Is experiencing a situation that is expected to last less than 12 months and the Department has determined it is not reasonable for the individual to obtain or maintain employment while the situation is continuing.

(3) Extensions granted based on a condition described in subsections (1)(b) to (1)(e) of this rule require documentation from a licensed or certified professional qualified to make such a determination (see OAR 461-125-0830).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.079, Or Laws 2015, ch 765, § 19

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 412.001, 412.006, 412.049, 412.064, 412.079, 412.084, Or Laws 2015, ch 765, § 19

Limitation on Eligibility Period; TANF Time Limit; Exemptions

- ~~(1) — A minor parent head of household or an adult may not receive a TANF grant in Oregon if the minor parent head of household or adult has received a TANF grant in any state or states in excess of 60 months except as allowed in this rule.~~
- (21) The following months do not count toward the accrual of the time limit in ~~section (1) of this rule~~ OAR 461-135-0071:
- (a) Months prior to July 1, 2003 in which a *minor parent* (see OAR 461-001-0000) head of household or an adult received a TANF grant in Oregon or another state.
 - (b) Months between July 1, 2003 and September 30, 2007 in which a *minor parent* head of household or adult received TANF in Oregon; and
 - (A) Participated in required JOBS activities or other education, employment, or job training program including *teen parent* (see OAR 461-001-0000) programs; or
 - (B) Was not required to participate in JOBS activities or other education, employment, or job training program including *teen parent* programs.
 - ~~(c) — Months beginning July 1, 2003 in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed.~~
 - ~~(d) — Months beginning October 1, 2007 in which the minor parent head of household or adult is a participant in the JOBS Plus, Pre-TANF, Post-TANF, or SFPSS programs.~~
 - ~~(e) — Months beginning October 1, 2011 in which the minor parent head of household or adult is a participant in the JPI program.~~
 - (fc) Months between October 1, 2007 and June 30, 2009 and months between October 1, 2011 and April 30, 2012 in which the filing group (see OAR 461-110-0330) is a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment.
 - ~~(g) — Months beginning October 1, 2007 in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.~~
 - (hd) Months beginning October 1, 2007 in which a *minor parent* head of household or adult received aid in Oregon and is a participant in the *Degree Completion Initiative (DCI) activity* (see OAR 461-001-0025) enrolled in an educational institution.

- (ie) Months beginning October 1, 2008 in which a *minor parent* head of household or adult received aid in Oregon and is a participant in the *Parents as Scholars (PAS) activity* (see OAR 461-001-0025) enrolled in an *educational institution* consistent with OAR 461-190-0199.
- (jf) Months ~~beginning between~~ October 1, 2007 and March 31, 2016 in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the *federally required participation rates* (see OAR 461-001-0025) because the individual:
 - (A) ~~Is-Was~~ a victim of *domestic violence* (see OAR 461-001-0000);
 - (B) ~~Has-Had~~ a certified learning disability;
 - (C) ~~Has-Had~~ a verified alcohol and drug or mental health condition;
 - (D) ~~Has-Had~~ a *child* (see OAR 461-001-0000) with a *disability* (see OAR 461-001-0000), which prevents~~ed~~ the *parent* (see OAR 461-001-0000) from obtaining or keeping employment;
 - (E) ~~Is-Was~~ an individual with a *disability*;
 - (F) ~~Is-Was~~ providing care for a family member who lives~~d~~ in the home and ~~i~~was an individual with a *disability*;
 - (G) ~~Is-Was~~ deprived of needed medical care; or
 - (H) ~~Is-Was~~ subjected to battery or extreme cruelty. For purposes of this rule, an individual ~~i~~was subjected to battery or extreme cruelty if the individual ~~has been-was~~ subjected to one or more of the following:
 - (i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.
 - (ii) Sexual abuse.
 - (iii) Sexual activity involving a *dependent child*.
 - (iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
 - (v) Threats of, or attempts at, physical or sexual abuse.
 - (vi) Mental abuse.
 - (vii) Neglect or deprivation of medical care.

- (g) Months beginning July 1, 2003 in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed.
- (h) Months beginning October 1, 2007 in which the *minor parent* head of household or adult is a participant in the JOBS Plus, Pre-TANF, Post-TANF, or SFPSS program.
- (i) Months beginning October 1, 2007 in which the individual who is now a *parent* or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.
- (j) Months beginning October 1, 2011 in which the *minor parent* head of household or adult is a participant in the JPI program.
- (k) Months in which the *minor parent* head of household or adult is a recipient of *Employment Payments* (see OAR 461-001-0025 and 461-135-1270) unless a TANF payment was issued in the same month.
- ~~(k)~~ Months between July 1, 2008 and April 30, 2012 in which the individual did not qualify for any other TANF time-limit exemption under this rule, and was unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the *federally required participation rates* (see OAR 461-001-0025) when Oregon's statewide average unemployment rate as published by the Oregon Employment Department was equal to or greater than seven percent. For purposes of this rule, this determination --

 - (A) Through December 31, 2011 is calculated based on a six-month period as follows:

 - (i) The time period during July 1, 2008 through June 30, 2009 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period July 1, 2008 through December 31, 2008.
 - (ii) In each six-month period, starting July 1, 2009 and ending December 31, 2011:

 - (I) The time period during January 1 through June 30 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30 of the preceding year.
 - (II) The time period during July 1 through December 31 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the

period October 1 through December 31 of the preceding year and January 1 through March 31 of the current year.

(B) From January 1, 2012 through April 30, 2012 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30, 2011.

(32) Months that ~~do did~~ not count toward the time limit based on a condition described in paragraphs (21)(j)(B) to (21)(j)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

~~(4) — A minor parent head of household or an adult may not be denied a TANF grant under section (1) of this rule during months that qualify as exempt from time limits under sections (2), and (3) of this rule.~~

~~(5) — Each minor parent head of household and adult who qualifies for a TANF grant under this rule must also meet all other TANF eligibility requirements and cooperate with the requirements of his or her case plan, unless *good cause* (see OAR 461-130-0327) exists.~~

~~(6) — Except as provided otherwise in section (4) of this rule, a minor parent head of household or an adult in the *benefit group* who exceeds the 60-month time limit is removed from the *need group* (see OAR 461-110-0630). When a minor head of household or adult is removed from the *need group* under this section, the remaining *need group* members may continue to receive TANF benefits.~~

~~(7) — If a minor parent head of household or adult qualifies under sections (2), (3), or (4) of this rule, any disqualifications that have been accrued for the *benefit group* remain in place.~~

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.079, Or Laws 2015, ch 765, § 19

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 412.049, 412.079, Or Laws 2015, ch 765, § 19

461-135-0087

~~Eff. 12-1-99~~

Good Cause for Failure to Comply with Substance Abuse or Mental Health Requirements

THIS RULE IS REPEALED

~~For the TANF and REF programs, a client has *good cause* for missing a scheduled appointment or for any other failure to comply with the requirements imposed under OAR 461-135-0085 if the failure to comply was caused in significant part by circumstances beyond the client's reasonable control.~~

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Specific Requirements; Pre-TANF Program

- (1) This rule explains specific requirements for the Pre-TANF program. The *eligibility* (see OAR 461-001-0000) criteria of the Pre-TANF program are the same as the TANF program. It is not the intent of the Pre-TANF program to delay the start of TANF program benefits. The purposes of the Pre-TANF program are:
 - (a) To help individuals find employment or other alternatives;
 - (b) To assess the employment potential of individuals;
 - (c) To help individuals determine the service level needed to enhance their employability and their likelihood of becoming self sufficient;
 - (d) To determine if a needy *caretaker relative* (see OAR 461-001-0000) has or may have a *barrier* (see OAR 461-001-0025) to employment or to *family stability* (see OAR 461-001-0000).
 - (e) To develop an individualized *case plan* (see OAR 461-001-0025), when appropriate, that establishes goals and identifies suitable activities (see OAR 461-001-0025) that promote *family stability* and financial independence.
 - (f) To provide basic living expenses, as described in section (5) of this rule, immediately to families in need.
- (2) Applicants for the TANF program whose unverified application indicates the client meets the TANF *eligibility* requirements participate in the Pre-TANF program. Their applications for the TANF program are also considered applications for the Pre-TANF program. The Pre-TANF program is open for not longer than 45 days following the *date of request* (see OAR 461-115-0030).
- (3) Individuals in the Pre-TANF program are subject to the requirements of the JOBS program, described in divisions 130 and 190 of this chapter of rules, and they are subject to the requirements of OAR 461-135-0085 pertaining to substance abuse and mental health.
- (4) During the Pre-TANF program, each *caretaker relative* in the *need group* (see OAR 461-110-0630) must complete an *employability screening* (see OAR 461-135-0485). At least one *caretaker relative* in the *need group* must participate in an *overview of the JOBS program* (see OAR 461-135-0485). If the *employability screening* indicates there is or may be a barrier, the individual must be offered additional screenings, at no cost to the individual, by a person with relevant expertise or specialized training. When appropriate, per OAR 461-190-0211, the individual and the Department prepare a *case plan* that lists the activities of the client and *support services* (see OAR 461-001-0025) payments if available.

- (5) The Department may provide the client with basic living expenses necessary to stabilize the household so the client can accomplish the activities in the *case plan*. Basic living expenses covered by this section are limited to the current need of the client for personal incidentals that the client cannot meet with other, immediately available resources. Payments under this section are limited to 100 percent of the payment standard in OAR 461-155-0030(4) for the *benefit group* (see OAR 461-~~155-0030(2)(b)~~110-0750). Payment for "past expenses" is made only when the need of the client cannot be adequately met by a less expensive alternative.
- (6) During the Pre-TANF program, an individual may receive *support services* payments listed in the *case plan* pursuant to OAR 461-190-0211.
- (7) The Pre-TANF program is closed, at any point during the 45 days following the *date of request* (~~see OAR 461-115-0030~~) for TANF program benefits, in any of the following circumstances:
 - (a) The client is unlikely to become employed due to the employability of the client, the circumstances affecting the family, or other causes.
 - (b) The client fails without *good cause* (see OAR 461-130-0327) to comply with a requirement of an employment program or the *case plan*.
 - (c) In any circumstance that would make a client ineligible for TANF.
 - (d) Upon starting a JOBS Plus assignment.
 - (e) Upon employment and enrollment in *Employment Payments* (see OAR 461-001-0025) under OAR 461-135-1270 or the Post-TANF program.
- (8) If Pre-TANF benefits are closed pursuant to subsection (7)(a) or (b) of this rule, TANF benefits may be opened if all TANF *eligibility* requirements are met.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, ~~2011 Oregon~~
~~Laws 604~~

461-135-0485

~~Eff. 1-1-12~~

Eff. 4-1-16

Requirement to Complete an Employability Screening and Overview of the Job Opportunity and Basic Skills (JOBS) Program; Pre-TANF and TANF

- (1) As used in this rule:
 - (a) "Employability screening" means the DHS 7823A - Employability Screening Tool.
 - (b) "Overview of the JOBS program" means a discussion with the *caretaker relative* (see OAR 461-001-0000) in the *need group* (see OAR 461-110-0630) about the requirements and services provided under the JOBS program.
- (2) To be eligible for Pre-TANF and TANF benefits, the following must be completed prior to the end of the application processing time frames in OAR 461-115-0190:
 - (a) Each *caretaker relative* in the *need group* must complete an *employability screening* (see section (1) of this rule); and
 - (b) At least one *caretaker relative* in the *need group* must participate in an *overview of the JOBS program* (see section (1) of this rule).
- (3) The *employability screening* and *overview of the JOBS program* must be offered during the initial eligibility intake for Pre-TANF and TANF program benefits.

Stat Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.124, ~~2011 Oregon Laws 604,~~
Or Laws 2015, ch 765, § 22

Stats Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 412.124, ~~2011 Oregon Laws 604,~~
Or Laws 2015, ch 765, § 22

Specific Requirements: Post-TANF

- (1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS *federally required participation rates* (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.
- (2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS *federally required participation rates* in combined unsubsidized paid work and JOBS activities.
- (3) To enroll in the Post-TANF program, a client must:
 - (a) Have obtained unsubsidized paid employment;
 - (b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and
 - (c) Be a Work Eligible Individual as defined by federal regulations.
- (4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:
 - (a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:
 - (A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);
 - (B) OAR 461-120-0330 (pursuing assets);
 - ~~(C) OAR 461-125-0010 (deprivation);~~
 - ~~(DC)~~ OAR 461-155-0030 (income limits); and
 - ~~(ED)~~ OAR 461-160-0015 (resource limits).
 - (b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.
 - (c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.
 - (d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of

the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.

- (e) Report all changes in residency and *household group* (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.
 - (f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.
- (5) A client failing to comply with subsection (4)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.
 - (6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.
 - (7) Each *parent* (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.
 - (8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.
 - (9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.
 - (10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:
 - (a) Loss of employment;
 - (b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or
 - (c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS *federally required participation rates*.
 - (11) Notwithstanding any other administrative rule in Chapter 461, effective April 30, 2012 the Post-TANF program funding ends. Continuation of Post-TANF benefits is not authorized after April 30, 2012, regardless of whether a hearing request on Post-TANF is submitted or pending.

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, 2009 Or. Laws ch. 827

Specific Requirements; Employment PaymentsTHIS IS A NEW RULE

- (1) Effective April 1, 2016, a *benefit group* (see OAR 461-110-0630) that includes an individual who meets the requirements in section (2) of this rule is eligible to receive \$225 in *Employment Payments* (see OAR 461-001-0025) paid over three months as provided in section (3) of this rule.
- (2) To be eligible for three months of *Employment Payments*, an individual in the *benefit group* (see OAR 461-110-0750) or an individual not in the *benefit group* due to the time limit in OAR 461-135-0071 must meet all of the following requirements:
 - (a) Have obtained unsubsidized paid employment and reported it timely.
 - (b) Have been a JOBS *mandatory* (see OAR 461-130-0310) individual who closed TANF for one of the following reasons:
 - (A) Became ineligible for the Pre-TANF, SFPSS or TANF programs due to income above the applicable income standard in OAR 461-155-0030.
 - (B) Voluntarily closed TANF to avoid accruing time toward the time limit in OAR 461-135-0071.
 - (C) Voluntarily closed TANF to be eligible for TBA (see OAR 461-135-0506).
 - (c) Meet the TANF residency requirements in OAR 461-120-0010.
 - (d) Remain at or below 350 percent FPL in OAR 461-155-0180.
- (3) *Employment Payments* begin the month following the month in which Pre-TANF, SFPSS, or TANF benefits close. Payments are limited to one payment per month per *benefit group*. Payments may not be prorated and are paid in the following amounts and order:
 - (a) \$100 the first month after benefits close.
 - (b) \$75 the second month after benefits close.
 - (c) \$50 the third month after benefits close.
- (4) An individual receiving *Employment Payments* is not eligible for JOBS Plus or JPI (see OAR 461-135-1260).

(5) Employment Payments end when an individual is approved for REF, Pre-TANF, SFPSS, or TANF program benefits or when the loss of unsubsidized paid employment is reported and verified.

Stat. Auth.: ORS 411.060, 411.070, 412.014, 412.049, 411.816, 412.006, 412.009, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.141, 411.404, 412.006, 412.009, 412.014, 412.049

- (1) EA and TA-DVS payments are treated as follows:
 - (a) In the ERDC and SNAP programs, a payment made directly to the client is counted as unearned income. Dual payee and provider-direct payments are excluded.
 - (b) In all programs except the ERDC and SNAP programs, these payments are excluded.
- (2) Employment Payments (see OAR 461-001-0025 and 461-135-1270) are treated as follows:
 - (a) In the REF, REFM, SNAP, and TANF programs, these payments are counted as unearned income in the month received.
 - (b) In all programs not covered in subsection (a) of this section, these payments are excluded.
- (23) Payments from ERDC and TANF child care are excluded unless the client is the provider.
- (34) Payments from the GAM, OCCS medical programs, OSIPM, QMB, and REFM programs are excluded.
- (45) Payments from JPI (see OAR 461-135-1260) are issued as a food benefit and are excluded.
- (56) SNAP payments are treated as follows:
 - (a) The value of an SNAP benefit is excluded in all programs except the EA program. In the EA program, the value is counted as a resource when determining the emergency food needs of the filing group (see OAR 461-110-0310 and 461-110-0370).
 - (b) OFFSET service payments are excluded.
- (67) Benefits from the GA, OSIP (except OSIP-IC), Post-TANF, REF, SFPSS, TANF, and tribal-TANF programs are treated as follows:
 - (a) In the EA program, these payments are counted as unearned income, except that these payments are excluded for a *benefit group* (see OAR 461-110-0750) whose emergent need is the result of *domestic violence* (see OAR 461-001-0000).
 - (b) In the ERDC program:
 - (A) Post-TANF payments are excluded.

- (B) All other payments are counted as unearned income.
- (c) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, these payments are excluded.
- (d) In the SNAP program:
 - (A) These payments are treated as unearned income.
 - (B) An amount received as a late processing payment is treated as *lump-sum income* (see OAR 461-001-0000 and 461-140-0120).
 - (C) Payments made to correct an underpayment are treated as *lump-sum income*.
 - (D) Ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances, and telephone allowances are treated as unearned income. All other special needs payments are excluded as reimbursements.
- (e) In all programs except the EA, ERDC, QMB-BAS, QMB-SMB, QMB-SMF, and SNAP programs:
 - (A) These payments are excluded in the month received, and any portion remaining following the month of receipt is counted as a resource.
 - (B) Payments made to correct an underpayment are excluded.
- (f) In all programs:
 - (A) JOBS, REF, and TANF JOBS Plus support service payments are excluded.
 - (B) For the treatment of JOBS Plus income, see OAR 461-145-0130.
 - (C) REF and TANF client incentive payments are treated as follows:
 - (i) Except in the TANF program, the cooperation incentive payment (see OAR 461-135-0210) is counted as unearned income.
 - (ii) Progress and outcome incentive payments other than in-kind payments are counted as *lump-sum income* (see OAR 461-140-0120). All other incentives are excluded.

(78) Payments from OSIP-IC are treated as follows:

- (a) In the SNAP program, these payments are counted as unearned income and assets held in a *contingency fund* (see OAR 411-030-0020) are counted as a resource.
- (b) In all other programs, these payments and funds held in a *contingency fund* are excluded.

| (89) Pre-TANF program payments are treated as follows:

- (a) In the SNAP program, a payment for basic living expenses, made directly to the client, is counted as unearned income. All other payments are excluded.
- (b) In all programs except the SNAP program, these payments are excluded.

Stat. Auth.: ORS 411.060, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.404, 411.700, 411.816, 412.014, 412.049

Prorated Standards; Adjusted Number in Household

- (1) Prorated standards are used only in the no-adult tables and the non-SSI OSIP and OSIPM table.
- (2) In the OSIP and OSIPM programs:
 - (a) Prorated standards only apply when an individual or a couple receives free food and shelter from others living in the household, and the individual or couple does not have an ownership interest or rental liability in the residence.
 - (b) Prorated standards are not applied to cases in which an individual receives services described in OAR chapter 411, division 015.
 - (c) Shelter-in-kind (see OAR 461-145-0470) may apply when prorated standards are not used.
- (3) In the TANF program, the no-adult tables are used when there are no adults in the TANF *need-benefit* group (see OAR 461-110-063750).
- (4) In all programs except the TANF program, Prorated standards are based on the number of people in the *need group*, compared to the adjusted number in the *household group* (see OAR 461-110-0210). The adjusted number in the household is determined by taking the total number of individuals in the household, minus the following individuals unless they are included in the *need group*:
 - (a) Unborns.
 - (b) Individuals receiving *long-term care* (see OAR 461-001-0000) or *home and community-based care* (see OAR 461-001-0030).
 - (c) Foster children.
 - (d) Children receiving adoption assistance.
 - (e) Live-in attendants who live with the *filing group* (see OAR 461-110-0310) solely to provide necessary medical or housekeeping services and are paid to provide these services.
 - (f) Landlords and tenants. A landlord-tenant relationship exists if one person pays another at *fair market value* (see OAR 461-001-0000) for housing and if--
 - (A) The *filing group* lives independently from the landlord or tenant;

- (B) The *filing group* has and uses sleeping, bathroom, and kitchen facilities that are separate from the landlord or tenant; and
 - (C) If bathroom or kitchen facilities are shared, the housing must be a commercial establishment that provides either room, board, or both for *fair market value* compensation.
- (g) In the OSIP and OSIPM programs only:
- (A) The biological and adoptive children of either *spouse* (see OAR 461-001-0000).
 - (B) Recipients of GA, OCCS Medical Programs (see OAR 461-001-0000), OSIP, OSIPM, QMB, or TANF.
- (5) In the TANF program, prorated standards are based on the number of people in the *benefit group* (see OAR 461-110-0750), compared to the adjusted number in the *household group* (see OAR 461-110-0210). The adjusted number in the household is determined by taking the total number of individuals in the household, minus the following individuals unless they are included in the *benefit group*:
- (a) Unborns.
 - (b) Individuals receiving *long-term care* (see OAR 461-001-0000) or *home and community-based care* (see OAR 461-001-0030).
 - (c) Foster children.
 - (d) Children receiving adoption assistance.
 - (e) Live-in attendants who live with the *filing group* (see OAR 461-110-0310) solely to provide necessary medical or housekeeping services and are paid to provide these services.
 - (f) Landlords and tenants. A landlord-tenant relationship exists if one person pays another at *fair market value* (see OAR 461-001-0000) for housing and if--
 - (A) The *filing group* lives independently from the landlord or tenant;
 - (B) The *filing group* has and uses sleeping, bathroom, and kitchen facilities that are separate from the landlord or tenant; and
 - (C) If bathroom or kitchen facilities are shared, the housing must be a commercial establishment that provides either room, board, or both for *fair market value* compensation.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.402, 411.404, 411.706, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.402, 411.404, 411.706, 412.049, 413.085, 414.685

In the ~~JOBS~~, REF, and TANF programs, the ~~income standards are as follows: in this rule are applied to determine eligibility (see OAR 461-001-0000) and benefit amount as provided in OAR 461-160-0100.~~

(1) The Countable Income Limit Standards ~~is the amount set as the maximum countable income limit in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the Countable Income Limit Standards - Exit Limit Increase (ELI) in section (2) of this rule.~~

(a) For each *need group* (see OAR 461-110-0630) ~~in the REF and TANF programs~~ containing an adult, the following table is used:

| Countable Income Limit Need Group | |
|--|---------------|
| <u>No. in Need Group</u> | <u>Amount</u> |
| 1 | \$ 345 |
| 2 | 499 |
| 3 | 616 |
| 4 | 795 |
| 5 | 932 |
| 6 | 1,060 |
| 7 | 1,206 |
| 8 | 1,346 |
| 9 | 1,450 |
| 10 | 1,622 |
| Each additional individual | 172 |

(b) For each *need group* containing no adult, the following table is used:

| <u>No. in Household</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10+</u> | <u>No. in Benefit Group</u> |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------------|
| | <u>\$249</u> | | | | | | | | | <u>1</u> |
| | | <u>\$205</u> | | | | | | | | <u>2</u> |
| | | <u>410</u> | <u>\$198</u> | | | | | | | <u>3</u> |
| | | | <u>396</u> | <u>\$186</u> | | | | | | <u>4</u> |
| | | | <u>594</u> | <u>372</u> | <u>\$176</u> | | | | | <u>5</u> |
| | | | | <u>744</u> | <u>352</u> | <u>\$172</u> | | | | <u>6</u> |
| | | | | | <u>528</u> | <u>344</u> | <u>\$168</u> | | | <u>7</u> |
| | | | | | <u>880</u> | <u>336</u> | <u>336</u> | <u>\$161</u> | | <u>8</u> |
| | | | | | | <u>840</u> | <u>504</u> | <u>483</u> | <u>\$162</u> | <u>9</u> |
| | | | | | | <u>1,032</u> | <u>672</u> | <u>644</u> | | <u>10</u> |
| | | | | | | | <u>805</u> | <u>810</u> | | <u>11</u> |
| | | | | | | <u>1,008</u> | <u>966</u> | <u>972</u> | | <u>12</u> |
| | | | | | | | <u>1,176</u> | <u>1,127</u> | <u>1,134</u> | <u>13</u> |
| | | | | | | | | <u>1,288</u> | <u>1,296</u> | <u>14</u> |
| | | | | | | | | | <u>1,458</u> | <u>15</u> |

~~(bc)~~ In the TANF program, a *caretaker relative* (see OAR 461-001-0000) other than a *parent* (see OAR 461-001-0000) who chooses not to be included in the *need group* is subject to the "~~no adult non-needy caretaker relative~~ countable income limit standard" for the *need group* under subsection (c) of this section. The "~~non-needy countable income limit standard~~" for the filing group (see OAR 461-110-0330) which is set at 185 percent of the federal poverty level (see OAR 461-155-0180).

~~(c)~~ In the TANF program, when the *need group* contains no adults, the "~~no adult countable income limit standard~~" is calculated as follows:

~~(A)~~ Refer to the Countable Income Limit Standard for need groups with adults. Use the standard for the number of individuals in the *household group* (see OAR 461-110-0210).

~~(B)~~ Divide the standard in paragraph (A) of this subsection by the number of individuals in the *household group*. Round this figure down to the next lower whole number if the figure is not a whole number.

~~(C)~~ Multiply the figure from paragraph (B) of this subsection by the number of individuals in the *need group*. The result is the standard.

~~(d)~~ In the JOBS program, for the filing group of a non-custodial *parent* who resides in Oregon and whose *dependent child* (see OAR 461-001-0000) is receiving TANF program benefits in Oregon to participate in an *activity* (see OAR 461-001-0025) of the JOBS program, the *countable* (see OAR 461-001-0000) income limit is set at 185 percent of the federal poverty level (see OAR 461-155-0180).

~~(2)~~ The Countable Income Limit Standards - Exit Limit Increase (ELI) in this section apply to an open REF or TANF *benefit group* with income (must include earned income) above the standards in section (1) of this rule or upon restoring benefits to a REF or TANF *benefit group* after closure due to earned income over the standards in section (1) or (2) of this rule within the previous 30 days.

~~(a)~~ For each *need group* containing an adult, the following table is used:

| <u>No. in Need Group</u> | <u>Amount</u> |
|-----------------------------------|---------------|
| <u>1</u> | <u>\$678</u> |
| <u>2</u> | <u>864</u> |
| <u>3</u> | <u>1,012</u> |
| <u>4</u> | <u>1,242</u> |
| <u>5</u> | <u>1,442</u> |
| <u>6</u> | <u>1,666</u> |
| <u>7</u> | <u>1,846</u> |
| <u>8</u> | <u>2,060</u> |
| <u>9</u> | <u>2,186</u> |
| <u>10</u> | <u>2,408</u> |
| <u>Each additional individual</u> | <u>+220</u> |

(b) For each need group containing no adult, the following table is used:

| <u>No. in Household</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10+</u> | <u>No. in Benefit Group</u> |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------------------|
| | <u>\$456</u> | <u>\$360</u> | <u>\$334</u> | <u>\$312</u> | <u>\$300</u> | <u>\$286</u> | <u>\$280</u> | <u>\$266</u> | <u>\$264</u> | <u>1</u> |
| | | <u>696</u> | <u>644</u> | <u>600</u> | <u>576</u> | <u>548</u> | <u>536</u> | <u>508</u> | <u>504</u> | <u>2</u> |
| | | | <u>954</u> | <u>888</u> | <u>852</u> | <u>810</u> | <u>792</u> | <u>750</u> | <u>744</u> | <u>3</u> |
| | | | | <u>1,176</u> | <u>1,128</u> | <u>1,072</u> | <u>1,048</u> | <u>992</u> | <u>984</u> | <u>4</u> |
| | | | | | <u>1,404</u> | <u>1,334</u> | <u>1,304</u> | <u>1,234</u> | <u>1,224</u> | <u>5</u> |
| | | | | | | <u>1,596</u> | <u>1,560</u> | <u>1,476</u> | <u>1,464</u> | <u>6</u> |
| | | | | | | | <u>1,816</u> | <u>1,718</u> | <u>1,704</u> | <u>7</u> |
| | | | | | | | | <u>1,960</u> | <u>1,944</u> | <u>8</u> |
| | | | | | | | | | <u>2,184</u> | <u>9</u> |

(23) The Adjusted Income/Payment Limit Standard is used as the adjusted income limit and to calculate cash benefits for need groups with an adult in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the Countable Income Limit Standard - Exit Limit Increase (ELI) in section (2) of this rule.

(a) For each need groups containing an adult in the REF and TANF programs, except as provided otherwise in subsection (b) of this section, the following table is used:

Adjusted Income/Payment Standard
Need Group

| <u>No. in Need Group</u> | <u>Amount</u> |
|--------------------------|---------------|
| <u>1</u> | <u>\$ 326</u> |
| <u>2</u> | <u>416</u> |
| <u>3</u> | <u>485</u> |
| <u>4</u> | <u>595</u> |
| <u>5</u> | <u>695</u> |
| <u>6</u> | <u>796</u> |
| <u>7</u> | <u>886</u> |
| <u>8</u> | <u>976</u> |

| | | |
|----------------------------|----|-------|
| | 9 | 1,039 |
| | 10 | 1,150 |
| Each additional individual | | 110 |

(b) For each need group containing no adult, the following table is used:

| <u>No. in Household</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10+</u> | <u>No. in Benefit Group</u> |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|----------|------------|-----------------------------|
| | \$220 | \$173 | \$160 | \$151 | \$144 | \$138 | \$134 | \$127 | \$127 | 1 |
| | | 334 | 308 | 290 | 276 | 264 | 256 | 242 | 242 | 2 |
| | | | 456 | 429 | 408 | 390 | 378 | 357 | 357 | 3 |
| | | | | 568 | 540 | 516 | 500 | 472 | 472 | 4 |
| | | | | | 672 | 642 | 622 | 587 | 587 | 5 |
| | | | | | | 768 | 744 | 702 | 702 | 6 |
| | | | | | | | 866 | 817 | 817 | 7 |
| | | | | | | | | 932 | 932 | 8 |
| | | | | | | | | | 1,047 | 9 |

(b4) To calculate cash benefits for a need group with an adult in the REF and TANF programs, the following table is used: The Payment Standards in this section are used to calculate benefit amounts for individuals receiving REF or TANF benefits.

(a) For each benefit group containing an adult, the following table is used:

| <u>No. in Need-Benefit Group</u> | <u>Payment Standard Need-Group Amount</u> |
|----------------------------------|---|
| 1 | \$ 339 |
| 2 | 432 |
| 3 | 506 |
| 4 | 621 |
| 5 | 721 |
| 6 | 833 |
| 7 | 923 |
| 8 | 1,030 |
| 9 | 1,093 |
| 10 | 1,204 |
| Each additional individual | 110 |

(b) For each benefit group containing no adult, the following table is used:

| <u>No. in Household</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10+</u> | <u>No. in Benefit Group</u> |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|----------|------------|-----------------------------|
| | \$228 | \$180 | \$167 | \$156 | \$150 | \$143 | \$140 | \$133 | \$132 | 1 |

| | | | | | | | | |
|------------|------------|------------|------------|------------|------------|------------|--------------|----------|
| <u>348</u> | <u>322</u> | <u>300</u> | <u>288</u> | <u>274</u> | <u>268</u> | <u>254</u> | <u>252</u> | <u>2</u> |
| | <u>477</u> | <u>444</u> | <u>426</u> | <u>405</u> | <u>396</u> | <u>375</u> | <u>372</u> | <u>3</u> |
| | | <u>588</u> | <u>564</u> | <u>536</u> | <u>524</u> | <u>496</u> | <u>492</u> | <u>4</u> |
| | | | <u>702</u> | <u>667</u> | <u>652</u> | <u>617</u> | <u>612</u> | <u>5</u> |
| | | | | <u>798</u> | <u>780</u> | <u>738</u> | <u>732</u> | <u>6</u> |
| | | | | | <u>908</u> | <u>859</u> | <u>852</u> | <u>7</u> |
| | | | | | | <u>980</u> | <u>972</u> | <u>8</u> |
| | | | | | | | <u>1,092</u> | <u>9</u> |

~~(c) In the TANF program, when the *need group* contains no adult, the No Adult Adjusted Income/Payment Standard is calculated as follows:~~

~~(A) Refer to the Adjusted Income/Payment Standard for need groups with adults. Use the standard for the number of individuals in the *household group*.~~

~~(B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the *household group*. Round this figure down to the next lower whole number if the figure is not a whole number.~~

~~(C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the *need group*.~~

~~(D) Add \$12 to the figure calculated in paragraph (C) of this subsection.~~

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

- (1) The following definitions apply to the rules governing child care rates:
 - (a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.
 - (b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.
 - (c) Preschool: A child aged 3 years to 6 years.
 - (d) School: A child aged 6 years or older.
 - (e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The need for a higher level of care must be determined by the provider and the disability must be verified by one of the following:
 - (A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.
 - (B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.
 - (C) Eligibility for SSI.
- (2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:
 - (a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.
 - (b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

- (c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.
 - (d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.
 - (e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).
 - (f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:
 - (A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.
 - (B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.
 - (C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.
 - (g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.
 - (h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Office of Child Care.
- (3) The following provisions apply to child care payments:
- (a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.
 - (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily

bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.

- (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.
- (d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.
- (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.
- (f) The Department will pay for up to five days each month the child is absent if:
 - (A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and
 - (B) It is the provider's policy to bill all families for absent days.
- (g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.
- (h) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.
 - (A) The incentive payment is in addition to the Department maximum rate.
 - (B) A provider may receive an incentive payment amount for any ERDC child in care full time (136 hours or more).
 - (C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments.
 - (D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.

(E) The incentive payment amount is based on the provider's star QRIS rating as follows:

| <u>Star Rating</u> | <u>Amount</u> |
|--------------------|---------------|
| <u>3</u> | <u>\$54</u> |
| <u>4</u> | <u>\$72</u> |
| <u>5</u> | <u>\$90</u> |

(4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

(a)

Group Area A
STANDARD RATE MAXIMUMS (Not Licensed)

| | Standard Family Rate | | Standard Center Rate | |
|---------------|-----------------------|-------------------------|-----------------------|-------------------------|
| | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
| | Hourly | Monthly | Hourly | Monthly |
| Infant | <u>\$2,903.07</u> | <u>\$521,552</u> | <u>\$5,259.00</u> | <u>\$848,941</u> |
| Toddler | <u>\$2,903.07</u> | <u>\$487,516</u> | \$5.25 | <u>\$778,928</u> |
| Preschool | <u>\$2,903.07</u> | <u>\$481,509</u> | <u>\$4,505.06</u> | <u>\$638,724</u> |
| School | <u>\$2,903.07</u> | <u>\$455,482</u> | \$4.50 | <u>\$544,638</u> |
| Special Needs | <u>\$2,903.07</u> | <u>\$521,552</u> | <u>\$5,259.00</u> | <u>\$848,941</u> |

ENHANCED RATE MAXIMUMS (Not Licensed)

| | Enhanced Family Rate | | | Enhanced Center Rate | | |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | <u>\$3,011.8</u> | <u>\$422,446</u> | <u>\$562,594</u> | <u>\$5,9510.20</u> | <u>\$721,800</u> | <u>\$961,067</u> |
| Toddler | <u>\$3,001.7</u> | <u>\$394,416</u> | <u>\$525,555</u> | \$5.95 | <u>\$662,788</u> | <u>\$882,051</u> |
| Preschool | <u>\$3,001.7</u> | <u>\$390,412</u> | <u>\$520,549</u> | <u>\$5,105.74</u> | <u>\$543,615</u> | <u>\$723,820</u> |
| School | <u>\$3,001.7</u> | <u>\$368,389</u> | <u>\$491,519</u> | \$5.10 | <u>\$463,542</u> | <u>\$617,723</u> |
| Special Needs | <u>\$3,011.8</u> | <u>\$422,446</u> | <u>\$562,594</u> | <u>\$5,9510.20</u> | <u>\$721,800</u> | <u>\$961,067</u> |

LICENSED RATE MAXIMUMS

| | Registered Family Rate | | | Certified Family Rate | | | Certified Center Rate | | |
|---------------|--------------------------------|------------------------------|------------------------------|--------------------------------|------------------------------|--------------------------------|----------------------------------|------------------------------|----------------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | \$ 3.50 <u>3.75</u> | \$ 450 <u>503</u> | \$ 600 <u>670</u> | \$6.00 | \$ 675 <u>750</u> | \$ 900 <u>1,000</u> | \$ 712 <u>712</u> .00 | \$ 848 <u>941</u> | \$ 1,130 <u>1,255</u> |
| Toddler | \$ 3.25 <u>3.50</u> | \$ 450 <u>484</u> | \$ 600 <u>645</u> | \$ 5.00 <u>5.50</u> | \$ 675 <u>750</u> | \$ 900 <u>1,000</u> | \$7.00 | \$ 778 <u>928</u> | \$ 1,037 <u>1,237</u> |
| Preschool | \$ 3.00 <u>3.50</u> | \$ 450 <u>458</u> | \$ 600 <u>610</u> | \$5.00 | \$ 589 <u>653</u> | \$ 785 <u>870</u> | \$ 6.00 <u>75</u> | \$ 638 <u>724</u> | \$ 850 <u>965</u> |
| School | \$ 3.00 <u>3.25</u> | \$ 413 <u>458</u> | \$ 550 <u>610</u> | \$4.50 | \$488 | \$650 | \$6.00 | \$ 544 <u>638</u> | \$ 725 <u>850</u> |
| Special Needs | \$ 3.50 <u>3.75</u> | \$ 450 <u>503</u> | \$ 600 <u>670</u> | \$6.00 | \$ 675 <u>750</u> | \$ 900 <u>1,000</u> | \$ 712 <u>712</u> .00 | \$ 848 <u>941</u> | \$ 1,130 <u>1,255</u> |

Zip Codes for Group Area A:
Portland, Bend, Eugene, Corvallis, Springfield, Monmouth and Ashland areas

| | | | | | | | | | | | |
|------------------|-------|------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97003 | 97004 | 97005 | 97006 | 97007 | 97008 | 97009 | 97010 | 97013 | 97014 | 97015 | 97019 |
| 97022 | 97023 | 97024 | 97027 | 97028 | 97030 | 97031 | 97034 | 97035 | 97036 | 97041 | 97045 |
| 97051 | 97055 | 97056 | 97060 | 97062 | 97064 | 97068 | 97070 | 97080 | 97086 | 97089 | 97106 |
| 97109 | 97112 | 97113 | 97116 | 97119 | 97123 | 97124 | 97125 | 97132 | 97133 | 97135 | 97140 |
| 97149 | 97201 | 97202 | 97203 | 97204 | 97205 | 97206 | 97209 | 97210 | 97211 | 97212 | 97213 |
| 97214 | 97215 | 97216 | 97217 | 97218 | 97219 | 97220 | 97221 | 97222 | 97223 | 97224 | 97225 |
| 97227 | 97229 | 97230 | 97231 | 97232 | 97233 | 97236 | 97239 | 97242 | 97258 | 97266 | 97267 |
| 97268 | 97286 | 97292 | 97330 | 97331 | 97333 | 97339 | 97351 | 97361 | 97371 | 97376 | 97401 |
| 97402 | 97403 | 97404 | 97405 | 97408 | 97454 | 97455 | 97477 | 97478 | 97482 | 97520 | 97525 |
| 97701 | 97702 | 97703 | 97707 | 97708 | 97709 | | | | | | |

(b)

Group Area B
STANDARD RATE MAXIMUMS (Not Licensed)

| | Standard Family Rate | | Standard Center Rate | |
|---------------|------------------------------|------------------------------|--------------------------------|------------------------------|
| | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
| | Hourly | Monthly | Hourly | Monthly |
| Infant | \$ 2.49 <u>66</u> | \$ 416 <u>444</u> | \$ 3.15 <u>3.75</u> | \$ 537 <u>546</u> |
| Toddler | \$ 2.49 <u>66</u> | \$ 412 <u>440</u> | \$ 2.97 <u>3.75</u> | \$ 513 <u>536</u> |
| Preschool | \$ 2.35 <u>52</u> | \$ 403 <u>432</u> | \$ 2.82 <u>3.00</u> | \$ 420 <u>443</u> |
| School | \$ 2.35 <u>52</u> | \$ 396 <u>425</u> | \$ 3.00 <u>3.30</u> | \$ 413 <u>428</u> |
| Special Needs | \$ 2.49 <u>66</u> | \$ 416 <u>444</u> | \$ 3.15 <u>3.75</u> | \$ 537 <u>546</u> |

ENHANCED RATE MAXIMUMS (Not Licensed)

| | Enhanced Family Rate | | | Enhanced Center Rate | | |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | \$2.7087 | \$337391 | \$490521 | \$3.574.25 | \$456464 | \$608619 |
| Toddler | \$2.7087 | \$328375 | \$479500 | \$3.374.25 | \$436456 | \$581608 |
| Preschool | \$2.7087 | \$326365 | \$458487 | \$3.193.40 | \$357377 | \$476502 |
| School | \$2.7087 | \$321344 | \$431458 | \$3.403.74 | \$351364 | \$468485 |
| Special Needs | \$2.7087 | \$337391 | \$490521 | \$3.574.25 | \$456464 | \$608619 |

LICENSED RATE MAXIMUMS

| | Registered Family Rate | | | Certified Family Rate | | | Certified Center Rate | | |
|---------------|------------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | \$3.003.05 | \$375416 | \$500555 | \$3.60 | \$413469 | \$550625 | \$4.205.00 | \$537546 | \$715728 |
| Toddler | \$3.003.05 | \$360398 | \$480530 | \$3.553.70 | \$399450 | \$532600 | \$3.965.00 | \$513536 | \$683715 |
| Preschool | \$3.003.05 | \$357398 | \$475530 | \$3.503.70 | \$375413 | \$500550 | \$3.754.00 | \$420443 | \$560590 |
| School | \$3.003.05 | \$338383 | \$450510 | \$3.253.75 | \$413 | \$550 | \$4.004.40 | \$413428 | \$550570 |
| Special Needs | \$3.003.05 | \$375416 | \$500555 | \$3.60 | \$413469 | \$550625 | \$4.205.00 | \$537546 | \$715728 |

Zip Codes for Group Area B:

Salem, Medford, Roseburg, Brookings and areas outside the metropolitan areas in Eugene and Portland

| | | | | | | | | | | | |
|-------|------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97002 | 97003 | 97011 | 97016 | 97017 | 97018 | 97038 | 97042 | 97044 | 97048 | 97049 | 97053 |
| 97058 | 97067 | 97071 | 97103 | 97107 | 97108 | 97110 | 97111 | 97114 | 97115 | 97117 | 97118 |
| 97121 | 97122 | 97127 | 97128 | 97131 | 97134 | 97138 | 97141 | 97143 | 97146 | 97148 | 97301 |
| 97302 | 97303 | 97304 | 97305 | 97306 | 97307 | 97309 | 97310 | 97317 | 97321 | 97322 | 97325 |
| 97326 | 97327 | 97328 | 97336 | 97338 | 97341 | 97343 | 97344 | 97348 | 97352 | 97353 | 97355 |
| 97357 | 97362 | 97365 | 97366 | 97367 | 97370 | 97372 | 97374 | 97377 | 97378 | 97380 | 97381 |
| 97383 | 97385 | 97386 | 97389 | 97391 | 97392 | 97394 | 97415 | 97420 | 97423 | 97424 | 97426 |
| 97431 | 97444 | 97446 | 97448 | 97452 | 97456 | 97457 | 97459 | 97465 | 97470 | 97471 | 97479 |
| 97487 | 97489 | 97501 | 97502 | 97503 | 97504 | 97524 | 97534 | 97535 | 97756 | 97759 | 97760 |
| 97801 | 97812 | 97813 | | | | | | | | | |

(c)

Group Area C

STANDARD RATE MAXIMUMS (Not Licensed)

| | Standard Family Rate | | Standard Center Rate | |
|--------|-----------------------|-------------------------|-----------------------|-------------------------|
| | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
| | Hourly | Monthly | Hourly | Monthly |
| Infant | \$2.4259 | \$396424 | \$2.74 | \$440 |

| | | | | |
|---------------|----------|----------|--------|-------|
| Toddler | \$2.2037 | \$372401 | \$2.91 | \$432 |
| Preschool | \$2.2037 | \$360388 | \$2.25 | \$340 |
| School | \$2.2037 | \$360388 | \$2.52 | \$372 |
| Special Needs | \$2.4259 | \$396424 | \$2.74 | \$440 |

ENHANCED RATE MAXIMUMS (Not Licensed)

| | Enhanced Family Rate | | | Enhanced Center Rate | | |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | \$2.6481 | \$308338 | \$432450 | \$3.113.83 | \$375398 | \$499531 |
| Toddler | \$2.4057 | \$297321 | \$400428 | \$3.303.40 | \$367383 | \$489510 |
| Preschool | \$2.4050 | \$290314 | \$390418 | \$2.552.76 | \$290 | \$386 |
| School | \$2.4050 | \$285314 | \$391419 | \$2.85 | \$316 | \$421 |
| Special Needs | \$2.6481 | \$308338 | \$432450 | \$3.113.83 | \$375398 | \$499531 |

LICENSED RATE MAXIMUMS

| | Registered Family Rate | | | Certified Family Rate | | | Certified Center Rate | | |
|---------------|------------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|
| | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
| | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant | \$2.753.00 | \$338360 | \$450480 | \$3.50 | \$413 | \$550 | \$3.654.50 | \$440469 | \$586625 |
| Toddler | \$2.503.00 | \$338360 | \$450480 | \$3.483.50 | \$357428 | \$475570 | \$3.884.00 | \$432450 | \$575600 |
| Preschool | \$2.502.55 | \$315356 | \$420475 | \$3.383.50 | \$338371 | \$450495 | \$3.003.25 | \$340 | \$453 |
| School | \$2.502.55 | \$330341 | \$440455 | \$3.103.50 | \$330356 | \$440475 | \$3.35 | \$372 | \$495 |
| Special Needs | \$2.753.00 | \$338360 | \$450480 | \$3.50 | \$413 | \$550 | \$3.654.50 | \$440469 | \$586625 |

Zip Codes for Group Area C: Balance of State, Other State Zips

| | | | | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97001 | 97020 | 97021 | 97026 | 97029 | 97032 | 97033 | 97037 | 97039 | 97040 | 97050 | 97054 | 97057 |
| 97063 | 97065 | 97101 | 97102 | 97130 | 97136 | 97137 | 97144 | 97145 | 97147 | 97324 | 97329 | 97335 |
| 97342 | 97345 | 97346 | 97347 | 97350 | 97358 | 97359 | 97360 | 97364 | 97368 | 97369 | 97375 | 97384 |
| 97388 | 97390 | 97396 | 97406 | 97407 | 97409 | 97410 | 97411 | 97412 | 97413 | 97414 | 97416 | 97417 |
| 97419 | 97425 | 97427 | 97428 | 97429 | 97430 | 97432 | 97433 | 97434 | 97435 | 97436 | 97437 | 97438 |
| 97439 | 97441 | 97442 | 97443 | 97447 | 97449 | 97450 | 97451 | 97453 | 97458 | 97460 | 97461 | 97462 |
| 97463 | 97464 | 97466 | 97467 | 97468 | 97469 | 97472 | 97473 | 97476 | 97480 | 97481 | 97484 | 97486 |
| 97488 | 97490 | 97491 | 97492 | 97493 | 97494 | 97495 | 97496 | 97497 | 97498 | 97499 | 97522 | 97523 |
| 97526 | 97527 | 97530 | 97531 | 97532 | 97533 | 97536 | 97537 | 97538 | 97539 | 97540 | 97541 | 97543 |
| 97544 | 97601 | 97603 | 97604 | 97620 | 97621 | 97622 | 97623 | 97624 | 97625 | 97626 | 97627 | 97630 |
| 97632 | 97633 | 97634 | 97635 | 97636 | 97637 | 97638 | 97639 | 97640 | 97641 | 97710 | 97711 | 97712 |
| 97720 | 97721 | 97722 | 97730 | 97731 | 97732 | 97733 | 97734 | 97735 | 97736 | 97737 | 97738 | 97739 |
| 97740 | 97741 | 97742 | 97750 | 97751 | 97752 | 97753 | 97754 | 97758 | 97761 | 97810 | 97814 | 97817 |
| 97818 | 97819 | 97820 | 97821 | 97822 | 97823 | 97824 | 97825 | 97826 | 97827 | 97828 | 97830 | 97831 |
| 97833 | 97834 | 97835 | 97836 | 97837 | 97838 | 97839 | 97840 | 97841 | 97842 | 97843 | 97844 | 97845 |
| 97846 | 97848 | 97850 | 97856 | 97857 | 97859 | 97861 | 97862 | 97864 | 97865 | 97867 | 97868 | 97869 |
| 97870 | 97871 | 97872 | 97873 | 97874 | 97875 | 97876 | 97877 | 97880 | 97882 | 97883 | 97884 | 97885 |
| 97886 | 97901 | 97902 | 97903 | 97904 | 97905 | 97906 | 97907 | 97908 | 97909 | 97910 | 97911 | 97913 |
| 97914 | 97918 | 97919 | 97920 | | | | | | | | | |

- (5) Except to the extent provided otherwise in sections (12) and (13) of this rule, this section establishes the ERDC eligibility standard and the client's copayment (copay).
- (a) At initial certification, the ERDC eligibility standard is met for a need group (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the need group is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180(6). The eligibility standard for a need group of eight applies to any need group larger than eight.
 - (b) During the *certification period* (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a need group of eight or less if monthly *countable income* for the need group during the 12 month period is less than 85 percent state median income (SMI) or 250 percent FPL, whichever is higher, as described in OAR 461-155-0180(8) and (9). The eligibility standard for a need group of eight applies to any need group larger than eight.
 - (c) The minimum monthly ERDC copay is \$25.
 - (d) For a filing group (see OAR 461-110-0310) whose *countable income* is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly *countable income*, whichever is greater.

- (e) For a filing group whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:
- (A) Divide the filing group's *countable income* by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.
 - (B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's *countable income* and round to the nearest whole dollar.
- (f) The 2007 federal poverty level used to determine copay amounts under subsections (d) and (e) of this section is set at the following amounts:

| Number in Family | Gross Monthly Income | Gross Yearly Income |
|------------------|----------------------|---------------------|
| 2 | \$1,141 | \$13,690 |
| 3 | 1,431 | 17,170 |
| 4 | 1,721 | 20,650 |
| 5 | 2,011 | 24,130 |
| 6 | 2,301 | 27,610 |
| 7 | 2,591 | 31,090 |
| 8 or more | 2,881 | 34,570 |

- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:
- (a) The monthly rate provided in section (4) of this rule.
 - (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:
- (a) The amount billed by the provider or providers.
 - (b) The monthly rate established in this rule for 215 hours of care.
- (8) The number of payable billed hours of care for a child is limited as follows:

- (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:
 - (A) 125 percent of the number of child care hours authorized:
 - (i) Under OAR 461-160-0040(2) and (5); or
 - (ii) To participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.
 - (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.
- (b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).
- (c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.
- (d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.
- (9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:
 - (a) The amount billed by the provider or providers; or
 - (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.
- (10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess

of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment, not including self-employment. This is limited to the following situations:

- (a) The commute time to and from work exceeds two hours per day.
 - (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.
 - (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.
 - (d) The caretaker consistently works more than 40 hours per week.
- (11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:
- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.
 - (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.
- (12) Starting May 1, 2012:
- (a) The minimum monthly ERDC copay is \$27.
 - (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.
- ~~(13) A provider caring for a child in a contracted child care slot with the Department will be paid the lesser of the monthly rate provided in section (4) of this rule or the amount charged by the provider.~~
- (13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:
- (a) The closure is because an individual in the *need group* had earned income over the applicable countable income limit in OAR 461-155-0030;

(b) An ERDC *date of request* (see OAR 461-115-0030) is established within 90 days of closure; and

(c) The individual is eligible for ERDC.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, Or Laws 2015, ch 698, Or Laws 2015, ch 798

Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 418.485, Or Laws 2015, ch 698, Or Laws 2015, ch 798

Income Standards; Not OSIP, OSIPM, QMB

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of March 1, 2016.
- (2) A monthly income standard set at 100 percent of the ~~2014-2016~~ federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|-------------------|
| 1 | \$ <u>973990</u> |
| 2 | <u>1,3111,335</u> |
| 3 | <u>1,6501,680</u> |
| 4 | <u>1,9882,025</u> |
| 5 | <u>2,3262,370</u> |
| 6 | <u>2,6652,715</u> |
| 7 | <u>3,0033,061</u> |
| 8 | <u>3,3413,408</u> |
| 9 | <u>3,6803,755</u> |
| 10 | <u>4,0184,102</u> |
| +1 | <u>+339347</u> |

- (~~33~~) A monthly income standard set at ~~133-130~~ percent of the ~~2014-2016~~ federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|----------------------|
| 1 | \$ <u>1,2941,287</u> |
| 2 | <u>1,7441,736</u> |
| 3 | <u>2,1942,184</u> |
| 4 | <u>2,6442,633</u> |
| 5 | <u>3,0943,081</u> |
| 6 | <u>3,5443,530</u> |
| 7 | <u>3,9943,980</u> |
| 8 | <u>4,4444,430</u> |
| 9 | <u>4,8944,881</u> |
| 10 | <u>5,3445,332</u> |
| +1 | <u>+450451</u> |

(4) — A monthly income standard set at 150 percent of the 2014 federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|----------|
| 1 | \$1,459 |
| 2 | 1,967 |
| 3 | 2,474 |
| 4 | 2,982 |
| 5 | 3,489 |
| 6 | 3,997 |
| 7 | 4,504 |
| 8 | 5,012 |

(5) — A monthly income standard set at 163 percent of the 2014 federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|----------|
| 1 | \$1,586 |
| 2 | 2,137 |
| 3 | 2,689 |
| 4 | 3,240 |
| 5 | 3,792 |
| 6 | 4,343 |
| 7 | 4,895 |
| 8 | 5,446 |
| 9 | 5,998 |
| 10 | 6,549 |
| +1 | +552 |

(64) A monthly income standard set at 185 percent of the ~~2015-2016~~ federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|-------------|
| 1 | \$1,815,832 |
| 2 | 2,457,470 |
| 3 | 3,099,108 |
| 4 | 3,739,747 |
| 5 | 4,381,385 |
| 6 | 5,023,023 |
| 7 | 5,663,663 |
| 8 | 6,305,304 |
| 9 | 6,947,946 |
| 10 | 7,589,588 |
| +1 | +642,642 |

(75) A monthly income standard set at 200 percent of the ~~2014-2016~~ federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|--------------------|
| 1 | <u>\$1,945,198</u> |
| 2 | <u>2,622,670</u> |
| 3 | <u>3,299,360</u> |
| 4 | <u>3,975,050</u> |
| 5 | <u>4,652,740</u> |
| 6 | <u>5,329,430</u> |
| 7 | <u>6,005,122</u> |
| 8 | <u>6,682,815</u> |
| +1 | <u>+677,694</u> |

(86) A monthly income standard set at 250 percent of the ~~2015-2016~~ federal poverty level is set at the following amounts:

| Size of Group | Standard |
|---------------|--------------------|
| 2 | <u>\$3,319,338</u> |
| 3 | <u>4,185,200</u> |
| 4 | <u>5,052,063</u> |
| 5 | <u>5,919,925</u> |
| 6 | <u>6,785,788</u> |
| 7 | <u>7,652,3</u> |
| 8 | <u>8,519</u> |

(7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts:

| <u>Size of Group</u> | <u>Standard</u> |
|----------------------|-----------------|
| <u>1</u> | <u>\$3,465</u> |
| <u>2</u> | <u>4,673</u> |
| <u>3</u> | <u>5,880</u> |
| <u>4</u> | <u>7,088</u> |
| <u>5</u> | <u>8,295</u> |
| <u>6</u> | <u>9,503</u> |
| <u>7</u> | <u>10,713</u> |
| <u>8</u> | <u>11,927</u> |
| <u>+1</u> | <u>1,214</u> |

(98) A monthly income standard set at 85 percent of the ~~2015-2016~~ state median income is set at the following amounts:

| Size of Group | Standard |
|---------------|--------------------|
| 2 | <u>\$3,994,386</u> |
| 3 | <u>4,362,183</u> |
| 4 | <u>5,089,979</u> |

| | |
|---|-------------------|
| 5 | <u>5,6635,776</u> |
| 6 | <u>6,2376,573</u> |
| 7 | <u>6,8116,722</u> |
| 8 | <u>7,3846,871</u> |

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

How Income Affects Eligibility and Benefits; REF, SFPSS, TANF

THIS RULE IS AMENDED IN ITS ENTIRETY

- (1) ~~Countable income (see OAR 461-001-0000) and adjusted income (see OAR 461-001-0000) are used to determine eligibility for the REF, SFPSS, and TANF programs using the countable and adjusted income standards in OAR 461-155-0030 as explained in this section:~~
- (a) ~~The financial group's countable income is compared to the countable income limit standard for the need group. If countable income equals or exceeds the standard, the benefit group is not eligible.~~
 - (b) ~~If countable income is less than the countable income standard, the adjusted income is compared to the payment standard. If the adjusted income equals or exceeds the payment standard for the need group (see OAR 461-110-0630), the benefit group (see OAR 461-110-0750) is not eligible. If the adjusted income is less than the payment standard for the need group, the benefit group meets the income eligibility standard.~~
- (2) ~~Adjusted income is used to determine the monthly benefit in the REF, SFPSS, and TANF (except for a client who receives JOBS Plus income—see OAR 461-145-0130) programs as explained in this section:~~
- (a) ~~The monthly benefit is calculated by subtracting adjusted income from the applicable payment standard for the need group. The remainder is the benefit amount except for a need group that includes an ineligible non-citizen.~~
 - (b) ~~If the need group contains an ineligible non-citizen, the benefit is the lesser of the remainder calculated in subsection (a) of this section and the payment standard for the benefit group.~~

Countable (see OAR 461-001-0000) income and adjusted income (see OAR 461-001-0000) are compared to the standards in OAR 461-155-0030 to determine eligibility (see OAR 461-001-0000) and benefit amount for REF, SFPSS, and TANF as provided in this rule.

- (1) This section applies to filing groups (see OAR 461-110-0310) that do not include an ineligible noncitizen with income. For filing groups that include an ineligible noncitizen with income, see section (2) of this rule.
- (a) Compare the countable income of the financial group (see OAR 461-110-0530) to the applicable Countable Income Limit Standard for the need group (see OAR 461-110-0630) in OAR 461-155-0030.

- (A) If *countable* income equals or exceeds the applicable Countable Income Limit Standard, the *need group* (see OAR 461-110-0630) is not eligible.
 - (B) If *countable* income is less than the applicable Countable Income Limit Standard, apply the *adjusted income* standard for the *need group* as provided in subsection (b) of this section to determine *eligibility*.
 - (b) Compare the *adjusted income* of the *financial group* to the Adjusted Income Limit Standard for the *need group* as provided in OAR 461-155-0030.
 - (A) If the *adjusted income* equals or exceeds the Adjusted Income Limit Standard, the filing group is not eligible.
 - (B) If the *adjusted income* is less than the Adjusted Income Limit Standard, determine the benefit amount as provided in subsection (c) of this section.
 - (c) Subtract *adjusted income* from the applicable Payment Standard for the *benefit group* (see OAR 461-110-0750) pursuant to OAR 461-155-0030. The remainder is the benefit amount.
- (2) Income of an ineligible noncitizen in a filing group is prorated as provided in subsection (d) of this section. Income received by all other members of the filing group who meet the citizenship requirements in OAR 461-120-0110 is not prorated. The combined *countable* income is treated as provided in this section:
 - (a) Compare the *countable* income of the *financial group* to the applicable Countable Income Limit Standard for the *need group* in OAR 461-155-0030.
 - (A) If *countable* income equals or exceeds the applicable Countable Income Limit Standard, the filing group is not eligible.
 - (B) If *countable* income is less than the applicable Countable Income Limit Standard, apply the *adjusted income* standard for the *need group* as provided in subsection (b) of this section.
 - (b) Compare the *adjusted income* of the *financial group* to the applicable Adjusted Income Limit Standard for the *need group* as provided in OAR 461-155-0030.
 - (A) If *adjusted income* equals or exceeds the Adjusted Income Limit Standard, the filing group is not eligible.
 - (B) If *adjusted income* is less than the Adjusted Income Limit Standard, determine the benefit amount as provided in subsection (c) of this section.
 - (c) Subtract the total of the prorated income (see subsection (d) of this section) of all ineligible noncitizens and *adjusted income* of all other members of the filing

group from the applicable Payment Standard in OAR 461-155-0030 for the benefit group. The remainder is the benefit amount.

(d) Prorate *adjusted income* used in subsection (b) of this section that belongs to an ineligible noncitizen by dividing it by the number in the *need group* and multiplying it by the number in the *benefit group*.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.009, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.009, 412.014, 412.049

Concurrent and Duplicate Program Benefits

- (1) Except as noted in this rule, an individual may not receive benefits from the Department of the same type (that is, cash, medical, or SNAP benefits) for the same period as a member of two or more different benefit groups (see OAR 461-110-0750) or from two or more separate programs. Except as allowed in subsection (g) of this section, this provision includes a prohibition against an individual receiving TANF concurrently with another cash assistance program funded under Title IV-E of the Social Security Act.
 - (a) An individual may receive EA, HSP, and TA-DVS benefits and cash payments from other programs for the same time period.
 - (b) If a GA recipient becomes eligible for the TANF program, benefits are supplemented during the first month of *eligibility* (see OAR 461-001-0000) for TANF to the TANF payment standards.
 - (c) A TANF recipient may receive ERDC for a *child* (see OAR 461-001-0000) in the *household group* (see OAR 461-110-0210), but who may not be included in the *TANF filing group* (see OAR 461-110-0310).
 - (d) A *child* who is a member of an ERDC *benefit group* may also be a member of one of the following benefit groups:
 - (A) An OSIP-AB *benefit group*.
 - (B) A TANF *benefit group* when living with a nonneedy *caretaker relative* (see OAR 461-001-0000), if the *caretaker relative* is not the *parent* (see OAR 461-001-0000) of the *child*.
 - (C) A TANF *benefit group* when living with a needy *caretaker relative* receiving SSI.
 - (e) An individual in the SNAP program who leaves a *filing group* (see OAR 461-110-0370) that includes an individual who abused them and enters a *domestic violence shelter* (see OAR 461-001-0000) or *safe home* (see OAR 461-001-0000) for victims of *domestic violence* (see OAR 461-001-0000) may receive SNAP benefits twice during the month the individual enters the *domestic violence shelter* or *safe home*.
 - (f) A QMB recipient may also receive medical benefits from OSIPM, REFM, or an OCCS medical program with the exception of OHP-OPC, OHP-OPU, OHP-OP6, OHP-CHIP, MAGI Adult, and MAGI CHIP.

- (g) An individual may receive Chafee (see OAR 413-030-0400 to 413-030-0455) and TANF benefits during the same time period. As of January 1, 2013, receipt of both Chafee and TANF benefits will not result in an overpayment.
 - (h) An individual receiving *Employment Payments* (see OAR 461-001-0025 and 461-135-1270) who becomes eligible for TANF in the same month may receive both benefits in the same month.
 - (i) An individual receiving JPI (see OAR 461-135-1260) who becomes eligible for Pre-TANF or TANF in the same month may receive both benefits in the same month.
- (2) An individual may not receive benefits of the same type (that is, cash, medical, or SNAP benefits) for the same period from both Oregon and another state or tribal food distribution program, except as follows:
 - (a) Medical benefits may be authorized for an eligible individual if the individual's provider refuses to submit a bill to the Medicaid agency of another state and the individual would not otherwise receive medical care.
 - (b) Cash benefits may be authorized for an individual in the Pre-TANF program if benefits from another state will end by the last day of the month in which the individual applied for TANF.
 - (3) In the SNAP program, each individual who has been included as a member of the *filing group* in Oregon or another state is subject to all of the restrictions in section (2) of this rule.
 - (4) An REF or TANF *filing group* may not receive REF or TANF benefits for the same period of time that an individual in the REF or TANF *filing group* receives assistance from the Office of Refugee Resettlement Matching Grant Program.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 412.124, 414.025, 414.826, 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049, 412.124, 414.025, 414.826, 414.839

Changes That Must Be Reported

- (1) A change in employment status is considered to occur as follows:
 - (a) For a new job, the change occurs the first day of the new job.
 - (b) For a job separation, the change occurs on the last day of employment.
- (2) A change in source of income is considered to occur as follows:
 - (a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.
 - (b) For unearned income, the change occurs the day the individual receives the new or changed payment.
- (3) An individual must report, orally or in writing, the following changes:
 - (a) In the ERDC program, an individual must report the following changes within 10 days of occurrence:
 - (A) A change in child care provider.
 - (B) A change in employment status.
 - (C) A change in mailing address or residence.
 - (D) A change in membership of the filing group (see OAR 461-110-0350).
 - (E) A member of the filing group is discharged from the U.S. military and returning from active duty in a military war zone.
 - (F) A change in income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.
 - (b) In the SNAP program:
 - (A) An ABAWD (see OAR 461-135-0520) assigned to CRS or SRS who resides in Multnomah or Washington County and is employed must report a change in work hours when work hours are below 20 hours per week.
 - (B) An individual assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (i) A change in earned income of more than \$100.

- (ii) A change in unearned income of more than \$50.
 - (iii) A change in source of income.
 - (iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.
 - (v) A change in residence and the shelter costs in the new residence.
 - (vi) A change in the legal obligation to pay child support.
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.
- (C) An individual assigned to SRS must report when the monthly income of the filing group exceeds the SNAP *countable* (see OAR 461-001-0000) income limit by the tenth day of the month following the month of occurrence.
- (D) An individual assigned to TBA is not required to report any changes.
- (c) For JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as a SNAP client assigned to CRS, SRS, or TBA reporting systems (see OAR 461-170-0010).
- (d) In the GA, GAM, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect *eligibility* (see OAR 461-001-0000) within 10 days of occurrence, including any of the following changes:
- (A) A change in employment status.
 - (B) A change in health care coverage.
 - (C) A change in membership of the *household group* (see OAR 461-110-0210).
 - (D) A change in marital status.
 - (E) A change in residence.
 - (F) Except for QMB-BAS, QMB-SMB, and QMB-SMF, a change in resources.
 - (G) A change in source or amount of income.

- (e) In the REF, SFPSS, and TANF programs, an individual assigned to CRS must report any of the following changes within 10 days of occurrence:
- (A) Acquisition or change in ownership of a non-excluded vehicle.
 - (B) A change in earned income more than \$100.
 - (C) ~~A change in e~~Employment-status separation.
 - (D) A change in membership of the *household group* (see OAR 461-110-0210).
 - (E) A change in marital status or other changes in membership of the filing group.
 - (F) A change in mailing address or residence.
 - (G) A change in pregnancy status of any member of the filing group.
 - (H) A change in source of income.
 - (I) A change in unearned income more than \$50.
 - (J) A change in who pays the shelter costs if the costs will be paid by a non-custodial *parent*.
 - (K) Sale or receipt of a resource that causes total resources to exceed program resource limits.
- (f) In the REFM program, an individual must report the following changes within 10 days of occurrence:
- (A) A change in membership of the *household group* (see OAR 461-110-0210).
 - (B) A change in residence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.014, 412.049, 413.085, 414.685, 414.826

Notice Situations; General Information

- (1) In the EA program, a *basic decision notice* (see OAR 461-001-0000) is sent for all situations.
- (2) In the SNAP program, a *basic decision notice* is sent for all actions on applications for assistance.
- (3) In the JOBS program:
 - (a) A *basic decision notice* is sent whenever a request for a support service payment is denied.
 - (b) No decision notice is required if request for a support service is approved.
- (4) A *basic decision notice* is sent to close JPI benefits when the filing group (see OAR 461-110-0310) reports a change during the reporting period in which SNAP benefits do not decrease.
- (5) In the TANF program, a notice approving benefits informs the client, within one month following eligibility determination, of the opportunity to volunteer for JOBS participation and of the procedure for JOBS program entry.
- (6) In the Pre-TANF program, a *basic decision notice* is sent when payment for basic living expenses is denied or when payment for other support services in the JOBS program is denied. No other notices are required for this program.
- (7) In the TA-DVS program, a *basic decision notice* (see OAR 461-001-0000) is sent to a safe mailing address or hand delivered for all situations. This includes when the program is approved, denied, or closed (prior to the end of the 90 day eligibility period) and when a payment under the program is denied.
- (8) In all programs except the Pre-TANF program, unless stated differently in this rule or another rule, the Department mails or otherwise provides the client with (sends) a *decision notice* (see OAR 461-001-0000) as follows:
 - (a) A *basic decision notice* is sent whenever an application for assistance, including retroactive medical assistance, is approved or denied or a request for a support service payment in the JOBS program is denied.
 - (b) A *timely continuing benefit decision notice* (see OAR 461-001-0000) is sent whenever benefits or support service payments authorized by OAR 461-190-0211 are reduced or closed, or the method of payment changes to protective, vendor, or two-party.

- (c) A *decision notice* is sent whenever the Department adjusts previously underissued cash assistance or SNAP benefits.
- (9) In all programs:
- (a) Notwithstanding any rule in Chapter 461, to the extent permitted by OAR 137-003-0530, the Department may take any of the following actions:
 - (A) Amend a *decision notice* with another *decision notice* or a contested case notice.
 - (B) Amend a contested case notice.
 - (C) Delay a reduction or closure of benefits as a result of a client's request for hearing.
 - (D) Extend the effective date on a *decision notice* or contested case notice.
 - (b) Except as provided in subsection (a) of this section or when a delay results from the client's request for a hearing, a notice to reduce or close benefits becomes void if the reduction or closure is not initiated on the date stated on the notice. If the notice is void, a new notice is sent to inform the *financial group* (see OAR 461-110-0530) of a new date on which their benefits will be reduced or closed.
 - (c) No *decision notice* is required in each of the following situations:
 - (A) Benefits are ended because there is no living person in the *benefit group* (see OAR 461-110-0750).
 - (B) A notice was sent, the client requested a hearing, and either the hearing request is dismissed or a final order is issued.
 - (C) The client has signed a voluntary agreement that qualifies as a final order under ORS 183.417(3)(b) (see OAR 461-175-0340(2)).
 - ~~(D) A *decision notice* that included the eligibility begin and end dates was given for TA DVS program benefits and the 90 day eligibility period ends.~~
 - (D) To end *Employment Payments* (see OAR 461-001-0025 and 461-135-1270) or JPI benefit (see OAR 461-135-1260) when the individual has applied for and been found eligible for Pre-TANF, SFPSS, or TANF.
 - (E) No *decision notice* is required in OAR 461-175-0300 based on prior notice.

- (d) When the Department amends a *decision notice* with another *decision notice* under subsection (a) of this section, the date of the amended notice restarts the client's deadlines to request a hearing or continuing benefits, or both.
- (e) When a contested case notice extends an effective date or delays a reduction or closure, the date of the amended notice restarts a client's timeline to request continuing benefits.
- (f) When a client has a pending hearing request or is receiving continuing benefits, and the Department amends a notice under this section, the client need not re-file the hearing request or renew the request for continuing benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231
Stats. Implemented: ORS 183.415, 183.417, 411.060, 411.070, 411.117, 411.404, 411.706,
411.816, 412.014, 412.049, 414.231, 414.826

Notice Situation; Client Moved or Whereabouts Unknown

- (1) To end benefits for an individual who has moved out of Oregon, the Department sends the following *decision notice* (see OAR 461-001-0000):
 - (a) In the ERDC, GA, GAM, OSIP, OSIPM, QMB, REF, REFM, and TANF programs:
 - (A) The Department sends a *timely continuing benefit decision notice* (see OAR 461-001-0000) to the individual who has moved out of Oregon.
 - (B) The Department sends a *basic decision notice* (see OAR 461-001-0000) if the individual becomes eligible for benefits in another state.
 - (b) ~~In the~~ For Employment Payments (see OAR 461-001-0025 and 461-135-1270), JPI (see OAR 461-135-1260), and the SNAP programs, no *decision notice* is required if the Department determines that the *benefit group* (see OAR 461-110-0750) has moved out of Oregon.
- (2) If Department mail or benefits have been returned with no forwarding address, the Department gives the individual the benefits if the individual's whereabouts become known during the period covered by the returned benefits. See OAR 461-165-0130 for when SNAP benefits may be sent out of Oregon. If the individual's whereabouts are unknown, the Department ends benefits by sending the following *decision notice* to their last known address:
 - (a) ~~In all programs e~~Except ~~the for~~ Employment Payments, JPI, and the SNAP programs, a *basic decision notice*.
 - (b) ~~In the~~ For Employment Payments, JPI, and the SNAP programs, no *decision notice* is required.

Stat. Auth.: ORS 411.060, 411.095, 411.404, 411.816, 412.049

Stats. Implemented: ORS 411.060, 411.095, 411.404, 411.816, 412.049

Notice Situation; Prior Notice

- (1) Except as provided in section (5) of this rule, when benefits in any Department program except a medical program and the SNAP program will end or be reduced after a specific period of time, the Department may issue a *decision notice* (see OAR 461-001-0000) informing the *benefit group* (see OAR 461-110-0750) of the date benefits will end or be reduced, and no further *decision notice* is required.
- (2) Except as provided in section (5) of this rule, in any Department program except a medical program and the SNAP program, if the *benefit group* was informed in writing when the benefits began that the *benefit group* would receive benefits only for a specific period of time a *basic decision notice* (see OAR 461-001-0000) may be used to--
 - (a) Deny an application to start or continue benefits after the completion of a *certification period* (see OAR 461-001-0000) or to approve benefits at a level lower than the prior *certification period*.
 - (b) Indicate that benefits have been ended or reduced when no timely application is submitted.
- (3) A *basic decision notice* is used when a special need allowance granted for a specific period of time is removed at the end of the specified period and the *benefit group* was informed of this in writing when the allowance began. A *timely continuing benefit decision notice* (see OAR 461-001-0000) is required if stopping the special need allowance results in benefit closure.
- (4) In the JOBS Plus program, a *basic decision notice* is used if--
 - (a) An employer submits a wage reimbursement billing and the Department calculates a supplement (see OAR 461-190-0416 about supplements);
 - (b) The *benefit group* received a *timely continuing benefit decision notice* that the method of payment would be changed from cash to employer-paid wages; and
 - (c) The notice specified the period of time that benefits would be diverted.
- (5) No additional *decision notice* is required when:
 - (a) Notwithstanding OAR 461-115-0010(6), when a *benefit group* submits an application for a program from which they currently are receiving benefits.
 - (b) In the ERDC program when a filing group (see OAR 461-110-0310 and 461-110-0350) is receiving *priority processing* (see OAR 461-170-0150(2)) but does not return postponed verification to the Department by the last day of the month in which the application period ends (see OAR 461-115-0190).
 - (c) In the OSIPM program--

- (A) A client's liability returns to the previous higher level after the Department sent the client a *continuing benefit decision notice* for a decrease in the client liability due to an allowable deduction and that notice also specified when the deduction no longer would apply causing the client liability to return to the previous higher level; or
- (B) A client's benefits are being closed or reduced and the Department sent the client a *basic decision notice* of eligibility and a simultaneous *continuing benefit decision notice* because the client's circumstances changed between the date of the client's application and the date of the Department's eligibility decision and the change caused the client's benefits to be reduced or closed.

- (d) A decision notice that included the eligibility begin and end dates for the three consecutive months of *Employment Payments* (see OAR 461-001-0025 and 461-135-1270) was given and the three month eligibility period ends.
- (e) A decision notice that informed the JPI benefit group in writing, when their benefits began, that they would receive JPI (see OAR 461-135-1260) benefits only for a specific period of time.
- (f) A decision notice that included the eligibility begin and end dates was given for the reduced ERDC copay described in OAR 461-155-0150(13) and the three-month eligibility period ends.
- (g) A decision notice that included the eligibility begin and end dates was given for TA-DVS program benefits and the 90-day eligibility period ends.

(6) In the SNAP program:

- (a) A *basic decision notice* is used to close benefits if the *benefit group* was informed in writing, when their benefits began, that they would receive benefits only for a specific period of time.
- (b) No *decision notice* is required if the client is provided a *decision notice* at the time of application or redetermination that--
 - (A) The allotment of the *benefit group* would vary from month to month and listed the anticipated changes;
 - (B) In the case the client applied at the same time for both cash assistance and SNAP benefits, the SNAP benefits would be reduced or closed upon approval of the cash assistance; or
 - (C) In the case of a *benefit group* receiving benefits under expedited services with postponed verification:

- (i) The expedited services benefits would close if the Department did not receive the postponed verification within the timeframe established under OAR 461-115-0690.
- (ii) The expedited services benefits may be adjusted beyond the timeframe established under OAR 461-115-0690 based on the verified information provided to the Department without further notice.

Stat. Auth.: ORS 183.417, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 414.231, 414.826
Stats. Implemented: ORS 183.417, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 414.231, 414.826

Effective Dates; Suspending or Closing Benefits and JOBS Support Service Payments

- (1) This rule explains the effective date for closing or suspending benefits for the entire *benefit group* (see OAR 461-110-0750) and the effective date for ending JOBS support service payments.
- (2) In all programs except the ERDC program, when the only individual in a *benefit group* dies, the effective date of the closure is:
 - (a) In the REF, SNAP, and TANF programs, the last day of the month in which the death occurred.
 - (b) In all other programs, the date of the death.
- (3) For all closures and suspensions not covered by section (2) of this rule, the effective date is determined as follows:
 - (a) When prospective eligibility is used, the effective date for closing or suspending benefits is the last day of the month in which the notice period ends.
 - (b) When retrospective eligibility or budgeting is used, the effective date for closing or suspending benefits is the last day of the budget month.
 - ~~(c) When an absent parent enters an ongoing TANF program household, or another change occurs that ends eligibility based on the incapacity or unemployment of a parent, the effective date for closing benefits is the last day of the month in which the 45-day period described in OAR 461-125-0255 ends.~~
 - (dc) For a pregnant female receiving benefits of the OSIPM program, the effective date for closing benefits is no earlier than the last day of the calendar month in which the 60th day after the last day of pregnancy falls, except at the client's request.
 - (ed) For a client who is receiving medical assistance and becomes incarcerated with an expected stay of a year or less, the effective date for suspending medical benefits is the effective date on the *decision notice* (see OAR 461-001-0000).
 - (fe) The effective date for ending support service payments authorized under OAR 461-190-0211 is the earlier of the following:
 - (A) The date the related JOBS activity is scheduled to end.
 - (B) The date the client no longer meets the requirements of OAR 461-190-0211.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

Eligibility of Clients

- (1) Any client not excluded from participation by law, if eligible for the TANF program, may volunteer to participate in the *JOBS Plus program*. If there are no volunteers available to participate, the Department may select participants from among eligible clients. Recipients of SSI and teenage parents who remain in high school, if they are making progress toward receiving a diploma, are exempt from participation in the *JOBS Plus program*.
- (2) Clients remain eligible to participate as long as they would, except for participating in the *JOBS Plus program*, be eligible for TANF. ~~Eligibility of a participant working under a *JOBS Plus* assignment is not affected by changes in deprivation (see OAR 461-125-0010).~~
- (3) The benefits of participants remain suspended until the first day of the month following the month in which they last perform work under a *JOBS Plus* agreement. TANF clients cannot receive TANF cash benefits and a *JOBS Plus* supplement for the same month.

Stat. Auth.: ORS 411.060, 411.816

Stats. Implemented: ORS 411.060, 411.816