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Department of Human Services, Self-Sufficiency Programs 461

Agency and Division

Administrative Rules Chapter Number

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To become effective 10/01/2015 Rulemaking Notice was published in the August 2015 Oregon Bulletin.

RULE CAPTION

Amending rules relating to the REF (Refugee) and REFM (Refugee Medical) programs

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

461-110-0530, 461-115-0050, 461-115-0071, 461-115-0150, 461-115-0430, 461-120-0010, 461-130-0310, 461-130-0328, 461-130-0335, 461-135-0900

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

409.050, 411.060, 411.070, 411.083, 411.892, 412.049

Other Authority:

45 CFR 400

Statutes Implemented:

ORS 409.050, 411.060, 411.070, 411.083, 411.892, 412.049

RULE SUMMARY

Rules governing the Refugee (REF) and Refugee Medical (REFM) programs are being amended throughout chapter 461 to update program requirements and make amendments to comply with an Office of Refugee Resettlement (ORR) review of Oregon's REF program. Specifically:

- OAR 461-110-0530 about financial groups is being amended to remove the caretaker relative language as it relates to REF and REFM financial groups;
- OAR 461-115-0050 about when an application must be filed is being amended to remove REF and REFM from the section relating to the application process for newborns;
- OAR 461-115-0071 about who must sign and complete the application process is being amended to create a new section for the REF and REFM programs that does not include language relating to caretaker relatives;
- OAR 461-115-0150 about where clients must apply is being amended to require refugees who meet certain requirements to apply for REF and REFM at local refugee resettlement agencies;
- OAR 461-115-0430 about periodic redeterminations is being amended to state that, as a limited-duration program, there are no periodic redeterminations required in the REF and REFM programs;
- OAR 461-120-0010 about residency requirements is being amended to state that in the REF program, an individual is considered a resident if the individual entered Oregon with a job commitment or is looking for work, and is not receiving benefits from another state;
- OAR 461-130-0310 about participation classifications is being amended to remove REF from programs that include a caretaker relative who is mandatory to participate in the JOBS program;

- OAR 461-130-0328 about the effect of strikes is being amended to separate REF from the reference to a parent;
- OAR 461-130-0335 about removing disqualifications and effect on benefits is being amended to state that in the REF program, a filing group is not subject to the impact of a disqualification when a disqualified member has left the household group and that if that disqualified member joins another filing group, that group is subject to the member's most recent disqualification; and
- OAR 461-135-0900 about requirements in the REF and REFM programs is being amended to allow a benefit group who is receiving REFM benefits, but no longer meets the filing group definition of REFM, to continue to receive REFM for the remainder of their eight months if a newborn is added and the group was determined ineligible for any of the medical programs administered by OHA.

In addition, non-substantive edits were made to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; remove unnecessary language; improve ease of reading; and clarify Department rules and processes.

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- (1) Except as provided in section (4) of this rule, the "financial group" consists of the filing group ([see OAR 461-110-0310](#)) members whose income and resources the Department considers in determining *eligibility* (see OAR 461-001-0000) and benefits.
- (2) In the ERDC, GA, OSIPM-EPD, QMB, and SNAP programs, the "financial group" consists of each individual in the filing group.
- (3) In the REF and REFM programs, the "financial group" consists of each individual in the filing group, except ~~the following:~~
 - ~~(a) 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 (see OAR 461-110-0630); and~~
 - ~~(b) An an~~ individual who is eligible for and receives an SSI cash payment.
- (4) In the OSIPM (except OSIPM-EPD) program:
 - (a) For the purposes of this section of this rule, "ineligible" means an individual not eligible to receive either SSI or TANF program benefits.
 - (b) When an individual lives in a *standard living arrangement* (see OAR 461-001-0000):
 - (A) Except as provided in paragraph (B) of this subsection, each member of the filing group is in the "financial group".
 - (B) When an individual, whose *eligibility* is not determined under certain protected groups (see OAR 461-135-0771 to OAR 461-135-0830), is married, not *assumed eligible* (see OAR 461-135-0010) for OSIPM, and the individual's *spouse* (see OAR 461-001-0000) is considered "ineligible" (see subsection (a) of this section):
 - (i) If the individual's *adjusted income* (see OAR 461-001-0000) using the deductions allowed under OAR 461-160-0550(4) is greater than the OSIPM program *adjusted income* standard for a *need group* of one under OAR 461-155-0250, the individual is in his or her own "financial group" and not eligible for OSIPM.
 - (ii) When there are children in the home, if the *ineligible* spouse's remaining *countable* ([see OAR 461-001-0000](#)) ~~income (see OAR 461-001-0000)~~ after allocation (see OAR 461-160-0551) to each *ineligible* child is equal to or less than the difference between the couple and the individual SSI standards: the *spouse* is not included in the "financial group" when determining *income eligibility*;

however, the *spouse* is included in the "financial group" when determining resource *eligibility*.

- (iii) When there are no children in the home, if the *ineligible spouse's countable income* is less than the difference between the couple and the individual SSI standards: the *spouse* is not included in the "financial group" when determining income *eligibility*; however, the *spouse* is included in the "financial group" when determining resource *eligibility*.
- (c) When an individual lives in a *nonstandard living arrangement* (see OAR 461-001-0000), the "financial group" consists only of the individual applying for benefits, except that the *community spouse* (see OAR 461-001-0030) is included in the "financial group" to determine initial *eligibility*. At initial *eligibility*, the resources of the *community spouse* are considered and the provisions of OAR 461-160-0580 apply. The income of the *community spouse* is not considered in determining initial *eligibility*, and the *community spouse* is not included in any other *eligibility* group.
- (5) In the TANF program, the "financial group" consists of each individual in the filing group except the following:
 - (a) A *caretaker relative*, other than a *parent*, who chooses not to be included in the *need group* and has income less than the *non-needy countable income limit standard* (see OAR 461-155-0030) for the filing group of the *caretaker relative*;
 - (b) The *spouse* of a *caretaker relative*, when the *caretaker relative* meets the requirements under subsection (a) of this section;
 - (c) A *dependent child* of a *caretaker relative* when the *caretaker relative* meets the requirements under subsection (a) of this section;
 - (d) An individual in the filing group solely due to the requirements of OAR 461-110-0310(2)(b); and
 - (e) An individual who is eligible for and receives an SSI cash payment.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, ~~414.231~~, 414.712

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 412.064, 412.124, ~~414.025, 414.231~~, 414.712, 414.826, ~~414.831~~, 414.839

When An Application Must Be Filed

- (1) An individual must file an application, or may amend a completed application, as a prerequisite to receiving benefits as follows:
 - (a) An individual may apply for the TA-DVS program as provided in OAR 461-135-1220.
 - (b) In all programs except the TA-DVS program:
 - (A) Except as provided otherwise in this rule, to apply for program benefits, an individual must submit a complete application on a form approved by the Department.
 - (B) An application is complete if all of the following requirements are met:
 - (i) All information necessary to determine *eligibility* (see OAR 461-001-0000) and benefit amount is provided on the application for each individual in the *filing group* (see OAR 461-110-0310).
 - (ii) The applicant, even if homeless, provides a valid mailing address.
 - (iii) The application is signed by the individual, the *authorized representative* (see OAR 461-115-0090 and 461-115-0140) of the individual, or another individual applying for benefits on behalf of the individual, and received by the Department.
 - (I) An individual required but unable to sign the application may sign with a mark, witnessed by another individual.
 - (II) An individual submitting an *electronic application* (see OAR 461-001-0000) must submit the application with an electronic signature.
- (2) A new application is not required in the following situations:
 - (a) In the SNAP program, when a single application can be used both to determine an individual is ineligible in the month of application and to determine the individual is eligible the next month. This may be done when--
 - (A) Anticipated changes make the *filing group* (see OAR 461-110-0370) eligible the second month; or
 - (B) The *filing group* provides verification between 30 and 60 days following the *filing date* (see OAR 461-115-0040), under OAR 461-180-0080.
 - (b) In all programs except the SNAP program, when a single application can be used both to determine an individual is ineligible on the *date of request* (see OAR 461-

115-0030) and to determine the individual is eligible when anticipated changes make the *filing group* eligible within 45 days from the *date of request*.

- (c) When the case is closed and reopened during the same calendar month.
 - (d) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.
 - (e) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950, notwithstanding subsection (g) of this section.
 - (f) In the ERDC program, when a case closed during the *certification period* (see OAR 461-001-0000) and the individual reports a change in circumstances prior to the end of the month following the closure and the reported change will make the individual eligible.
 - (g) In the GAM, OSIPM, and QMB programs, when the medical benefits of an individual are suspended because the individual lives in a *public institution* (see OAR 461-135-0950), if the inmate is released within 12 months of admission and the inmate provides notification to the Department within 10 days of the release.
- (3) When an individual establishes a new *date of request* prior to the end of the month following the month of case closure, unless the Department determines a new application is required, a new application is not required in the following situations:
- (a) In the OSIPM program, when the individual's case closed due to failure to make a liability payment required under OAR 461-160-0610.
 - (b) In the OSIPM-EPD program, when the individual's case closed due to failure to make a participant fee payment required under OAR 461-160-0800.
- (4) A new application is required to add a newborn *child* (see OAR 461-001-0000) to a *benefit group* (see OAR 461-110-0750) according to the following requirements:
- (a) In the ERDC and SNAP programs, an application is not required to add the *child* to the *benefit group*.
 - (b) In the GAM, OSIPM, QMB, and REFM programs, an additional application is not required to add an assumed eligible newborn (see OAR 461-135-0010) to a *benefit group* currently receiving Department medical program benefits.
 - (c) In the ~~REF and~~ TANF programs program:
 - (A) A new application is not required if the *child* is listed on the application as "unborn" and there is sufficient information about the *child* to establish its *eligibility*.
 - (B) A new application is required if the *child* is not included on the application as "unborn."

- ~~(d) In the REFM program, an additional application is not required to add a newborn to a benefit group receiving benefits from one of the listed programs if eligibility can be determined without submission of a new application.~~
- (ed) In all programs other than ERDC, GAM, QMB, REF, REFM, SNAP, and TANF, an application is required.
- (5) A new application is required to add an individual, other than a newborn *child*, to a *benefit group* according to the following requirements:
- (a) In the ERDC and SNAP programs, a new application is not required.
 - (b) In the REF, REFM, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine *eligibility*; otherwise a new application is required.
 - (c) In all programs other than the ERDC, REF, REFM, SNAP, and TANF programs, a new application is required.
- (6) An individual whose TANF grant is closing may request ERDC orally or in writing.
- (7) Except for an applicant for the OSIPM, QMB, or SNAP program, an individual may change between programs administered by the Department using the current application if the following conditions are met:
- (a) The individual makes an oral or written request for the change.
 - (b) The Department has sufficient evidence to determine *eligibility* and benefit level for the new program without a new application.
 - (c) The program change can be effected while the individual is eligible for the first program.
- (8) In the OSIP, OSIPM, and QMB programs, a new application is not required to redetermine *eligibility* if the following conditions are met:
- (a) The individual is currently receiving benefits from one of these programs.
 - (b) The Department has sufficient evidence to redetermine *eligibility* for the same program or determine *eligibility* for the new program without a new application or by amending the current application.

Stat. Auth: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.025, 414.685

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049, 413.085, 414.025, 414.041, 414.231, 414.685, 414.839

Who Must Sign the Application and Complete the Application Process

- (1) In the ERDC, ~~REF, REFM,~~ and TANF programs, the following individuals must sign the application and complete the application process:
 - (a) In the ERDC program, a *caretaker* (see OAR 461-001-0000).
 - (b) In the ~~REF, REFM, and~~ TANF programs program, at least one *caretaker relative* (see OAR 461-001-0000).
- (2) In the EA program:
 - (a) A *caretaker relative* must sign the application and complete the application process for a *child* (see OAR 461-001-0000). If the *child* is not living with a *caretaker relative*, another adult may act on behalf of the *child*.
 - (b) If the *caretaker relative* lives with a *spouse* (see OAR 461-001-0000), both must sign the application.
 - (c) A dependent *child* 18 years of age who applies must sign the application and complete the application process.
- (3) In the GA, GAM, OSIPM, and QMB programs, at least one adult requesting assistance must complete the application process and sign the application, if able. If there is no adult who is able to sign the application and complete the application process, this may be done by the *authorized representative* (see OAR 461-115-0090). If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the required verification.
- (4) In the REF and REFM programs, at least one adult member of the *filing group* (see OAR 461-110-0430) must sign the application.
- (45) In the SNAP program, the *primary person* (see OAR 461-001-0015), the *spouse* of the *primary person*, or another adult member of the *filing group* (see OAR 461-110-0370) must sign the application and complete the application process.
- (56) An individual required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the:
 - (a) *Branch office* (see OAR 461-001-0000); or
 - (b) *Public institution* (see OAR 461-135-0950), when the individual applying is an *inmate* (see OAR 461-135-0950) and is applying for benefits under the OSIPM program.

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

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.087, 411.400, 411.404, 411.816, 412.049

Offices Where Clients Apply

- (1) For all programs, applicants must apply at the *branch office* (see OAR 461-001-0000) serving the area in which they live or work. Applicants temporarily in another area of the state should apply at the *branch office* serving that area. Applicants may also apply at other locations for the following programs:
 - (a) Homeless clients may apply with a Community Action Agency for the Housing Stabilization program.
 - (b) Applicants may apply for health coverage by:
 - (A) Calling the Cover Oregon toll-free number;
 - (B) Applying through the Cover Oregon online portal; or
 - (C) Contacting a federally qualified health center, a qualified hospital, a disproportionate-share hospital, or another entity authorized by rule.
- (2) The Department has designated liaison branch offices for some groups of applicants (such as patients in state medical institutions and refugees). Those applicants must apply at the designated liaison *branch office*.
- (3) REF and TANF applicants who meet the following requirements must apply through one of the local contracted refugee resettlement agencies:
 - (a) Have been in the US for eight months or less according to OAR 461-135-0900(4);
 - (b) Reside in Multnomah, Washington, or Clackamas County; and
 - (c) Meet the alien status requirements of OAR 461-120-0125(8)(a)-(h).
- (34) SNAP applicants may apply at an office of the Social Security Administration if all members of the *filing group* (see OAR 461-110-0370) are applying for or are receiving SSI, and the *filing group* has not applied for or received SNAP benefits during the previous 30 days.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.816

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.816

461-115-0430

~~Eff. 7-1-14~~

Eff. 10-1-15

Periodic Redeterminations; Not EA, ERDC, ~~REF, REFM~~, SNAP, or TA-DVS

The Department periodically redetermines the *eligibility* ([see OAR 461-001-0000](#)) of clients for benefits and assigns a redetermination date by which the next determination is required. The Department selects the redetermination date based on the client's circumstances and according to the following requirements:

- (1) In the GA and GAM programs, the Department determines *eligibility* each 12 months.
- (2) In the OSIP and OSIPM programs, the Department determines *eligibility* each 12 months for clients who are not eligible for SSI. No redetermination is required for clients who are eligible for SSI.
- (3) In the QMB program, the Department determines *eligibility* each 12 months for clients who are not eligible for SSI. For QMB recipients who are also eligible for OSIPM, a redetermination for QMB is completed with the redetermination of OSIPM.
- (4) The REF and REFM programs are time limited programs; therefore, no periodic redeterminations are made.
- (45) In the SFPSS program, the Department redetermines *eligibility* at least once every 12 months. The Department redetermines program *eligibility* by redetermining *eligibility* for the TANF program.
- (56) In the TANF program, benefits will end the last day of the *certification period* ([see OAR 461-001-0000](#)). The Department redetermines *eligibility* according to the following schedule:
 - (a) At least once every six months for each of the following:
 - (A) Clients not participating in an *activity* ([see OAR 461-001-0025](#)) of an open *case plan* ([see OAR 461-001-0025](#)).
 - (B) Clients who are currently serving a JOBS disqualification.
 - (b) At least once every 12 months for all other clients.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 412.014, 412.049, ~~414.025, 414.231, 413.085, 414.685,~~ 414.826, ~~414.831,~~ 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 412.014, 412.049, ~~414.025, 414.231, 413.085, 414.685,~~ 414.826, ~~414.831,~~ 414.839

Residency Requirements

- (1) To be eligible for benefits, an individual must be a resident of Oregon.
- (2) Except as provided otherwise in OAR 461-120-0030 and this rule, an individual is a resident of Oregon if the individual lives in Oregon.
- (3) There is no minimum amount of time an individual must live in Oregon to be a resident. However, the individual must intend to remain in Oregon except in the following situations:
 - (a) EA may be issued to help an individual return to a former state of residence.
 - (b) In the OSIPM, QMB, and REFM programs, when an individual is presumed incapable of forming an intent to reside under OAR 461-120-0050.
 - (c) In the REF and TANF-program programs, an individual is considered a resident if the individual entered Oregon with a job commitment or looking for work, and is not receiving benefits from another state.
 - (d) The SNAP program does not require intent to remain to establish residency.
 - (e) In the TA-DVS program, to the extent permitted under OAR 461-135-1200.
- (4) An individual is not a resident if the individual is in Oregon solely for a vacation.
- (5) An individual continues to be a resident of Oregon during a temporary period of absence if the individual intends to return when the purpose of the absence is completed; and, in the TANF program, the individual remains in the household group under OAR 461-110-0210.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 413.085, 414.231, 414.685

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 413.085, 414.025, 414.033, 414.231, 414.685, 414.826, 414.839

Participation Classifications: Exempt, Mandatory, and Volunteer

- (1) In the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs:
 - (a) The Department assigns ~~a client~~ 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, ~~a client~~ an individual is classified as a *volunteer*.
- (2) In the Pre-TANF, REF, and TANF programs:
 - (a) ~~A client~~ An individual is *exempt* from employment program participation and disqualification if the ~~client~~ individual meets the requirements of at least one of the following paragraphs. The ~~client~~ individual is --
 - (A) Pregnant and in the month before the month in which the due date of the pregnancy falls.
 - (B) 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).
 - (C) Under 20 years of age during the first 16 weeks after giving birth except that the ~~client~~ individual may be required to participate in suitable activities with a preference for educational activities, parenting classes, and *family stability activity*.
 - (D) 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.
 - (E) An REF client 65 years of age or older.
 - (F) A TANF client 60 years of age or older.
 - (G) A noncitizen who is not authorized to work in the United States.
 - (H) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.

- (I) A *caretaker relative* (see OAR 461-001-0000) who is non-needy.
 - (J) ~~A client~~ 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*.
 - (K) A pregnant ~~client~~ individual who participates more than 10 hours per week during the two months before the month in which the pregnancy due date falls.
 - (L) A VISTA volunteer.
- (b) A *caretaker relative* of a *dependent child* or unborn who receives ~~REF or~~ TANF program benefits is *mandatory* if the *caretaker relative* is in the same filing group (~~see OAR 461-110-0330~~) with the *dependent child* or unborn (even if the *caretaker relative* is not in the ~~REF or~~ 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) ~~A client~~ An individual is *exempt* from employment program participation and disqualification if the ~~client~~ individual meets the requirements of one of the following paragraphs. The ~~client~~ 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. ~~A~~ An individual who is self-employed ~~client~~ 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* (~~see OAR 461-001-0015~~) 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. ~~Clients remain~~ An individual remains *exempt* during normal periods of class attendance, vacation, and recess but no longer ~~qualify~~ 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.
 - (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) Lacking adequate dependent care.
 - (K) Without adequate transportation available.
 - (L) 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, ~~411.660, 411.710~~, 411.816, 412.006, 412.009, 412.014, 412.049

Stats. Implemented: ORS 409.010, 409.750, 411.060, 411.070, ~~411.710~~, 411.816, 412.006, 412.009, 412.014, 412.049, 2011 Or. Laws 604

- (1) For the purposes of this rule, "striker" means anyone participating in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) or any concerted slowdown or other concerted interruption of operations by employees. An individual is not a "striker" if the individual is --
 - (a) An employee affected by a lockout;
 - (b) An individual who goes on strike but who is *exempt* (see OAR 461-130-0305) from participating in an employment program under this division of rules the day prior to the strike, unless *exempt* solely on the ground that the individual is employed; or
 - (c) ~~A client~~ An individual who is not part of a bargaining unit on strike and does not want to cross a picket line due to fear of personal injury or death.
- (2) In the EA, ~~REF~~, and TANF programs, a filing group (see OAR 461-110-0310) is ineligible for program benefits during any month in which a *parent* (see OAR 461-001-0000) in the filing group is a *striker* (see section (1) of this rule). If any other member of the filing group is a *striker*, only that individual is ineligible.
- (3) In the REF program, a filing group (see OAR 461-110-0430) is ineligible for program benefits during any month in which a member of the filing group is a *striker*.
- (34) In the SNAP program:
 - (a) A household containing a *striker* is not eligible to participate in the program unless the household was eligible for benefits the day prior to the date the member became a *striker*.
 - (b) An eligible household is not entitled to an increased allotment as the result of a decrease in the income of a *need group* (see OAR 461-110-0630) member on strike.
 - (c) The *eligibility* (see OAR 461-001-0000) of a filing group (see OAR 461-110-0370) containing a *striker* is determined by adding to the income of the filing group's members who are not *strikers* the greater of the current income of the *striker's* current income or the income of the *striker's* income immediately before the strike. Deductions used to determine benefits and *eligibility* for a household subject to the net income *eligibility* standard are calculated for the month of application as for any other household.
 - (d) A *striker* is subject to the registration requirements of this division of rules unless *exempt* from participating in an employment program on the day of application.

Removing Disqualifications and Effect on Benefits

- (1) An applicant who would be subject to an employment program disqualification under OAR 461-130-0330 but withdraws the application before benefits are approved is not subject to disqualification.
- (2) In the REF, SNAP, and TANF programs, a filing group (see OAR 461-110-0330, ~~and~~ 461-110-0370, and 461-110-0430) is not subject to the impact of a disqualification for a disqualified member who has left the *household group* (see OAR 461-110-0210). ~~Should~~ If the member joins another filing group, that group is subject to the member's most recent disqualification.
- ~~(3) In the SNAP program, the disqualification ends the first day of the month following the month in which information is provided to the Department justifying the change in the client's participation classification, even if the date falls within the disqualification period provided in OAR 461-130-0330(4).~~
- (4) In the REF and TANF programs, ~~a client~~ an individual disqualified for failure to meet the requirements of an employment program under division 190 of these rules:
 - (a) At the first level of disqualification must cooperate for two consecutive weeks with each *activity* (see OAR 461-001-0025) specified in the client's individual's current or revised *case plan* (see OAR 461-001-0025) before the Department may remove the disqualification. Cash benefits are restored effective the date the client individual completes the two consecutive week cooperation period.
 - (b) When the second level of disqualification ends, TANF program benefits are closed for two consecutive months, unless the client individual begins two consecutive weeks of cooperation with each *activity* specified in the client's individual's current or revised *case plan* before the end of the ~~level two~~ second level. If the client individual completes the two consecutive weeks of cooperation, cash benefits are restored effective the date the client individual completes the two consecutive week cooperation period.
 - (c) Cash benefits are restored effective the date it is determined, by the Department, there are no appropriate activities or *support services* (see OAR 461-001-0025) necessary to support the *activity* available in order for the client individual to demonstrate participation.
- (5) In the REF and TANF programs, a disqualification ends when:
 - (a) The Department changes the participation classification of the disqualified individual to *exempt* (see OAR 461-130-0305);
 - (b) The client individual complies with the requirements of the employment program (see section (4) of this rule); or
 - (c) REF or TANF program benefits are closed for a reason other than described in OAR 461-130-0330(3)(d).

(5) In the SNAP program, the disqualification ends the first day of the month following the month in which information is provided to the Department justifying the change in the individual's participation classification, even if the date falls within the disqualification period provided in OAR 461-130-0330(4).

Stat. Auth.: ORS [409.050](#), 411.060, [411.070](#), 411.816, 412.009, 412.049

Stats. Implemented: ORS [409.010](#), [409.050](#), 411.060, [411.070](#), 411.816, [411.825](#), [411.837](#), 412.009, 412.049

Specific Requirements; REF, REFM

- (1) In addition to the *eligibility* (see [OAR 461-001-0000](#)) requirements in other rules in [OAR Chapter 461 of the Oregon Administrative Rules](#), an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.
- (2) An individual must meet the alien status requirements of OAR 461-120-0125, except a *child* (see OAR 461-001-0000) born in the United States to an [individual in the REF or REFM program](#) ~~client~~ meets the alien status requirements for the REF and REFM programs as long as each *parent* (see OAR 461-001-0000) in the *household group* (see OAR 461-110-0210) meets the alien status requirements of OAR 461-120-0125.
- (3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:
 - (a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".
 - (b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".
- (4) *Eligibility* for REF and REFM program benefits is limited to the first eight months in the United States:
 - (a) For an individual who meets the alien status requirements of OAR 461-120-0125(8)(a), (c), (d), or (e), the month that the individual enters the U.S. counts as the first month.
 - (b) For an individual who meets the alien status requirements of OAR 461-120-0125(8)(b), (f), or (g), the month that the individual was granted the individual's status counts as the first month.
 - (c) For an individual who meets the alien status requirements of OAR 461-120-0125(8)(h):
 - (A) If the individual enters the U.S. with the special immigrant status, the month that the individual enters the U.S. counts as the first month.

- (B) If the individual is granted special immigrant status after ~~they have the~~ individual has already entered the U.S., then the month in which the special immigrant status was granted counts as the first month.
- (d) Months in the United States are counted as whole months. There is no prorating of months, except as described in OAR 461-193-0320.
- (5) For an individual who meets the requirements of section (4) of this rule:
 - (a) When the individual resides in Clackamas, Multnomah, or Washington ~~counties~~ County:
 - (A) The individual is not eligible to receive REF, TANF, or TANF-related employment services through the Department. To receive benefits, the individual is required to participate in the Refugee Case Service Project (RCSP) program. This individual is referred to ~~their~~ the individual's local resettlement agency to be enrolled in the RCSP program and receives all other Department services through the individual's local Department office.
 - (B) An individual who no longer meets the requirements of section (4) of this rule is no longer eligible to receive cash or case management services through the RCSP program. If this individual has been in the United States for 12 months or less, the individual is referred to the New Arrival Employment Services (NAES) program contractor for employment services.
 - (b) When the individual resides in ~~counties~~ a county other than Clackamas, Multnomah, and Washington, the RCSP program is not available. The individual is served at the individual's local Department office.
- (6) Except for QMB, *eligibility* for all Medicaid and CHIP programs must be determined prior to determining *eligibility* for the REFM program.
- (7) *Eligibility* for the TANF program must be determined prior to the REF program.
- (8) An individual in the REF program ~~client~~ may not participate in the Pre-TANF program.
- (9) An REFM benefit group (see OAR 461-110-0750) may continue to receive REFM for the remainder of the eight months, as stated in (4) of this rule, if:
 - (a) A newborn is born to a benefit group member while the benefit group member was receiving REFM; and
 - (b) The benefit group applied for OCCS Medical and was denied.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.878, 412.049, 414.685