

Secretary of State  
**CERTIFICATE AND ORDER FOR FILING TEMPORARY ADMINISTRATIVE RULES  
and  
STATEMENT OF NEED AND JUSTIFICATION**

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on  
October 19, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs			461
<b>Agency and Division</b>			<b>Chapter Number</b>
Kris Skaro	Human Services Building 500 Summer St NE, E-48 Salem, OR 97301	503-945-6067	<a href="mailto:kris.a.skaro@state.or.us">kris.a.skaro@state.or.us</a>
<b>Rules Coordinator</b>	<b>Address</b>	<b>Telephone</b>	<b>Email</b>

to become effective October 19, 2016 through April 16, 2017.\*

*\*Temporary rules are effective for a maximum of 180 days including the effective date.*

**Rule Caption:** *Amending rules relating to employment and training requirements in the SNAP program*

**In the Matter of:** *The temporary amendment of OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, and 461-135-0520*

**AMEND:** 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, 461-135-0520

ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.816

**Stat. Auth.**

Food and Nutrition Act of 2008; 7 USC 2015(d), 7 USC 2015(o), 7 CFR 273.7, 7 CFR 273.24

**Other Auth.**

ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.816

**Stats. Implemented**

## Rule Summary

The Department is amending rules regarding SNAP Employment and Training (E&T) program policies. Effective October 1, 2016, the Department amended rules to change the Oregon Food Stamps Employment and Training (OFSET) program from a mandatory program to a voluntary program. The voluntary part of the E&T program is with the work activities. The rules described below are amended to reflect that some SNAP eligibility requirements related to E&T apply to any individual receiving benefits if they are mandatory to register for work:

- OAR 461-130-0305 about general employment program provisions is being amended to incorporate the SNAP definition of mandatory to include only those persons who are required to register for work as a SNAP eligibility requirement.
- OAR 461-130-0310 and 461-130-0315 about requirements for mandatory employment program clients are being amended to divide the E&T exemption criteria list into two parts. One part is for the exemptions from work registration or any of the other E&T requirements. The second part is for those exemptions from participation in the E&T work-related activities due to employment or participation in another E&T program. Individuals meeting this second list are not exempt from work registration and the other E&T eligibility requirements. They are required to accept bone fide job offers and to maintain employment. In OAR 461-130-0315, the requirements for SNAP were reorganized to clarify which requirements apply to SNAP clients who are required to register for work.
- OAR 461-130-0330 about disqualifications is being amended to clarify any SNAP client who is required to register for work must register for work, assist the department in determining if they are mandatory or exempt, accept a bone fide job offer, and maintain employment. If they fail to do these things, they are subject to the E&T disqualifications. Participation in the SNAP work-related activities are not included here because they are voluntary for all except the ABAWD in the time limit counties. ABAWDs residing in the time limit counties are subject to disqualification if they fail to do the E&T requirements and subject to the time limit if they fail to do the work related activities under OAR 461-135-0520.
- OAR 461-135-0520 about the SNAP time limit is being amended to reflect that an ABAWD may be exempt from the time limit under either list of exemption criteria in OAR 461-130-0310(3) described above.

These changes will be reviewed by a Rule Advisory Committee and then distributed in a Notice of Proposed Rulemaking for review and comment prior to permanent adoption.

## Need for the Rules

---

OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, and 461-135-0520 need to be amended because the current rules do not support federal E&T eligibility requirements in the SNAP program which were previously embedded in OFSET participation. The changes described below ensure the rules support Department practice consistent with federal requirements.

- OAR 461-130-0305 is amended to include the SNAP E&T requirement to register for work in the definition of mandatory.
- OAR 461-130-0310 and 461-030-0315 are amended to show which criteria is truly an exemption from all of the E&T requirements and which requirements could make an individual exempt from participating in work-related activities but not exempt from work registration or other E&T eligibility requirements such as maintaining employment.
- OAR 461-130-0330 is amended to state that a mandatory E&T client is subject to disqualification if they do not perform the E&T eligibility requirements. ABAWDs are not limited to only the need to maintain employment.

- OAR 461-135-0520 is amended to reflect that an ABAWD may be exempt from the time limit under either list of exemption criteria in OAR 461-130-0310(3) described above.

## Documents Relied Upon

---

FNS ABAWD Time limit Policy and Program Access memo dated Nov 19, 2015 available at <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>.

## Justification of Temporary Rules

---

The Department finds that failure to act promptly by amending these rules will result in serious prejudice to the public interest, the Department, and SNAP clients because the October 1, 2016 E&T changes inadvertently made some persons who are required to register for work exempt from disqualification. It also did not clearly delineate the E&T requirements which still exist even though some individuals are no longer required to participate in work-related activities. The Department needs to proceed by temporary rule because the public, the Department, and SNAP clients will immediately benefit when the rules accurately reflect all the requirements clients must meet to maintain SNAP eligibility.

## General Provisions; Employment Programs

- (1) This division of rules states --
  - (a) The requirements for a client participating in the employment programs of the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the JOBS, REF (administered under division 193 of these rules), and SNAP Employment and Training (see OAR 461-001-0020) employment programs. (The employment and training requirements for ABAWD clients in the SNAP program are also covered in OAR 461-135-0520.)
  - (b) The effect of a labor strike on a client's eligibility for program benefits.
- (2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:
  - (a) "Exempt" means a client who the Department determines is not *mandatory* (see subsection (b) of this section) for an employment program in accordance with OAR 461-130-0310.
  - (b) "Mandatory" means --
    - (A) In all programs except the SNAP program, a client in the *need group* (see OAR 461-110-0630) who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.
    - (B) In the SNAP program, a client in the *need group* who the Department determines must register for an employment program in accordance with OAR 461-130-0310.
  - (c) "Volunteer" means:
    - (A) A client who is an ABAWD living in one of the *time limit exempt counties* (see OAR 461-135-0520) who is either *exempt* (see subsection (a) of this section) or *mandatory* and chooses to participate in SNAP Employment and Training;
    - (B) A client who is not an ABAWD and is either *exempt* or *mandatory* and chooses to participate in SNAP Employment and Training; or
    - (C) A client who is not *mandatory* and chooses to participate in an employment program.
- (3) A client must provide the information necessary for the Department to determine each of the following:

- (a) The client's participation classification (see OAR 461-130-0310);
  - (b) The client's level of participation; and
  - (c) If applicable, whether a client had *good cause* (see OAR 461-130-0327) for any failure to meet a requirement of an employment program.
- (4) In the SNAP program, a *mandatory* client (see OAR 461-130-0310(3)(b)) is registered for the employment program when a member of the *filing group* (see OAR 461-110-0370) or an *authorized representative* (see OAR 461-115-0090 and 461-115-0140) signs the SNAP program application.

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

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

## 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 last month of the pregnancy.
    - (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.
    - (C) 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).
    - (D) 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*.
    - (E) 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.
    - (F) An REF client 65 years of age or older.
    - (G) A TANF client 60 years of age or older.
    - (H) A noncitizen who is not authorized to work in the United States.

- (I) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.
  - (J) A *caretaker relative* (see OAR 461-001-0000) who is non-needy.
  - (K) 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*.
  - (L) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.
  - (M) 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 registration in an 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~~A) An individual with a physical or mental condition that prevents performance of any work.
    - (~~E~~B) Responsible for the care of a *child* (see OAR 461-001-0000) in the household-filing group under 6 years of age.
    - (~~C~~) ~~or Responsible for~~ 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.~~

~~(ED)~~ 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).~~

~~(HE)~~ Participating in a drug or alcohol treatment and rehabilitation program.

~~(IF)~~ Pregnant.

~~(JG)~~ Chronically homeless. For purposes of this rule, ~~an individual is "chronically homeless" if means~~ the individual is currently *homeless* (see OAR 461-001-0015), unable to obtain employment due to being *homeless*, 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.

(b) An individual is *mandatory* for work registration and the requirements in OAR 461-130-0315 if the individual meets the requirements of one of the following



paragraphs. These individuals may be disqualified under OAR 461-130-0330 for failing to meet the requirements in OAR 461-130-0315. 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~~461-001-0015) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.

(B) Receiving REF or TANF program benefits under Title IV of the Social Security Act.

(C) 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).

(bc) 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) In the Pre-TANF, REF, or TANF programs:

- (~~a~~A) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.
- (~~b~~B) Schedule and keep required employment-related appointments and interviews.
- (~~c~~C) 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.
- (~~d~~D) 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.
- (~~e~~E) 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~~B) In the SNAP program:

- (A) Register for the SNAP Employment and Training program (see OAR 461-001-0020).
- (B) Assist the Department in the *exempt* (see OAR 461-130-0305) or *mandatory determination*.
- (C) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.
- (~~A~~D) 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 *filing date* (see OAR 461-115-0040) for SNAP benefits as provided in OAR 461-135-0521 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 as defined in OAR 461-135-0521.
- (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 without *good cause* (see OAR 461-130-0327); or~~

~~(IV) Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).~~

~~(BE) For an An ABAWD subject to the time limit in residing in one of the time limit counties (see OAR 461-135-0520) must do all of the following:~~

~~(i) Schedule and keep required employment-related appointments and interviews.~~

~~(ii) Complete all work activities and components specified in the case plan (see OAR 461-001-0020).~~

(iii) Provide the Department, in the manner required, with verifiable documentation of participation hours.

(iv) Notify the Department or the SNAP Employment and Training contractor of the reason for not doing the employment-related activities as set forth on the *case plan*.

- (2) In the Pre-TANF, REF, and TANF programs a *mandatory* client who fails to meet a participation requirement without *good cause* 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.

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

Stats. Implemented: ORS 411.060, 411.816, 412.009, 412.049

## Disqualifications; Pre-TANF, REF, SNAP, TANF

- (1) In the Pre-TANF, REF, SNAP, and TANF programs, the Department may not disqualify from program benefits a client who is a *volunteer* (see OAR 461-130-0305 and 461-130-0310) participant in an employment program.
- (2) In the Pre-TANF and TANF programs, a *mandatory* (see OAR 461-130-0305) individual who fails to comply with an employment program participation requirement or an *exempt* (see OAR 461-130-0305 and 461-130-0310) individual who fails to comply with the requirements of OAR 461-135-0085, and does not have *good cause* (see OAR 461-130-0327) for the failure to comply is subject to disqualification under this rule only after the client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.
- (3) In the REF program, a *mandatory* client who fails to comply with an employment program participation requirement and does not have *good cause* for failure to comply is subject to disqualification under this rule only after the client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.
- (4) In the REF program, the effects of a disqualification are progressive. There are two levels of disqualification:
  - (a) At the first level of disqualification, the penalty is the removal of the disqualified client from the *need group* (see OAR 461-110-0630) for three months. If the disqualified client is the only member of the filing group (see OAR 461-110-0310 and 461-110-0430), the assistance is terminated.
  - (b) At the second level, the penalty is the removal of the disqualified client from the *need group* for six months. If the disqualified client is the only member of the filing group, the assistance is terminated.
- (5) In the TANF program, the effects of a JOBS disqualification or a disqualification imposed under OAR 461-135-0085 are progressive. There are four levels of disqualification. Once a disqualification is imposed, it affects benefits according to the following schedule until the disqualification ends in accordance with OAR 461-130-0335:
  - (a) At the first level, the penalty is a 25 percent reduction in benefits.
  - (b) At the second level, the penalty is a 50 percent reduction in benefits.
  - (c) At the third level, the penalty is a 75 percent reduction in benefits.
  - (d) At the fourth level, the penalty is a 100 percent reduction in benefits.

- (e) At the end of the fourth level, program benefits are closed and the filing group (see OAR 461-110-0310 and 461-110-0330) may not receive program benefits for the following two consecutive months.
- (6) In the SNAP program:
  - (a) A *mandatory* client not covered under subsection (b) of this section who fails to comply with the requirements of an employment program (see OAR 461-130-0315) without *good cause* (see OAR 461-130-0327) is subject to disqualification. A disqualified client is removed from the *need group* until he or she meets the employment program requirements and serves the applicable progressive disqualification under the following subsections:
    - (A) One calendar month for the first failure to comply.
    - (B) Three calendar months for the second failure to comply.
    - (C) Six calendar months for the third and subsequent failures to comply.
  - (b) A *mandatory* client who is an ABAWD (see OAR 461-135-0520) residing in Multnomah or Washington County one of the time exempt counties (see OAR 461-135-0520) or a *mandatory* client who is served by an office that does not offer OFSET (see OAR 461-190-0310) who fails to comply with the requirements to maintain employment in OAR 461-130-0315(1)(~~fb~~)(~~BA~~) to (D) is subject to disqualification as provided in subsection (a) of this section. See OAR 461-135-0520 for additional employment participation requirements for ABAWD clients.
  - ~~(c) — A client who is exempt (see OAR 461-130-0305) from participation in the SNAP employment program because he or she is a *mandatory* participant in the JOBS program, receiving unemployment compensation benefits, or has applied for unemployment compensation benefits and is waiting on an initial decision must comply with the requirements of those programs. If the client fails to comply with the requirements of the applicable program the client is disqualified from receiving SNAP benefits, unless he or she can show *good cause* under OAR 461-130-0327.~~

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

Stats. Implemented: ORS 411.060, 411.816, 411.837, 412.009, 412.049

## Time Limit and Special Requirements for ABAWD; SNAP

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.

- (1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:
  - (a) "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no *child* (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).
  - (b) "Time limit counties" means Oregon counties in which the limitation on *eligibility* (see OAR 461-001-0000) for SNAP benefits for ABAWD in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. "Time limit counties" are Multnomah and Washington counties.
  - (c) "Time limit exempt counties" means Oregon counties in which the limitation on *eligibility* for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt counties" are Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Marrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill counties.
- (2) Except as provided otherwise in this rule, an ABAWD who resides in one of the *time limit counties* (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three *countable months* (see section (3) of this rule) during January 1, 2016 to December 31, 2018.
- (3) "Countable months" means months within the 36-month period of January 1, 2016 to December 31, 2018 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:
  - (a) The individual resided for any part of the month in one of the *time limit exempt counties* (see section (1) of this rule).
  - (b) Benefits were prorated for the month.
  - (c) The individual was exempt (~~see OAR 461-130-0305~~) from the time limit for any part of the month under OAR 461-130-0310(3)(a) or (b).

- (d) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20 hours per week averaged monthly. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)
    - (A) Work for pay, in exchange for goods or services, or as a volunteer.
      - (i) Work in exchange for goods and services includes bartering and in-kind work.
      - (ii) Voluntary work hours must be verified by the employer.
      - (ii) For self-employed individuals, countable income after deducting the costs of producing income must average at least the federal minimum wage times 20 hours per week.
    - (B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 936 (1998).
    - (C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).
    - (D) Comply with the employment and training requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.
  - (e) The individual complied with the Workfare requirements in OAR 461-190-0500.
- (4) An ABAWD must submit evidence to the Department on the issue of whether a month is countable within 90 days following the last day of the month in question.
  - (5) An ABAWD who is ineligible under section (2) of this rule but otherwise eligible may regain *eligibility* if the requirements of subsections (a) or (b) of this section are met.
    - (a) The individual becomes *exempt* under OAR 461-130-0310(3)(a). *Eligibility* regained under this subsection begins on the date the individual files a new application and continues as long as the individual is *exempt* and is otherwise eligible. If not eligible on the *filing date* (see OAR 461-115-0040), *eligibility* begins the date all other *eligibility* requirements are met.
    - (b) The individual, during a consecutive 30-day period during which the individual is ineligible, meets the requirements of subsection (3)(d) or (3)(e) of this rule.



- (A) *Eligibility* regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(d) or (3)(e) of this rule and is otherwise eligible. If not eligible on the *filing date*, *eligibility* begins the date all other *eligibility* requirements are met.
  - (B) There is no limit to how many times an individual may regain *eligibility* under this subsection during January 1, 2016 to December 31, 2018.
  - (c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained *eligibility* under this section.
- (6) An individual who regains *eligibility* under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(d) or (3)(e) of this rule may receive a second set of food benefits for three consecutive *countable months*. The *countable months* are determined as follows:
- (a) If the individual stopped participation in a work program, *countable months* start when the Department notifies the individual he or she is no longer meeting the work requirement.
  - (b) If the individual stopped participation in a work program, *countable months* start when the individual notifies the Department he or she is no longer meeting the work requirement.
  - (c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the *countable months* start when the change occurred.
  - (d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, *countable months* start when the Department notifies the individual he or she must meet the work requirement.
  - (e) An individual may only receive benefits without meeting the requirements of subsection (3)(d) or (3)(e) of this rule for a total of six *countable months* during January 1, 2016 to December 31, 2018.
- (7) This section is a placeholder to establish criteria the Department will use to grant exemptions to ABAWD who are ineligible if the Department receives special exemptions from the Food and Nutrition Service.
- (8) An ABAWD involved in the activities specified in subsection (3)(d) or (3)(e) of this rule or an activity listed in the individual's *case plan* (see OAR 461-001-0020) is eligible for

support service payments necessary for transportation or other costs related to completing the activity as allowed by OAR 461-190-0360.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.121, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837