

Secretary of State
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PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

September 8, 2017 by the

Department of Human Services, Office of Self-Sufficiency Programs	461
Agency and Division	Chapter Number

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to become effective October 1, 2017.

Rulemaking Notice was published in the August 2017 Oregon Bulletin.

Rule Caption: *Changing rules relating to self-sufficiency programs*

AMEND: 461-110-0350, 461-110-0430, 461-115-0030, 461-115-0040, 461-115-0050, 461-115-0190, 461-115-0651, 461-120-0125, 461-120-0510, 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0328, 461-130-0330, 461-130-0335, 461-135-0070, 461-135-0075, 461-135-0475, 461-135-0915, 461-135-0930, 461-135-1270, 461-140-0110, 461-140-0210, 461-140-0220, 461-145-0001, 461-145-0110, 461-145-0200, 461-145-0250, 461-145-0360, 461-145-0420, 461-160-0010, 461-165-0180, 461-180-0010, 461-180-0070, 461-190-0171, 461-190-0211, 461-190-0231, 461-190-0310, 461-190-0406

REPEAL: 461-115-0651(T), 461-165-0180(T)

ORS 181.537, 329A.500, 409.050, 410.070, 411.060, 411.070, 411.083, 411.117, 411.121, 411.122, 411.404, 411.706, 411.816, 411.825, 412.006, 412.009, 412.014, 412.049, 412.054, 412.064, 412.079, 412.124, 413.085, 414.685

Stat. Auth.

7 USC 2015(d), 7 USC 2015(o), 7 USC 2029, 42 USC 9858(f)(1), 7 CFR 273.7, 7 CFR 273.12, 7 CFR 273.24, 45 CFR 98.42, 45 CFR 261.02, 45 CFR 261.10, 45 CFR 263.2, 45 CFR 263.20, 45 CFR 264.1

Other Auth.

ORS 181.537, 329A.340, 329A.500, 409.010, 409.610, 410.070, 411.060, 411.070, 411.081, 411.083, 411.087, 411.117, 411.121, 411.704, 411.706, 411.816, 412.001, 412.006, 412.009, 412.014, 412.049, 412.079, 412.124, 414.025

Stats. Implemented

Rule Summary

OAR 461-110-0350 about who is considered part of the filing group for purposes of determining eligibility is being amended to include any parent of an unborn child in the ERDC filing group, consistent with current Department practices.

OAR 461-110-0430 regarding filing group membership for the Refugee and Refugee Medical is being amended to treat emancipated minors in the same manner as adults for these two programs, consistent with current practices. An 18 or 19 year old head of household may be placed into JOBS activities if they have completed high school (or equivalent) education, or into an educational track if not completed.

OAR 461-115-0030 about dates of request is being amended to align the REF, TA-DVS, and TANF programs with the SNAP program, using the filing date for application processing timeframes, reducing errors and confusion.

OAR 461-115-0040 about filing dates is being amended to align the REF and TANF programs with the SNAP program, using the filing date for application processing timeframes. This rule is also being amended to clarify the minimum required elements to establish a filing date. These changes will reduce errors and confusion.

OAR 461-115-0050 about when an application must be filed is being amended to clarify when a new or existing application may be used to establish eligibility in the Refugee, TA-DVS, and TANF programs, decreasing the burden on field staff to gather a new completed application, and provide increased customer service for applicants requesting benefits in the second month following a denial.

OAR 461-115-0190 about application processing time frames is being amended to align the TANF program with the SNAP program by making eligibility decisions within 30 days of the filing date, while allowing extensions to the 45th day, consistent with federal guidance. This rule is also being amended to indicate that the TANF program does not delay eligibility decisions beyond 45-days.

OAR 461-115-0651 regarding verification requirements in the SNAP program is being amended to make permanent a temporary rule change effective August 1, 2017 correcting the ABAWD verification requirements by referring to the new definition of time limit counties that includes Clackamas County at the present time.

OAR 461-120-0125 about alien status and qualified non-citizen requirements is being amended to add Amerasians as lawful permanent residents to categorize their immigration status correctly.

OAR 461-120-0510 regarding age requirements for clients to receive benefits is being amended to exclude minors who are married, married but separated, and minors who are legally emancipated from eligibility for TANF benefits as dependent children, consistent with other rules in the TANF program. This rule also being amended to indicate the age requirements for the Refugee Medical (REFM) program, removing an internal inconsistency.

OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, and 461-130-0335 are being amended to update the language used to describe the participation categories as JOBS Eligible (previously mandatory), JOBS Exempt, and JOBS Volunteer. These rules are also being amended indicate that those that are mandatory are eligible for the JOBS program. These amendments align the definitions of individuals that meet federal exemptions (JOBS Exempt) and those that meet the state exemptions (JOBS Volunteer). OAR 461-130-0310 is also being amended to define JOBS exemptions for pregnant individuals to match state exemptions. These

amendments define individuals eligible for the JOBS program using strength-based language supportive of the new engagement model.

OAR 461-130-0328 regarding the effect on eligibility of clients missing work due to a strike is being amended to include caretaker relatives as ineligible for Emergency Assistance and TANF when they are on strike, making the eligibility rules consistent in how parents and caretaker relatives are treated for determining eligibility. This rule is also being amended to set the policy on this topic in the Refugee Medical program as to when a striker is ineligible for this program, consistent with federal guidance.

OAR 461-135-0070 about eligibility requirements in the TANF program is being amended to remove language that excluded caretaker relatives receiving foster care payments from TANF program eligibility. This rule is also being amended to remove the “essential person” category of benefit eligibility, use the filing date for program benefits instead of date of request, apply the same policy to parents and caretaker relatives, and clarify the length of pregnancy for program benefit eligibility.

OAR 461-135-0075 about exemptions to the 60-month limit on TANF benefits is being amended to provide specific direction about when the Indian Country exemption applies to improve the accuracy of benefit decisions and clarity for clients, consistent with federal guidance. This amendment also modifies the direction in the temporary rule effective July 1, 2017 by updating the counties considered for Indian Country exemptions.

OAR 461-135-0475 about requirements for the Pre-TANF program is being amended to limit the duration of the Pre-TANF program consistent with other changes to the TANF program application timeframes. This rule is also being amended to exempt non-citizens ineligible to work in the U.S. from completing employability screening information. These changes clarify the policy and will reduce errors.

OAR 461-135-0915 about requirements for the Refugee Program is being amended to use the filing date as the ending point for the 30-day eligibility restriction after quitting employment and as the starting point for the 30-day disability or medical condition for determining if an individual is in violation of employment separation requirement, aligning this program with the TANF policy.

OAR 461-135-0930 regarding the Refugee Medical (REFM) program is being amended to remove QMB and CAWEM programs from the list of Medicaid programs that must be reviewed prior to eligibility for the Refugee Medical (REFM) program. These programs should not be reviewed in this context because they are not full benefit programs on the same level as REFM.

OAR 461-135-1270 about requirements for employment payments is being amended to update the language used to describe the participation categories as JOBS Eligible (previously mandatory) consistent with other rule changes.

OAR 461-140-0110 regarding treatment of periodic income is being amended to state that periodic income in the Refugee Medical (REFM) program is averaged over the applicable time only if received in the month of application, so the rule accurately states Department practices.

OAR 461-140-0210 about the effect of asset transfers on eligibility is being amended to align the Refugee, Refugee Medical, and TANF programs with the SNAP program by referring to the filing date. This rule is also being amended to indicate in the Refugee and Refugee Medical programs that the asset transfer restrictions only apply to resources transferred in the United States.

OAR 461-140-0220 about transfers of assets that are not disqualifying is being amended to state for the SNAP program that asset transfers are not disqualifying when the compensation is at least equal to fair market value (instead of at least near market value), aligning the SNAP policy with APD medical program policy.

OAR 461-145-0001 about the effect of adoption assistance payments on financial eligibility for Department programs is being amended to state correctly that these payments are excluded from countable income in the TANF program, consistent with federal law and current Department practice.

OAR 461-145-0110 regarding the effect of Domestic Volunteer Services Act payments on financial eligibility for DHS programs is being amended to change the policy that applies to the REF, REFM, and TANF programs and exclude the value of the educational award (instead of compensation if below minimum wage), consistent with current Department practices.

OAR 461-145-0200 about foster care payments and benefits from the Guardianship Assistance program is being amended to clarify the differences between children in foster care, adults in foster care, and foster care providers as to how they are treated in the eligibility groups for the TANF program.

OAR 461-145-0250 the treatment of income-producing property for determining financial eligibility for Department programs is being amended to treat this property in the same manner as self-employment income in the Refugee, Refugee Medical, and TANF programs, aligning this rule with other TANF rules.

OAR 461-145-0360 about the effect of motor vehicle value on program eligibility is being amended to change the exclusion that applies to the value of motor vehicles from \$10,000 for one vehicle to \$10,000 for the total value of all vehicles so the rule text matches current practices.

OAR 461-145-0420 about the effect of property on financial eligibility for Department programs is being amended to indicate the exclusion for Interim Assistance Agreements is not limited to the TANF program.

OAR 461-160-0010 regarding the use of resources in determining financial eligibility is being amended to indicate that individuals and families will be ineligible for the Refugee Medical (REFM) program if their resources exceed the resource limits. This amendment follows federal guidance.

OAR 461-165-0180 about the eligibility of child care providers is being amended to make permanent a temporary rule change effective June 1, 2017 and require approved child care providers to provide care within the state of Oregon, allowing the state to monitor compliance with its child safety requirements.

OAR 461-180-0010 about the effective date for adding a new person to an open case is being amended to state the date an additional child may start receiving subsidized child-care in the TA-DVS program. This rule is also being amended to reflect changes in the SFPSS and TANF programs in which the application time frame is generally shortened to 30 days, aligning with the SNAP program.

OAR 461-180-0070 regarding the date that benefits start is being amended to shorten the deadline in the Refugee and TANF programs by which an applicant must complete eligibility and interview requirements to preserve an earlier starting date for benefits. This change is consistent with federal regulation.

OAR 461-190-0171 about education requirements for teen parents in the JOBS program, OAR 461-190-0211 about case plan activities and standards for support service payments, OAR 461-190-0231 about re-engagement, and OAR 461-190-0406 about client eligibility are being amended to update the language used to describe the participation categories as JOBS Eligible (previously mandatory), JOBS Exempt, and JOBS Volunteer for individuals applying for TANF benefits. OAR 461-190-0211 is also being amended to remove the

categories of job ready, near job ready, and not job ready; reduce support service payment restrictions, and set out the Department's policy on payment of vehicle repairs. This rule is being further amended to include both Program Entry (PE) and Domestic Violence Intervention (DV), allowing support service payments as needed to engage in services. OAR 461-190-0231 is also being amended to clarify the policy about when the re-engagement process ends.

OAR 461-190-0310 is being amended to end the Oregon Food Stamps Employment and Training (OFSET) program in Benton, Lane, Lincoln, Linn, Marion, Polk, and Yamhill counties to prepare for implementation of the SNAP time limits. The SNAP program applies time limits to able-bodied individuals who are aged 18 through 49 and there is no child under age 18 in their SNAP filing group (ABAWD). Federal SNAP law allows ABAWDs who live in areas without a waiver to receive three months of benefits in a 36 month period without meeting the work requirements. New Employment and Training (E&T) contracts will begin October 1, 2017 and the contracts for these counties will focus on services for ABAWDs only.

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; improve ease of reading; and clarify Department rules and processes.

In the ERDC program:

- (1) The filing group consists of each of the following applicants and *household group* (see OAR 461-110-0210) members, even if the individual does not meet nonfinancial eligibility requirements:
 - (a) The *caretaker* (see OAR 461-001-0000) of the child for whom ERDC benefits are requested, except this does not apply to a child care provider caring for the child of an individual --
 - (A) Who is a member of a National Guard or U.S. Armed Forces Reserve unit; and
 - (B) Who has been called to active duty away from the child's home for more than 30 days.
 - (b) An unmarried child and any *sibling* (see OAR 461-001-0000), less than 18 years of age or 18 years of age and attending secondary school or vocational training at least half time, in the care and custody of the *caretaker*. A foster child is included if the *caretaker* wants to include the child in the *need group* (see OAR 461-001-0000).
 - (c) Any *parent* (see OAR 461-001-0000) of a child required to be in the filing group.
 - (d) Any *parent* of an unborn child, ~~if the *sibling* of the unborn child is required to be in the filing group.~~
 - (e) The *spouse* (see OAR 461-001-0000) of the *caretaker*.
- (2) A *minor parent* (see OAR 461-001-0000) may form a separate filing group with his or her dependent child or children when the *minor parent* applies as the *caretaker*.

Stat. Auth.: ORS 329A.500, 409.050, 411.060

Stats. Implemented: ORS 329A.500, 409.010, 411.060

461-110-0430

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1-17

Filing Group; REF, REFM

In the REF and REFM programs:

- (1) The filing group consists of:
 - (a) A single *adult* (see section (2) of this rule) who has no *spouse* (see OAR 461-001-0000) or *dependent child* (see OAR 461-001-0000) in the *household group* (see OAR 461-110-0210); or
 - (b) A *legally married* (see OAR 461-001-0000) couple who is in the same *household group* and has no *dependent child* in the *household group*.
- (2) For purposes of this rule, an "adult" means an individual ~~18 years of age or older who is not attending secondary school full-time or pursuing a GED full-time~~who is not a child (see OAR 461-001-0000).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

1-17

Date of Request

- (1) For all programs covered by OAR chapter 461, an individual or someone authorized to act on behalf of an individual must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. ~~The request starts the application process.~~
- (2) The "date of request" is one of the following:
 - (a) In the EA, ERDC, ~~GA, and~~ OSIP, ~~REF, and TANF~~ programs ~~and for support service payments in the JOBS program authorized by OAR 461-190-0211~~, the "date of request" is the day the request for benefits is received by the Department.
 - (b) In the ~~REF, SNAP, TA-DVS, and TANF~~ programs, this section does not apply. See OAR 461-115-0040.
 - (c) In the OSIPM, QMB, and REFM programs, for a new applicant, the "date of request" is determined as follows:
 - (A) The day the request for medical benefits is received by a Department representative, except as described in paragraph (B) of this subsection.
 - (B) If the request for medical benefits is received by a Department representative no later than the next business day after medical services are received, the "date of request" is the day these medical services were received.
 - (d) In the OSIPM, QMB, and REFM programs, for a current recipient, the "date of request" is one of the following:
 - (A) The date the individual reports a change requiring a redetermination of *eligibility* (see OAR 461-001-0000).
 - (B) The date the Department initiates a review.
 - (C) The date the individual establishes a "date of request" by contacting the Department orally or in writing or by submitting an application.
 - (e) In the SFPSS program:
 - (A) Except as provided in paragraph (B) of this subsection, the "date of request" is the day the individual signs the Interim Assistance Agreement.

(B) The "date of request" for support service payments is the day the request for benefits is received by the Department.

| Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816,
412.014, 412.049, 413.085, 414.685, 414.826, 414.839

| Stats. Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.404, 411.704,
411.706, 411.816, 412.014, 412.049, 413.085, 414.041, 414.685, 414.826, 414.839

~~1510-1-17~~

Filing Date; REF, SNAP, TANF

- (1) ~~In the REF and TANF programs, the "filing date" is established when a signed and dated application for benefits is received by the Department.~~
In the REF, SNAP, and TANF programs, a filing group is entitled to establish a "filing date" on the date a member of the group requests benefits. The "filing date" establishes:
- (a) The date for starting the application processing time frames.
 - (b) The date from which some effective dates are determined.
- (2) In the REF and TANF programs, the "filing date" is established the date a signed written request for benefits is received by the Department or by the local contracted refugee resettlement agency for filing groups applying in accordance with OAR 461-115-0150. The written request must be a Department approved application that includes the applicant's name, address and signature.
- (~~2~~3) In the SNAP program:
- ~~(a) A filing group (see OAR 461-110-0370) is entitled to establish a "filing date" on the date a member of the group requests benefits. The "filing date" establishes:~~
 - ~~(A) The date for starting the application processing time frames.~~
 - ~~(B) The date from which some effective dates are determined.~~
 - ~~(b) The "filing date" is the date a signed written request for benefits is received by the Department or by the Social Security Administration for filing groups applying in accordance with OAR 461-115-0150(3). The written request may be a Department-approved form or other written material that includes the client's name, address, and signature.~~

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816, 411.825, 412.006, 412.049, 412.054, 412.064

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 GA program by completing an application for the OSIPM program.
 - (b) An individual may apply for the TA-DVS program as provided in OAR 461-135-1220.
 - (c) 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 GA program, when an individual is receiving OSIPM on the *date of request* (see OAR 461-115-0030) for GA.

- (b) 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.
- (c) 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*.
- (d) When the case is closed and reopened during the same calendar month.
- (e) 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.
- (f) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950, notwithstanding subsection (g) of this section.
- (g) 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.
- (h) In the 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.
- (i) In the REF, TA-DVS, and TANF programs, 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 461-110-0330 and OAR 461-110-0430) eligible in the following month; or
 - (B) Amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.
- (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 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 TANF 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 all programs other than ERDC, 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 [329A.500](#), 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.025, 414.685

| Stats. Implemented: ORS [409.010](#), 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

Application Processing Time Frames; Not Pre-TANF or SNAP

- (1) In all programs except the EA, Pre-TANF, REF, SFPSS, SNAP, ~~and~~ TA-DVS, and TANF programs, the Department determines eligibility and sends a *decision notice* (see OAR 461-001-0000) not later than the 45th day after the *date of request* (see OAR 461-115-0030). The Department may extend the period if one or more of the following subsections applies:
 - (a) Information needed to determine eligibility is expected to be received after the 45-day deadline, and the client has no control over the information.
 - (b) Other circumstances beyond the control of the client prevent the Department from making the decision within the 45-day period.
 - (c) In the OSIPM program, the applicant has met all eligibility requirements except the Department must determine whether the applicant is blind or has a disability. In this case, the Department determines eligibility and sends a *decision notice* not later than the 90th day after the *date of request*. The Department may extend this period for any of the following reasons:
 - (A) The Department cannot reach a decision because the client or an examining physician or psychologist has not taken an action necessary for the decision to be made.
 - (B) There is an administrative or other emergency beyond the Department's control that impairs its ability to make the decision.
- (2) In the EA program, the Department determines eligibility within one working day of the date of application or as soon thereafter as verification of emergent need is completed. Verification of all other factors may be waived if it would delay the client's receipt of assistance.
- (3) For support service payments in the JOBS program (authorized by OAR 461-190-0211) and in the SFPSS program, the Department determines eligibility as follows:
 - (a) If the client-participant is receiving an SFPSS or TANF grant, the eligibility for support services payments must be determined—in time to meet the need ~~for which the request is made~~ and not later than the 30th day ~~after the date of request~~ following the request for support services.
 - (b) If the client-participant is not covered by subsection (a) of this section--in time to meet the need for which the request is made.
- (4) In REF and TANF programs, the Department determines eligibility and sends a *decision notice* (see OAR 461-001-0000) not later than the 30th day after the filing date of request (see OAR 461-115-~~00300040~~).
- (5) The In the TANF program, the Department may extend the period if one or more of the following subsections applies:

- (a) Information needed to determine eligibility is expected to be received after the 30-day deadline, ~~and before the 45th day,~~ and the ~~client-participant~~ has no control over the information.
- (b) Other circumstances beyond the control of the ~~client-participant~~ prevent the Department from making the decision within the 30-day period, but not more than a 45-day period.

~~(56)~~ In the TA-DVS program, OAR 461-135-1220 covers the following time requirements:

- (a) Assessing the ~~client's~~ safety concerns of the participant and offering options to the ~~client-participant~~ for addressing immediate safety needs.
- (b) Determining eligibility after the application is complete, ~~whether or not the client has signed the application.~~

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 412.014, 412.049, 413.085, 414.042~~414.685~~

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.117, 411.404, 412.014, 412.049, ~~414.042~~

Required Verification and When to Verify; SNAP

- (1) The Department must give households at least 10 days to provide required verification.
- (2) All of the following information must be verified when an individual initially applies for SNAP benefits:
 - (a) The identity of the applicant and any authorized representative or alternate payee.
 - (b) Alien status.
 - (c) Social Security Number (SSN) or application for an SSN.
 - (d) Countable income.
 - (e) Medical expenses, if they are used as a deduction.
 - (f) An order to pay child support and the amount actually paid.
 - (g) Any information that is incomplete, inaccurate, inconsistent, or outdated, including unresolved issues that impact *eligibility* (see OAR 461-001-0000) or the benefit amount.
 - (h) For an ABAWD (~~OAR 461-135-0520~~) who resides in ~~Multnomah or Washington County~~ SNAP time limit county (see OAR 461-135-0520):
 - (A) Work hours.
 - (B) The number of *countable months* (see OAR 461-135-0520) used in another state if the individual is applying for food benefits after receiving food benefits in another state.
- (3) All of the following information must be verified when an individual reapplies for SNAP benefits:
 - (a) Countable income.
 - (b) Previously unreported medical expenses, and recurring medical expenses which have changed by more than \$25.
 - (c) Any changes in the legal obligation to pay child support, the obligated amount, and the amount the individual is paying for children that live in a different household group.

- (d) Any information that is incomplete, inaccurate, inconsistent, or outdated, including unresolved issues that impact *eligibility* or the benefit amount.
- (4) For cases using the Change Reporting System (CRS), each of the following changes reported during the *certification period* (see OAR 461-001-0000) must be verified:
- (a) A change in source of income, or the amount of stable income has changed by more than \$50.
 - (b) The amount of variable income from any source.
 - (c) Changes in reported medical expenses by more than \$25, and previously unreported medical expenses.
 - (d) Any changes in the legal obligation to pay child support, the obligated amount, and the amount the individual is paying for children that live in a different household group.
 - (e) Any information that is incomplete, inaccurate, inconsistent, or outdated, including unresolved issues that impact *eligibility* or the benefit amount.
- (5) For cases using the Simplified Reporting System (SRS), each of the following changes reported during the *certification period* must be verified in accordance with OAR 461-170-0103:
- (a) Alien status and SSN or application for an SSN when a new member joins the *benefit group* (see OAR 461-110-0750).
 - (b) Countable income.
 - (c) Medical expenses, if used as a deduction.
 - (d) An order to pay child support and the amount actually paid, if used as a deduction.
- (6) A claimed expense or cost may be used to determine the SNAP benefit only when the individual provides the required or requested verification.
- (7) In addition to the verification required by sections (2) to (5) of this rule, the income for an individual must be verified every six months for SRS cases certified for twelve months, except those in which every adult member of the filing group (see OAR 461-110-0370) is *elderly* (see OAR 461-001-0015) or an individual with a *disability* (see OAR 461-001-0015) and has no earned income (NED).

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

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.081, 411.087, 411.816, 411.825, 411.837

Alien Status

- (1) For purposes of this chapter of rules, an individual is a "qualified non-citizen" if the individual is any of the following:
 - (a) A non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*). This includes:
 - (A) An ~~an~~ Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.
 - (B) An Amerasian granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.
 - (b) A refugee who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).
 - (c) A non-citizen who is granted asylum under section 208 of the INA (8 U.S.C. 1158).
 - (d) A non-citizen whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).
 - (e) A non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year.
 - (f) A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980.
 - (g) A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).
 - (h) A battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c), as determined by the U.S. Citizenship and Immigration Services.
 - (i) A non-citizen who is a "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).

- (j) A non-citizen who is a family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).
- (2) In all programs except the REF and REFM programs, an individual meets the alien status requirements if the individual is one of the following:
- (a) An American Indian born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.
 - (b) A member of an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e)).
 - (c) A qualified non-citizen who is any of the following:
 - (A) A veteran of the United States Armed Forces who was honorably discharged for reasons other than alien status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).
 - (B) A member of the United States Armed Forces on active duty (other than active duty for training).
 - (C) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in paragraphs (A) or (B) of this subsection.
- (3) In the ERDC, TA-DVS, and TANF programs, an individual meets the alien status requirements if the individual is one of the following:
- (a) An individual who is a *qualified non-citizen* (see section (1) of this rule).
 - (b) A non-citizen who is currently a victim of domestic violence or who is at risk of becoming a victim of domestic violence.
 - ~~(c) An individual granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.~~
- (4) In the OSIPM and QMB programs an individual meets the alien status requirement if:
- (a) The individual is a non-citizen who entered the United States or was given *qualified non-citizen* status on or after August 22, 1996 and has been in the U.S. for five years beginning on the date the non-citizen received his or her *qualified non-citizen* status; or
 - (b) The individual meets the requirements of one of the following subsections:

- (A) An individual granted any of the following alien statuses--
 - (i) Refugee--under section 207 of the INA.
 - (ii) Asylum--under section 208 of the INA.
 - (iii) Deportation being withheld under section 243(h) of the INA.
 - (iv) Cubans and Haitians who are either public interest or humanitarian parolees.
 - (v) An individual granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.
 - (vi) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).
 - (vii) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).
 - (viii) An Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.
- (B) Effective October 1, 2009, an individual is a qualified non-citizen and is under 19 years of age.
- (C) Was a *qualified non-citizen* before August 22, 1996.
- (D) Physically entered the United States before August 22, 1996, and was continuously present in the United States between August 22, 1996, and the date *qualified non-citizen* status was obtained. An individual is not continuously present in the United States if the individual is absent from the United States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date *qualified non-citizen* status was obtained.
- (E) Is under the age of 19 and is one of the following:
 - (i) A citizen of a Compact of Free Association State (i.e., Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau) who has been admitted to the U.S. as a non-

immigrant and is permitted by the Department of Homeland Security to reside permanently or indefinitely in the U.S.

- (ii) An individual described in 8 CFR section 103.12(a)(4) who belongs to one of the following classes of aliens permitted to remain in the United States because the Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:
 - (I) An alien currently in temporary resident status pursuant to section 210 or 245A of the INA (8 USC 1160 and 1255a);
 - (II) An alien currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 USC 1229b);
 - (III) Cuban-Haitian entrants, as defined in section 202(b) Pub. L. 99-603 (8 USC 1255a), as amended;
 - (IV) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649 (8 USC 1255a), as amended;
 - (V) An alien currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (VI) An alien currently in deferred action status pursuant to Department of Homeland Security Operating Instruction OI 242.1(a)(22); or
 - (VII) An alien who is the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status.
 - (iii) An individual in non-immigrant classifications under the INA who is permitted to remain in the U.S. for an indefinite period, including those individuals as specified in section 101(a)(15) of the INA (8 USC 1101).
 - (F) In the OSIPM program, is receiving SSI benefits.
 - (G) In the QMB program, is receiving SSI and Medicare Part A benefits.
 - (H) Meets the alien status requirements in section (2) or (5) of this rule.
- (5) In the REF and REFM programs, an individual meets the alien status requirements if the individual is admitted lawfully under any of the following provisions of law:

- (a) An individual admitted as a refugee under section 207 of the INA (8 USC 1157).
 - (b) An individual granted asylum under section 208 of the INA (8 USC 1158).
 - (c) Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401.
 - (d) An individual paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)).
 - (e) An Amerasian from Vietnam who is admitted to the U.S. as an immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. No. 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100-461 as amended)).
 - (f) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.
 - (g) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).
 - (h) Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act.
- (6) In the SNAP program, an individual meets the alien status requirement if the individual meets the requirements of one or more of the following subsections:
- (a) An individual granted any of the following alien statuses--
 - (A) Refugee--under section 207 of the INA.
 - (B) Asylum--under section 208 of the INA.
 - (C) Deportation being withheld under section 243(h) of the INA.
 - (D) Cubans and Haitians who are either public interest or humanitarian parolees.
 - (E) An individual granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

- (F) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).
 - (G) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).
 - (H) An Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.
- (b) A *qualified non-citizen* under 18 years of age.
 - (c) A non-citizen who has been residing in the United States for at least five years while a *qualified non-citizen*.
 - (d) A non-citizen who is lawfully residing in the United States and who was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101).
 - (e) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in subsection (d) of this section.
 - (f) A *qualified non-citizen* who has a *disability*, as defined in OAR 461-001-0015.
 - (g) A client who is lawfully admitted to the United States for permanent residence under the INA and has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with such qualifying quarters as provided under 8 U.S.C. 1645, meets the alien status requirements for the SNAP program, subject to the following provisions:
 - (A) No quarter beginning after December 31, 1996, is a qualifying quarter if the client received any federal, means-tested benefit during the quarter. Federal means-tested benefits include SNAP, TANF, and Medicaid (except emergency medical).
 - (B) For the purpose of determining the number of qualifying quarters of coverage, a client is credited with all of the quarters of coverage worked by a parent of the client while the client was under the age of 18 and all of the qualifying quarters worked by a spouse of the client during their marriage, during the time the client remains married to such spouse or such spouse is deceased.
 - (C) A lawful permanent resident who would meet the alien status requirement, except for a determination by the Social Security Administration (SSA)

that the individual has fewer than 40 quarters of coverage, may be provisionally certified for SNAP program benefits while SSA investigates the number of quarters creditable to the client. A client provisionally certified under this section who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters is not eligible for SNAP program benefits received while provisionally certified. The provisional certification is effective according to the rule on effective dates for opening benefits, OAR 461-180-0080. The provisional certification cannot run more than six months from the date of original determination by SSA that the client does not have sufficient quarters.

Stat. Auth.: ORS [329A.500](#), [409.050](#), 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, [413.085](#), 414.231, [414.685](#)
Stats. Implemented: ORS [329A.500](#), [409.010](#), 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826

Age Requirements for Clients to Receive Benefits

- (1) If the year of an individual's birth is known but the month is unknown, the month of birth is presumed to be July. If the date of birth is unknown, the date of birth is presumed to be the first of the month.
- (2) To be eligible for the TANF program:
 - (a) A *dependent child* (see OAR 461-001-0000) ~~must be--~~
 - (A) ~~Under 18 years of age~~ May not be *legally married* (see OAR 461-001-0000), *legally married and separated*, or *legally emancipated*; ~~or and~~
 - (B) Must be under 18 years of age; or Under-under 19 years of age and *regularly attending school* (see subsection (c) of this section) full time, as determined by the school.
 - (b) A *caretaker relative* (see OAR 461-001-0000) may be any age.
 - (c) "Regularly attending school" means enrolled in and attending any of the following:
 - (A) A school in grade 12 or below, including home schooling approved by the local school district.
 - (B) GED classes in lieu of high school.
 - (C) A course of vocational or technical training, including Job Corps, in lieu of high school.
 - (D) The Oregon School for the Deaf.
 - (d) The student's full-time status is defined by the school.
 - (e) Regular attendance continues when a student misses school because of an illness, family emergency, or vacation, as long as the student intends to return to school. Students are considered to be in attendance for the full month in which they complete or discontinue school or training.
- (3) To be eligible for payment of child care costs for the ERDC or TANF program, a *child* must be--
 - (a) Under 12 years of age for the ERDC program or under 13 years of age for the TANF program; or

- (b) Under 18 years of age and--
 - (A) Physically or mentally incapable of selfcare;
 - (B) Under court supervision;
 - (C) Receiving foster care;
 - (D) Eligible for the special need rate for child care in OAR 461-155-0150; or
 - (E) Subject to circumstances that significantly compromise the child's safety or the caretaker's ability to work or participate in an assigned activity if child care is not available.

- (4) To be eligible for the OSIP-AB, OSIPM-AB, QMB-BAS, QMB-SMB, ~~REFM~~, or SNAP programs, a client may be any age.
- (5) To be eligible for the OSIP-AD (except OSIP-EPD), OSIPM-AD (except OSIPM-EPD), and QMB-DW programs, a client must be under 65 years of age.
- (6) To be eligible for the OSIP-EPD and OSIPM-EPD programs, the client must be 18 years of age or older or be legally emancipated.
- (7) To be eligible for the OSIP-OAA or OSIPM-OAA programs, a client must be 65 years of age or older.
- (8) To be eligible for the REF or REFM programs, a client must be one of the following:
 - (a) 18 years of age or older; ~~or~~
 - (b) A legally emancipated minor;
 - (c) In the REFM program, a newborn according to OAR 461-135-0930.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.685

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.049

(1) This division of rules states --

- (a) The requirements for ~~a client~~an individual participating in the employment programs of the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the ~~JOBS~~Jobs Opportunity and Basic Skills (JOBS), REF ~~employment program (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~~individuals in the SNAP program are also covered in OAR 461-135-0520.)
- (b) The effect of a labor strike on ~~a client's~~the eligibility of an individual for program benefits.

(2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:

~~(a)~~ (a) — "Exempt" means --

~~(A)~~ (A) ~~a client~~In all programs except the TANF program, an individual 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)~~ (B) In the TANF program, a parent (see OAR 461-001-0000) or caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630) who meets a federal exemption (see OAR 461-130-0310). "Exempt" individuals are not eligible to participate in the JOBS program.

(b) "Mandatory" means --

~~(A)~~ (A) In all programs except the SNAP ~~and TANF~~ programs, ~~a client~~an individual 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)~~ (B) In the SNAP program, ~~a client~~an individual in the *need group* who the Department determines must register for an employment program in accordance with OAR 461-130-0310.

~~(C)~~ (C) In the TANF program, mandatory participants, who are not otherwise federally exempt, are JOBS eligible individuals in the need group who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.

(c) "Volunteer" means:

(A) An individual who is not mandatory and chooses to participate in an employment program.

(B) The following individuals may volunteer to participate in an employment program:

(i) A client~~In the SNAP program, an individual~~ who is an ABAWD living in one of the SNAP 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)~~ (ii) A client~~An individual~~ 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.~~

(iii) In the TANF program, a JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet a state exemption according to OAR 461-130-0310.

(iv) In the REF program, an REF employment program volunteer is an individual who is exempt (see subsection (a) of this section) and chooses to participate in the REF employment program.

(3) ~~A client~~An individual must provide the information necessary for the Department to determine each of the following:

(a) The ~~client's~~ participation classification of the individual (see OAR 461-130-0310);

(b) The ~~client's~~ level of participation of the individual; and

(c) If applicable, whether ~~a client~~an individual 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 individual* (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 [409.050](#), 411.060, 411.816, 412.006, 412.009, 412.049

Stats. Implemented: ORS [409.010](#), 411.060, 411.816, 412.006, 412.009, 412.049

1-17

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~~ Notwithstanding OAR 461-130-0503(2)(c), 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 in the need group (see OAR 461-110-0630) is JOBS *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.~~
- ~~(EA)~~ A parent (see OAR 461-001-0000) 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) — In the REF program, any of the following:~~
- ~~(i) — 65 years of age or older.~~

~~(ii) — An individual providing care for a family member who is in the household group (see OAR 461-110-0210) and has a disability (see OAR 461-001-0000). Medical documentation to support the need for the care is required.~~

~~(iii) — An individual whose participation is likely to cause undue hardship to that individual.~~

~~(G) — A TANF client 60 years of age or older.~~

~~(HB) A noncitizen who is not authorized to work in the United States.~~

~~(IC) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.~~

~~(JD) 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~~ JOBS eligible if the caretaker relative is in the same filing group with the dependent child (see OAR 461-001-0000) 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 JOBS exempt from participation under subsection (a) of this section.

~~(c) A JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet at least one of the following state exemptions:~~

~~(A) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date 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.~~

~~(C) A parent, 20 years old and older, during the first six months after the birth of the parent's dependent child 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 JOBS Eligible participant in each filing group (see OAR 461-110-0330).

- (D) A parent under age 20 years old, during the first 16 weeks after the birth of the parent's dependent child except that the Department may require the parent to participate in parenting classes, a family stability activity, or an educational track if the parent has not completed high school, GED, or equivalency program.
- (E) 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.
- (F) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.
- (G) A VISTA volunteer.

(3) In the SNAP program:

- (a) An individual is *exempt* from registration in an employment program and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is --
 - (A) An individual with a physical or mental condition that prevents performance of any work.
 - (B) Responsible for the care of a *child* (see OAR 461-001-0000) in the filing group under 6 years of age.
 - (C) Responsible for the care of 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) 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).
 - (E) Participating in a drug or alcohol treatment and rehabilitation program.

- (F) Pregnant.
 - (G) Chronically homeless. For purposes of this rule, "chronically homeless" 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 registration in an employment program 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) 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).
- (c) 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.

(4) In the REF program, an individual in the *need group* is *exempt* from the REF employment program participation and disqualification if the individual meets the requirements of at least one of the following subsections. The individual is –

(a) 65 years of age or older.

(b) An individual providing care for a family member who is in the *household group* and has a *disability*. Medical documentation to support the need for the care is required.

(c) An individual whose participation is likely to cause undue hardship to that individual.

(e) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.

(f) 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.

(g) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.

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 JOBS eligible (see OAR 461-130-0310) individual must:
 - (A) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.
 - (B) Schedule and keep required employment-related appointments and interviews.
 - (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) 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) In the REF and TANF programs, complete all *activities* (see OAR 461-001-0025) specified on the *case plan* (see OAR 461-001-0025).
 - (b) In the SNAP program:
 - (A) Register for the SNAP Employment and Training program (see OAR 461-~~001-0020~~130-0305).
 - (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.
 - (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) 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
 - (II) Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).
- (E) An ABAWD residing in one of the SNAP 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~~ JOBS eligible individual 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 409.050, 411.060, 411.816, 412.009, 412.049

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

Effect of Strikes

- (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) 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 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) or caretaker relative (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*.
- (4) In the REFM program, if a filing group member is a *striker* during the month of application, the filing group (see OAR 461-110-0430) is ineligible for program benefits during any month in which a member of the filing group continues to be a *striker*.
- (5) 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 members who are not strikers the greater of the current income of the *striker* or the income of the *striker* 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.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.816, 412.049

Stats. Implemented: ORS 409.050, 411.060, 411.404, 411.816, 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~~ an individual 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)~~ JOBS eligible (see OAR 461-130-0310) individual who fails to comply with an employment program participation requirement or ~~an a JOBS exempt-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-individual has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.
- (3) In the REF program, a *mandatory* client-individual 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-individual 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-individual from the *need group* (see OAR 461-110-0630) for three months. If the disqualified client-individual 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-individual from the *need group* for six months. If the disqualified client-individual 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~~ individual* 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~~ individual* 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~~ individual* who is an ABAWD (see OAR 461-135-0520) residing in one of the *time limit exempt counties* (see OAR 461-135-0520) or a *mandatory ~~client~~ individual* who is served by an office that does not offer OFSET (see OAR 461-190-0310) who fails to comply with the requirements in OAR 461-130-0315(1)(b)(A) 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~~ individuals*.

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

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

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, 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). If the member joins another filing group, that group is subject to the member's most recent disqualification.
- (3) In the REF program, a disqualification ends when:
 - (a) The Department changes the participation classification of the disqualified individual to *exempt* (see OAR 461-130-0305); or
 - (b) REF program benefits are closed for a reason other than described in OAR 461-130-0330(4).
- (4) In the TANF program, the following subsections apply to an individual disqualified for failure to meet the requirements of an employment program under division 190 of these rules or the requirements of OAR 461-135-0085:
 - (a) At the first, second, third, and fourth level of disqualification, the individual must cooperate for two consecutive weeks with each *activity* (see OAR 461-001-0025) specified in the 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 individual completes the two consecutive week cooperation period.
 - (b) When the fourth level of disqualification ends, TANF program benefits are closed and the filing group is ineligible for TANF program benefits for two consecutive months, unless the individual contacts a representative of the Department and agrees to each *activity* specified in the individual's current or revised *case plan* before the end of the fourth level. If the individual completes the two consecutive weeks of cooperation, cash benefits are restored effective the date the 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 individual to demonstrate participation.

- (5) In the TANF program, a disqualification ends when:
- (a) The Department changes the participation classification of the disqualified individual to JOBs exempt exempt or JOBs volunteer (see OAR 461-130-0305);
 - (b) A ~~mandatory (see OAR 461-130-0305)~~ JOBs eligible (see OAR 461-130-0310) individual in the *need group* (see OAR 461-110-0630) complies with the requirements of the employment program as provided in section (4) of this rule;
 - (c) TANF program benefits are closed for a reason other than described in OAR 461-130-0330~~(5)(e)~~;
 - (d) The individual is no longer a member of the *household group*; or
 - (e) The individual is unable to participate because there is no appropriate *activity* or *support services* necessary to support the *activity*.
- (6) In the SNAP program:
- (a) 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 (see OAR 461-130-0310), even if the date falls within the disqualification period provided in OAR 461-130-0330.
 - (b) A *mandatory* individual disqualified under OAR 461-130-0330 for failure to meet the requirements of a SNAP employment program must show compliance with the employment and training program for up to 30 days. The local DHS branch will determine the activities as either work activities or cooperation with the SNAP Employment and Training contractor.
 - (c) A mandatory ABAWD who is ineligible for exceeding the SNAP time limit may regain eligibility as provided in OAR 461-135-0520.

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; TANF

- (1) To be eligible for TANF program benefits:
 - (a) An individual must be one of the following:
 - (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*.
 - (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.~~
 - (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:
 - (i) The child is receiving SSI.
 - (ii) The child is in foster care, but is expected to return home within 30 days.
 - (D) ~~An essential person. An essential person is a member of the household group (see OAR 461-110-0210) who—~~
 - ~~(i) Is not required to be in the filing group (see OAR 461-110-0310 and 461-110-0330);~~
 - ~~(ii) 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~~
 - ~~(iii) Is less expensive to include in the benefit group than the cost of purchasing this service from another source.~~
 - (~~E~~) A *parent* (see OAR 461-001-0000) of an unborn, as follows:
 - (i) 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.
 - (ii) For the TANF program, the *parent* of an unborn child, if there is another *dependent child* in the filing group.

- (b) Unless the individual is exempt from JOBS participation and JOBS disqualification under OAR 461-130-0310, 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 *filing date of request* (see OAR 461-115-~~00300040~~) 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 *filing 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(5)(e).
- (2) As used in this rule:
 - (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) Quit work, including in anticipation of discharge;
 - (B) Participated in behavior leading to the individual's 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) Quit work, including in anticipation of discharge;
 - (B) Participated in behavior leading to the individual's discharge; or
 - (C) 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 *parent or caretaker relative* was separated from or voluntarily reduced work hours at his or her last employment in which ~~the-a~~ *parent or 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 if the *parent or 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 who is pregnant and ~~in the last month of the pregnancy~~ has reached the first of the calendar month prior to the month in which the due date falls.
 - (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.
 - (f) 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 *filing date of request* for TANF program benefits.
 - (g) An individual who was separated from employment for a reason the Department determines is *good cause* as defined in section (2) of this rule.
 - (h) 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 [409.050](#), 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124

Stats. Implemented: ORS [409.010](#), 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124

TANF Time Limit; Exemptions

- (1) The following months do not count toward the accrual of the time limit in 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 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.
 - (d) 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.
 - (e) 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.
 - (f) Months 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) Was a victim of *domestic violence* (see OAR 461-001-0000);
 - (B) Had a certified learning disability;
 - (C) Had a verified alcohol and drug or mental health condition;

- (D) Had a *child* (see OAR 461-001-0000) with a *disability* (see OAR 461-001-0000), which prevented the *parent* (see OAR 461-001-0000) from obtaining or keeping employment;
- (E) Was an individual with a *disability*;
- (F) Was providing care for a family member who lived in the home and was an individual with a *disability*;
- (G) Was deprived of needed medical care; or
- (H) Was subjected to battery or extreme cruelty. For purposes of this rule, an individual was subjected to battery or extreme cruelty if the individual 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~~ *caretaker relative* (see OAR 461-001-0000) of a ~~dependent child~~ *dependent child* (see OAR 461-001-0000) 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-parent or needy caretaker relative~~ *relative* 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. The Department considers an individual to meet the requirements of this subsection if –
 - (A) The individual resides on an Indian reservation, tribal allotment, or Dependent Indian Community as defined by the Bureau of Indian Affairs; or
 - (B) The individual is a member of one of the nine federally-recognized tribes in Oregon and resides in a county listed in subparagraph (ii) of this paragraph.

(i) The nine federally-recognized tribes in Oregon are Burns Paiute Tribe; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Indians; Confederated Tribes of the Umatilla Reservation; Confederated Tribes of Warm Springs; Coquille Indian Tribe; Cow Creek Band of the Umpqua Tribe of Indians; and Klamath Tribes.

(ii) The following Oregon counties are covered under paragraph (B) of this subsection for October 1, 2017 to September 30, 2018: Coos, Crook, Curry, Douglas, Josephine, and Lincoln.

- (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.
- (l) 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.
- (2) Months that did not count toward the time limit based on a condition described in paragraphs (1)(f)(B) to (1)(f)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.079

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.117, 412.049, 412.079

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 individual** 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 ~~45-30~~ days following the *filing date of request* (see OAR 461-115-~~00300040~~).
- (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* **authorized to work in the United States** 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 individual and *support services* (see OAR 461-001-0025) payments if available.
- (5) The Department may provide the client individual with basic living expenses necessary to stabilize the household so the client individual can accomplish the activities in the *case plan*. Basic living expenses covered by this section are limited to the current need of the client individual for personal incidentals that the client individual 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 for the *benefit group* (see OAR 461-110-0750). 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* for TANF program benefits, in any of the following circumstances:
 - (a) The client individual is unlikely to become employed due to the employability of the client individual, the circumstances affecting the family, or other causes.
 - (b) The client individual 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 individual 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

Specific Requirements; REF

In the REF program:

- (1) To be eligible, an individual must be determined ineligible for TANF.
- (2) As used in this rule:
 - (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) Quit work, including in anticipation of discharge;
 - (B) Participated in behavior leading to the individual's 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) Quit work, including in anticipation of discharge;
 - (B) Participated in behavior leading to the individual's discharge; or
 - (C) 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 otherwise under section (5) of this rule, a member of the *need group* (see OAR 461-110-0630) has a "violation" if that individual voluntarily quit employment or refused to accept an offer of employment in which that member was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours:
 - (a) Within 30 days prior of the ~~date of request~~filing date (see OAR 461-115-0040) for REF benefits; or
 - (b) While receiving REF program benefits.
- (4) A member of the *need group* is not eligible for REF program benefits:
 - (a) For the first *violation* (see section (3) of this rule), three payments months from the date that member of the *need group* was separated from their employment, voluntarily quit their employment, or refused to accept an offer of employment.

- (b) For the second *violation*, six payments months from the date that member of the *need group* was separated from their employment, voluntarily quit their employment, or refused to accept an offer of employment.
- (5) A *need group* does not have a violation based on section (3) of this rule if at least one of the following subsections applies:
- (a) The member was 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 filing date ~~of request~~ for REF program benefits.
 - (b) The member was separated from employment for a reason the Department determines is *good cause* as defined in section (2) of this rule.
 - (c) The member was separated from employment as a result of a layoff.
 - (d) The member was 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.
 - (e) The member was fleeing from or at risk of *domestic violence* (see OAR 461-001-0000).

Stat. Auth.: ORS 409.050, 411.060, 411.404
Stats. Implemented: ORS 409.010, 411.060, 411.404

1-17

Medical Coverage for Refugees; REFM

- (1) Benefits in the REFM program are the same medical coverage as any Medicaid or CHIP program, except the QMB and CAWEM programs.
- (2) An individual is not required to meet the financial eligibility criteria for the REFM program if the individual meets all the non-financial eligibility criteria for the REFM program and the requirements of at least one of the following subsections:
 - (a) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, due to income from employment.
 - (b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, and is currently receiving benefits in the REF program.
 - (c) The individual had medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and:
 - (A) Moved to Oregon and is still within the individual's first eight months in the United States; and
 - (B) Was found not eligible for any Medicaid or CHIP program other than the CAWEM and QMB programs.
- (3) An individual who is determined eligible for the REFM program will maintain eligibility for the REFM program for the remainder of their first eight months in the United States even if the individual loses eligibility for the REF program due to having income equal to or over the *countable* (see OAR 461-001-0000) income and *adjusted income* (see OAR 461-001-0000) limits (see OAR 461-155-0030).
- (4) An individual applying for the REFM program is not required to apply for or receive benefits in the REF program.
- (5) Except for the CAWEM and QMB programs, *eligibility* for all Medicaid and CHIP programs must be determined prior to determining *eligibility* for the REFM program.
- (6) An REFM program *benefit group* (see OAR 461-110-0750) may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4) of this rule, if:
 - (a) A newborn is born to a *benefit group* member while the *benefit group* member was receiving REFM program benefits; and

- (b) The *benefit group* applied for Medicaid eligibility under MAGI rules (OAR 410-200) and was denied.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 413.085, 414.685

Stats. Implemented: ORS 409.010, 411.060, 411.404

Specific Requirements; Employment Payments

- (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-eligible* (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 409.050, 411.060, 411.070, 412.049, 412.124

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

461-140-0110

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Treatment of Periodic Income

- (1) ~~For~~ In the SNAP and TANF programs, clients infor a filing group (see OAR 461-110-~~0340~~0330 and 461-110-0370) that includes at least one member who is working under a TANF JOBS Plus agreement, *periodic income* (see OAR 461-001-0000) is excluded.
- (2) ~~For~~ In the REF, ~~REFM,~~ SNAP, and TANF programs, clients for filing groups not covered under section (1) of this rule, *periodic income* is averaged over the applicable period.
- (3) In the ERDC program, *periodic income* is averaged over the applicable period.
- (4) In the OSIP-EPD and OSIPM-EPD programs, *periodic income* received during a *certification period* (see OAR 461-001-0000) is averaged among the months in the *certification period*.
- (5) In the REFM program, periodic income is averaged over the applicable period if received in the month of application.
- ~~(56)~~ In all programs not covered under sections (1) to (4) of this rule, *periodic income* is counted in the month received.

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, 409.610, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Asset Transfer; General Information and Timelines

- (1) OAR 461-140-0210 to 461-140-0300 regulate the effect of a transfer of an asset on a client.
- (2) If an asset is transferred during the periods of time listed in section (4) or (5) of this rule and if the transfer is made in whole or in part for the purpose of establishing or maintaining eligibility for benefits:
 - (a) In the REF and REFM programs, the filing group is disqualified if a member of the *financial group* (see OAR 461-110-0530) transferred the asset while that member was in the U.S. and the asset was located in the U.S.
 - (b) In the REF, REFM, SNAP, and TANF programs, the filing group is disqualified if ---
 - (A) The asset was a resource; and
 - (B) A member of the *financial group* transferred the resource.
 - (c) In the OSIP and OSIPM programs, a client in a *nonstandard living arrangement* (see OAR 461-001-0000) is disqualified if the client or the spouse of the client transferred the asset.
- (3) In all programs except the ERDC program, clients in financial groups whose members transfer an asset covered under section (2) of this rule within the time periods listed in section (4) or (5) of this rule must report the transfer as soon as practicable and must provide information requested by the Department concerning the transfer.
- (4) In the REF, REFM, SNAP, and TANF programs, a transfer of an asset may be disqualifying if the transfer occurs:
 - (a) In the REF and REFM programs, during the three years preceding the *filing date of request* (see OAR 461-115-~~0030~~0040), if ~~that --~~
 - (A) The member of the *financial group* was residing in the U.S. at the time of transfer; and
 - (B) The asset was a resource.
 - (b) In the SNAP program, during the three months preceding the filing date or during a *certification period* (see OAR 461-001-0000) if the asset was a resource.

- (c) In the TANF program, during the three years preceding the *filing date of request* (see OAR 461-115-~~00300040~~) if the asset was a resource.
- (5) In the OSIP and OSIPM programs, for a client in a *nonstandard living arrangement*, a transfer of an asset may be disqualifying if the transfer occurs:
 - (a) On or before June 30, 2006 and as described in one of the following paragraphs:
 - (A) On or after the date that is 60 months prior to the *date of request* -- for assets that are transferred without compensation equal to or greater than fair market value from a revocable trust (see OAR 461-145-0540(8)(c)).
 - (B) On or after the date that is 60 months prior to the *date of request* -- for assets that are transferred without compensation equal to or greater than fair market value to an irrevocable trust (see OAR 461-145-0540(9)(a)).
 - (C) On or after the date that is 60 months prior to the *date of request* -- when there is a change in circumstances that makes assets in an irrevocable trust unavailable to the client (see OAR 461-145-0540(9)(d)).
 - (D) On or after the date that is 36 months prior to the *date of request* -- for assets transferred without compensation equal to or greater than fair market value from an irrevocable trust (see OAR 461-145-0540(9)(b) and (c)).
 - (E) On or after the date that is 36 months prior to the *date of request* -- for other asset transfers made without compensation equal to or greater than fair market value.
 - (b) On or after---
 - (A) July 1, 2006; and
 - (B) The date that is 60 months prior to the *date of request*.
- (6) The duration of the period of disqualification or ineligibility is set out in OAR 461-140-0260 to 461-140-0300.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.710, 411.816, 412.049, 413.085, 414.685
Stats. Implemented: ORS 409.010, 411.060, 411.404, 411.710, 411.816, 412.049

Determining if a Transfer of an Asset is Disqualifying

A transfer of an asset is not disqualifying if the requirements of OAR 461-140-0242 or one of the following sections are met:

- (1) The asset was personal belongings as described in OAR 461-145-0390.
- (2) The asset was sold or traded for compensation equal to or greater than fair market value.
 - ~~(a) In all programs except the SNAP program, for compensation equal to or greater than fair market value.~~
 - ~~(b) In the SNAP program, for compensation near, equal to or greater than fair market value.~~
- (3) The asset was transferred between members of the same financial group, including members who are ineligible aliens or disqualified people.
- (4) The transfer settled a legally enforceable claim against the asset or client.
- (5) The amount of the resource was equal to or less than the amount that was excluded at the *initial month* (see OAR 461-001-0000) of eligibility under OAR 461-160-0855 due to payments received under a *qualified partnership policy* (see OAR 461-001-0000).
- (6) In all programs except the OSIP and OSIPM programs, a court ordered the transfer.
- (7) In the OSIP and OSIPM programs, a court ordered the transfer and:
 - (a) The transfer occurs more than 36 months or 60 months before the *date of request* (see OAR 461-115-0030), whichever is applicable under OAR 461-140-0210(5); or
 - (b) There is an institutionalized spouse, and -- after performing the calculations required in OAR 461-160-0580(2) -- the amount of resources allocated to a community spouse does not exceed the largest of the four amounts set forth in OAR 461-160-0580(2)(f).
- (8) The client was a victim of fraud, misrepresentation, or coercion, and legal steps have been taken to recover the asset.
- (9) In the OSIP and OSIPM programs, for a client in a *nonstandard living arrangement* (see OAR 461-001-0000), the asset is an annuity purchased on or before December 31, 2005, the client or the spouse of the client is the annuitant, and the entire amount of principal and earned interest is paid in equal installments during the actuarial life expectancy of the

annuitant. For purposes of this section, the actuarial life expectancy is established by the Period Life Table of the Office of the Chief Actuary of the Social Security Administration.

- (10) In the OSIP and OSIPM programs, the client is in a *standard living arrangement* (see OAR 461-001-0000).
- (11) In the OSIP and OSIPM programs, for a client in a *nonstandard living arrangement* (see OAR 461-001-0000):
 - (a) The asset is an annuity purchased from January 1, 2006 through June 30, 2006, and the client or the spouse of the client is the annuitant.
 - (b) The asset is an annuity purchased on or after July 1, 2006, and the annuity meets the requirements of OAR 461-145-0022(10).

Stat. Auth: ORS 409.050, 410.070, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.042, 414.685

Stats. Implemented: ORS 409.010, 410.070, 411.060, 411.070, 411.404, 411.708, 411.816, 412.049, 414.025, ~~414.042~~

461-145-0001

~~Tech. Eff. 1-1-1010-~~

1-17

Adoption Assistance

- (1) In all programs except the ERDC, ~~and~~ SNAP, and TANF programs, *adoption assistance* (see OAR 461-001-0000) is treated as follows:
 - (a) The portion of *adoption assistance* that is for the special needs of the child is excluded, including needs such as special diet, special clothing, counseling, and medical costs not covered under Title XIX.
 - (b) The rest of the *adoption assistance* is counted as unearned income.
- (2) In the ERDC and TANF programs, *adoption assistance* is excluded.
- (3) In the SNAP program, *adoption assistance* is counted as unearned income.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.122, 411.404, 411.816, 412.014, 412.049

1-17Domestic Volunteer Services Act (VISTA, RSVP, ~~SCORE, ACE~~) and Small Business Act (SCORE, ACE)

In all Department programs covered by Chapter 461 of the Oregon Administrative Rules, with respect to federal programs under the Domestic Volunteers Service Act of 1973 (Pub. L. No. 93-113):

- (1) Payments under Title I --- VISTA, University Year of Action, and Urban Crime Prevention --- are treated as follows:
 - (a) In the ERDC, OSIP, OSIPM, and QMB, REF, REFM, and TANF programs, these payments are excluded, except that in the ERDC, ~~REF, REFM, and TANF~~ programs, these payments are counted as earned income if the total value of all compensation is equal to or greater than compensation at the state minimum wage.
 - (b) In all programs except the ERDC, OSIP, OSIPM, QMB, REF, REFM, and TANF programs:
 - (A) The payments are excluded if the client is receiving Department program benefits when they join the Title I program. The exclusion of payments continues until the client has a break in receiving Department benefits of more than one month.
 - (B) The payments are counted as earned income for clients who joined the Title I program before applying for Department program benefits.
 - (c) In the REF, REFM, and TANF programs, the value of the educational award is excluded; all remaining payments count as earned income.
- (2) Payments are excluded for programs under Title II (National Older Americans Volunteer Programs), which include:
 - (a) Retired Senior Volunteer Program (RSVP) Title II, Section 201.
 - (b) Foster Grandparent Program Title II, Section 211.
 - (c) Older American Community programs.
 - (d) Senior Companion Program.
- (3) Payments are excluded for programs under ~~Title III (National Volunteer Programs to Assist Small Businesses and Promote Volunteer Service by Persons with Business Experience)~~ 15 USC 637(a)(1)(the Small Business Act), which include:
 - (a) Service Corps of Retired Executives (SCORE) ~~Title III, Section 302;~~ and.

(b) Active Corps of Executives (ACE) ~~Title III, Section 302.~~

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685

~~4510-1-17~~

Foster Care Payments and Guardianship Assistance Benefits

Payments for foster care and benefits from the Guardianship Assistance program are treated as follows:

- (1) In all programs except the ERDC, ~~and SNAP, and TANF~~ programs:
 - (a) If the provider of foster care or the guardian is in the *financial group* (see OAR 461-110-0530), the payments or benefits are treated as earned income except that it is excluded in the following situations:
 - (A) The amount the placement agency identifies as being for room and board, clothing, or personal incidental needs (including recreational expenses) of the foster care client is excluded.
 - (B) The amount designated for special need items of the foster care client is excluded.
 - (b) If the provider of foster care or the guardian is not in the *financial group*, the payments or benefits are excluded.
- (2) In the ERDC program, the payments or benefits are excluded.
- (3) In the SNAP program:
 - (a) The payments or benefits are counted as unearned income only if the person in foster care or under guardianship is in the *filing group* (see OAR 461-110-0370). The payments or benefits are excluded if the person in foster care or under guardianship is in the *household group* (see OAR 461-110-0210) but not in the *filing group*.
 - (b) The payments or benefits are counted as self-employment income if the provider of foster care and the person receiving the care or the guardian and the person under guardianship are not in the same *household group*.
- (4) In the TANF program:
 - (a) For adult foster care, if the provider or the guardian is in the *financial group*, the payments or benefits are treated as earned income except that they are excluded in the following situations:
 - (A) The amount the placement agency identifies as being for room and board, clothing, or personal incidental needs (including recreational expenses) of the foster care client is excluded.

(B) The amount designated for special items of the foster care client is excluded.

(b) For adult foster care, if the provider or the guardian is not in the *financial group*, the payments or benefits are excluded.

(c) Payments or benefits for children in foster care are excluded.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 329A.500, 409.050, 409.610, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Income-Producing Property; Not OSIP, OSIPM, or QMB

- (1) ~~Income~~ In all programs except the REF, REFM, and TANF programs, income from *income producing property* (see OAR 461-001-0000) is counted as follows:
 - (a) If a member of the *financial group* (see OAR 461-110-0530) actively manages the property 20 hours or more per week, the income is treated in the same manner as self-employment income (see OAR 461-145-0910, 461-145-0920, and 461-145-0930).
 - (b) If a member of the *financial group* does not actively manage the property 20 hours or more per week, the income is counted as unearned income with exclusions allowed only in accordance with OAR 461-145-0920. In the SNAP program, if the *financial group* owns more than one property, the exclusions for one property may not be used to offset income from a different property.
- (2) In the REF, REFM, and TANF programs, income from *income producing property* is treated in the same manner as self-employment income (see OAR 461-145-0910, 461-145-0920, and 461-145-0930)
- (23) The *equity value* (see OAR 461-001-0000) of *income-producing property* is treated as follows:
 - (a) In the EA and ERDC programs, it is excluded.
 - (b) In the SNAP program, it is counted as a resource except to the extent described in each of the following situations:
 - (A) If the property produces an annual *countable* (see OAR 461-001-0000) income similar to other properties in the community with comparable market value, the *equity value* of the property is excluded.
 - (B) The property is excluded under OAR 461-145-0600.
 - (C) The *equity value* of income-producing livestock, poultry, and other animals is excluded.
 - (D) If selling the resource would produce a net gain to the *financial group* of less than \$1,500, the *equity value* is excluded.
 - (c) In the REF, REFM, and TANF programs, it is counted as a resource, except that in the TANF program, it is excluded for a self-employed client participating in the *microenterprise* (see OAR 461-001-0025) component of the JOBS program.

| Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.400, 411.404, 411.816,
412.049, 413.085, 414.685

| Stats. Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.083, 411.400,
411.404, 411.816, 412.049, 413.085, 414.685

Motor Vehicle

- (1) The value of disability-related apparatus, optional equipment, or low mileage is not considered in determining the *fair market value* (see OAR 461-001-0000) of an automobile, truck, or van. The *fair market value* of an automobile, truck, or van is presumed to be the "average trade-in value" established in the National Automobile Dealers Association's (NADA) Used Car Guide, Kelley Blue Book, or similar publication. A client may rebut the presumption with a statement from a car dealer, mechanic, or other reliable source. If the vehicle is not listed in the NADA Used Car Guide, Kelley Blue Book, or a similar publication, the estimate of the value by the client may be accepted unless it appears questionable, in which case additional evidence of the value is required.
- (2) Some programs permit an exclusion for a portion of the *equity value* (see OAR 461-001-0000) for any licensed and unlicensed motor vehicles owned by the *financial group* (see OAR 461-110-0530):
 - (a) In the REF, REFM, SNAP, and TANF programs, this exclusion is up to \$10,000 of the total equity value of all vehicles.
 - (b) Any remaining equity in ~~that vehicle and~~ the total *equity value* of all ~~other~~ vehicles is counted as a resource.
- (3) In the EA and ERDC programs, all motor vehicles are excluded.
- (4) In the OSIP, OSIPM, and QMB-DW programs:
 - (a) The total value of a vehicle selected by the *financial group* is excluded if it is used for transportation of the client or a member of the client's household.
 - (b) The total *equity value* of any vehicle not excluded under subsection (a) of this section and all other vehicles is counted as a resource.
- (5) In the OSIP-EPD and OSIPM-EPD programs, if a vehicle was purchased as an *employment and independence expense* (see OAR 461-001-0035) or with moneys from an *approved account* (see OAR 461-001-0035), the total value of the vehicle is excluded.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049, 413.085, 414.065

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.083, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049

Real Property

- (1) For purposes of this rule, manufactured and mobile homes and floating homes and houseboats are treated in the same manner as *real property* (see OAR 461-001-0000).
- (2) The applicant has the burden of proof of establishing the *fair market value* (see OAR 461-001-0000) of *real property*. *Fair market value* may be established by any methodology determined to accurately reflect the *fair market value* of the *real property*, including the provision of an appraisal or comparative market analysis performed by an impartial individual who is certified or licensed in the applicable jurisdiction.
- (3) *Real property* that is not income-producing or the home of the *financial group* (see OAR 461-110-0530) is treated as follows:
 - (a) In the REF, REFM, and TANF programs, the *equity value* (see OAR 461-001-0000) of all *real property* that is not excluded under a ~~TANF~~ Interim Assistance agreement is counted as a resource.
 - (b) In the EA and ERDC programs, *real property* is excluded.
 - (c) In the SNAP program, *real property* is treated as follows:
 - (A) The *equity value* of *real property* is excluded if the *financial group* is making a good-faith effort to sell the *real property* at a fair market price.
 - (B) The *equity value* of the *real property* is counted as a resource if the *financial group* refuses to make a good-faith effort to sell.
 - (C) The resource is excluded if selling the resource would produce a net gain to the *financial group* of less than \$1,500.
 - (d) In the OSIP, OSIPM, and QMB-DW programs:
 - (A) The *equity value* of *real property* that was the home of the *financial group* is excluded if the *financial group* is making a good-faith effort to sell the *real property* at a reasonable price, unless the *equity value* in the home makes the client ineligible under OAR 461-145-0220(2)(a).
 - (B) The *equity value* of all other *real property* is excluded if the *financial group* is making a good-faith effort to sell the *real property* at a reasonable price. The *equity value* is counted after the *real property* is excluded for nine months unless the failure to sell it is for reasons beyond the reasonable control of the *financial group*.

- (4) The treatment of *real property* that is income producing is covered in OAR 461-145-0250 and 461-145-0252.
- (5) The treatment of the home of the *financial group* is covered in OAR 461-145-0220.

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

Stats. Implemented: ORS 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

Use of Resources in Determining Financial Eligibility

Countable (see OAR 461-001-0000) resources are used to determine *eligibility* (see OAR 461-001-0000) as follows:

- (1) In the EA program, the *countable* resources of a *financial group* (see OAR 461-110-0530) are used to reduce benefits.
- (2) In the ERDC, QMB-DW, REF, REFM, SNAP, and TANF programs, a *need group* (see OAR 461-110-0630) is not eligible for benefits if the *financial group* has *countable* resources above the resource limit (see OAR 461-160-0015).
- (3) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs, a *need group* (see OAR 461-110-0630) is not eligible for benefits if the *financial group* has *countable* resources above the resource limit (see OAR 461-160-0015).
 - (a) When a *child* (see OAR 461-001-0000) is applying, the *parental resources* (see subsection (b) of this section) are deemed available to the *child*. The amount deemed available to the *child* is the amount the *parental resources* exceed the resource limit (see OAR 461-160-0015) of:
 - (A) A one person *need group*, if one *parent* (see OAR 461-001-0000) lives in the child's household; or
 - (B) A two person *need group*, if two parents (or one *parent* and the *spouse* (see OAR 461-001-0000) of that *parent*) live in the child's household.
 - (b) As used in this section, "parental resources" means the *countable* resources of:
 - (A) Each *parent* in the child's *financial group*, and
 - (B) Each *spouse* of a *parent* in the child's *financial group*.
 - (c) If more than one *child* is applying, the value of the deemed resources is divided evenly between the applying children.
 - (d) The *parental resources* are not deemed available to an ineligible *child*.
 - (e) The value of the *parental resources* is subject to deeming whether or not those resources are available to the *child*.
- (4) In the OSIP-EPD and OSIPM-EPD programs:

- (a) A *need group* is not eligible for benefits if the *financial group* has *countable* resources above the resource limit (see OAR 461-160-0015).
 - (b) Any money in an *approved account* (see OAR 461-001-0035) is excluded during the determination of *eligibility*.
 - (c) Assets purchased from moneys in an *approved account* are excluded, provided they meet the requirements of OAR 461-145-0025.
 - (d) Assets purchased as *employment and independence expenses* (see OAR 461-001-0035) are excluded, provided they meet the requirements of OAR 461-145-0025.
- (5) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded and have no effect on *eligibility* (see OAR 461-160-0015).

Stat. Auth.: ORS [329A.500, 409.050](#), 411.060, 411.070, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685

Stats. Implemented: ORS [329A.500, 409.010](#), 411.060, 411.070, 411.117, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685, 414.839

Eligibility of Child Care Providers

- (1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless the Department determines, following a final fitness determination (see OAR 125-007-0260 and 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other *subject individual* (see OAR 125-007-0210 and 407-007-0210(8)(a)(J)) is not eligible for payment.
- (2) Ineligibility for payment may result from any of the following:
 - (a) A finding of "denied".
 - (A) A provider may be "denied" under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as described in OAR 407-007-0300, the Department finds substantial risk to the health or safety of a *child* (see OAR 461-001-0000) in the care of the provider, the provider must be "denied" and is ineligible for payment.
 - (B) A provider who has been "denied" has the right to a hearing under OAR 407-007-0335.
 - (b) A finding of "failed".
 - (A) A provider may be "failed" if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet an eligibility requirement of this rule not covered in paragraph (c)(A) of this section.
 - (B) While the provider is in "failed" status:
 - (i) The Department does not pay any other child care provider for child care at the "failed" provider's site.
 - (ii) The Department does not pay a child care provider at another site if the "failed" provider is involved in the child care operation unless the Department determines that the reasons the provider is in "failed" status are not relevant to the new site.
 - (C) A provider with a status of "failed" may reapply at any time by providing the required documents and information to the Department for review.
 - (c) A finding of "suspended".

- (A) A provider may be "suspended" if the Department determines and provides notice that the provider does not meet an eligibility requirement in the following subsections and paragraphs of section (7) of this rule: (d), (e), (h), (i), (j), (k), (L), (o)(H), (o)(I), (o)(L), or (t) or in section (10) of this rule. A provider who has been "suspended" may challenge this status by requesting a contested case hearing subject to the requirements and limitations of OAR 461-025.
- (B) While the provider is in "suspended" status:
 - (i) The provider is ineligible for payment for at least six months.
 - (ii) The Department does not pay any other child care provider for child care at the "suspended" provider's site.
 - (iii) The Department does not pay a child care provider at another site if the "suspended" provider is involved in the child care operation unless the Department determines that the reasons the provider is in "suspended" status are not relevant to the new site.
- (C) A provider with a status of "suspended" may be eligible for payments after the six month ineligibility period ends when the provider has been approved following reapplication, including providing the required documents and information to the Department for review.
- (d) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.
- (3) The provider must submit a completed Child Care Provider Listing Form (DHS 7494) to the Department within 30 calendar days from the date the Department issues the listing form to the client. The provider and each individual identified under section (4) of this rule must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police (OSP), Federal Bureau of Investigation (FBI), and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider, each individual described in section (4) of this rule, and each *subject individual* described in OAR 125-007-0210 and 407-007-0210(8)(a)(J) must fully disclose all requested information as part of the records check.
- (4) This rule also establishes additional requirements for the following individuals:
 - (a) The site director of an exempt child care facility and each employee of the facility who may have unsupervised access to a *child* in care.
 - (b) The child care provider and each individual the provider uses to supervise a *child* in his or her absence.

- (c) In the case of a provider who provides care for a *child* in the provider's home--
 - (A) Each individual 16 years of age or older who lives in the provider's home; and
 - (B) Each individual who visits the home of the provider during the hours care is provided and may have unsupervised access to a *child* in care.
- (5) To receive payment or authorization for payment, the provider must comply with at least one of the following subsections:
 - (a) If the provider is not *legally exempt* (see section (11) of this rule):
 - (A) Be currently certified or registered with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 and be in compliance with the applicable rules;
 - (B) Complete the Department's background check process;
 - (C) Complete the Department's listing process; and
 - (D) Be approved by the Department.
 - (b) If the provider is *legally exempt* and a *legally exempt relative* (see section (11) of this rule):
 - (A) Complete the Department's background check process;
 - (B) Complete the Department's listing process; and
 - (C) Be approved by the Department.
 - (c) If the provider is *legally exempt* and not a *legally exempt relative* for all children in care:
 - (A) Meet all OCC Regulated Subsidy Provider requirements under OAR 414-180-0005 through 414-180-0100;
 - (B) Submit to and pass a site visit at the location where care will be provided;
 - (C) Complete the Department's background check process;
 - (D) Complete the Department's listing process; and

- (E) Be approved by the Department.
- (6) Each individual described in section (4) of this rule must:
- (a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250.
 - (b) Provide, in a manner specified by the Department, information required to conduct CH, FBI, OSP, and CPS records checks and determine whether the provider meets health and safety requirements.
 - (c) Have a history of behavior that indicates no substantial risk to the health or safety of a *child* in the care of the provider.
- (7) Each provider must:
- (a) Obtain written approval from their certifier or certifier's supervisor if the provider is also certified as a foster parent.
 - (b) Be 18 years of age or older and in such physical and mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a *child* in care.
 - (c) Not be in the same filing group (see OAR 461-110-0310 and 461-110-0350) as the *child* cared for; the *parent* (see OAR 461-001-0000) of a *child* in the *filing group*; or a sibling living in the home of a *child* in the *filing group*.
 - (d) Allow the Department to inspect the site of care while child care is provided.
 - (e) Keep daily attendance records showing the arrival and departure times for each *child* in care and billing records for each *child* receiving child care benefits from the Department. These written records must be retained for a minimum of 12 months and provided to the Department upon request.
 - (f) Be the individual or facility listed as providing the child care. The provider may only use someone else to supervise a *child* on a temporary basis if the person was included on the most current listing form and the provider notifies the Department's Direct Pay Unit.
 - (g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.
 - (h) Report to the Department's Direct Pay Unit within five days of occurrence:

- (A) Any arrest or conviction of any *subject individual* or individual described in section (4) of this rule.
 - (B) Any involvement of any *subject individual* or individual described in section (4) of this rule with CPS or any other agencies providing child or adult protective services.
 - (C) Any change to the provider's name or address including any location where care is provided.
 - (D) The addition of any *subject individual* or individual described in section (4) of this rule.
 - (E) Any reason the provider no longer meets the requirements under this rule.
- (i) Report suspected child abuse of any *child* in his or her care to CPS or a law enforcement agency.
 - (j) Supervise each *child* in care at all times.
 - (k) Prevent any individual who behaves in a manner that may harm children from having access to a *child* in the care of the provider. This includes anyone *under the influence* (see section (11) of this rule).
 - (L) Allow the custodial parent of a *child* in his or her care to have immediate access to the *child* at all times.
 - (m) Inform a parent of the need to obtain immunizations for a *child* and have a completed, up-to-date Oregon shot record called the "Certification of Immunization Status" (CIS) form on file for each *child* in care.
 - (n) Take reasonable steps to protect a *child* in his or her care from the spread of infectious diseases.
 - (o) Ensure that the home or facility where care is provided meets all of the following standards:
 - (A) Each floor level used by a *child* has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a *child* is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.
 - (B) The home or facility has safe drinking water.
 - (C) The home or facility has a working smoke detector on each floor level and in any area where a *child* naps.

- (D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a *child*. Any gate or barrier may not pose a risk or hazard to any *child* in care.
- (E) Any firearm, ammunition, and other items that may be dangerous to children, including but not limited to alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any legally prescribed or over-the-counter medicine, cleaning supplies, paint, plastic bags, and poisonous and toxic materials are kept in a secure place out of a child's reach.
- (F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard-free condition.
- (G) The home or facility has a telephone in operating condition.
- (H) No one may smoke or carry any lighted smoking instrument, including e-cigarettes or vaporizers, in the home or facility or within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. No one may use smokeless tobacco in the home or facility during child care operational hours or anytime child care children are present. No one may smoke or carry any lighted smoking instrument, including e-cigarettes and vaporizers, or use smokeless tobacco in motor vehicles while child care children are passengers.
- (I) No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) on the *premises* (see section (11) of this rule) during child care operational hours or anytime child care children are present. No one *under the influence* of alcohol, controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) may be on the *premises* during child care operational hours or anytime child care children are present. No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) in motor vehicles while child care children are passengers.
- (J) Is not a half-way house, hotel, motel, shelter, or other temporary housing such as a tent, trailer, or motor home. The restriction in this paragraph does not apply to licensed (registered or certified) care approved in a hotel, motel, or shelter.
- (K) Is not a structure –
 - (i) Designed to be transportable; and

- (ii) Not attached to the ground, another structure, or to any utilities system on the same *premises*.
- (L) Controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia may not be on the premises during child care operational hours or anytime child care children are present.
- (p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility.
- (q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.
- (r) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, and crib standards under 16 CFR 1219 and 1220.
- (s) Place infants to sleep on their backs.
- (t) Not hold a medical marijuana card; or distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications).
- (u) Develop and communicate expulsion and suspension policies to parents and caretakers.
- (v) Provide care at a location within the state of Oregon.
- (8) *Legally exempt* providers must complete the "Introduction to Child Care Health and Safety" two-hour, web-based training as provided in the following subsections:
 - (a) *Legally exempt* providers with a list date prior to November 1, 2016, must complete the "Introduction to Child Care Health and Safety" training by June 30, 2017.
 - (b) *Legally exempt* providers with a list date of November 1, 2016 or later must complete the "Introduction to Child Care Health and Safety" prior to Department approval.
- (9) *Legally exempt* providers must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if he or she:
 - (a) Receives funds from the Department; and

- (b) Begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.
- (10) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be *under the influence*.
- (11) For purposes of these rules:
- (a) "Premises" means the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.
 - (b) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.
 - (c) "Legally exempt" means the child care provider is exempt from licensing with the OCC because the provider is not subject to the licensing requirements under OAR 414-205-0000 to 414-205-0170, OAR 414-350-000 to 414-350-0405, and OAR 414-300-0000 to 414-300-0415.
 - (d) "Legally exempt relative" means a *legally exempt* provider who is a relative to all children in care including a great-grandparent, grandparent, aunt, uncle, or sibling not living in the home of any *child* in care.
- (12) *Legally exempt* providers that are not a *legally exempt relative* to all children in care must meet all of the requirements in this section before approval by the Department, unless otherwise noted:
- (a) Have an up-to-date, in-person infant and child CPR and first aid certification or have a currently valid waiver of this requirement from the Child Care Resource and Referral program.
 - (b) Complete the Recognizing and Reporting Child Abuse and Neglect (RRCAN) web-based training.

- (c) Complete six hours of ongoing education in each two-year listing period as provided in this subsection. All trainings must be accepted by the Oregon Center for Career Development (OCCD) and be part of the OCCD's 10 Core Knowledge Categories recognized by Oregon Registry Online to count toward the six hours.
 - (A) Two of the six hours must fall under the "Human Growth and Development" category; and
 - (B) Two of the six hours must cover "Understanding & Guiding Behavior".
- (13) Child care centers or programs that are *legally exempt* from certification or registration with the OCC, are located in a commercial or institutional facility, and receive payment from the Department on behalf of a family receiving a child care subsidy, may not exceed the following staff to children in care ratios:
 - (a) Six weeks through 23 months of age, the minimum number of staff to children is one to four. The maximum number of children in a group is eight.
 - (b) 24 months through 35 months of age, the minimum number of staff to children is one to five. The maximum number of children in a group is 10.
 - (c) 36 months of age to attending kindergarten, minimum number of staff to children is one to 10. The maximum number of children in a group is 20.
 - (d) Attending kindergarten and older, the minimum number of staff to children is one to 15. The maximum number of children in a group is 30.
 - (e) In a mixed-age group of children, the number of staff and group size shall be determined by the age of the youngest child in the group.

Stat. Auth.: ORS 181.537, 329A.500, 409.050, 411.060, 411.070

Stats. Implemented: ORS 181.537, 329A.340, 329A.500, 409.010, 409.050, 409.610, 411.060, 411.070, 411.122

Effective Dates; Adding a New Person to an Open Case

- (1) In the following programs, the effective date for adding an individual (other than an assumed eligible newborn) to the *benefit group* (see OAR 461-110-0750) is one of the following:
 - (a) In the OSIPM program, the date benefits are requested for the individual establishes a *date of request* (see OAR 461-115-0030) for the individual. The effective date for the individual is determined in accordance with OAR 461-180-0090.
 - (b) In the REFM program, it is whichever occurs first:
 - (A) The date the individual requests benefits, if the individual was eligible as of that date.
 - (B) The date all eligibility requirements are met.
 - (c) In the SNAP program:
 - (A) If adding the individual increases benefits, it is the first of the month after the filing group (see OAR 461-110-0310 and 461-110-0370) reports the person has joined the *household group* (see OAR 461-110-0210). If verification is requested, the effective date for the change is:
 - (i) The first of the month following the date the change was reported if verification is received by the Department no later than the due date for the verification.
 - (ii) The first of the month following the date the verification is received by the Department if received after the verification due date.
 - (B) If adding the individual reduces benefits, it is the first of the month following the month in which the notice period ends (see OAR 461-175-0050).
 - (d) In the GA, OSIP, REF, SFPSS, and TANF programs, it is the date on which all eligibility requirements are met and verified. If benefits have been issued for the month and adding the new person would reduce benefits, the person is added the first of the month following the month in which the notice period ends (see OAR 461-175-0050).

- (e) In the QMB-BAS and QMB-DW programs, it is the first of the month after the new individual has been determined to meet all QMB eligibility criteria and the Department receives the required verification.
 - (f) In the QMB-SMB program, it is the first of the month in which the new individual has been determined to meet all QMB-SMB eligibility criteria and the Department receives the required verification.
 - (g) In the SFPSS, TA-DVS, and TANF programs, for adding a *child* (see OAR 461-001-0000) to be covered by a provider-direct child care payment, it is the first of the month in which the *child* is added to the *benefit group*.
- (2) In the following programs, the effective date for adding an assumed eligible newborn to the *benefit group* is one of the following:
- (a) In the OSIPM and REFM programs, it is the date of birth if all the following paragraphs are true. If any of the following paragraphs is not true, the newborn is added to the *benefit group* in accordance with section (1) of this rule.
 - (A) A request for benefits is made within one year of the birth. For purposes of this paragraph, a telephone call from the attending physician, another licensed practitioner, a hospital, or the family is considered a request for benefits.
 - (B) The newborn has continuously lived with the mother since the date of birth.
 - (C) The mother was receiving OSIPM on the date of birth, even if she is not currently eligible for benefits.
 - (b) In the SFPSS and TANF programs, it is:
 - (A) The date of birth, if all eligibility requirements are met and verified within ~~45~~30 days after the birth; or
 - (B) The date all eligibility factors are met and verified, if the verification is completed more than ~~45~~30 days after the date of birth.
- (3) In the ERDC program, the effective date for adding an individual to the *need group* (see OAR 461-110-0630) or *benefit group* is as follows:
- (a) If adding the individual to the *need group* will decrease the copay, the effective date is the first of the month after the client reports the person has joined the household.

- (b) If adding the individual to the *need group* increases the copay--for instance, because the individual receives income--the effective date is the first of the month following the end of the decision notice period (see OAR 461-175-0050).
- (c) The effective date for adding a *child* to the *benefit group*--that is, covering the cost of the child's care--is the earliest of the following:
 - (A) For newborns, the date of birth, if all eligibility requirements are met and verified within 45 days after the birth.
 - (B) For all other children, the first of the month in which the change is reported, if all eligibility requirements are met and verified within 45 days.
 - (C) For newborns and other children, if eligibility cannot be verified within 45 days, the effective date is the first of the month in which all eligibility factors are met and verified.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.042~~414.685~~
Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, ~~414.042~~

Effective Dates; Initial Month Benefits

- (1) In the EA program, the effective date for opening the case is the day benefits are issued to the *benefit group* (see OAR 461-110-0750). For a *benefit group* whose only eligible child is an unborn, the effective date cannot be earlier than the first day of the calendar month preceding the month in which the due date falls.
- (2) In the ERDC program, the effective date for starting benefits is one of the following:
 - (a) The first day of the month in which the request for benefits is made if--
 - (A) All *eligibility* (see OAR 461-001-0000) requirements are met in that month; and
 - (B) Verification is provided within the application processing timeframes.
 - (b) If all *eligibility* requirements are not met in the month of request, the effective date is the first day of the month in which they are met, if verification is provided within the application processing timeframes.
 - (c) For a *benefit group* that received TANF program benefits within the 30 days before applying for ERDC program benefits, the effective date is the first of the month following closure of their TANF program benefits.
- (3) In the GA program, the effective date for the *initial month* (see OAR 461-001-0000) of benefits is the first of the month following the day all *eligibility* requirements are met and verified.
- (4) In the OSIP program, the effective date for the *initial month* of benefits is whichever of the following occurs first:
 - (a) The date an individual requests benefits, if the individual was eligible as of that date.
 - (b) The date all *eligibility* requirements are met.
- (5) In the REF program, when a *filing group* (see OAR 461-110-0430) makes an initial application, the effective date for starting benefits is:
 - (a) If all *eligibility* requirements, including an interview, are completed by the ~~45th~~ 30th day from the *filing date of request* (see OAR 461-115-~~00300040~~), the effective date for starting benefits is the *filing date* (~~see OAR 461-115-0040~~).

- (b) If all *eligibility* requirements are not met by the ~~45th-30th~~ day from the *filing date of request*, a new ~~date of request and filing date~~ must be established.
- (6) In the TANF program, when a *filing group* (see OAR 461-110-0330) makes an initial application or applies after the end of the *certification period* (see OAR 461-001-0000), the effective date for starting TANF benefits is one of the following:
- (a) Except as provided in subsections (b) to (d) of this section, if all *eligibility* requirements, including a TANF interview, are completed by the ~~45th-30th~~ day from the *filing date of request*, the effective date for starting benefits is the *filing date*. If all *eligibility* requirements are not met by the ~~45th-30th~~ day from the *filing date of request*, a new ~~date of request and filing date~~ must be established.
 - (b) If the only eligible child is an unborn, the effective date may not be earlier than the first day of the calendar month ~~preceding prior to~~ the month in which the due date falls.
 - (c) For an individual in the Pre-TANF program, the effective date for the *initial month* of benefits is the date the Pre-TANF program ends as provided in OAR 461-135-0475.
 - (d) For a JOBS support service payment, the effective date is the date the individual meets all *eligibility* requirements in OAR 461-190-0211.
- (7) In the SFPSS program, when moving a TANF program recipient to SFPSS, the effective date for the *initial month* of SFPSS program benefits is:
- (a) Except as provided in subsection (b) of this section, the first of the month following the day all *eligibility* requirements are met and verified.
 - (b) If the day all *eligibility* requirements are met and verified falls after the "compute deadline," the *initial month* of SFPSS program benefits will be the first of the month following the month after "compute deadline." For purposes of this rule, "compute deadline" means the Department computer system monthly deadline after which changes will not take effect until the month following the first of the next month.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.878, 412.006, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.404, 411.706, 411.878, 412.006, 412.014, 412.049, 412.064, 413.085, 414.685

Education Requirements for Teen Parents; JOBS

- (1) Except as provided in section (2) of this rule, a *teen parent* (see OAR 461-001-0025) who participates in the JOBS program and does not have a high school diploma or GED must participate in the *basic education component* (see OAR 461-001-0025).
- (2) A *teen parent* is excused from the requirements of section (1) of this rule if any of the following subsections apply:
 - (a) ~~He or she~~The *teen parent* is ~~exempt a JOBS volunteer~~ (see OAR 461-130-0310) from the requirement to participate in the JOBS program 16 weeks after the birth of a child, except that the *teen parent* may be required to participate in suitable activities with a preference for educational activities, parenting classes, and *family stability activities* (see OAR 461-001-0000).
 - (b) ~~He or she~~The *teen parent* is under age 18, has been excused by the local school district from state compulsory school attendance, and meets the following conditions:
 - (A) The employment goal of the *teen parent* is an occupation or occupational field that does not require a high school diploma or GED, there is a labor market demand for it, and the goal is appropriate for the ~~client~~*teen parent* and likely to lead to self-sufficiency; and
 - (B) The *teen parent* is participating in the *job skills training component* (see OAR 461-001-0025) and an *education component* (see OAR 461-001-0025) designed to result in a literacy level of at least grade 8.9.
 - (c) ~~He or she~~The *teen parent* is age 18 or 19 and can be assigned to employment training to prepare for occupations or occupational fields for which there is a labor market demand, and either ~~he or she~~*the teen parent* has failed to achieve good or satisfactory *progress* (see OAR 461-001-0025) in completing ~~his or her~~ *educational activities* (see OAR 461-001-0025) or *educational activities* are inappropriate for ~~his or her~~*the* education and employment goals of the *teen parent*.

Stat. Auth.: ORS 409.050, 411.060, 411.070, ~~418.040, 418.045, 418.100~~412.006, 412.009, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, ~~418.040, 418.045, 418.100~~412.006, 412.009, 412.049

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, TANF

In the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the limitations of state funding, the following special provisions apply:

- (1) Participation in an *activity* (see OAR 461-001-0025) is available to the following individuals:
 - (a) An individual who is an adult parent, needy *caretaker relative* (see OAR 461-001-0000), or *teen parent* (see OAR 461-001-0000) receiving TANF who is not otherwise *exempt* (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.
 - (b) An individual who is an applicant or recipient in the Pre-TANF, Post-TANF, or SFPSS program.
 - (c) Subject to local services and budget, an individual who is ~~*exempt from JOBS requirements as a one-parent household with a dependent child (see OAR 461-001-0000) under six months of age and has approved activities as specified in the individual's case plan (see OAR 461-001-0025)*~~ a JOBS volunteer (see OAR 461-130-0310).
 - (d) An individual who has gone over-income for the TANF program due to earnings and needs to increase *activity* hours to meet Post-TANF *federally required participation rates* (see OAR 461-001-0025).
 - (e) An individual who has become over-income for the TANF program due to earnings in an *on-the-job training* (see OAR 461-001-0000) *activity* is eligible to receive *support services* (see OAR 461-001-0025) for no more than three months, unless circumstances unique to the situation are identified and warrant the Department to approve a limited number of additional months. Eligibility for *support services* under this subsection is only permitted while the individual continues to participate in the *on-the-job training activity*.
- (2) For eligible individuals, subject to the requirements and limitations in sections (1), (5), (6), and (7) of this rule, the following activities are available, and include *support services* payments if needed:
 - (a) *Job search* (see OAR 461-001-0025).
 - (b) *JOBS Plus* (see OAR 461-001-0025 and OAR 461-101-0010) is limited to six months per individual, unless circumstances unique to the employment situation

are identified and warrant the Department to approve a limited number of additional months.

- (c) *Work experience* (see OAR 461-001-0025).
- (d) *Supported work* (see OAR 461-001-0025).
- (e) *High School or GED Completion Attendance* (see OAR 461-001-0025).
- (f) *Parents as Scholars* (see OAR 461-001-0025).
- (g) *Limited family stability* (see OAR 461-001-0000) *activity*.
 - (A) *Drug and alcohol services* (see OAR 461-001-0025).
 - (B) *Mental health services* (see OAR 461-001-0025).
 - (C) *Attending medical appointments or services*.
 - (D) *Rehabilitation activities* (see OAR 461-001-0025).
 - (E) *Crisis Intervention* (see OAR 461-001-0025).
 - (F) *SSI application process*.
 - (G) *Domestic violence* (see OAR 461-001-0000) *intervention*.
- (h) *Vocational training* (see OAR 461-001-0025).
- (i) *Life skills* (see OAR 461-001-0025).
- (j) *On-the-job training*.
- (k) *Unsubsidized employment (work)*.
- (L) *Adult Basic Education* (see OAR 461-001-0025).
- (m) *Job skills training* (see OAR 461-001-0025).
- (n) *Self-initiated training* (see OAR 461-001-0025).
- (o) *Program entry* (see OAR 4461-001-0025)

(3) The following activities do not include *support services* payments:

- ~~(a) *Domestic Violence Intervention*.~~

(~~ba~~) Family Support & Connections.

(~~eb~~) *Microenterprise* (see OAR 461-001-0000).

(~~dc~~) Post-TANF.

(~~e~~) ~~*Program entry* (see OAR 461-001-0025).~~

(~~4~~) ~~Participation in an *activity* is based on whether an individual is Job Ready, Near Job Ready, Not Job Ready, or a *teen parent*.~~

(~~a~~) ~~Job Ready means the individual has no *barrier* (see OAR 461-001-0025) or current barriers do not impact participation or employment. In addition, the individual has all of the following:~~

(~~A~~) ~~Prior stable work history, either paid or unpaid.~~

(~~B~~) ~~Had not voluntarily quit or been dismissed from his or her *most recent employment* (see OAR 461-135-0070) without *good cause* (see OAR 461-135-0070).~~

(~~C~~) ~~Reliable or available transportation.~~

(~~D~~) ~~No outstanding legal issues that would impact or prevent employment.~~

(~~E~~) ~~Access to reliable child care within *support services* limits, or does not need help to pay for child care, or does not need child care.~~

(~~b~~) ~~Near Job Ready means the individual has minimal barriers to participation or employment and the individual is addressing the barriers. In addition, the individual has all of the following:~~

(~~A~~) ~~Limited or no work history, either paid or unpaid.~~

(~~B~~) ~~Reliable or available transportation.~~

(~~C~~) ~~No outstanding legal issues that would impact or prevent employment, or such legal issues are identified and are being addressed.~~

(~~D~~) ~~Access to reliable child care within *support services* limits, or does not need help to pay for child care, or does not need child care.~~

(~~c~~) ~~Not Job Ready means the individual has one or more barriers to participation or employment or is in crisis, and the individual is not addressing the barriers. For example, the individual has one or more of the following:~~

- ~~(A) —Lack of stable housing that is preventing participation in an *activity* or employment.~~
- ~~(B) —*Domestic violence* (see OAR 461-001-0000), mental health, or alcohol and drug issues, and the individual is not addressing the issue.~~
- ~~(C) —Medical issues that prevent participation in an *activity* or employment.~~
- ~~(D) —Outstanding legal issues that would impact or prevent employment.~~
- ~~(E) —Literacy issues that impact the ability for the individual to participate in an *activity* or obtain employment.~~
- ~~(F) —Other *family stability* issues that need to be addressed.~~

(54) In approving JOBS program *support services* payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that ~~ease managers~~Department staff and ~~clients~~participants work collaboratively to seek resources that are reasonably available to the ~~client~~participant in order to participate in activities.

(65) Payments for *support services* are only provided when:

- (a) Necessary to participate in activities in a signed *case plan*;
- (b) Authorized in advance; and
- (c) All other provisions of this rule are met.

(76) Payments for *support services* are subject to the following limitations:

- (a) Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable ~~Job Ready or Near Job Ready~~ individuals ~~or teen parents~~ to participate in an approved JOBS program *activity* specified in the individual's *case plan*, including a ~~Not Job Ready~~an individual approved by the district to complete a *family stability activity*. If authorized, payment for child care is:
 - (A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.
 - (B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program *activity*.

- (b) Transportation. The Department may provide payments for ~~a Job Ready or Near Job Ready~~ an individual ~~or teen parent~~ for transportation costs incurred in travel to and from an approved JOBS program *activity* or ~~a Not Job Ready~~ an individual approved by the district to complete a *family stability activity*. Payment is made only for the cost of public transportation, ~~or~~ the cost of fuel, ~~or for minimal vehicle repairs~~. Payments are subject to the following considerations:
- (A) Payment for public transportation is a priority over payment for a privately owned vehicle.
 - (B) Payment for fuel costs for a privately-owned vehicle is provided if the client participant or individual providing the transportation reports having a valid driver's license and vehicle insurance and either of the following is true:
 - (i) No public transportation is available or the client participant is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.
 - (ii) Public transportation is available but is more costly than the cost of fuel.
 - (C) Payment for vehicle repairs may be authorized at the discretion of the district if the following are true:
 - (i) No reasonable public transportation is available; and
 - (ii) The costs to repair the participant's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary.
- (c) Housing and Utilities. Payments for housing and utilities are not allowed.
- (d) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide other payments needed --
- (A) To look for work.
 - (B) To accept a job offer.
 - (C) To attain a high school diploma or GED.
 - (D) For books and supplies to complete a district-approved *vocational training*.

- (E) Other payments with manager approval that are not otherwise restricted by rule.
- (e) None of the following payments are allowed:
 - (A) Non-essential items.
 - (B) Television, cable, and Internet.
 - (C) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.
 - (D) Purchase of a car, recreational vehicle, or motor home.
 - (E) *Support services* for ~~exempt~~ JOBS Exempt (see OAR 461-130-0310) individuals.
 - (F) Pet-related costs.
 - (G) ERDC co-payments.

(87) The Department may require an individual to provide verification of a need for, or costs associated with, *support services* prior to approval and issuance of payment if verification is reasonably available.

(98) The Department may reduce, close, or deny in whole or in part a request for a *support services* payment in the following circumstances:

- (a) The individual is disqualified for failing to comply with a *case plan*, unless the payment in question is necessary for the individual to demonstrate cooperation with his or her *case plan*.
- (b) The purpose for the payment is not related to the individual's *case plan*.
- (c) The individual disagrees with a *support services* payment offered or made by the Department as outlined in the individual's *case plan*.

~~(d) — The individual is not determined to be a Job Ready or Near Job Ready individual under section (1) of this rule, a Not Job Ready individual in a family stability activity, or a teen parent.~~

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.121, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

Re-engagement; JOBS, Pre-TANF, REF Employment Program, SFPSS, TA-DVS

In the JOBS, Pre-TANF, REF Employment Program, SFPSS, and TA-DVS programs:

- (1) When aspects of the *case plan* have not been met or are in dispute, the re-engagement process provides an opportunity for the client-individual and the Department to --
 - (a) Review and re-evaluate the *case plan* and other information gathered related to the client's strengths and barriers of the individual;
 - (b) Identify participation expectations, concerns related to participation, and completion of *activities* in the *case plan*;
 - (c) Consider whether the *case plan* is still appropriate;
 - (d) Develop options that support full participation; and
 - (e) Revise the *case plan* if appropriate.
- (2) The re-engagement process is intended to assist the Department in identifying whether the client-individual is unable to fully participate or whether the client-individual is ~~or has been willfully non-complaint~~ refusing to participate in the case plan of the individual.
 - (a) In the JOBS, Pre-TANF, REF Employment Program, and SFPSS programs, if:
 - (A) A screening for physical or mental health needs, substance abuse, *domestic violence* (see OAR 461-001-0000), or learning needs has not been completed, the re-engagement process requires an additional opportunity to initiate those screenings for potential barriers to participation not previously identified.
 - (B) A screening described in paragraph (A) of this subsection indicates follow-up is needed. The re-engagement process requires an opportunity to initiate the follow-up for potential barriers to participation not previously identified.
 - (b) Circumstances that require a determination of whether *good cause* (see OAR 461-130-0327) exists include disagreements about the *case plan*, irregular attendance at *activities*, missed appointments, failure to participate in a *component* of the *case plan*, and (in the JOBS program) refusal to accept or maintain employment.
 - (c) In the TA-DVS program, there are no participation requirements. The re-engagement process is intended to provide an opportunity to address problems with the case plan (see OAR 461-135-1230) and an opportunity to modify the case plan.
- (3) In the JOBS and REF Employment programs, the re-engagement process must include:

- (a) Assessing the risk of harm posed to the children in the filing group by the reduction in aid payments and taking steps to ameliorate the risk.
 - (b) An attempted home visit.
- (4) The client individual, the Department, or the Department's contractor may initiate the re-engagement process. The re-engagement process is not a required *activity*. The Department may not disqualify clients individuals based on their failure to participate in the re-engagement process.
- (5) The client individual or Department may invite partner agencies, Department contractors, persons currently working with the client individual, or other individuals who have information relevant to the re-engagement process to any appointments or meetings scheduled as part of the process.
- (6) The re-engagement process ends when any of the following subsections applies:
- (a) In the JOBS and Pre-TANF programs, when any of the following paragraphs applies:
 - (A) The Department has determined the individual has met federally required participation rates (see OAR 461-001-0025).
 - (B) The Department and the client participant agree to a modified *case plan*.
 - (C) The Department has determined the individual is exempt from JOBS Employment Program participation and disqualification under OAR 461-130-0310.
 - (D) The Department has determined the individual is a JOBS volunteer (see OAR 461-130-0310).
 - (E) The efforts to re-engage are unsuccessful for any of the following reasons:
 - (i) The individual clearly indicates an intent not to participate in the re-engagement process;
 - (ii) The individual refuses to participate in the individual's case plan and has the ability to engage;
 - (iii) The individual has no barriers or refuses to take appropriate steps to address identified barriers to participation in the program; or
 - (iv) The Department determines that an individual did not have *good cause* (see OAR 461-130-0327) for not complying with a requirement of the JOBS employment program, and the individual

is able but unwilling to address the issue through activities that address barriers or through case plan modifications.

- (b) ~~Efforts to re-engage are unsuccessful.~~
- (e) In the JOBS, Pre-TANF, and REF Employment programs Program, when any of the following paragraphs applies:
 - ~~(A) Except in the REF program, the Department has determined the client has met federally required participation rates (see OAR 461-001-0025);~~
 - ~~(BA)~~ The Department has determined the client individual is exempt from ~~JOBS and~~ REF Employment Program participation and disqualification under OAR 461-130-0310(2)(a).
 - ~~(CB)~~ The client individual clearly indicates an intent not to participate in the re-engagement process;
 - ~~(DC)~~ The client individual is willfully non-compliant and has the ability to be fully engaged;
 - ~~(E) The client has no barriers or refuses to take appropriate steps to address identified barriers to participation in the program; or~~
 - ~~(FD)~~ A decision is made by the Department that ~~a client an individual~~ did not have *good cause* for not complying with a requirement of the ~~JOBS or REF employment programs, and the client is able but unwilling to address the issue through activities that address barriers or through case plan modifications~~ Employment Program.
- ~~(dc)~~ In the SFPSS program, after a review team consisting of SFPSS program staff including the case manager, disability analyst, and appropriate medical professional determine the client individual does not have ~~good cause~~ good cause for non-cooperation and no accommodations or modifications can be made to support the client being re-engaged.
- (7) The re-engagement process must end unsuccessfully before the Department begins the process of disqualifying ~~a client an individual~~ for a failure to comply with a requirement of the JOBS or REF ~~employment~~ Employment programs.
- (8) In the SFPSS program, when the re-engagement process ends unsuccessfully, ~~a client an individual~~ removed from the program is returned to the TANF program.
- (9) For a participant in the Parents as Scholars (PAS) component of the JOBS program, when re-engagement ends unsuccessfully, PAS is ended pursuant to OAR 461-190-0199.

Stat. Auth.: ORS 409.050, 411.060, 412.009, 412.014, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.117, 412.009, 412.014, 412.049

Limits to SNAP Employment and Training Components and Activities

- (1) The SNAP Employment and Training Program for all clients except mandatory ABAWD living in SNAP time limit counties (see OAR 461-135-0520):
 - (a) In Multnomah and Washington Counties ends effective November 30, 2015.
 - (b) In Clackamas County ends effective September 30, 2016.
 - (c) In Benton, Lane, Lincoln, Linn, Marion, Polk and Yamhill Counties ends effective September 30, 2017.
 - ~~(e)~~ Is not offered to clients served by APD or AAA offices.
 - ~~(d)~~ Is voluntary for all other clients effective September 30, 2016.
- (2) For an ABAWD (see OAR 461-135-0520) residing in one of the SNAP time limit counties:
 - (a) The *case plan* may not require more than 20 hours of activities per week.
 - (b) Except for Workforce Innovation and Opportunity Act (WIOA) (see OAR 461-001-0020) and Workfare (see OAR 461-190-0500), a client may not be required to participate in *job search* activities more than nine hours per week. The balance of the 20 hours per week must be in work-related or training (not *job search*) activities.
 - (c) The client may participate in a Workfare program under OAR 461-190-0500.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

461-190-0406

Eff.

~~4-1-16~~10-1-17

Eligibility of Clients

- (1) Any ~~client-participant~~ 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~~participants. 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-Participants~~ remain eligible to participate as long as they would, except for participating in the *JOBS Plus program*, be eligible for TANF.
- (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-participants~~ cannot receive TANF cash benefits and a *JOBS Plus* supplement for the same month.

Stat. Auth.: ORS 409.050, 411.060, 411.816

Stats. Implemented: ORS 409.010, 411.060, 411.816