

OFFICE OF THE SECRETARY OF STATE  
DENNIS RICHARDSON  
SECRETARY OF STATE  
  
LESLIE CUMMINGS  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 32-2017**  
CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
12/01/2017 11:34 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Changing Refugee Program rules

EFFECTIVE DATE: 12/01/2017 THROUGH 03/31/2018

AGENCY APPROVED DATE: 12/01/2017

CONTACT: Robert Trachtenberg      DHS - SSP  
503-947-5290                              500 Summer Street NE, E-48  
robert.trachtenberg@state.or.us      Salem, OR 97301

Filed By:  
Robert Trachtenberg  
Rules Coordinator

NEED FOR THE RULE(S):

OAD 461-190-0211 and OAD 461-193-1380 need to be amended to support the employment of Refugee program participants by allowing support services needed to accept a job or vocational training.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAD 461-190-0211 and OAD 461-193-1380 will result in serious prejudice to the public interest, the Department, and clients in the Refugee employment program. The Department needs to proceed by temporary rule because the public, the Department, and these clients will immediately benefit when support services are provided to assist them with accepting a job or vocational training.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Letter from Office of Refugee Resettlement dated November 17, 2017 to the State of Oregon Refugee Coordinator

RULES:

461-190-0211, 461-193-1380

AMEND: 461-190-0211

SUSPEND: Temporary 461-190-0211 from SSP 28-2017

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

RULE SUMMARY: OAD 461-190-0211 about case plan activities and support service payments, which was amended by temporary rule effective November 1, 2017, is being further amended by temporary rule to allow support services needed for Refugee employment program participants to accept a job or vocational training, consistent with a recent federal approval.

RULE TEXT:

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 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.

(f) An individual who is receiving REF who is not otherwise exempt (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.

(2) For eligible individuals, subject to the requirements and limitations in sections (1), (4), (5), (6), (7), and (8) 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 461-001-0025)

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

(a) Family Support & Connections.

(b) Microenterprise (see OAR 461-001-0000).

(c) Post-TANF.

(4) In approving JOBS program or REF employment 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 Department staff and participants work collaboratively to seek resources that are reasonably available to the participant in order to participate in activities.

(5) 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.

(6) Payments for support services for JOBS participants 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 individuals to participate in an approved JOBS program activity specified in the individual's case plan, including 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 an individual for transportation costs incurred in travel to and from an approved JOBS program activity or an individual approved by the district to complete a family stability activity. Payment is made only for the cost of public transportation, 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 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 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 JOBS Exempt (see OAR 461-130-0310) individuals.

(F) Pet-related costs.

(G) ERDC co-payments.

(7) Payments for support services for REF employment program participants are subject to the following limitations:

(a) Transportation. The Department may provide payments for an individual for transportation costs incurred in travel to and from an approved REF employment program activity or to complete a family stability activity. Payment is made only for the cost of public transportation, 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 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 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.

(b) 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 accept a job offer.

(B) For books and supplies to complete a district-approved vocational training.

(c) All other payments are not allowed.

(8) 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.

(9) 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 the individual's 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.

(10) In the REF employment program, JOBS Plus and Parents as Scholars are not available.

STATUTORY/OTHER AUTHORITY: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

STATUTES/OTHER IMPLEMENTED: ORS 409.010, 411.060, 411.070, 411.121, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

AMEND: 461-193-1380

SUSPEND: Temporary 461-193-1380 from SSP 28-2017

RULE TITLE: Standards for NAES Support Service Payments

RULE SUMMARY: OAR 461-193-1380 about support service payments in the New Arrival Employment Services (NAES) program, which was amended by temporary rule effective November 1, 2017, is being further amended by temporary rule, to state that the temporary rule and the earlier permanent rule are both suspended because support service payments are being covered in OAR 461-190-0211.

RULE TEXT:

- (1) The temporary rule effective November 1, 2017 is suspended.
- (2) The permanent rule is suspended.

STATUTORY/OTHER AUTHORITY: 411.116, 411.135, 412.006, 412.049, 414.025, 411.060, ORS 409.050

STATUTES/OTHER IMPLEMENTED: 411.060, 411.070, 411.116, 411.135, 412.006, 412.049, 414.025, ORS 409.010