



## PERMANENT ADMINISTRATIVE ORDER

### SSP 10-2018

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

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#### RULES:

461-110-0330, 461-115-0016, 461-135-0475, 461-145-0200, 461-145-0280, 461-175-0220, 461-193-0031, 461-193-0130, 461-193-0185, 461-193-0190, 461-193-0221, 461-193-0240, 461-193-0246, 461-193-0320, 461-193-1140, 461-193-1200, 461-193-1380

AMEND: 461-110-0330

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-110-0330 is being amended to state that children receiving foster care payments are excluded from the filing group. The filing group consists of the individuals from the household whose circumstances are considered in the eligibility determination process. This amendment is intended to prevent the potential duplication of payments of Title IV-E payments.

#### CHANGES TO RULE:

461-110-0330

Filing Group; TANF ¶¶

#### In the TANF program:¶¶

(1) A filing group must include a dependent child (see OAR 461-001-0000) or unborn child and the following household group (see OAR 461-110-0210) members (even if the member is not an applicant or does not meet nonfinancial eligibility (see OAR 461-001-0000) requirements):¶¶

(a) Each parent (see OAR 461-001-0000) of a dependent child in the filing group.¶¶

(b) Each parent of an unborn child in the filing group.¶¶

(c) Each sibling (see OAR 461-001-0000) of a dependent child in the filing group, except as specified in sections (2) and (3) of this rule. The sibling must be less than 18 years of age, or 18 years of age and attending school full time.¶¶

(d) A caretaker relative (see OAR 461-001-0000) of the dependent child in the filing group, and the spouse (see OAR 461-001-0000) and each dependent child of the caretaker relative.¶¶

(2) A dependent child is not included in the filing group if ~~the or she~~ the dependent child - ¶¶

(a) Is or will be receiving foster care payments ~~for more than 30 days~~ (see OAR 461-145-0200);¶¶

(b) Is receiving adoption assistance (see OAR 461-145-0001); or¶¶

(c) Is receiving Title IV-E subsidized guardianship assistance payments (see OAR 461-145-0200).¶¶

(3) A parent of a minor parent (see OAR 461-001-0000) is not in the filing group of the minor parent if:¶¶

(a) The minor parent does not reside with ~~his or her~~that parent; or¶¶

(b) The parent of the minor parent is in the household group of the minor parent but is not applying for the TANF program for the minor parent or any sibling of the minor parent.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.064, 412.124

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 45 CFR 261.10, 45 CFR 263.2

AMEND: 461-115-0016

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-115-0016 about the reservation list in the ERDC program is being amended to make permanent temporary rule amendments effective November 22, 2017 that changed the reservation list selection from random selection to first-in, first out. This change will better fit the anticipated, ongoing monthly pull of names. This rule is also being amended to remove its reference to Oregon Program of Quality contracted slots which ended in 2016, so the rule reflects the current reservation list process.

CHANGES TO RULE:

461-115-0016

Application Process; Reservation List for ERDC ¶¶

Notwithstanding any other rule in OAR chapter 461, in the ERDC program:¶¶

(1) Eligibility (see OAR 461-001-0000) is subject to the availability of funds. The Department may implement a Child Care Reservation List whenever the Department determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.¶¶

(2) Except as provided in section (3) of this rule, the following applicants are subject to placement on the Child Care Reservation List when the Child Care Reservation List is in effect:¶¶

(a) New applicants for ERDC when no member of the ERDC filing group (see OAR 461-110-0310 and 461-110-0350) meets the requirements of one or more of the following paragraphs:¶¶

(A) Received a partial or full month of REF, SFPSS, or TANF program cash benefits from the state of Oregon in at least one of the preceding three months; and no member of the ERDC program filing group may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.¶¶

(B) Is eligible for and being placed in a current opening in a Head Start program contracted slot under OAR 461-135-0405, ~~an Oregon Program of Quality contracted slot under OAR 461-135-0407~~, or an Early Head Start Child Care Partnership contracted slot.¶¶

(C) The caretaker (see OAR 461-001-0000) is currently working with Child Welfare as part of a CPS assessment or open case, an ongoing safety plan is in place, and Child Welfare has determined the use of child care as part of an ongoing safety plan will:¶¶

(i) Prevent removal of the child (see OAR 461-001-0000) from their home;¶¶

(ii) Allow a child to be returned home; or¶¶

(iii) Allow for placement of the child with a relative or with an adult whom the child or the family of the child has an established relationship.¶¶

(D) Determined eligible for TA-DVS program benefits (see OAR 461-135-122500) from the state of Oregon in the current month or at least one of the preceding three months.¶¶

(b) Individuals who are reapplying for ERDC after a break in ERDC benefits of two consecutive, calendar months or more.¶¶

(3) Except as allowed under OAR 461-165-0030, no member of an ERDC program filing group may be concurrently receiving TANF program benefits. When concurrent benefits are not allowed, the Department sends a decision notice (see OAR 461-001-0000) of ineligibility for the ERDC program and the filing group is not placed on the Child Care Reservation List.¶¶

(4) When the Child Care Reservation List is in effect, the Department must place all applicants who are subject to the Child Care Reservation List under section (2) of this rule on the Child Care Reservation List for future selection. The Department sends these applicants a decision notice of ineligibility for the ERDC program.¶¶

(5) Each month, on the basis of an estimate of available funds, an appropriate number of individuals from the Child Care Reservation List are ~~randomly selected~~ selected on a first-in and first-out basis and invited to apply for ERDC.¶¶

(6) After an individual is selected from the Child Care Reservation List, the individual must contact the

Department to establish a date of request (see OAR 461-115-0030) no later than ~~30~~45 days after the date on the selection letter. The individual may request child care benefits from the Department:¶

(a) Without completing a new application, when the previous application is within 45 days of its date of request; or¶

(b) By submitting a new application for child care benefits to the Department.¶

(7) The processing time frame for the ERDC application is the same as that specified in OAR 461-115-0190, except that:¶

(a) An individual who requests benefits after the ~~30~~45-day deadline to apply (see section (6) of this rule) will be returned to the Child Care Reservation List.¶

(b) If the Department does not receive a request for benefits within the deadline to apply, the individual is dropped from the Child Care Reservation List.

Statutory/Other Authority: ~~ORS 409.050, 411.060, 411.116,~~ ORS 329A.500

Statutes/Other Implemented: ~~ORS 409.010, 409.050, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135,~~ ORS 329A.500

AMEND: 461-135-0475

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-135-0475 about specific requirements for the Pre-TANF program is being amended to lower its 45-day time frame to be consistent with the 30-day duration of the program. This rule is also being amended to use the filing date for application processing timeframes (instead of the date of request), aligning the Pre-TANF program with the SNAP program.

CHANGES TO RULE:

461-135-0475

#### 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 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 30 days following the filing date (see OAR 461-115-0040).¶

(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 individual and support services (see OAR 461-001-0025) payments if available.¶

(5) The Department may provide the individual with basic living expenses necessary to stabilize the household so the individual can accomplish the activities in the case plan. Basic living expenses covered by this section are limited to the current need of the individual for personal incidentals that the 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 eligible participant 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~~30 days following the ~~date of request~~filing date (see OAR 461-115-0040) for TANF program benefits, in any of the following circumstances:¶

(a) The individual is unlikely to become employed due to the employability of the individual, the circumstances

affecting the family, or other causes.¶¶

(b) The 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 an 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.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.006, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 412.001

AMEND: 461-145-0200

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-145-0200 about foster care payments and guardianship assistance benefits is being amended to align the Refugee and Refugee Medical programs with the TANF program on the treatment of these payments in determining eligibility.

CHANGES TO RULE:

461-145-0200

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, REF, REFM, 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 REF, REFM, and TANF programs:¶¶

(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.

Statutory/Other Authority: 409.050, ORS 329A.500, ~~409.050~~, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414, ~~685~~

Statutes/Other Implemented: ORS 329A.500, 409.050, 409.610, 411.060, 411.070, 411.404, 411.816, 412.014, 412, ~~049~~

AMEND: 461-145-0280

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-145-0280 about the treatment of in-kind income is being amended to align the Refugee and Refugee Medical programs with the TANF program on the treatment of this income in determining eligibility.

CHANGES TO RULE:

461-145-0280

In-Kind Income ¶¶

- (1) This rule does not apply to shelter-in-kind income (see OAR 461-145-0470).¶¶
- (2) In all programs except the REF, REFM, and TANF programs, in-kind income (see OAR 461-001-0000) that is earned is treated according to the administrative rules on earned income (such as OAR 461-145-0130).¶¶
- (3) In all programs except the REF, REFM, and TANF programs, in-kind income that is unearned (except third-party payments) is treated as follows:¶¶
- (a) Income from court-ordered community service work or bartering is excluded. Bartering is the exchange of goods of equal value.¶¶
- (b) Items such as cars and furniture are treated according to the administrative rule for the specific type of asset.¶¶
- (4) In the REF, REFM, and TANF programs, in-kind income (except unearned third-party payments) is excluded.¶¶
- (5) In the SNAP program, except for child support (see OAR 461-145-0080) and an expenditure by a business entity that benefits a principal (see OAR 461-145-0088), in-kind income is excluded.¶¶
- (6) Unearned third-party payments are treated as follows:¶¶
- (a) Payments made to a third party that should legally be paid directly to a member of the financial group (see OAR 461-110-0530) are counted as unearned income.¶¶
- (b) Payments made to a third party that the payee is not legally obligated to pay directly to a member of the financial group and that the financial group does not have the option of taking as cash, and payments made by the noncustodial parent to a third party that are court-ordered are treated as follows:¶¶
- (A) In the SNAP program, these third-party payments are excluded unless they are transitional housing payments for the homeless.¶¶
- (B) In the REF, REFM, and TANF programs, except for payments designated as child support (see OAR 461-145-0080), these third-party payments are excluded.¶¶
- (C) In all programs except the REF, REFM, SNAP, and TANF programs, these third-party payments are excluded.
- Statutory/Other Authority: ~~ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, ORS 329A.500, 413.085, 414.685~~
- Statutes/Other Implemented: ~~ORS 409.010, 411.060, 411.070, 411.404, 411.816, 412.049, ORS 329A.500~~



AMEND: 461-175-0220

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-175-0220 about disqualification notices is being amended to update program names, making the rules easier to follow.

CHANGES TO RULE:

461-175-0220

Notice Situation; Disqualification ¶

(1) If a benefit group (see OAR 461-110-0750) or individual is disqualified for a SNAP voluntary job quit or for failure to apply for or provide an SSN, pursue assets, cooperate in the JOBS, JOBS Plus, ~~REF Employment Program~~ P, or a SNAP Employment and Training program, or assist the state's efforts to collect support, the Department sends the following type of notice:¶

(a) If benefits are reduced or closed because of the disqualification:¶

(A) A continuing benefit decision notice (see OAR 461-001-0000) is used when changes are reported on the Interim Change Report form.¶

(B) A timely continuing benefit decision notice (see OAR 461-001-0000) is used when changes are not reported on the Interim Change Report form.¶

(b) If benefits are opened without the disqualified individual in the benefit group or if the entire benefit group is denied assistance, a basic decision notice (see OAR 461-001-0000) is used.¶

(2) For a JOBS, JOBS Plus, ~~REF Employment Program~~ P, or a SNAP Employment and Training disqualification, and for a SNAP voluntary job quit by an individual receiving SNAP benefits, the notice includes the following information:¶

(a) The client action that resulted in disqualification.¶

(b) The length of the minimum disqualification period.¶

(c) The reduced benefit amount.¶

(d) How the client may end the disqualification after the minimum period.¶

(3) For an ABAWD disqualified due to the SNAP time limit in OAR 461-135-0520, the notice includes the following information:¶

(a) The action that resulted in the disqualification.¶

(b) The reduced amount when there are other eligible persons in the filing group.¶

(c) How the individual may regain eligibility for SNAP benefits.¶

(4) For a voluntary job quit by an individual applying for SNAP benefits, the notice includes the following information:¶

(a) The action that resulted in the disqualification; and¶

(b) The length of the disqualification period.¶

(5) For an IPV disqualification:¶

(a) In all programs except the SNAP program, the Department does not send a notice of termination to an individual disqualified for an IPV after a court order, a final order from an administrative hearing, or a signed waiver (see OAR 461-175-0200(9)(c)(C) and OAR 461-195-0621(2)) that imposes the disqualification.¶

(b) In the SNAP program:¶

(A) After an individual signs an IPV waiver, the Department sends a basic decision notice to terminate benefits. If the Department receives a timely request for a hearing, the contested case hearing addresses the issues set out in OAR 461-195-0611(3).¶

(B) The Department does not send a notice of termination to an individual disqualified for an IPV after a court order or a final order from an administrative hearing.¶

(c) In all programs, the Department sends a continuing benefit decision notice when benefits for other individuals in the benefit group are closed or reduced because an individual in the benefit group is disqualified for an IPV.¶

- (6) For a disqualification due to being a fleeing felon or in violation of parole, probation, or post-prison supervision (under OAR 461-135-0560):¶¶
- (a) A basic decision notice is required if benefits are opened without the disqualified individual in the benefit group or if the entire filing group is denied benefits.¶¶
- (b) A timely continuing benefit decision notice is required if an individual in the benefit group is disqualified.¶¶
- (7) The notice situation for a disqualification due to a transfer of assets is covered in OAR 461-175-0310.
- Statutory/Other Authority: 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, ORS 409.050
- Statutes/Other Implemented: 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, ORS 409.010

AMEND: 461-193-0031

REPEAL: Temporary 461-193-0031 from SSP 5-2018

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being amended to add the description of the Refugee Case Services Project (RCSP) because the current description is contained in OAR 461-193-0130 which is being repealed. This rule is also being amended to eliminate requirements covered in OAR 461-135-0900. These changes make the rules easier to follow.

CHANGES TO RULE:

461-193-0031

Eligibility Requirements; Refugee Case Services Project (RCSP) ¶

(1) The Refugee Case Services Project (RCSP) is a contractual partnership between the Department and Refugee Resettlement Agencies to provide management of cash assistance to eligible individuals who reside in Multnomah, Clackamas, or Washington County.¶

(2) An individual must participate in the Refugee Case Services Project if the individual meets all of the following:¶

(1a) Meets all REF or TANF program eligibility (see OAR 461-001-0000) requirements.¶

(2b) Meets the alien status requirements under OAR 461-120-0125(5).¶

(3c) Resides in Clackamas, Multnomah, or Washington County.¶

(4d) Has resided in the U.S. for eight months or less. The first month is, for an individual meeting the alien status requirements of OAR 461-120-0125:¶

(a) Subsections (5)(a), (c), (d), or (e), the month the individual entered the United States.¶

(b) Subsections (5)(b), (f), or (g), the month the individual was granted the individual's immigration status.¶

(c) Subsection (5)(h):¶

(A) If the individual entered the U.S. with special immigrant status, the month the individual entered the United States, from the time their eligible immigration status was granted (with each month in the U.S. counted as a whole month and no prorating of any month); and¶

(A) Their filing date is prior to February 1, 2018; or¶

(B) If the individual is granted special immigrant status after entering the U.S., the month in which the special immigrant status was granted was enrolled in RCSP prior to February 1, 2018.¶

(d3) Each month in the U.S. is counted as a whole month; there is no prorating of any month.¶

(5) Be 64 years old or younger. Be under 65 years of age.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049, 411.121

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.116, 412.006, 412.049, 411.121, 45

CFR 400

REPEAL: 461-193-0130

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0130 about definitions for the New Arrival Employment Services (NAES) and the Refugee Case Services Project (RCSP) is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-0130~~

~~Definitions; New Arrival Employment Services (NAES), Refugee Case Services Project (RCSP)~~

~~The following definitions apply to rules about the NAES and RCSP programs in Chapter 461:~~

~~(1) "Asylee" means a refugee granted asylum under Section 208 of the Immigration and Nationality Act. Most asylees are granted asylum after arriving in the United States. Others are admitted to the United States from another country so that they can join a family member who has already received asylum.~~

~~(2) "Case head" means the case member who is responsible for providing information necessary to determine eligibility and calculate benefits, and report income. The case head may be either adult in the case.~~

~~(3) "Emancipated youth" means a child determined to be a single case by the U.S. Citizenship and Immigration Services or who has been emancipated legally.~~

~~(4) "Family reunification case" means a newly arrived refugee joining a nuclear family member already residing in the United States.~~

~~(5) "NAES" means New Arrival Employment Services, the employment component for clients in the RCSP program.~~

~~(6) "New arrival" means a refugee who originally resettled in Oregon.~~

~~(7) "RCSP" means Refugee Case Services Project, a partnership operated through a contract between the Department's Refugee program and a voluntary agency that resettles newly arrived refugees, to provide case management of cash assistance to a refugee settling in Multnomah, Clackamas, or Washington County.~~

~~(8) "Secondary migrant" means a refugee who originally resettled in another state, and was part of another state's Department of State Reception and Placement counts, who has since moved to Oregon.~~

~~Statutory/Other Authority: ORS 411.060, 411.116~~

~~Statutes/Other Implemented: ORS 411.060, 411.070, 411.135, 412.006, 412.049, 414.025~~

REPEAL: 461-193-0185

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0185 about countable assets for the Refugee Case Services Project (RCSP) is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-0185~~

~~Countable Assets; Refugee Case Services Project (RCSP)~~

~~In the RCSP program, the rules in divisions 140 and 145 of this chapter of rules determine the treatment of specific assets (see OAR 461-001-0000) for determining eligibility (see OAR 461-001-0000) and benefit amount.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-0190

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0190 about applying for the Refugee Case Services Project (RCSP) is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-0190~~

~~Applying; Refugee Case Services Project (RCSP)~~

~~In the RCSP program:~~

- ~~(1) An application form is readily available to anyone requesting one. The program assists a client unable to complete the application form or gather information necessary to verify eligibility.~~
- ~~(2) If an applicant files an application containing the applicant's name and address, the program must send the applicant a decision notice (see OAR 461-001-0000).~~
- ~~(3) An applicant must file an application, or may amend an application already complete, as a prerequisite to receiving benefits as follows:~~
  - ~~(a) Except as provided in section (7) of this rule, an applicant wishing to apply for RCSP program benefits must submit a complete application on a form approved by the RCSP program.~~
  - ~~(b) An application is complete when all of the following requirements are met:~~
    - ~~(A) All information necessary to determine the individual's eligibility and benefit amount is provided on the application for each individual in the filing group.~~
    - ~~(B) The applicant, even if homeless, provides a mailing address.~~
    - ~~(C) The application is signed. An individual required but unable to sign the application may sign with a mark, witnessed by another individual.~~
    - ~~(D) The application is received by the RCSP program.~~
  - ~~(4) To complete the application process, the applicant or authorized representative must complete and sign an application, apply at the appropriate location, provide necessary information to the RCSP program within the time frame required, and meet the interview requirements of OAR 461-115-0230.~~
  - ~~(5) If the RCSP program requires additional information to determine eligibility, the client is entitled to a written notice that includes a statement of the specific information needed to determine eligibility and the date by which the client must provide the required information to the program.~~
  - ~~(6) An applicant may withdraw an application at any time.~~
  - ~~(7) A new application is not required in the following situations:~~
    - ~~(a) When the case is closed and reopened during the same calendar month.~~
    - ~~(b) 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.~~
    - ~~(c) To add a newborn child to a benefit group (see OAR 461-110-0750), but a parent in the benefit group must re-sign and date the current application.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-0221

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0221 about training activities in the New Arrival Employment Services (NAES) and Refugee Case Services Project (RCSP) is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-0221~~

~~Training Activities; New Arrival Employment Services (NAES), Refugee Case Services Project (RCSP)~~

~~(1) NAES program training services are provided in coordination with the RCSP program.~~

~~(2) In the NAES program:~~

~~(a) Only selected and approved client vocational training is considered a higher service priority than job search, job referral, or job placement activities.~~

~~(b) A client in a training program must remain a student in good standing and make satisfactory progress in the program.~~

~~(c) A client must agree to attend daily classes and to report absences to the instructor in a timely manner.~~

~~(d) Each client must be told of the consequences of poor attendance. Poor attendance in a training program is a noncooperation issue (see OAR 461-193-0042).~~

~~(e) Each client is responsible for arranging transportation and child care to attend the training program. Lack of child care or transportation is not a valid barrier to participation in training classes.~~

~~(f) The provided training must include monitoring.~~

~~(3) The job worker must review the client's progress at the end of each month and when training is completed.~~

~~(4) The instructor monitors attendance and informs the job worker of all absences.~~

~~(5) The training instructor completes a detailed exit evaluation of each training participant. The evaluation covers the client's motivation to seek employment and to learn English, skills and knowledge gained by the class, barriers removed, and behavior likely to affect employment.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-0240

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0240 about participation exemptions in the New Arrival Employment Services (NAES) program is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-0240~~

~~Exemption From Participating; New Arrival Employment Services (NAES)~~

~~(1) Participation in the NAES program is limited to RCSP program adult clients and refugees who would be eligible for the RCSP program, but have been in the U.S. for more than eight months and less than 13 months.¶~~

~~(2) An adult client is exempt from participation in or disqualification from the NAES program when the client meets the requirements of OAR 461-130-0310.~~

~~Statutory/Other Authority: ORS 411.060, 411.116, 412.006~~

~~Statutes/Other Implemented: ORS 411.060, 411.116, 412.006~~



AMEND: 461-193-0246

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0246 about the employment incentive in the New Arrival Employment Services (NAES) program is being amended to make permanent a temporary rule change effective November 1, 2017 that removed Refugee program clients who are not TANF participants from those eligible for employment incentives, consistent with federal requirements (45 CFR 400.154 and 400.155). This rule is also being amended to update program names.

CHANGES TO RULE:

461-193-0246

Employment Incentive; ~~New Arrival Employment Services (NAES) RCSP~~ ¶

In the ~~NAES~~ Refugee Case Service Project (RCSP) program: ¶

(1) A ~~NAES~~ TANF participant is eligible for an employment incentive only while active in the ~~NAES~~ RCSP JOBS program. ¶

(2) To be eligible for an employment incentive, a ~~NAES~~ TANF participant must meet the requirements of ~~one~~ all of the following subsections: ¶

(a) The ~~NAES~~ TANF participant must retain full-time employment for 90 days. Eligibility for the incentive starts on the 90th day of employment. ¶

(b) The ~~NAES~~ TANF participant must be employed in two part-time jobs concurrently, totaling at least 35 hours per week. Eligibility for the incentive starts on the 90th day of the job which makes the work week total to 35 hours per week or more. ¶

(3) A ~~NAES~~ TANF participant may receive only one 90-day employment incentive. ¶

(4) For purposes of this rule, the "employment incentive" is a \$25.00 gift card, purchased by the RCSP JOBS contractor, to a department store that is mutually determined by the contractor and the Department.

Statutory/Other Authority: ORS 409.050, 411.060

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049

AMEND: 461-193-0320

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-0320 about the effective dates for case assistance in the Refugee Case Services Project is being amended to remove sections covered in other rules, reducing duplication and making the rules easier to follow.

CHANGES TO RULE:

461-193-0320

Effective Dates for Cash Assistance; Refugee Case Service Project ¶¶

In the Refugee Case Service Project (RCSP):¶¶

(1) Except as provided otherwise in this rule, ~~in the Refugee Case Service Project (RCSP)~~, eligibility for cash assistance is effective as provided for REF and TANF clients in OAR 461-180-0070.¶¶

(2) When all of the following subsections are met, the effective date for cash assistance is the first day of the month in which the date of application falls:¶¶

(a) The individual is eligible to receive REF assistance.¶¶

(b) The individual's entry to the United States: - ¶¶

(A) And application date fall within the same month; or¶¶

(B) Was in another state while in transit to Oregon for resettlement, and the application date falls in the second month of arrival in the United States.¶¶

(c) The individual has not received refugee cash assistance in any other state.¶¶

~~(3) For a child born in the United States to a refugee already enrolled in RCSP as per section (1) of this rule, the initial cash assistance date is the date of birth.¶¶~~

~~(4) For an applicant who quit a job or refused to accept an offer of employment without good cause (see OAR 461-130-0327) within 30 consecutive calendar days immediately prior to the application, the initial cash assistance eligibility is no earlier than the 30th day from the date of the job quit or job refusal.¶¶~~

~~(5) Cash eligibility date for TANF and REF clients after a disqualification is as provided in OAR 461-130-0330.~~

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049

REPEAL: 461-193-1140

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-1140 about refugee project notices is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-1140~~

~~Notice Situations; Refugee Projects~~

~~(1) All Refugee projects must have policy and procedures for sending a decision notice when project benefits and/or services are:~~

~~(a) Denied;~~

~~(b) Reduced; or~~

~~(c) Closed.~~

~~(2) For NAES and Refugee case service projects, the project worker shall send a decision notice to the participant according to the following time lines:~~

~~(a) For denials, give the decision notice to the applicant at the time of the intake.~~

~~(b) For disqualifications, send the decision notice at the time that noncooperation is established and no later than the fifteenth of the month preceding the month in which the action is to become effective.~~

~~(c) For time eligibility, send the decision notice no later than the first day of the month of closure.~~

~~(d) For cases that fail to provide MCIR and/or MCIR information, the provision included in the MCIR that informs clients that their case will close at the end of the current calendar month if they fail to submit an MCIR shall serve as notice. Send a notice confirming case closure at the end of the current calendar month to cases that fail to submit an MCIR by the end of that month.~~

~~(e) For all other closures, send the decision notice as soon as the information becomes known.~~

~~(f) For all disqualifications, reductions and closures, if the decision notice cannot be mailed the fifteenth of the month preceding the month in which the action is to become effective, the action to be imposed cannot be effective until the next month.~~

~~Statutory/Other Authority: ORS 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-1200

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-1200 about cooperation requirements for the New Arrival Employment Services (NAES) program is being repealed to reduce duplication in the rules.

CHANGES TO RULE:

~~461-193-1200~~

~~Cooperation Requirements; New Arrival Employment Services (NAES)~~

~~In the NAES program:~~

~~(1) A client must provide the information required by the Department. The required information includes information needed to:~~

~~(a) Determine if the client is mandatory to participate in the program;~~

~~(b) Assess the client's participation level in the NAES program;~~

~~(c) Assess whether a client has good cause (see OAR 461-130-0327) for any failure to meet a requirement of the NAES program; or~~

~~(d) If a medical condition is in question, provide the Department with a medical opinion from an appropriate medical professional.~~

~~(2) A client who is required to participate in the NAES program must do all of the following:~~

~~(a) Complete the assessment process and provide sufficient information for the Department to determine whether the client must participate in the NAES program.~~

~~(b) Register for the NAES program by completing the forms required by the Department. A client required to participate in the NAES program who fails to register is ineligible for benefits.~~

~~(c) Meet all of the following participation requirements:~~

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

~~(B) Maintain employment. A client fails to maintain employment when the client:~~

~~(i) Does not accept an increase in hours worked that would result in increased earnings, so long as the maximum amount of hours worked per week does not exceed 40 hours;~~

~~(ii) Quits work without good cause or is discharged for misconduct in accordance with the unemployment insurance compensation laws of the State of Oregon; or~~

~~(iii) Voluntarily reduces earnings or hours of employment.~~

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

~~(D) Notify the Department's case manager or the NAES program contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, and not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity.~~

~~(E) Provide the Department, in the manner required, with verifiable documentation of NAES program participation hours including paid work, job search activity, and educational activity.~~

~~(F) Complete each case management assignment specified in the employment plan.~~

~~Statutory/Other Authority: 411.060~~

~~Statutes/Other Implemented: ORS 411.060~~

REPEAL: 461-193-1380

NOTICE FILED DATE: 01/12/2018

RULE SUMMARY: OAR 461-193-1380 about support service payments in the New Arrival Employment Services (NAES) program is being repealed because support service payments are being covered in OAR 461-190-0211.

CHANGES TO RULE:

#### ~~461-193-1380~~

##### ~~Standards for NAES Support Service Payments~~

###### ~~In the NAES program:~~

- ~~(1) The Department helps an individual comply with the individual's case plan (see OAR 461-001-0025) by providing payments for child care, housing, transportation, and other needs to make participation in required activities (see OAR 461-001-0025) successful. These payments are provided for costs directly related to participation in activities, for costs necessary to obtain and retain a job, and for enhancing wages and benefits.~~
  - ~~(a) In approving NAES support service payments, the Department must consider lower-cost alternatives.~~
  - ~~(b) It is not the intent of the Department or of this rule to use Department funding when other funding is available in the community. It is the Department's expectation that case managers and clients work collaboratively to seek resources that reasonably are available to the client to facilitate participation in required activities.~~
  - ~~(c) An NAES program client is not eligible to receive any support service payment, except for child care or transportation, during his or her first 30 days in the United States.~~
- ~~(2) An NAES program support service payment must be authorized in advance and is subject to the limitations of this rule.~~
- ~~(3) Subject to the limitations of state funding and this rule, an NAES program support services (see OAR 461-001-0025) payment is made available to an individual if all of the following requirements are met:~~
  - ~~(a) The individual is an NAES participant.~~
  - ~~(b) The individual has agreed to participate in a NAES activity or other approved activities as specified in the individual's case plan.~~
- ~~(4) Denials and Reductions. The Department may reduce, close, or deny in whole or in part an individual's request for an NAES support service payment in each of the following circumstances:~~
  - ~~(a) If the individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the client to comply with his or her case plan.~~
  - ~~(b) If the purpose for the payment is not related to the individual's case plan.~~
  - ~~(c) If the client disagrees with a support service payment offered or made by the Department as outlined in the client's case plan.~~
- ~~(5) Required Verification.~~
  - ~~(a) The Department may require the individual to provide verification of a need for the support service prior to approval and issuance of payment if verification is reasonably available.~~
  - ~~(b) The Department may require the individual to provide verification of costs associated with a support service if verification is reasonably available.~~
- ~~(6) Child Care. Payments for child care are authorized, as limited by OAR 461-160-0040, if necessary to enable the individual to participate in NAES program activities or other approved activities specified in the individual's case plan. If authorized, payment for child care will be made for:~~
  - ~~(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, except that the cost of child care may be paid up to the monthly maximum when a child is in care less than 158 hours per month: and~~
    - ~~(A) Appropriate care is not accessible to the individual at the hourly rate; or~~
    - ~~(B) The individual is a teen parent using on-site care while attending education activities.~~
  - ~~(b) The minimum hours necessary, including meal and commute time, for the individual to participate in NAES~~

program activities, other approved activities, or to obtain and perform employment duties.¶¶

(7) Child care payments may be provided when an individual is not participating in NAES program activities or other approved activities if payment is necessary for the client to retain his or her child care provider. Only the minimum amount necessary to maintain the child care slot with the provider may be covered as established in OAR 461-155-0150. Not more than 30 days between scheduled NAES program activities or other approved activities may be covered.¶¶

(8) Unless good cause (see OAR 461-130-0327) has been determined, an NAES program client must attend an NAES program child care orientation to receive on-going child care payments.¶¶

(9) Housing and Utilities. In addition to a payment for basic living expenses under OAR 461-135-0475, a payment may be provided to an NAES program participant to secure or maintain housing and utilities in the following situations:¶¶

(a) To prevent an eviction or utility shut-off, secure housing to find or maintain employment, or participate in activities listed in the individual's case plan. Payment is available when all of the following requirements are met:¶¶

(A) The individual cannot make a shelter or utility payment due to a lack of assets.¶¶

(B) The lack of assets did not result from an NAES program or Child Support disqualification, a reduction due to an IPV recovery, overpayment recovery (other than administrative error), or failure by the individual to pay shelter or utility expenses when funds were reasonably available.¶¶

(C) The individual's case plan addresses how subsequent shelter or utility payments are to be made.¶¶

(b) The shelter need results from domestic violence (see OAR 461-001-0000) and all of the following requirements are met:¶¶

(A) The individual is not eligible for the TA-DVS program.¶¶

(B) The individual is able to pay all subsequent shelter costs, either through the individual's own resources or through other resources available in the community.¶¶

(C) The individual's case plan addresses how subsequent shelter costs are to be paid.¶¶

(c) An NAES program client who receives a cash grant through the RCSP program is expected to meet the housing and utility expenses out of the amount received each month in the cash grant. A NAES program client who receives an RCSP program cash grant may receive a housing and utility support services payment on a case-by-case basis, if the client otherwise meets the support service payment eligibility criteria of this section.¶¶

(10) Transportation. The Department provides support services payments for transportation costs incurred in travel to and from NAES program activities or other approved activities. Payment is made only for the cost of public transportation or the cost of vehicle insurance, repairs, and fuel for a personally owned vehicle. The Department may not authorize payment for repair of a vehicle owned by an individual who is not in the filing group (see OAR 461-110-0330). A transportation support service payment is subject to the following considerations:¶¶

(a) A payment for public transportation is given priority over a payment for a privately owned vehicle.¶¶

(b) A payment for a privately owned vehicle is provided if the client or driver has a valid license and one of the following requirements is met:¶¶

(A) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available; or¶¶

(B) Public transportation is available but is more costly than the cost of car repair or fuel.¶¶

(11) Unless good cause has been determined, an NAES program client must attend an NAES program mass transit training to receive on-going transportation payments.¶¶

(12) Other Payments. The Department provides support services payments for other items directly related to participation in NAES program activities. A payment under this section may be authorized for:¶¶

(a) Reasonable accommodation of a client's disability (see OAR 461-001-0000).¶¶

(b) Costs necessary in obtaining and retaining a job or enhancing wages and benefits, such as:¶¶

(A) Clothing and grooming for participation in NAES program activities or job interviews.¶¶

(B) Moving expenses necessary to accept employment elsewhere.¶¶

(C) Tools, bonding, and licensing required to accept or retain employment.¶¶

~~(c) Tuition for vocational training (see OAR 461-001-0025) through the NAES program only;¶¶~~

~~(A) After the client has been approved for vocational training;¶¶~~

~~(B) When no other funding is available;¶¶~~

~~(C) To the extent that Department funding designated for this purpose is available; and¶¶~~

~~(D) When the training is necessary for a job leading to a higher wage and high demand occupation, as defined by the Workforce Investment Act (WIA).~~

~~Statutory/Other Authority: ORS 411.060, 411.116, 411.135, 412.006, 412.049, 414.025~~

~~Statutes/Other Implemented: ORS 411.060, 411.070, 411.116, 411.135, 412.006, 412.049, 414.025~~