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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 13-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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FILING CAPTION: Amending rules about eligibility for self-sufficiency programs

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NEED FOR THE RULE(S):

OAR 461-001-0025 defining terms, components, and activities used in other rules for the JOBS, Pre-TANF, Post-TANF, and TANF programs needs to be amended to support Department staff in working more effectively with TANF participants and help improve the accuracy of federal data reporting by revising definitions to fit the family engagement model, aligning this rule with its JOBS activity guidelines (a worker guide) being released on April 1, 2018, providing definitions for activities not previously defined, removing definitions of activities the Department no longer offers or supports, and clarifying other definitions.

OAR 461-120-0215 about illegal activity needs to be adopted to keep the Department aligned with federal funding requirements by setting out Department policy that income from illegal activity is counted for purposes of determining eligibility, that support services are not used to support employment in illegal activity, and that employment in illegal activity does not make one eligible for jobs participation incentive, reduced co-pay, or employment payments. This rule also treats an activity as illegal if either Oregon or federal law makes the activity illegal.

OAR 461-130-0310 about participation classifications and exemptions needs to be amended to follow federal intent by adjusting the exemption for a SNAP participant to be exempt due to medical reasons from the work programs and from the SNAP time limit to include individuals with pending applications for disability benefits and clarify the types of physical and mental health services that qualify an individual for the exemption.

OAR 461-135-0485 about the requirement in the Pre-TANF and TANF programs to complete an employability screening and an overview of the Job Opportunity and Basic Skills (JOBS) Program needs to be amended to reflect the changing of forms for these programs starting April 1, 2018 by revising the definition of "employment screening". This rule also need to be amended to address individuals who are not permitted to work in the United States by clarifying that these individuals do not have to complete the employability screening and by stating that if all adults in the need

group are not authorized to work in the United States, they are not required to participate in the JOBS program overview.

OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to keep the Department aligned with federal funding requirements by stating that support services are not used to support employment in an activity that is illegal under either Oregon or federal law.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-001-0025 will result in serious prejudice to the public interest and the Department because starting April 1, 2018 changes to the Department TRACS case management system will be in place and it needs to align with Department rules. This amendment supports Department staff in working more effectively with TANF participants and help improve the accuracy of federal data reporting by revising definitions to fit the family engagement model, aligning this rule with its JOBS activity guidelines (a worker guide) being released on April 1, 2018, providing definitions for activities not previously defined, removing definitions of activities the Department no longer offers or supports, and clarifying other definitions.

The Department finds that failure to act promptly by adopting OAR 461-120-0215 and amending OAR 461-190-0211 will result in serious prejudice to the public interest and the Department because the Department needs to remain aligned with federal requirements related to Employment and Training participation hours, ABAWD requirements, and SNAP time limits; and corrections would be quite complex retroactively. This rule supports this alignment by setting out Department policy that income from illegal activity is counted for purposes of determining eligibility, that support services are not used to support employment in illegal activity, and that employment in illegal activity does not make one eligible for jobs participation incentive, reduced co-pay, or employment payments. This rule also treats an activity as illegal if either Oregon or federal law makes the activity illegal.

The Department finds that failure to act promptly by amending OAR 461-130-0310 will result in serious prejudice to the public interest, the Department, and some SNAP clients. This amendment the rule into compliance with federal intent by expanding and clarifying when a SNAP participant may be exempt due to medical reasons. This rule needs to be amended immediately to assure that clients who do not meet the more limited definition of disability are exempted from work and time limit requirements.

The Department finds that failure to act promptly by amending OAR 461-135-0485 will result in serious prejudice to the public interest and the Department because starting April 1, 2018 the rule would be out-of-sync with the employment screening forms used by the Department. Additionally, without these amendments, the rule would not reflect Department practices for individuals who are not authorized to work in the United States.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

RULES:

461-001-0025, 461-120-0215, 461-130-0310, 461-135-0485, 461-190-0211

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 defining terms, components, and activities used in other rules for the JOBS, Pre-TANF, Post-TANF, and TANF programs is being amended to match the family engagement model, align this rule with its JOBS activity guidelines (a worker guide) being released on April 1, 2018, provide definitions for activities not previously defined, remove definitions of activities the Department no longer offers or supports, and clarify other definitions. These changes support Department staff in working more effectively with TANF participants and help improve the accuracy of federal data reporting.

CHANGES TO RULE:

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, Post-TANF, TANF ¶

In the JOBS, Pre-TANF, Post-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.¶

(1) "Activity" means an action or set of actions to be taken by an individual participant, as specified in the case plan (see section (6) of this rule). An "activity" is intended to reduce barriers and:¶

(a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or¶

(b) Promote family stability (see OAR 461-001-0000).¶

(2) "Adult Basic Education (ABE)" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (89) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.¶

(3) "Assessment" means an activity of the program entry (see section (3028) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the individual participant and to mutually determine an employment goal, the level of ~~participation of the individual~~ engagement of the participant in the JOBS program, and which support services (see section (375) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of ~~participation~~ engagement, accommodation, and modification for the individual participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance abuse, domestic violence (see OAR 461-001-0000), and learning needs.¶

(4) "Barrier" means a personal condition or circumstance that reduces the likelihood the individual participant will become employed or the ability of the ~~individual to participate~~ participant to engage in an activity listed in the case plan.¶

(5) "Basic education" means a component of ~~non-core activities (see section (25) of this rule)~~ intended to ensure functional literacy for all JOBS ~~eligibility~~ participants. "Basic education" activities are high school attendance, English as a second language (ESL) (see section (154) of this rule) instruction, job skills training (see section (210) of this rule), adult basic education (ABE) (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.¶

(6) "Case plan" (formerly also known as an employment development plan (EDP), a personal plan, or personal development plan) means a written outline, developed in partnership by the ~~individual and case manager~~ participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the individual participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for individual participants with safety concerns about domestic violence (~~see OAR 461-001-0000~~)
¶

(7) "Child Health & Development (CH)" means an activity that enables participants to gain skills to successfully

parent, balance work and family, and contribute to the well-being and health of the child.

(78) "Community service program (CP)" means an activity in the unpaid employment (see section (398) of this rule) component in which the individual participant works without pay at a job site to enhance the likelihood the individual participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.

(89) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (286) of this rule), paid subsidized employment (see section (275) of this rule), unpaid employment, vocational training (see section (440) of this rule), job search and readiness (see section (2019) of this rule), and basic education activities.

(910) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (42) of this rule); ~~on the job training~~ (see section (261) of this rule); job search and readiness; community service program (see section (78) of this rule); and vocational training; and providing child care services to a community service program participant (see section (32) of this rule).

(101) "Crisis intervention (CI)" means short-term services to address an immediate crisis need.

(11) "Degree Completion Initiative (DCI)" means an activity in which a limited number of TANF recipients may participate for up to 12 months to complete an educational degree at a two- or four-year educational institution.

(12) "Drug and alcohol services" means an activity in the job search and readiness component that provides substance abuse screenings and evaluations, outpatient or resident treatment, and support groups such as AA or NA protect family stability and safety due to an immediate crisis need.

(132) "Employer contact" means ~~the~~ participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.

(143) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a benefit group (see OAR 461-110-0750) with employment income to help transition families off TANF program services.

(154) "English as a ~~s~~Second ~~L~~Language (ESL)" means an activity in the basic education component. "ESL" classes are designed to give individual participants with limited English proficiency better working skills in the language.

(165) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with individual participants working in the unpaid employment component. "FLSA" requires that individual participants engaged in unpaid employment, in effect, may not "work off" their SNAP more hours than the combined value of the TANF and TANF SNAP benefits at an hourly rate less than the stated divided by Oregon minimum wage.

(176) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).

(187) "High School or GED Completion Attendance (HS)" means an activity in the basic education component that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.

(198) "Job search (~~initial or regular~~ JO)" means an activity in the job search and readiness component that focuses on ~~the~~ participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and ~~participate~~ engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.

(2019) "Job search and readiness" means a component designed to prepare individual participants to compete in the local labor market. Job search (see section (198) of this rule), life skills (see section (232) of this rule), ~~drug and alcohol~~ substance abuse disorder services (see section (1234) of this rule), mental health services (see section (243) of this rule), and rehabilitation activities (see section (330) of this rule) are the activities of the "job search and readiness" component.

(240) "Job skills training (JS)" means an activity in the basic education component ~~designed to provide classroom training in vocational and technical skills or equivalent knowledge and abilities in a specific job area~~ in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in

employment.¶

(221) "JOBS Plus program (JOBS Plus PL)" means an activity in the paid subsidized employment component that provides TANF ~~participants~~ participants with on-the-job training and pays their benefits as wages (see OAR 461-190-0401 to 461-190-0426).¶

(232) "Life skills (LS)" means an activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.¶

(243) "Mental health services (MH)" means an activity in the job search and readiness component that provides mental health screenings and assessments, counseling, medication management, and support groups.¶

(254) "Non-core activities" means federally defined countable work activities that include job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.¶

(265) "On-the-job training (OJT)" means an activity in the paid subsidized employment component in which an individual works for an employer for a contracted period. The employer trains the individual and is reimbursed by the Department, usually at 50 percent of the wages of the participant, for those training costs.¶

(27) "Paid subsidized employment" means a component in which individual Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus (see section (221) of this rule), and work supplementation (see section (432) of this rule), and on-the-job training are the activities in the "paid subsidized employment" component.¶

(286) "Paid unsubsidized employment" means a component in which ~~individual~~ participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. The UN work program (see section (4039) of this rule), working (see section (43) of this rule), and microenterprise (see OAR 461-001-0000) are the activities in the paid unsubsidized employment component.¶

(297) "Parents as Scholars (PAS)" means a JOBS program component that assists TANF parents who are or will be undergraduates to begin or continue their education at a two- or four-year educational institution (see OAR 461-190-0199).¶

(3028) "Program entry (PE)" means an activity that ~~includes all the activities that prepare an individual to actively participate in the JOBS program including, but not limited to~~ captures JOBS appointments, assessments (see section (3) of this rule) ~~and writing the initial~~ to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶

(3129) "Progress (good or satisfactory)" means, for federal reporting purposes, an ~~individual~~ participant engaging in an education or training activity makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.¶

(32) "Providing child care services to a community service program participant" means an activity in the unpaid employment component.¶

(330) "Rehabilitation activities (RA)" means an activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶

(341) "Self-initiated training (SI)" means a JOBS program component that is training needed to be competitive in the job market. Participation in this component is limited to an activity in which participants are enrolled in a two six months. The component may be used to extend an approved vocational training activity or four year program, earning credit toward a college degree.¶

(352) "Supported work stabilized living (SL)" means an activity in the unpaid employment component that gives individuals intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work tended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶

(363) "Stabilization, intervention, and other activities" means activities that are non-countable for federal

participation purposes including child health and development, crisis intervention (see section (101) of this rule), domestic violence services, ~~family stability activities~~, medical services, retention services, services to child welfare families, social security application, and stabilized living services.¶

~~(374) "Support services" means services that case-managed clients need to participate successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶~~

~~(38) "Substance use disorder services" means an activity in the job search and readiness component to help participants identify and overcome substance use disorders that prevent or limit their employability and self-sufficiency.¶~~

(35) "Support services" means services that participants need to engage successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶

(36) "Supported work (SW)" means an activity in the unpaid employment component that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶

~~(37) "Transition services" means services included in an individual participant's case plan when the individual participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶~~

~~(398) "Unpaid employment" means a component in which an individual participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience, community service program, providing child care services to a (see section (41) of this rule, community service program participant, and supported work (see section (356) of this rule) are the activities of the "unpaid employment" component.¶~~

~~(4039) "UN work program" means an activity in the paid unsubsidized employment component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.¶~~

~~(410) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 128 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.¶~~

~~(421) "Work experience" means an activity in the unpaid employment component in which the individual participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the individual participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶~~

~~(432) "Work supplementation" means an activity in the unpaid employment component that is up to six months of work-site training provided by an employer. The component and activity are both called "work supplementation". In "work supplementation", the Department subsidizes the wages of the participant by providing up to \$200 per month to the employer.¶~~

(43) "Working" means an activity in the unsubsidized employment component in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

ADOPT: 461-120-0215

RULE SUMMARY: OAR 461-120-0215 about illegal activity is being adopted to set out Department policy that income from illegal activity is counted for purposes of determining eligibility, that support services are not used to support employment in illegal activity, and that employment in illegal activity does not make one eligible for jobs participation incentive, reduced co-pay, or employment payments. This rule also treats an activity as illegal if either Oregon or federal law makes the activity illegal. This rule keeps the Department aligned with federal funding requirements.

CHANGES TO RULE:

461-120-0215

Illegal Activity

- (1) As used in this rule, "illegal activity" means an activity that is illegal under either Oregon law or federal law, or both. Working in the marijuana industry is considered an "illegal activity" under this rule.
 - (2) In all programs, income received from an illegal activity (see section (1) of this rule) is considered countable (see OAR 461-001-0000) income.
 - (3) In the TANF JOBS and REP programs:
 - (a) Support services, including child care, are not allowed for a participant seeking employment in or engaged in an illegal activity.
 - (b) An illegal activity is not counted towards JOBS engagement and may not be indicated as an activity or employment goal in the participant's Personal Development Plan.
 - (c) For a participant working in an illegal activity, activity hours and employment placement may not be documented by the Department.
 - (4) In the TANF program, a participant who gains employment in an illegal activity is not eligible for any of the following transitional benefits:
 - (a) Jobs Participation Incentive (JPI).
 - (b) Reduced Co-Pay (RCP).
 - (c) Employment Payments (EP).
 - (5) In the SNAP program:
 - (a) Support services are not allowed for an ABAWD seeking employment in or engaged in an illegal activity.
 - (b) The hours looking for work and the hours worked in an illegal activity are not counted as part of the required 80 hours in work-related activities for an ABAWD in a non-waived area per OAR 461-135-0520.
- Statutory/Other Authority: 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, 409.010, 411.060, 409.040, 411.070, 411.404, 411.816, 412.014, 412.049

AMEND: 461-130-0310

SUSPEND: Temporary 461-130-0310 from SSP 5-2018

RULE SUMMARY: OAR 461-130-0310 about participation classifications and exemptions which was amended by temporary rule effective February 1, 2018 to expand when a SNAP participant may be exempt due to medical reasons from the work programs and from the SNAP time limit is being further amended to adjust this exemption to include individuals with pending applications for disability benefits and clarify the types of physical and mental health services that qualify an individual for the exemption. These changes are consistent with federal intent.

CHANGES TO RULE:

461-130-0310

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) 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 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) 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.¶

(B) A noncitizen who is not authorized to work in the United States.¶

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

(D) A caretaker relative (see OAR 461-001-0000) who is non-needy.¶

(b) A caretaker relative of a dependent child or unborn who receives TANF program benefits is 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, who is 20 years old and older, or has a high school diploma or GED and is age 18 or 19, 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 without a high school diploma or GED, 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, mental, or behavioral health condition that prevents performance of work or the ability to obtain or maintain employment, including but not limited to:¶

(i) Having a disability or receiving disability income, or has applied for disability benefits pending a decision or is in the appeal process.¶

(ii) Pregnant and a medical practitioner has limited their work due to medical complications related to the pregnancy.¶

(iii) Receiving "wrap-around services" focused on physical or mental health. "Wrap-around services" means a range of services provided by a Community Based Organization (CBO) addressing a participant's needs which include mental or health issues preventing a participant from obtaining or maintaining employment. ¶

(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 with a ~~disability (see OAR 461-001-0015)~~ in incapacity that substantially reduces or eliminates the individual's ability to care for him/herself or herself, and providing this care prevents the participant from obtaining or maintaining employment.¶

(D) A student 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) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.¶

(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 not required to participate in any SNAP employment and training program and is not subject to the SNAP time limit under OAR 461-135-0520. 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) Engaged in the TANF JOBS program under Title IV-A 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 REP 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.¶

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

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

Statutory/Other Authority: 412.014, 412.049, ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009

Statutes/Other Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009,

412.014, 412.049, 7 USC 2015(d), 7 CFR 273.7

AMEND: 461-135-0485

RULE SUMMARY: OAR 461-135-0485 about the requirement in the Pre-TANF and TANF programs to complete an employability screening and an overview of the Job Opportunity and Basic Skills (JOBS) Program is being amended to revise the definition of "employment screening" to reflect the changing of forms for these programs starting April 1, 2018. This rule is also being amended to clarify that individuals who are not authorized to work in the United States do not have to complete the employability screening. This rule is being further amended to state that if all adults in the need group are not authorized to work in the United States, they are not required to participate in the JOBS program overview.

CHANGES TO RULE:

461-135-0485

Requirement to Complete an Employability Screening and Overview of the Job Opportunity and Basic Skills (JOBS) Program; Pre-TANF and TANF ¶

(1) As used in this rule:¶

(a) "Employability screening" means the ~~DHS 7823A – E~~form or forms DHS has designated as the employability screening ~~tool for the DHS 7823C – Family Assessment~~TANF program eligibility.¶

(b) "Overview of the JOBS program" means a discussion ~~with the caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630)~~ about the requirements and services provided under the JOBS program.¶

(2) To be eligible for Pre-TANF and TANF benefits, the following must be completed prior to the end of the application processing time frames in OAR 461-115-0190:¶

(a) Each caretaker relative in the need group, authorized to work in the United States, must complete an employability screening (see section (1) of this rule); and¶

(b) At least one caretaker relative in the need group, when the need group contains at least one caretaker relative authorized to work in the United States, must participate in an overview of the JOBS program (see section (1) of this rule).¶

(3) The employability screening and overview of the JOBS program must be offered during the initial eligibility intake for Pre-TANF and TANF program benefits.

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 412.124, 45 CFR 261.2, 45 CFR 261.10, 45 CFR 261.11

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments is being amended to state that support services are not used to support employment in an activity that is illegal under either Oregon or federal law. This rule keeps the Department aligned with federal funding requirements.

CHANGES TO RULE:

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, REP, 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 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), (8), and ~~(89)~~ 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 REP 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) JOBS support services, including child care, are not allowed for a participant seeking employment in or engaged in an illegal activity (see OAR 461-120-0215).¶
 - (8) Payments for support services for REP 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 REP 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.¶
 - (89) 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.¶
 - (910) 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.¶
 - (101) In the REP 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