



PERMANENT ADMINISTRATIVE ORDER

SSP 21-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
06/05/2018 10:20 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Changing rules related to self-sufficiency programs

EFFECTIVE DATE: 07/01/2018

AGENCY APPROVED DATE: 06/04/2018

CONTACT: Robert Trachtenberg
503-947-5290
robert.trachtenberg@state.or.us

DHS - SSP
500 Summer Street NE, E-48
Salem, OR 97301

Filed By:
Robert Trachtenberg
Rules Coordinator

RULES:

461-001-0025, 461-105-0010, 461-115-0150, 461-120-0215, 461-130-0310, 461-130-0327, 461-135-0070, 461-135-0082, 461-135-0485, 461-135-0900, 461-135-1200, 461-145-0080, 461-145-0230, 461-145-0300, 461-155-0150, 461-155-0180, 461-175-0200, 461-180-0050, 461-180-0065, 461-180-0100, 461-180-0105, 461-180-0120, 461-190-0211

AMEND: 461-001-0025

NOTICE FILED DATE: 04/19/2018

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 make permanent temporary amendments effective April 1, 2018 that 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.¶
- (7) "Child Health & Development (CH)" means an activity that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the child (see OAR 461-001-0000).¶
- (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 (410) 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~~ to protect family stability and safety due to an immediate crisis need.¶
- (132) "Employer contact" means ~~eligibility~~ 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 sSecond 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 state 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 participating 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.¶

(210) "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 the 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 six months. The component may be used to extend an approved vocational training activity in which participants are enrolled in a two 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

AMEND: 461-105-0010

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-105-0010 about the rights of clients is being amended to clarify that applications may be requested in paper or electronic format, consistent with federal guidance.

CHANGES TO RULE:

461-105-0010

Rights of Clients ¶¶

Clients of the Department in programs regulated by Chapter 461 of these rules have the following rights and the right to be informed of them:¶¶

- (1) The right to information about the programs administered by the Department.¶¶
- (2) The right to confidentiality for individually identifiable information to the extent provided under federal and state law, including the administrative rules of the Department.¶¶
- (3) The right to refuse social services unless:¶¶
 - (a) The service is court-ordered;¶¶
 - (b) The service is related to a case plan as defined in OAR 461-001-0020 or 461-001-0025; or¶¶
 - (c) Treatment is required under OAR 461-135-0085.¶¶
- (4) In the Pre-TANF, REF, SFPSS, and TANF programs:¶¶
 - (a) The right to be offered or request available screenings or evaluations at any time that identify barriers (see OAR 461-001-0025) or the existence of a disability (see OAR 461-001-0000), extent of the disability, or need for accommodations, or modifications relevant to the program.¶¶
 - (b) The right to decline a screening or evaluation that would disclose to the program the existence of a disability (~~see OAR 461-001-0000~~) unknown to the program.¶¶
- (5) The right, at any time, to obtain the Department's standard form for requesting a hearing.¶¶
- (6) The right to request a hearing to the extent provided in OAR 461-025-0310 and 461-025-0315.¶¶
- (7) The right to request and receive an application to apply for any program administered by the Department in paper or electronic format.¶¶
- (8) The right to have a decision on eligibility made by the Department within the timelines set forth in OAR 461-115-0190 and 461-115-0210.¶¶
- (9) The right to apply for and receive benefits and services from the Department and its contractors, grantees, agents, and providers of services who receive payments from the Department without discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, disability, or political beliefs (see OAR 461-105-0180 and 461-105-0190).¶¶
- (10) The right to courteous, fair, and dignified treatment by Department personnel and to file a complaint with the Department about staff conduct or customer service to the extent provided in OAR 407-005-0100 to 407-005-0120.¶¶
- (11) The right to file a complaint with the Department about discrimination or unfair treatment as provided in Procedure DHS-010-005-01, "Filing a Client Complaint or Report of Discrimination" or OAR 407-005-0030.
Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.816, 4182.0406, 412.009, 4182.0145, 412.049
Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.816, 4182.0406, 412.009, 4182.0145, 412.049, 7 CFR 273.2

AMEND: 461-115-0150

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-115-0150 about offices where clients apply is being amended to make permanent a temporary amendment effective February 1, 2018 that limited the types of clients who are required to apply for the Refugee and TANF programs through one of the local contracted refugee resettlement agencies. This amendment is part of a transition to clients applying through Department branch offices.

CHANGES TO RULE:

461-115-0150

Offices Where Clients Apply ¶¶

(1) For all programs, applicants must apply at the branch office (see OAR 461-001-0000) serving the area in which they live or work. Applicants temporarily in another area of the state should apply at the branch office serving that area. Applicants may also apply at other locations for the following programs:¶¶

(a) Homeless clients may apply with a Community Action Agency for the Housing Stabilization program.¶¶

(b) Applicants may apply for health coverage by:¶¶

(A) Calling the OHP Customer Service toll-free number;¶¶

(B) Applying through the OregonHealthCare.gov online portal;¶¶

(C) Contacting a trained community partner who can help an applicant complete an application; or¶¶

(D) Contacting a federally qualified health center, a qualified hospital, a disproportionate-share hospital, or another entity authorized by rule.¶¶

(2) The Department has designated liaison branch offices for some groups of applicants (such as patients in state medical institutions and refugees). Those applicants must apply at the designated liaison branch office.¶¶

(3) REF and TANF applicants who meet the ~~following~~ requirements of OAR 461-135-0082 must apply through one of the local contracted refugee resettlement agencies:¶¶

~~(a) Have been in the US for eight months or less according to OAR 461-135-0900(4);¶¶~~

~~(b) Reside in Multnomah, Washington, or Clackamas County; and¶¶~~

~~(c) Meet the alien status requirements of OAR 461-120-0125(5)(a)-(h).¶¶~~

(4) SNAP applicants may apply at an office of the Social Security Administration if all members of the filing group (see OAR 461-110-0370) are applying for or are receiving SSI, and the filing group has not applied for or received SNAP benefits during the previous 30 days.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 411.116, 411.121, 411.404, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.0510, 411.060, 411.070, 411.404, 411.816, 411.116, 411.121, 411.404, 411.816, 412.014, 412.049, 45 CFR 400

RULE SUMMARY: OAR 461-120-0215 about illegal activity is being adopted to make permanent a temporary rule effective April 1, 2018 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. 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 291.003, 329A.500, 409.010, 409.040, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

AMEND: 461-130-0310

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-130-0310 about participation classifications and exemptions is being amended to make permanent temporary amendments effective February 1, 2018 and April 1, 2018 that corrected an incorrect cross reference in the rule and expanded when a SNAP participant may be exempt due to medical reasons. The SNAP program allows some exemptions from the work programs and from the SNAP time limit. A participant may be exempt from the SNAP work requirements and from the SNAP time limit if they have a disability or are responsible for the care of an incapacitated person.

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 (see OAR 461-001-0015) 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 medical 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 hithemself or herselfves, 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 program participation and disqualification if the individual meets the requirements of at least one of the following subsections. The individual is: ¶

(a) 65 years of age or older. ¶

(b) An individual providing care for a family member who is in the household group and has a disability (see OAR 461-001-0000). 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, 412.014, 412.049

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

RULE SUMMARY: OAR 461-130-0327 about when clients meet good cause criteria for not following Department requirements is being amended to expand these criteria by setting out broader criteria for caretakers who are unable to obtain needed child care. These criteria incorporate federal considerations of reasonable distance, affordable child care arrangements, and unsuitability of informal child care.

CHANGES TO RULE:

461-130-0327

Good Cause ¶¶

In a Department program administered under OAR 461-130-0305 to OAR 461-130-0335 and OAR 461-135-0085 and OAR 461-135-0089:¶¶

- (1) The Department does not require a client/participant to provide verification of "good cause" if providing the verification would expose the client/participant to increased risk of domestic violence (see OAR 461-001-0000).¶¶
- (2) If in making a determination under this rule a client/participant's physical or mental impairment is in question, the Department may require the client/participant to provide documentation from a qualified and appropriate medical professional.¶¶
- (3) ~~A client is excused for good cause from a participant is granted "good cause" and not held to a penalty for failure to comply with a work program requirement, including an activity in a case plan (both terms defined in OAR 461-001-0025) in the following circumstances:¶¶~~
 - (a) Participation in a required activity in a case plan would have an adverse effect on or risk to the client/participant's physical or mental health or would expose the client/participant to increased risk of domestic violence (see OAR 461-001-0000).¶¶
 - (b) Except in the SNAP program, participation is likely to cause undue hardship for the dependent child (see OAR 461-001-0000) or the client/participant.¶¶
 - (c) Appropriate child care, or day care for an individual in the household who has a disability (see OAR 461-001-0000 and 461-001-0015 as applicable) that substantially reduces or eliminates the individual's ability to care for himself or herself, cannot be obtained. "Appropriate child care" means that:¶¶
 - (A) Both the provider and the place where care is provided meet health, safety, and provider requirements as required in OAR 461-165-0180;¶¶
 - (B) The care accommodates the parent's work schedule; and¶¶
 - (C) The care meets the specific needs of the dependent child, such as age and special-needs requirements.¶¶
 - (d) Child care, or day care for an individual in the household group (see OAR 461-110-0210) who has a disability (see OAR 461-001-0000) that substantially reduces or eliminates the individual's ability to care for themselves, cannot be obtained within a reasonable distance. "Reasonable distance" means that the parent's total travel time from home to the child care provider and the workplace or JOBS activity will be no more than one hour either way unless a longer commute time is customary in the community.¶¶
 - (e) The only child care, or day care for an individual in the household group who has a disability that substantially reduces or eliminates the individual's ability to care for themselves, that is available to the participant or in the participant's area is considered informal and unsuitable. "Informal and unsuitable" means the Department has not approved a provider as meeting its background check and health and safety standards ("informal"), and the criteria for appropriate child care in subsection (c) of this section are not met ("unsuitable").¶¶
 - (f) Affordable child care arrangements, or day care for an individual in the household group who has a disability that substantially reduces or eliminates the individual's ability to care for themselves, cannot be obtained. "Affordable child care arrangements" means the expense to the parent or parents is less than ten percent of countable (see OAR 461-001-0000) income of the financial group (see OAR 461-110-0530).¶¶
 - (g) The work attachment position or employment offered is vacant due to a strike, lockout, or other labor

dispute.¶

(eh) The work attachment position or employment requires the client/participant to join a union, and the client/participant has religious objections to unions.¶

(fi) The client/participant belongs to a union and the employment violates the conditions of the client/participant's membership in the union.¶

(gj) The wage for the client/participant's current or potential job is:¶

(A) Less than applicable minimum wage; or¶

(B) If minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.¶

(hk) The client/participant's prospective employer engages in employment practices that are illegally discriminatory on the basis of age, sex, race, religious or political belief, marital status, disability, sexual orientation, or ethnic origin.¶

(il) The ~~client's participation~~ participant's engagement in a required activity in a case plan would prevent or interfere with the ~~client's participation~~ participant's engagement in an activity of the Grande Ronde Tribe's NEW program.¶

(jm) The client/participant's failure to ~~participate~~ engage is due to a circumstance beyond ~~his or her~~ the participant's reasonable control.¶

(kn) When the failure to comply is caused by an aspect of the client/participant's disability, including the Department's failure to provide a reasonable accommodation.¶

(lo) The client/participant quits a job to accept another job with a monthly income at least equal to the monthly income of the first job.¶

(mp) The Department determines there are no appropriate activities or necessary support services (see OAR 461-001-0025) to support an activity (see OAR 461-001-0025) in order for the ~~client to participate~~ participant to engage.¶

(ng) In the REF program:¶

(A) If the client/participant has no means of transportation and would have to walk an unreasonable distance to ~~meet the participation requirement~~ engage in their plan. An "unreasonable distance" is a distance that requires a commute of more than two hours each day; ~~or.~~¶

(B) If the hours or nature of the job interferes with the client/participant's religious observances, convictions, or beliefs.¶

(C) The service requirement or work site is in violation of applicable federal, state, or local health and safety standards.¶

(D) The daily hours of work and the weekly hours of work exceed those customary to the occupation.¶

(r) The participant enrolls into a registered pre-apprenticeship program approved by Bureau of Labor and Industries (BOLI).¶

(4) In the SNAP program, a client/participant is excused from not accepting employment or for leaving a job under the following circumstances:¶

(a) The hours or nature of the job interferes with the client/participant's religious observances, convictions, or beliefs.¶

(b) The client/participant accepts employment or enrolls at least half-time in any recognized school, training program, or institution of higher education that requires the client/participant to quit a job.¶

(c) A client/participant accepts employment or enrolls in school in another county, requiring the benefit group (see OAR 461-110-0750) to move and the client/participant to quit a job.¶

(d) A client/participant less than 60 years of age resigns, and the employer recognizes the resignation as retirement.¶

(e) The client/participant leaves a job to follow a type of employment that moves from one area to another, such as migrant labor or construction.¶

(f) The client/participant accepts a job that, for reasons beyond the control of the client/participant, does not materialize or results in fewer work hours or a lower wage than the client/participant's previous job.¶

(g) Work demands or conditions, such as not being paid for work or not being paid on schedule, make employment

unreasonable.¶

(h) The wage for the client participant's current or potential job is less than applicable minimum wage or, if minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.¶

(i) The work schedule for the job in question does not conform to hours customary to the occupation or the hours worked each week are more than those customary to the occupation.¶

(j) The client participant is not obligated to accept a job during the first 30 days of registration for employment if the job is not in the client's field of experience.¶

(k) The client participant has no means of transportation and would have to walk an unreasonable distance to meet the participation requirement. An "unreasonable distance" is a distance that requires a commute of more than two hours each day. The client participant must make a good-faith effort to secure the needed transportation.¶

(l) Lack of adequate child care for a child who is six years of age or older and less than 12 years of age.

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.117, 411.816, 412.006, 412.009, 412.049, 45 CFR 261.56

AMEND: 461-135-0070

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-135-0070 about TANF eligibility requirements is being amended to reflect that a child receiving foster care payments does not also receive TANF payments. This amendment corrects the amendment of October 1, 2017 by removing an exception that covered the first 30 days.

CHANGES TO RULE:

461-135-0070

Specific Requirements; TANF ¶¶

(1) To be eligible for TANF program benefits:¶¶

(a) An individual must be one of the following:¶¶

(A) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made for more than 30 days is not eligible while the payments are being made for the dependent child.¶¶

(B) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child.¶¶

(C) A caretaker relative of a dependent child, when the dependent child is ineligible for TANF program benefits because of one of the following reasons:¶¶

(i) The child is receiving SSI.¶¶

(ii) The child is in foster care, but is expected to return home within 30 days.¶¶

(D) A parent (see OAR 461-001-0000) of an unborn, as follows:¶¶

(i) For the TANF program, any parent whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.¶¶

(ii) For the TANF program, the parent of an unborn child, if there is another dependent child in the filing group.¶¶

(b) Unless the individual is exempt from JOBS participation and JOBS disqualification under OAR 461-130-0310, an individual must demonstrate two-consecutive weeks of cooperation in appropriate activities (see OAR 461-001-0025) if:¶¶

(A) TANF program benefits had closed within the prior three consecutive calendar months from the filing date (see OAR 461-115-0040) for TANF with an active level 1 through level 4 TANF program disqualification (see OAR 461-130-0330 and 461-135-0085); or¶¶

(B) The filing date for TANF program benefits is within the prior three consecutive calendar months after the end of a two consecutive month period of TANF ineligibility according to OAR 461-130-0330(5)(e).¶¶

(2) As used in this rule:¶¶

(a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have:--¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have:--¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(c) There is no "good cause" if the reason for separation from employment is a labor dispute.¶¶

(3) Except as provided under section (4) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a parent or caretaker relative was separated from or voluntarily reduced work hours at his or her last employment in which a parent or caretaker relative in the need group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in

the last full calendar month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).¶

(4) A need group (see OAR 461-110-0630) may not be reduced or denied TANF program benefits based on section (3) of this rule if the parent or caretaker relative is one of the following:¶

(a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a paid work experience (see OAR 461-190-0199).¶

(b) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.¶

(c) An individual fleeing from or at risk of domestic violence (see OAR 461-001-0000).¶

(d) An individual who is pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶

(e) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶

(f) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the filing date for TANF program benefits.¶

(g) An individual who was separated from employment for a reason the Department determines is good cause as defined in section (2) of this rule.¶

(h) An individual who was separated from employment as a result of a layoff.¶

(5) A family is ineligible for TANF program benefits if the family meets the requirements of all of the following subsections:¶

(a) The family lives in Klamath County.¶

(b) The family meets any of the following conditions:¶

(A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;¶

(B) The family has two custodial parents (see OAR 461-001-0000) who are members of the Klamath Tribes, or only one of the two custodial parents is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or¶

(C) The family has a caretaker relative who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.¶

(c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.¶

(6) A family is ineligible for TANF program benefits if all of the following subsections apply to the family:¶

(a) A parent, caretaker relative, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.¶

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:¶

(A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.¶

(B) A single-parent family with one enrolled Siletz tribal member.¶

(C) A non-needy caretaker relative or essential person with one enrolled Siletz tribal member who is a minor.¶

(D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.¶

(c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.¶

(7) If a parent or caretaker relative covered by section (5) or (6) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF program benefits.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124, ~~ORS 409.050, 411.060, 411.070~~

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124

AMEND: 461-135-0082

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-135-0082 about eligibility for refugees is being amended to make permanent a temporary amendment effective February 1, 2018 that added the requirement to apply for REF or TANF; removed the requirement to have entered the United States prior to October 1, 1997; added a date limitation of February 1, 2018 on the requirement to apply through local refugee resettlement agencies; clarified the time from which the individual's eight month time limited is calculated; added the requirement to be under the age of 65 years; and removed cross-references. This amendment is part of a transition to clients applying through a process that more closely track the process for other Department clients.

CHANGES TO RULE:

461-135-0082

Eligibility for Refugees ¶

~~A client~~ individual is eligible for the Refugee Case Services Project program (RCSP) if ~~the or she~~ individual meets the requirements of all of the following sections:¶

(1) Has an eligible immigration status listed in OAR 461-120-0125.¶

~~(2) Entered the United States on or after October 1, 1997~~ Has applied for the REF or TANF programs.¶

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

~~(4) Has resided in the United States less than for eight months or has been granted asylum within the last eight months. The month in which the refugee was admitted to the United States as a refugee, or less from the time their~~ eligible immigration status was granted; asylum, counts as the first month. The month in which the special immigrant was admitted to the United States as a special immigrant counts as the first month. If a special immigrant was granted special immigrant status after having already entered the United States, then the month that the status was granted counts as the first month.¶

~~(5) Meets the eligibility requirements contained in OAR 461-193-0000 to 461-193-1380~~ nd¶

(a) Their filing date (see OAR 461-115-0040) is prior to February 1, 2018; or¶

(b) The individual was enrolled in RCSP prior to February 1, 2018¶

(5) Be 64 years old or under.

Statutory/Other Authority: ~~ORS 411.060~~ ORS 411.050, 411.060, 411.116, 411.121

Statutes/Other Implemented: ~~ORS 411.060~~ ORS 411.010, 411.060, 411.116, 411.121, 45 CFR 400

AMEND: 461-135-0485

NOTICE FILED DATE: 04/19/2018

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 make permanent temporary amendments effective April 1, 2018. This amendment revises the definition of "employment screening" to reflect the changing of forms for these programs. This amendment also states that individuals who are not authorized to work in the United States do not have to complete the employability screening, and 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, clarifying Department policy.

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: 461-135-0900

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-135-0900 about specific requirements for the Refugee and Refugee Medical programs is being amended to make permanent a temporary amendment effective February 1, 2018 that clarified the time from which the individual's eight month time limit is calculated, removed cross-references, and added a date limitation of February 1, 2018 for Refugee Case Services Project (RCSP) eligibility. This amendment is part of a transition to clients applying through a process that more closely tracks the process for other Department clients.

CHANGES TO RULE:

461-135-0900

Specific Requirements; REF, REFM ¶¶

- (1) In addition to the eligibility (see OAR 461-001-0000) requirements in other rules in OAR chapter 461, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.¶¶
- (2) An individual must meet the alien status requirements of OAR 461-120-0125, except a child (see OAR 461-001-0000) born in the United States to an individual in the REF or REFM program meets the alien status requirements for the REF and REFM programs as long as each parent (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the alien status requirements of OAR 461-120-0125.¶¶
- (3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:¶¶
- (a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".¶¶
- (b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".¶¶
- (4) Eligibility for REF and REFM program benefits is limited to the first eight months ~~in from~~ from the United States:¶¶
- ~~(a) For an individual who meets the alien status requirements of OAR 461-120-0125(5)(a), (c), (d), or (e), the month that the individual enters the United States counts as the first month.~~¶¶
- ~~(b) For an individual who meets the alien status requirements of OAR 461-120-0125(5)(b), (f), or (g), the month that the individual enters the United States counts as the first whole month. There is no prorating of months.~~¶¶
- ~~(c) For an individual who meets the alien status requirements of OAR 461-120-0125(5)(h) section (4) of this rule:~~¶¶
- ~~(Aa) If~~ When ~~the individual enters the U.S. with the special immigrant status, the month that the individual enters the U.S. counts as the first month.~~ resides in Clackamas, Multnomah, or Washington County; and:¶¶
- ~~(Ba) If the individual is granted special immigrant status after the individual has already entered the U.S., then the month in which the special immigrant status was granted counts as the first month.~~¶¶
- ~~(d) Months in the United States~~ Establishes a filing date prior to February 1, 2018; or reapplies for benefits and was apre counted as whole months. There is no prorating of months, except as described in OAR 461-193-0320.¶¶
- ~~(5) For an individual who meets the requirements of section (4) of this rule:~~¶¶
- ~~(a) When the individual resides in Clackamas, Multnomah, or Washington County~~ viously enrolled in the Refugee Case Service Project (RCSP) program:¶¶
- (Ai) The individual is not eligible to receive REF, REP, TANF, or TANF-related employment services through the Department. ¶¶

~~(ii) To receive benefit~~ REF, REP, TANF, or TANF-related employment services, the individual is required to participate in the ~~Refugee Case Service Project (RCSP)~~ program. This individual is referred to the individual's local resettlement agency to be enrolled in the RCSP program and receives all other Department services through the individual's local Department office.¶

~~(B) Establishes a filing date on or after February 1, 2018 and was not previously enrolled in the RCSP program, the individual is not eligible to receive cash, case management, or employment services through the RCSP program. ¶~~

~~(b) When the individual resides in a county other than Clackamas, Multnomah, and Washington, the RCSP program is not available. The individual is served at the individual's local Department office.¶~~

~~(6) An individual who no longer meets the requirements of section (4) of this rule is no longer eligible to receive cash or case management services through the RCSP program. If this individual has been in the United States for ~~12~~ more than eight months ~~or~~ and less than 13 months, the individual is referred to the employment program that is available to RCSP participants through the contractor for employment services.¶~~

~~(b7) Whe~~ In the individual resides in a county other than Clackamas, Multnomah, and Washington, the RCSP program is not available. The individual is served at the individual's local Department office.¶

~~(6) For~~ REF and REFM programs, if an individual was originally resettled in Oregon through the federal refugee resettlement process, then the individual must provide the name of the local resettlement agency that resettled them.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.116, 411.121, ~~412.1.4049~~, 414.685

Statutes/Other Implemented: ORS 409.010, ~~409.050~~, 411.060, 411.070, 411.116, 411.121, 411.404, 411.878, 412.049, 414.685, 45 CFR 400

AMEND: 461-135-1200

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-135-1200 about specific requirements in the TA-DVS program is being amended to indicate that the abuser is not part of the filing group. The filing group consists of individuals whose circumstances are considered in the eligibility determination process, and the TA-DVS program is seeking to protect the filing group from the abuser.

CHANGES TO RULE:

461-135-1200

Specific Requirements; TA-DVS ¶¶

- (1) The TA-DVS program addresses temporary needs of individuals -- ¶¶
 - (a) Who are currently victims of domestic violence (see OAR 461-001-0000), have been victims of domestic violence, or are at risk of victimization by domestic violence; ¶¶
 - (b) Whose safety is at risk because of domestic violence or the current threat of domestic violence; and ¶¶
 - (c) Who meet the financial and non-financial requirements of this rule.¶¶
- (2) In the TA-DVS program, an individual must complete an application process as defined in OAR 461-115-0020. The Department is to follow the application time frames outlined in OAR 461-115-0190.¶¶
- (3) The Department is authorized by ORS 411.117 to waive or modify requirements of the TANF program that make it more difficult for applicants to escape domestic violence or put them at risk of further or future domestic violence.¶¶
- (4) The Department waives the TANF requirement in OAR 461-135-0070(1)(e) for a pregnant woman to have reached late pregnancy if an applicant is at risk of further or future domestic violence.¶¶
- (5) The filing group requirements in the TA-DVS program are the same as for the TANF program (see OAR 461-110-0330), except the abuser is not considered in the filing group.¶¶
- (6) The financial eligibility requirements in the TA-DVS program are the same as for the TANF program except that:¶¶
 - (a) A TANF grant does not count as income.¶¶
 - (b) Income received during the budget month is not counted if the client does not have reasonable access to the money or cannot access the money independently of the abuser.¶¶
 - (c) Income received during the budget month is not counted if the client needs the money for expenses made necessary to flee from abuse.¶¶
 - (d) There is no resource limit.¶¶
 - (e) The income limit is the applicable TANF Countable Income Limit Standard (OAR 461-155-0030), but the TA-DVS program uses net income, minus living deductions on the DHS Form 1542, against the amounts set out under the TANF Countable Income Limit.¶¶
 - (f) SSI income is countable (see OAR 461-001-0000), if available in time to meet the emergent need (the immediate safety need) of the applicant.¶¶
- (6Z) The non-financial requirements in the TA-DVS program are the same as for the TANF program except that:¶¶
 - (a) Citizenship and alien status requirements (OAR 461-120-0110) are waived.¶¶
 - (b) There are no requirements to assign support rights.¶¶
 - (c) There are no requirements to pursue assets (see OAR 461-120-0330).¶¶
 - (d) There is no requirement of regular school attendance (OAR 461-120-0510), except that if the only dependent child (see OAR 461-001-0000) is at least the age of 18, the dependent child must meet requirements of OAR 461-120-0510¶¶
 - (e) The recipient is not required to participate in an employment program. ¶¶
 - (f) The TANF program requirement for a caretaker relative (see OAR 461-001-0000) in the need group (see OAR 461-110-0630) to not have been separated from their most recent employment (see OAR 461-135-0070) is

waived when there is risk of further or future domestic violence.¶¶

(78) Verification in the TA-DVS program is required as in the TANF program. Verification of financial or non-financial eligibility factors is postponed if the delay in finding the applicant eligible would prevent the applicant from meeting an emergent need.¶¶

(89) No verification is required that the client is a victim of domestic violence or needs to flee from abuse unless:¶¶

(a) The individual has been arrested for or convicted of an act of domestic violence in the past and it is uncertain whether the individual is a victim of domestic violence. In this situation, the Department verifies that the individual is not or was not a perpetrator of domestic violence. ¶¶

(b) It is unclear who the abuser is because multiple individuals list each other as the perpetrator during overlapping applications or eligibility periods.¶¶

(910) Verification as needed in situations described in subsections (89)(a) and (89)(b) of this rule includes, but is not limited to, a statement from a law enforcement officer, a district attorney, the court, a batterer intervention program, a victim's advocate, a Child Welfare staff person, a mental health provider, a health care or other medical provider, a member of the clergy, or other professional from whom the individual has requested assistance to address the alleged domestic violence indicating that the individual is not a perpetrator of domestic violence or is a self-defending victim. This statement is adequate verification. If no verification is available, the Department's central office DV Policy Analyst may assist field in determining what other verification is acceptable.¶¶

(101) The following TANF requirements remain in effect as described even if an individual is a victim of domestic violence or at risk of victimization by domestic violence:¶¶

(a) The TANF requirements in OAR 461-135-0070 to be a dependent child, a caretaker relative, or a parent (see OAR 461-001-0000).¶¶

(b) The TANF requirement in OAR 461-120-0630 that a dependent child live with a caretaker relative, except the latter requirement may be waived while the caretaker relative escapes from further or future domestic violence if the dependent child is expected to return within the 90-day eligibility period.¶¶

(c) The TANF requirement of residency (see OAR 461-120-0010) except when an individual does not intend to stay in Oregon if the reason for leaving is due to their current domestic violence situation.¶¶

(d) Income or resource limits except as specifically provided in OAR 461-140-0020 and OAR 461-140-0040.

Statutory/Other Authority: ~~411.117~~, ORS 409.050, 411.060, 411.117, 412.049

Statutes/Other Implemented: ~~411.117~~, ORS 409.010, 411.060, 411.117, 412.049

AMEND: 461-145-0080

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-145-0080 about child support and cash medical support is being amended to reflect that the Department does not receive and transfer to the Division of Child Support (DCS) child support payments a participant receives directly from the obligor. This amendment aligns the rule with current practices under which the payments are turned over directly to DCS.

CHANGES TO RULE:

461-145-0080

Child Support and Cash Medical Support ¶¶

(1) Child support and cash medical support paid by a non-custodial parent for a dependent child (see OAR 461-001-0000) or minor parent (see OAR 461-001-0000) in the financial group (see OAR 461-110-0530) are considered income of the dependent child or minor parent, whether the support is paid voluntarily or in accordance with an order to pay child support.¶¶

(2) For the purposes of this rule:¶¶

(a) "Absent parent" means a parent (see OAR 461-001-0000) whose parental rights have not been legally severed or a stepparent currently legally married (see OAR 461-001-0000) to a parent of a child (see OAR 461-001-0000) who does not live in the same household as the child.¶¶

(b) "Disregard" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is not counted as income of the client. "Disregard" includes current child support only.¶¶

(c) "Pass-through" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is sent to the client before any remaining amount of current child support is withheld by the State. "Pass-through" includes current child support only.¶¶

(3) In the ERDC program, child support is considered countable (see OAR 461-001-0000) unearned income if it is received by the financial group or is countable under OAR 461-145-0280. Otherwise it is excluded.¶¶

(4) In the SNAP program, child support and cash medical support are treated as follows:¶¶

(a) Child support payments the group receives that must be assigned to the Department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to the Department.¶¶

(b) Child support payments received by a filing group (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:¶¶

(A) It is considered countable unearned income in the calculation of the wage supplement; and¶¶

(B) Any pass-through pursuant to section (2) of this rule is considered countable unearned income.¶¶

(c) All other child support, including any pass-through pursuant to section (2) of this rule, is considered countable unearned income.¶¶

(d) Cash medical support is considered countable unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.¶¶

(e) Payments made by a non-custodial parent to a third party for the benefit of the financial group are treated in accordance with OAR 461-145-0280.¶¶

(5) Except as provided otherwise in section (8) of this rule, in the TANF program:¶¶

(a) In determining initial eligibility (see OAR 461-001-0000), except for disregard pursuant to section (2) of this rule, child support received by the Oregon Department of Justice, Division of Child Support (DCS) is considered countable unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.¶¶

(b) In determining on-going eligibility, except for clients working under a TANF JOBS Plus agreement and except for child support passed through to the client and disregarded pursuant to section (2) of this rule, child support received by the DCS is considered countable unearned income, if continued receipt of the child support is

reasonably anticipated. These payments are excluded when determining the benefit amount.¶¶

(c) For clients working under a TANF JOBS Plus agreement:¶¶

(A) Child support is excluded in determining countable income.¶¶

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.¶¶

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.¶¶

(d) All other child support payments:¶¶

(A) Paid directly to the financial group that are turned over to the ~~Department~~ or to the DCS are considered countable unearned income except for any amount of pass-through and disregard pursuant to section (2) of this rule.¶¶

(B) Paid directly to the financial group that are not turned over to the ~~Department~~ or to the DCS are considered countable unearned income.¶¶

(C) Paid to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.¶¶

(e) Cash medical support is excluded in determining countable income.¶¶

(6) In the OSIP, OSIPM, and QMB programs:¶¶

(a) Child support and cash medical support paid to the financial group are considered countable unearned income, except as follows:¶¶

(A) One-third of all cash child support (including cash medical support) paid to an individual is excluded.¶¶

(B) All in-kind child support paid to the financial group is excluded.¶¶

(C) Child support collected from an absent parent (see section (2) of this rule) by the State on behalf of a child in the custody of the State of Oregon (such as foster care) that is not given to the child or the custodial parent of the child is excluded. ¶¶

(D) Child support payments collected by the State of Oregon that are given to the individual or to the custodial parent are counted in accordance with paragraph (A) of this subsection.¶¶

(b) Child support and cash medical support paid by the financial group are not deductible from income except as provided in OAR 461-160-0550, OAR 461-160-0551, and OAR 461-160-0552.¶¶

(7) In the SFPSS program, notwithstanding section (5) of this rule, for on-going eligibility and benefit determination:¶¶

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.¶¶

(b) Cash medical support is excluded in determining countable income.¶¶

(c) Payments made by a non-custodial parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.¶¶

(8) For on-going eligibility and benefit determination for TANF clients in a two-parent household:¶¶

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.¶¶

(b) Cash medical support is excluded in determining countable income.¶¶

(c) Payments made by a non-custodial parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.¶¶

(d) For a filing group (see OAR 461-110-0330) with at least one member working under a TANF JOBS Plus agreement:¶¶

(A) Child support is excluded in determining countable income.¶¶

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.¶¶

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049, 413.085, 414.685, ~~ORS 329A.500~~
Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049, 413.085, 414.685

AMEND: 461-145-0230

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-145-0230 about the treatment of housing and urban development payments in the determination of eligibility is being amended to remove YouthBuild Program payments from this rule because this program has moved from HUD to WIOA and will be covered under OAR 461-145-0300.

CHANGES TO RULE:

461-145-0230

Housing and Urban Development ¶¶

(1) Payments from HUD made to a third party in behalf of the client are treated as follows:¶¶

(a) In the REF, REFM, and TANF programs, the payment is used to determine shelter-in-kind income.¶¶

(b) In the EA, ERDC, OSIP, OSIPM, QMB, and SNAP programs, the payments are excluded.¶¶

(2) HUD payments made directly to a member of the financial group, except Youthbuild Program payments and Family Investment Centers payments, are treated as follows:¶¶

(a) In the REF, REFM, and TANF programs, the payment is used to determine shelter-in-kind income. If the payments are made in a lump sum, the lump sum is unearned income.¶¶

(b) In the EA program, the payment is unearned income.¶¶

(c) In the ERDC, OSIP, OSIPM, and QMB programs, the payments are excluded.¶¶

(d) In the SNAP program, payments for utilities are excluded. Other payments are unearned income.¶¶

~~(3) Youthbuild Program payments are treated as follows:¶¶~~

~~(a) In the TANF program, if the Youthbuild Program participant is a dependent child in the filing group or a caretaker relative age 19 or younger, the payments are excluded. If the participant is a caretaker relative over age 19, the payments are treated as follows:¶¶~~

~~(A) Incentive payments that are reimbursements for specific expenses not covered by program benefits, for instance transportation and school supplies, are excluded.¶¶~~

~~(B) On-the-job training (OJT) and work experience payments are earned income.¶¶~~

~~(C) The bonus payment (the incentive payment for attendance) is unearned income.¶¶~~

~~(b) In the ERDC program, Youthbuild payments are earned income.¶¶~~

~~(c) In the SNAP program, payments to clients under the age of 19 years who are under the control of an adult member of the filing group are excluded. Other Youthbuild payments are earned income.¶¶~~

(4) Escrow accounts established for families participating in the Family Self-Sufficiency (FSS) program sponsored by HUD are excluded.¶¶

(54) Payments related to family investment centers issued under the Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, sec. 515, 104 Stat. 4196 (1990), are treated as follows:¶¶

(a) Wages are earned income, and stipends are unearned income.¶¶

(b) Service payments for items such as child care, basic education, literacy, or computer skills training are excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.816, 412.049~~14, 412.049, 413.085, 414.685~~

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

AMEND: 461-145-0300

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-145-0300 about the treatment of Workforce Investment Act payments in determining eligibility is being amended to set out Department policy as to how YouthBuild payments are treated in determining eligibility. This topic was previously addressed under OAR 461-145-0230 but this program is now funded under the Workforce Innovation and Opportunity Act (WIOA). These payments are being excluded in all programs except the SNAP program.

CHANGES TO RULE:

461-145-0300

Workforce Investment Act; Workforce Innovation and Opportunity Act

Payments to clients made under Title I-B of the Workforce Investment Act (WIA, see OAR 589-020-0210) or its successor, the Workforce Innovation and Opportunity Act (WIOA) are treated as provided in this rule.

(1) Need-based (stipend) payments are treated as unearned income except as follows:

(a) In the SNAP program, these payments are excluded.

(b) The payments are excluded in the REF, REFM, and TANF programs for clients under the age of 19 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000).

(2) OJT (On-the-Job Training) and work experience payments are counted as earned income, except as follows:

(a) The payments are excluded in the REF, REFM, and TANF programs for clients under the age of 18 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000);

(b) The payments are excluded for an SNAP client who is:

(A) Under the age of 19 years and under the control of an adult member of the filing group (see OAR 461-110-0370); or

(B) Receiving OJT payments under the Summer Youth Employment and Training Program.

(3) A support service payment for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) is treated as unearned income. All other support service payments (including lunch payments and clothing allowances) are excluded.

(4) A reimbursement (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.

~~Publication: Publication~~ (5) In the SNAP program, if the YouthBuild Program participant is under age 19 and under parental control of another filing group member, the payments are excluded. If the participant is age 19 or older or not under parental control of another filing group member, the payments are referenced are available from the agency.] treated as follows:

(a) Incentive payments that are reimbursements for specific expenses not covered by program benefits, for instance transportation and school supplies, are excluded.

(b) On-the-job training (OJT) and work experience payments are treated as earned income.

(c) The bonus payment (the incentive payment for attendance) is treated as unearned income.

(6) In all programs except the SNAP program, YouthBuild Program payments are excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.049, 29 USC 3226

AMEND: 461-155-0150

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-155-0150 about child care eligibility standards, payment rates, and copayments is being amended to indicate that the reduced co-payment for individuals transitioning off of TANF to a new ERDC case is based in the initial ERDC certification, clarifying the rule.

CHANGES TO RULE:

461-155-0150

Child Care Eligibility Standard, Payment Rates, and Copayments ¶

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:¶

(1) The following definitions apply to the rules governing child care rates:¶

(a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.¶

(b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.¶

(c) Preschool: A child aged 3 years to 6 years.¶

(d) School: A child aged 6 years or older.¶

(e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:¶

(A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.¶

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.¶

(C) Eligibility for SSI.¶

(2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:¶

(a) The Standard Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.¶

(b) The Enhanced Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.¶

(c) The Registered Family Rate applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.¶

(d) The Certified Family Rate applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.¶

(e) The Standard Center Rate applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).¶

(f) The Enhanced Center Rate applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:¶

(A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.¶

(B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.¶

(C) There must be at least one person present where care is provided who has a current certificate in infant and

child CPR and a current American Red Cross First Aid card or an equivalent.¶

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.¶

(h) The Certified Center Rate applies to child care provided in a center that is certified by the Office of Child Care.¶

(3) The following provisions apply to child care payments:¶

(a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.¶

(b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.¶

(c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.¶

(d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.¶

(e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.¶

(f) The Department will pay for up to five days each month the child is absent if:¶

(A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and¶

(B) It is the provider's policy to bill all families for absent days.¶

(g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.¶

(h) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.¶

(A) The incentive payment is in addition to the Department maximum rate.¶

(B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).¶

(C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments.¶

(D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.¶

(E) The incentive payment amount is based on the provider's star QRIS rating as follows: [see attached table]¶

(4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):¶

(a) [see attached table]¶

(b) [see attached table]¶

(c) [see attached table]¶

(5) Except to the extent provided otherwise in section (12), (13), or (14) of this rule or for children in contracted child care (see OAR 461-135-0405 and 461-135-0407), this section establishes the ERDC eligibility standard and the client's copayment (copay).¶

(a) At initial certification, the ERDC eligibility standard is met for a need group (see OAR 461-110-0630) of eight or less if monthly countable income (see OAR 461-001-0000) for the need group is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180. The eligibility standard for a need group of eight applies to any need group larger than eight.¶

(b) During the certification period (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a need group of eight or less if monthly countable income for the need group during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as described in OAR 461-

155-0180. The eligibility standard for a need group of eight applies to any need group larger than eight.¶

(c) The minimum monthly ERDC copay is \$25.¶

(d) The filing group may not exceed the resource limit in OAR 461-160-0015.¶

(e) For a filing group (see OAR 461-110-0310) whose countable income is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly countable income, whichever is greater.¶

(f) For a filing group whose countable income is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:¶

(A) Divide the filing group's countable income by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.¶

(B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's countable income and round to the nearest whole dollar.¶

(g) The 2007 federal poverty level used to determine copay amounts under subsections (e) and (f) of this section is set at the following amounts: [see attached table]¶

(6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:¶

(a) The monthly rate provided in section (4) of this rule.¶

(b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.¶

(7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:¶

(a) The amount billed by the provider or providers.¶

(b) The monthly rate established in this rule for 215 hours of care.¶

(8) The number of payable billed hours of care for a child is limited as follows:¶

(a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:¶

(A) 125 percent of the number of child care hours authorized:¶

(i) Under OAR 461-160-0040(2) and (5); or¶

(ii) To participate in activities included in a case plan (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.¶

(B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.¶

(b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).¶

(c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.¶

(d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.¶

(9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:¶

- (a) The amount billed by the provider or providers; or¶¶
- (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.¶¶

(10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment, not including self-employment. This is limited to the following situations:¶¶

- (a) The commute time to and from work exceeds two hours per day.¶¶
- (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.¶¶
- (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.¶¶
- (d) The caretaker consistently works more than 40 hours per week.¶¶

(11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:¶¶

- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.¶¶
- (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.¶¶

(12) Effective May 1, 2012:¶¶

- (a) The minimum monthly ERDC copay is \$27.¶¶
- (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.¶¶

(13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:¶¶

- (a) The closure is because an individual in the need group had earned income that led to the TANF closure;¶¶
- (b) An ERDC date of request (see OAR 461-115-0030) is established within 90 days of closure; and¶¶
- (c) The individual is eligible for ERDC at initial certification.¶¶

(14) The ERDC copay will be reduced starting the month after the ERDC case has been electronically connected to a Department approved child care provider with a Quality Rating and Improvement System (QRIS) star rating of 3, 4, or 5. The copay will be reduced by the following amounts:¶¶

- (a) A copay set at \$27 is waived, unless the copay is \$27 under section (13) of this rule in which case the copay is not waived under this section.¶¶
- (b) Copay amounts of \$28 to \$200 are reduced by \$20.¶¶
- (c) Copay amounts of \$201 or more are reduced by 10 percent rounding to the nearest dollar.¶¶

[see attached table]

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, ~~412.006~~, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, ~~409.050~~, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

- (1) The following definitions apply to the rules governing child care rates:
 - (a) **Infant:** For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.
 - (b) **Toddler:** For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.
 - (c) **Preschool:** A child aged 3 years to 6 years.
 - (d) **School:** A child aged 6 years or older.
 - (e) **Special Needs:** A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:
 - (A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.
 - (B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.
 - (C) Eligibility for SSI.
- (2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:
 - (a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.
 - (b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

- (c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.
 - (d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.
 - (e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).
 - (f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:
 - (A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.
 - (B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.
 - (C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.
 - (g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.
 - (h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Office of Child Care.
- (3) The following provisions apply to child care payments:
- (a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.
 - (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily

bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.

- (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.
- (d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.
- (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.
- (f) The Department will pay for up to five days each month the child is absent if:
 - (A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and
 - (B) It is the provider's policy to bill all families for absent days.
- (g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.
- (h) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.
 - (A) The incentive payment is in addition to the Department maximum rate.
 - (B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).
 - (C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments.
 - (D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.

- (E) The incentive payment amount is based on the provider's star QRIS rating as follows:

Star Rating	Amount
3	\$54
4	\$72
5	\$90

- (4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

- (a)

Group Area A
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$3.35	\$620	\$9.00	\$941
Toddler	\$3.30	\$595	\$5.25	\$928
Preschool	\$3.30	\$558	\$5.06	\$724
School	\$3.30	\$558	\$4.50	\$638
Special Needs	\$3.35	\$620	\$9.00	\$941

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.60	\$488	\$650	\$10.20	\$800	\$1,067
Toddler	\$3.40	\$469	\$625	\$5.95	\$788	\$1,051
Preschool	\$3.40	\$443	\$590	\$5.74	\$615	\$820
School	\$3.34	\$443	\$590	\$5.10	\$542	\$723
Special Needs	\$3.60	\$488	\$650	\$10.20	\$800	\$1,067

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$4.00	\$525	\$700	\$6.00	\$773	\$1,030	\$12.00	\$941	\$1,255
Toddler	\$3.75	\$499	\$665	\$5.65	\$765	\$1,020	\$7.00	\$928	\$1,237
Preschool	\$3.50	\$465	\$620	\$5.05	\$656	\$875	\$6.75	\$724	\$965
School	\$3.50	\$458	\$610	\$4.60	\$491	\$655	\$6.00	\$638	\$850
Special Needs	\$4.00	\$525	\$700	\$6.00	\$773	\$1,030	\$12.00	\$941	\$1,255

Zip Codes for Group Area A:
Portland, Bend, Eugene, Corvallis, Springfield, Monmouth and Ashland areas

97003	97004	97005	97006	97007	97008	97009	97010	97013	97014	97015	97019
97022	97023	97024	97027	97028	97030	97031	97034	97035	97036	97041	97045
97051	97055	97056	97060	97062	97064	97068	97070	97080	97086	97089	97106
97109	97112	97113	97116	97119	97123	97124	97125	97132	97133	97135	97140
97149	97201	97202	97203	97204	97205	97206	97209	97210	97211	97212	97213
97214	97215	97216	97217	97218	97219	97220	97221	97222	97223	97224	97225
97227	97229	97230	97231	97232	97233	97236	97239	97242	97258	97266	97267
97268	97286	97292	97330	97331	97333	97339	97351	97361	97371	97376	97401
97402	97403	97404	97405	97408	97454	97455	97477	97478	97482	97520	97525
97701	97702	97703	97707	97708	97709						

(b)

Group Area B
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.90	\$495	\$3.75	\$546
Toddler	\$2.90	\$475	\$3.75	\$536
Preschool	\$2.75	\$470	\$3.00	\$443
School	\$2.75	\$457	\$3.30	\$428
Special Needs	\$2.90	\$495	\$3.75	\$546

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.05	\$400	\$533	\$4.25	\$464	\$619
Toddler	\$3.05	\$381	\$508	\$4.25	\$456	\$608
Preschool	\$3.05	\$381	\$508	\$3.40	\$377	\$502
School	\$3.05	\$365	\$487	\$3.74	\$364	\$485
Special Needs	\$3.05	\$400	\$533	\$4.25	\$464	\$619

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.25	\$416	\$555	\$3.60	\$483	\$644	\$5.00	\$546	\$728
Toddler	\$3.05	\$413	\$550	\$3.70	\$469	\$625	\$5.00	\$536	\$715
Preschool	\$3.05	\$398	\$530	\$3.70	\$450	\$600	\$4.00	\$443	\$590
School	\$3.05	\$383	\$510	\$3.75	\$413	\$550	\$4.40	\$428	\$570
Special Needs	\$3.25	\$416	\$555	\$3.60	\$483	\$644	\$5.00	\$546	\$728

Zip Codes for Group Area B:

Salem, Medford, Roseburg, Brookings and areas outside the metropolitan areas in Eugene and Portland

97002	97011	97016	97017	97018	97038	97042	97044	97048	97049	97053
97058	97067	97071	97103	97107	97108	97110	97111	97114	97115	97117
97121	97122	97127	97128	97131	97134	97138	97141	97143	97146	97148
97302	97303	97304	97305	97306	97307	97309	97310	97317	97321	97322
97326	97327	97328	97336	97338	97341	97343	97344	97348	97352	97353
97357	97362	97365	97366	97367	97370	97372	97374	97377	97378	97380
97383	97385	97386	97389	97391	97392	97394	97415	97420	97423	97424
97431	97444	97446	97448	97452	97456	97457	97459	97465	97470	97471
97487	97489	97501	97502	97503	97504	97524	97534	97535	97756	97759
97801	97812	97813								

(c)

Group Area C

STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.97	\$457	\$2.74	\$440

Toddler	\$2.79	\$435	\$2.91	\$432
Preschool	\$2.49	\$422	\$2.25	\$340
School	\$2.49	\$422	\$2.52	\$372
Special Needs	\$2.97	\$457	\$2.74	\$440

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.02	\$343	\$457	\$3.83	\$398	\$531
Toddler	\$2.84	\$343	\$457	\$3.40	\$383	\$510
Preschool	\$2.54	\$339	\$452	\$2.76	\$290	\$386
School	\$2.54	\$323	\$431	\$2.85	\$316	\$421
Special Needs	\$3.02	\$343	\$457	\$3.83	\$398	\$531

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.00	\$360	\$480	\$4.00	\$413	\$550	\$4.50	\$469	\$625
Toddler	\$3.00	\$360	\$480	\$3.50	\$428	\$570	\$4.00	\$450	\$600
Preschool	\$3.00	\$356	\$475	\$3.50	\$375	\$500	\$3.25	\$340	\$453
School	\$3.00	\$341	\$455	\$3.50	\$375	\$500	\$3.35	\$372	\$495
Special Needs	\$3.00	\$360	\$480	\$4.00	\$413	\$550	\$4.50	\$469	\$625

Zip Codes for Group Area C: Balance of State, Other State Zips

97001	97020	97021	97026	97029	97032	97033	97037	97039	97040	97050	97054	97057
97063	97065	97101	97102	97130	97136	97137	97144	97145	97147	97324	97329	97335
97342	97345	97346	97347	97350	97358	97359	97360	97364	97368	97369	97375	97384
97388	97390	97396	97406	97407	97409	97410	97411	97412	97413	97414	97416	97417
97419	97425	97427	97428	97429	97430	97432	97433	97434	97435	97436	97437	97438
97439	97441	97442	97443	97447	97449	97450	97451	97453	97458	97460	97461	97462
97463	97464	97466	97467	97468	97469	97472	97473	97476	97480	97481	97484	97486
97488	97490	97491	97492	97493	97494	97495	97496	97497	97498	97499	97522	97523
97526	97527	97530	97531	97532	97533	97536	97537	97538	97539	97540	97541	97543
97544	97601	97603	97604	97620	97621	97622	97623	97624	97625	97626	97627	97630
97632	97633	97634	97635	97636	97637	97638	97639	97640	97641	97710	97711	97712
97720	97721	97722	97730	97731	97732	97733	97734	97735	97736	97737	97738	97739
97740	97741	97742	97750	97751	97752	97753	97754	97758	97761	97810	97814	97817
97818	97819	97820	97821	97822	97823	97824	97825	97826	97827	97828	97830	97831
97833	97834	97835	97836	97837	97838	97839	97840	97841	97842	97843	97844	97845
97846	97848	97850	97856	97857	97859	97861	97862	97864	97865	97867	97868	97869
97870	97871	97872	97873	97874	97875	97876	97877	97880	97882	97883	97884	97885
97886	97901	97902	97903	97904	97905	97906	97907	97908	97909	97910	97911	97913
97914	97918	97919	97920									

- (5) Except to the extent provided otherwise in section (12), (13), or (14) of this rule or for children in contracted child care (see OAR 461-135-0405 and 461-135-0407), this section establishes the ERDC eligibility standard and the client's copayment (copay).
- (a) At initial certification, the ERDC eligibility standard is met for a *need group* (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the *need group* is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.
- (b) During the *certification period* (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a *need group* of eight or less if monthly *countable income* for the *need group* during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.
- (c) The minimum monthly ERDC copay is \$25.
- (d) The filing group may not exceed the resource limit in OAR 461-160-0015.

- (e) For a filing group (see OAR 461-110-0310) whose *countable income* is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly *countable income*, whichever is greater.
- (f) For a filing group whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:
 - (A) Divide the filing group's *countable income* by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.
 - (B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's *countable income* and round to the nearest whole dollar.
- (g) The 2007 federal poverty level used to determine copay amounts under subsections (e) and (f) of this section is set at the following amounts:

Number in Family	Gross Monthly Income	Gross Yearly Income
2	\$1,141	\$13,690
3	1,431	17,170
4	1,721	20,650
5	2,011	24,130
6	2,301	27,610
7	2,591	31,090
8 or more	2,881	34,570

- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:
 - (a) The monthly rate provided in section (4) of this rule.
 - (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:
 - (a) The amount billed by the provider or providers.

- (b) The monthly rate established in this rule for 215 hours of care.
- (8) The number of payable billed hours of care for a child is limited as follows:
- (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:
 - (A) 125 percent of the number of child care hours authorized:
 - (i) Under OAR 461-160-0040(2) and (5); or
 - (ii) To participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.
 - (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.
 - (b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).
 - (c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.
 - (d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.
- (9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:
- (a) The amount billed by the provider or providers; or
 - (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.

- (10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment, not including self-employment. This is limited to the following situations:
- (a) The commute time to and from work exceeds two hours per day.
 - (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.
 - (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.
 - (d) The caretaker consistently works more than 40 hours per week.
- (11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:
- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.
 - (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.
- (12) Effective May 1, 2012:
- (a) The minimum monthly ERDC copay is \$27.
 - (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.
- (13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:
- (a) The closure is because an individual in the *need group* had earned income that led to the TANF closure;

- (b) An ERDC *date of request* (see OAR 461-115-0030) is established within 90 days of closure; and
 - (c) The individual is eligible for ERDC at initial certification.
- (14) The ERDC copay will be reduced starting the month after the ERDC case has been electronically connected to a Department approved child care provider with a Quality Rating and Improvement System (QRIS) star rating of 3, 4, or 5. The copay will be reduced by the following amounts:
- (a) A copay set at \$27 is waived, unless the copay is \$27 under section (13) of this rule in which case the copay is not waived under this section.
 - (b) Copay amounts of \$28 to \$200 are reduced by \$20.
 - (c) Copay amounts of \$201 or more are reduced by 10 percent rounding to the nearest dollar.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 329A.500, 409.010, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485

AMEND: 461-155-0180

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-155-0180 is being amended to make permanent a temporary rule amendment effective March 1, 2018 that updated federal poverty guidelines at the levels of 185 and 250 percent and the state median income at the level of 85 percent. The standards being changed affect benefit decisions in the ERDC, SNAP, and TANF programs.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶¶

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of ~~October~~March 1, 2017, except as provided otherwise.¶¶

(2) A monthly income standard set at 100 percent of the 2017 federal poverty level is set at the following amounts: [see attached table]¶¶

(3) A monthly income standard set at 130 percent of the 2017 federal poverty level is set at the following amounts: [see attached table]¶¶

(4) Effective ~~March 1, 2017~~March 1, 2018, a monthly income standard set at 185 percent of the ~~2017~~2018 federal poverty level is set at the following amounts: [see attached table]¶¶

(5) A monthly income standard set at 200 percent of the 2017 federal poverty level is set at the following amounts: [see attached table]¶¶

(6) A monthly income standard set at 250 percent of the ~~2017~~2018 federal poverty level is set at the following amounts: [see attached table]¶¶

(7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts: [see attached table]¶¶

(8) A monthly income standard set at 85 percent of the ~~2017~~2018 state median income is set at the following amounts: [see attached table]

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

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049, 409.010, ORS 329A.500, 411.404

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of March 1, 2018, except as provided otherwise.
- (2) A monthly income standard set at 100 percent of the 2017 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$ 1,005
2	1,354
3	1,702
4	2,050
5	2,399
6	2,747
7	3,095
8	3,444
9	3,792
10	4,140
+1	+349

- (3) A monthly income standard set at 130 percent of the 2017 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,307
2	1,760
3	2,213
4	2,665
5	3,118
6	3,571
7	4,024
8	4,477
9	4,930
10	5,382
+1	453

- (4) Effective March 1, 2018, a monthly income standard set at 185 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,872
2	2,538

3	3,204
4	3,870
5	4,536
6	5,202
7	5,868
8	6,534
9	7,200
10	7,866
+1	+666

- (5) A monthly income standard set at 200 percent of the 2017 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$2,010
2	2,707
3	3,403
4	4,100
5	4,797
6	5,493
7	6,190
8	6,887
+1	+697

- (6) A monthly income standard set at 250 percent of the 2018 federal poverty level is set at the following amounts:

Size of Group	Standard
2	\$3,430
3	4,330
4	5,230
5	6,130
6	7,030
7	7,930
8	8,830

- (7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$3,465
2	4,673
3	5,880
4	7,088
5	8,295

6	9,503
7	10,713
8	11,927
9	13,140
10	14,353
+1	1,214

- (8) A monthly income standard set at 85 percent of the 2018 state median income is set at the following amounts:

Size of Group	Standard
2	\$3,566
3	4,405
4	5,244
5	6,083
6	6,922
7	7,079
8	7,236

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.014, 412.049
Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

AMEND: 461-175-0200

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-175-0200 about notices is being amended to set out Department policy as to notices approving and denying support services in the REP (Refugee Employment) program, aligning this program with the JOBS program.

CHANGES TO RULE:

461-175-0200

Notice Situations; General Information ¶¶

- (1) In the EA program, a basic decision notice (see OAR 461-001-0000) is sent for all situations.¶¶
- (2) In the SNAP program, a basic decision notice is sent for all actions on applications for assistance.¶¶
- (3) In the REP and JOBS programs:¶¶
 - (a) A basic decision notice is sent whenever a request for a support service payment is denied.¶¶
 - (b) No decision notice is required if a request for a support service is approved.¶¶
- (4) A basic decision notice is sent to close JPI benefits when the filing group (see OAR 461-110-0310) reports a change during the reporting period in which SNAP benefits do not decrease.¶¶
- (5) In the TANF program, a notice approving benefits informs the client, within one month following eligibility determination, of the opportunity to volunteer for JOBS participation and of the procedure for JOBS program entry.¶¶
- (6) In the Pre-TANF program, a basic decision notice is sent when payment for basic living expenses is denied or when payment for other support services in the JOBS program is denied. No other notices are required for this program.¶¶
- (7) In the TA-DVS program, a basic decision notice (see OAR 461-001-0000) is sent to a safe mailing address or hand delivered for all situations. This includes when the program is approved, denied, or closed (prior to the end of the 90 day eligibility period) and when a payment under the program is denied.¶¶
- (8) In all programs except the Pre-TANF program, unless stated differently in this rule or another rule, the Department mails or otherwise provides the client with (sends) a decision notice (see OAR 461-001-0000) as follows:¶¶
 - (a) A basic decision notice is sent whenever an application for assistance, including retroactive medical assistance, is approved or denied or a request for a support service payment in the JOBS program is denied.¶¶
 - (b) A timely continuing benefit decision notice (see OAR 461-001-0000) is sent whenever benefits or support service payments authorized by OAR 461-190-0211 are reduced or closed, or the method of payment changes to protective, vendor, or two-party.¶¶
 - (c) A decision notice is sent whenever the Department adjusts previously underissued cash assistance or SNAP benefits.¶¶
- (9) In all programs:¶¶
 - (a) Notwithstanding any rule in Chapter 461, to the extent permitted by OAR 137-003-0530, the Department may take any of the following actions:¶¶
 - (A) Amend a decision notice with another decision notice or a contested case notice.¶¶
 - (B) Amend a contested case notice.¶¶
 - (C) Delay a reduction or closure of benefits as a result of a client's request for hearing.¶¶
 - (D) Extend the effective date on a decision notice or contested case notice.¶¶
 - (b) Except as provided in subsection (a) of this section or when a delay results from the client's request for a

hearing, a notice to reduce or close benefits becomes void if the reduction or closure is not initiated on the date stated on the notice. If the notice is void, a new notice is sent to inform the financial group (see OAR 461-110-0530) of a new date on which their benefits will be reduced or closed.¶

(c) No decision notice is required in each of the following situations:¶

(A) Benefits are ended because there is no living person in the benefit group (see OAR 461-110-0750).¶

(B) A notice was sent, the client requested a hearing, and either the hearing request is dismissed or a final order is issued.¶

(C) The client has signed a voluntary agreement that qualifies as a final order under ORS 183.417(3)(b) (see OAR 461-175-0340(2)) except as provided otherwise in OAR 461-175-0220.¶

(D) To end Employment Payments (see OAR 461-001-0025 and 461-135-1270) or JPI benefit (see OAR 461-135-1260) when the individual has applied for and been found eligible for Pre-TANF, SFPSS, or TANF.¶

(E) No decision notice is required in OAR 461-175-0300 based on prior notice.¶

(d) When the Department amends a decision notice with another decision notice under subsection (a) of this section, the date of the amended notice restarts the client's deadlines to request a hearing or continuing benefits, or both.¶

(e) When a contested case notice extends an effective date or delays a reduction or closure, the date of the amended notice restarts a client's timeline to request continuing benefits.¶

(f) When a client has a pending hearing request or is receiving continuing benefits, and the Department amends a notice under this section, the client need not re-file the hearing request or renew the request for continuing benefits.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 183.415, 183.417, 409.010, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.014, 412.049

AMEND: 461-180-0050

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-180-0050 about effective dates for closing or suspending benefits and payments is being amended to set out the Department policy on this topic for REP (Refugee Employment) program support service payments, aligning this program with the JOBS program.

CHANGES TO RULE:

461-180-0050

Effective Dates; Suspending or Closing Benefits and JOBS and REP Support Service Payments ¶¶

- (1) This rule explains the effective date for closing or suspending benefits for the entire benefit group (see OAR 461-110-0750) and the effective date for ending JOBS and REP support service payments.¶¶
- (2) In all programs except the ERDC program, when the only individual in a benefit group dies, the effective date of the closure is:¶¶
- (a) In the REF, SNAP, and TANF programs, the last day of the month in which the death occurred.¶¶
- (b) In all other programs, the date of the death.¶¶
- (3) For all closures and suspensions not covered by section (2) of this rule, the effective date is determined as follows:¶¶
- (a) When prospective eligibility is used, the effective date for closing or suspending benefits is the last day of the month in which the notice period ends.¶¶
- (b) For a pregnant female receiving benefits of the OSIPM program, the effective date for closing benefits is no earlier than the last day of the calendar month in which the 60th day after the last day of pregnancy falls, except at the client's request.¶¶
- (c) For a client who is receiving medical assistance and becomes incarcerated with an expected stay of a year or less, the effective date for suspending medical benefits is the effective date on the decision notice (see OAR 461-001-0000).¶¶
- (d) The effective date for ending support service payments authorized under OAR 461-190-0211 is the earlier of the following:¶¶
- (A) The date the related JOBS or REP activity is scheduled to end.¶¶
- (B) The date the client no longer meets the requirements of OAR 461-190-0211.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014~~06~~, 412.049, 414.231, 414.826~~09~~

Statutes/Other Implemented: ORS 409.05~~10~~, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.82~~6~~

AMEND: 461-180-0065

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-180-0065 about the effective date for ending disqualifications is being amended to set out the Department's policy on this topic in the Refugee (REF) program.

CHANGES TO RULE:

461-180-0065

Effective Dates; Ending Disqualifications ¶

- (1) The effective date for ending a JOBS disqualification or a disqualification related to diagnosis, counseling, or treatment for substance abuse or mental health is;¶
- (a) The date the client meets the requirements for ending the JOBS disqualification (see OAR 461-130-0335); or¶
- (b) The date the client meets the requirements for ending the disqualification for failure to comply with OAR 461-135-0085(1) (see OAR 461-135-0089).¶
- (2) In the OSIPM program, the effective date for ending the disqualification for failing to enroll in cost-effective, employer-sponsored health insurance is the date the client provides verification of enrollment during the open enrollment period.¶
- (3) In the SNAP program, the effective date for ending an employment program disqualification is the date the client fulfills the requirements to end the disqualification or the first of the month following the minimum disqualification period, whichever occurs later (see OAR 461-180-0010 regarding the effective date for adding a person to an open case).¶
- (4) For an IPV disqualification, the disqualification ends the day after the minimum disqualification period ends, if there is no additional IPV disqualification to be served and all eligibility requirements are met.¶
- (5) For all other disqualifications in the TANF program, the disqualification ends whenever the client agrees to cooperate.¶
- (6) For other disqualifications in the SNAP program, the disqualification ends at the end of the disqualification period.¶
- (7) In the REF program, a disqualification ends at the end of the disqualification period.

Statutory/Other Authority: ~~ORS 411.060, 411.816~~413.085, 414.685, ORS 329A.500, 409.050, 411.060, 411.816, 412.006, 412.009, 412.049

Statutes/Other Implemented: ORS ~~411.060, 411.816~~329A.500, 409.010, 411.060, 411.816, 412.006, 412.009, 412.049

AMEND: 461-180-0100

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-180-0100 about the new effective date of eligibility following closure of benefits or following the end of a certification period is being amended to align the Department's policy on this topic for the Refugee (REF) program with its policy for the TANF program.

CHANGES TO RULE:

461-180-0100

Effective Dates; Eligibility Following Closure ¶

The new effective date of eligibility following closure of benefits or following the end of a certification period is determined as follows:¶

(1) ~~For~~In the SNAP program, see OAR 461 115 0450.¶

(2) In the ERDC program, eligibility starts the first day of the month of the date of request.¶

(3) In the REF and TANF programs:¶

(a) Eligibility starts on the date provided by OAR 461-180-0070 for REF and TANF unless the client meets the requirements of subsection (b) of this section.¶

(b) Eligibility starts the first day of the month following closure if:¶

(A) The client contacts the Department during the month of closure; and¶

(B) Submits to the Department a complete application not later than the end of the month following closure.¶

(4) In all programs other than the ERDC, REF, SNAP, and TANF programs:¶

(a) If the client completes the application process within the applicable time period described in chapter 461 of the Oregon Administrative Rules, eligibility starts on the first day of the month following closure if the filing group meets all eligibility requirements on that date and if:¶

(A) The filing group established a date of request (see OAR 461-115-0030 ~~for the meaning of date of request~~) prior to closure; or¶

(B) The Department initiated a redetermination of eligibility prior to closure.¶

(b) If the client does not complete the application process within the time period described in chapter 461 of the Oregon Administrative Rules, the determination of an effective date requires a new date of request (~~see OAR 461-115-0030 for the meaning of date of request~~).

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

Statutes/Other Implemented: ORS ~~411.060, 411.816~~ 329A.500, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

AMEND: 461-180-0105

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-180-0105 about the effective date for a reduction delayed pending a hearing is being amended to align the Department's policy on this topic for disqualifications in the Refugee Employment (REP) program with its policy in the JOBS program.

CHANGES TO RULE:

461-180-0105

Effective Dates; Reductions Delayed Pending a Hearing Decision ¶¶

(1) If a proposed reduction or closure of benefits or a proposed disqualification arising out of an employment program is delayed because the client requested a hearing, the proposed action takes effect in accordance with sections (2) and (3) of this rule.¶¶

(2) A disqualification is effective in the following programs on the first day of the month following issuance of a final order upholding the disqualification:¶¶

(a) In the JOBS ~~and~~, JOBS Plus, and REP programs.¶¶

(b) In the SNAP program, if the disqualification is a result of any of the following:¶¶

(A) A job quit.¶¶

(B) Failure to comply with a requirement in OAR 461-130-0320.¶¶

(C) Failure to comply with a requirement of the JOBS or UC employment program.¶¶

(3) All other reductions or closures are effective in accordance with the notice that precipitated the appeal.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

AMEND: 461-180-0120

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-180-0120 about the effective date for removing an individual from a benefit group is being amended to align the Department's policy on this topic for the Refugee Medical (REFM) program with the policy for the Refugee (REF) and TANF programs.

CHANGES TO RULE:

461-180-0120

Effective Dates; Removing an Individual ¶¶

The effective date for removing an individual from a benefit group (see OAR 461-110-0750) is one of the following:¶¶

(1) If the individual has left the benefit group in the current budget month because he or she is ineligible, is disqualified, or has left the household, the effective date is:¶¶

(a) The first of the month after the notice period (see OAR 461-175-0050) ends, if the change will reduce benefits.¶¶

(b) The last day of the month in which the notice period ends, if the change will end benefits.¶¶

(2) If the individual is reasonably expected to leave the household next month, the effective date is the later of the following:¶¶

(a) The first of the month following the month in which the individual leaves the household group (see OAR 461-110-0210), if the change will reduce benefits.¶¶

(b) The end of the month in which the individual is expected to leave the household group, if the change will end benefits.¶¶

(3) When an individual in a benefit group of more than one individual dies, the effective date of the closure or reduction in benefits is one of the following:¶¶

(a) In the ERDC, REF, REFM, SNAP, and TANF programs, the last day of the month in which the 10-day notice period ends.¶¶

(b) For all programs not covered by subsection (a) of this section, the date of the individual's death.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, ~~414.231~~413.085, ~~414.231~~, 414.685, 414.826

Statutes/Other Implemented: ORS 329A.500, ~~409.051~~10, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

AMEND: 461-190-0211

NOTICE FILED DATE: 04/19/2018

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments is being amended to make permanent a temporary rule amendment effective April 1, 2018 stating 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 412.016, 412.049, 412.084, 412.124, ORS 291.003, 409.010, 409.040, 411.060, 411.070, 411.121, 412.001, 412.002, 412.006, 412.009, 412.014, 412.049, 412.121~~4