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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 26-2018

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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FILING CAPTION: Temporary changes to self-sufficiency rules

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NEED FOR THE RULE(S):

OAR 461-165-0180 about eligibility of child care providers needs to be amended to support an individual with criminal or CPS history to participate in the JOBS program, or the education or employment covered by the ERDC program, by creating a narrow exemption to allow another member of this household to be approved to provide subsidized child care. This rule also needs to be amended to support child safety by specifying that a child care provider have competence, sound judgment and self-control when working with children as well as being mentally, physically and emotionally capable of performing duties related to child care, by broadening the requirements related to being within sight or sound of all children, by broadening background check requirements to apply to individuals who have unsupervised access to children who are not employees. This rule needs to be further amended to set out Department policy as to when child care facilities that are tribally licensed are eligible for Department payments. This rule also needs to be amended to support technical assistance from the Department to child care providers by requiring that providers allow the Department to visit the site while child care is being provided. This rule needs to be further amended to promote more accurate and timely billing records by specifying that records showing the arrival and departure times for each child in care be recorded as the children arrive and depart. This rule also needs to be amended to improve documentation requirements related to immunization by requiring retention of exemption forms. This rule needs be further amended to support child health by providing further specificity in the safe drinking water requirements. This rule also needs to be amended to support program integrity by stating that the provider may not be in the same ERDC or TANF filing group as the child cared for; the parent of a child in the filing group, or a sibling living in the home of the child. This rule needs to be further amended to clarify the arrest requirements in the rule by specifying that indictments must be reported to the Direct Pay Unit within five days of occurrence. This rule is being further amended to specify that indictments must be reported to the Direct Pay Unit within five days of occurrence, clarifying the arrest requirements in the rule. This rule also needs to be amended to be consistent with current practices, by updating orientation and training requirements.

OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to promote self-sufficiency of JOBS clients by preventing their homelessness or stabilizing their living situation by

allowing support services for housing and utilities when an individual is participating in a JOBS activity. These changes need to be re-adopted following the July 1, 2018 adoption of other permanent changes to this rule to continue the policy first adopted by temporary rule June 1, 2018

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and children in Department subsidized child care. This amendment needs to take effect by August 1, 2018 to support child health and safety and program integrity immediately by establishing an exemption to allow a member of a household to be approved to provide subsidized child care to support another household member with criminal or CPS history so the latter may participate in the JOBS program, or the education or employment covered by the ERDC program; by specifying that a child care provider have competence, sound judgment and self-control and be mentally, physically and emotionally capable of performing duties related to child care; by broadening the requirements related to being within sight or sound of all children; by broadening background check requirements to apply to individuals who have unsupervised access to children who are not employees; by setting out Department policy as to when child care facilities that are tribally licensed are eligible for Department payments; by requiring that providers allow the Department to visit the site while child care is being provided; by specifying that records showing the arrival and departure times for each child in care be recorded as the children arrive and depart; by requiring retention of exemption forms for immunizations to improve documentation requirements related to immunization; by providing further specificity in the safe drinking water requirements; by stating that the provider may not be in the same ERDC or TANF filing group as the child cared for; the parent of a child in the filing group, or a sibling living in the home of the child; by specifying that indictments must be reported to the Direct Pay Unit within five days of occurrence; and by updating orientation and training requirements.

The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals participating in a JOBS activity who need assistance to prevent homelessness or stabilize their living situation. The Department needs this amendment to take effect retroactive to July 1, 2018 because critical housing needs are interfering the self-sufficiency of Department clients.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Department of Education, Early Learning Division, "Preventing Exposure to Lead" available at <https://oregonearlylearning.com/lead-poisoning-prevention/>

RULES:

461-165-0180, 461-190-0211

AMEND: 461-165-0180

RULE SUMMARY: OAR 461-165-0180 about eligibility of child care providers is being amended to establish an exemption to allow a member of a household to be approved to provide subsidized child care to support another household member with criminal or CPS history so the latter may participate in the JOBS program, or the education or employment covered by the ERDC program. This rule is also being amended to specify that a child care provider have competence, sound judgement and self-control, be mentally, physically and emotionally capable of performing duties related to child care, broaden the requirements related to being within sight or sound of all children, and broaden background check requirements to apply to individuals who have unsupervised access to children who are not employees supporting child safety. This rule is being further amended to set out Department policy as to when child care facilities that are tribally licensed are eligible for Department payments. This rule is also being amended to require

that providers allow the Department to visit the site while child care is being provided to support technical assistance from the Department to child care providers. This rule is being further amended to specify that records showing the arrival and departure times for each child in care be recorded as the children arrive and depart. This rule also is being amended to require retention of exemption forms for immunizations to improve documentation requirements related to immunization. This rule is being further amended to provide further specificity in the safe drinking water requirements, supporting child health. This rule is also being amended to state that the provider may not be in the same ERDC or TANF filing group as the child cared for; the parent of a child in the filing group, or a sibling living in the home of the child, supporting program integrity. This rule is being further amended to specify that indictments must be reported to the Direct Pay Unit within five days of occurrence, clarifying the arrest requirements in the rule. This rule is also being amended to update orientation and training requirements, consistent with current practices.

CHANGES TO RULE:

461-165-0180

Eligibility of Child Care Providers ¶¶

(1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless the Department determines, following a final fitness determination (see OAR 125-007-0260 and 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other subject individual (see OAR 125-007-0210 and 407-007-0210(8)(a)(J)) is not eligible for payment.¶¶

(2) The Department may approve a child care provider who is legally exempt (see section (12) of this rule) as a child care provider for a child (see OAR 461-001-0000) in their household, despite the criminal or CPS history of another member of this household, if all of the following requirements are met:¶¶

(a) There is no criminal history consisting of a disqualifying crime listed in 45 CFR 98.43(c).¶¶

(b) The household member with the criminal or CPS history is a parent (see OAR 461-001-0000) or caretaker relative (see OAR 461-001-0000) of the child needing child care.¶¶

(c) The child care is needed for the household member with the criminal or CPS history to participate in the JOBS program, or the education or employment covered by the ERDC program.¶¶

(d) The approval for Department payments only applies for the child of the household member, or a child for whom the household member is a caretaker relative.¶¶

(3) Ineligibility for payment may result from any of the following:¶¶

(a) A finding of "denied".¶¶

(A) A provider may be "denied" under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as described in OAR 407-007-0300, the Department finds substantial risk to the health or safety of a child (see ~~OAR 461-001-0000~~) in the care of the provider, the provider must be "denied" and is ineligible for payment.¶¶

(B) A provider who has been "denied" has the right to a hearing under OAR 407-007-0335.¶¶

(b) A finding of "failed".¶¶

(A) A provider may be "failed" if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet an eligibility requirement of this rule not covered in paragraph (c)(A) of this section.¶¶

(B) While the provider is in "failed" status:¶¶

(i) The Department does not pay any other child care provider for child care at the "failed" provider's site.¶¶

(ii) The Department does not pay a child care provider at another site if the "failed" provider is involved in the child care operation unless the Department determines that the reasons the provider is in "failed" status are not relevant to the new site.¶¶

(C) A provider with a status of "failed" may reapply at any time by providing the required documents and

information to the Department for review.¶

(c) A finding of "suspended".¶

(A) A provider may be "suspended" if the Department determines and provides notice that the provider does not meet an eligibility requirement in the following subsections and paragraphs of section (78) of this rule: (b), (d), (e), (h), (i), (j), (k), (L), (o)(H), (o)(I), (o)(L), ~~(t)~~, or in section (101) of this rule. A provider who has been "suspended" may challenge this status by requesting a contested case hearing subject to the requirements and limitations of OAR 461-025.¶

(B) While the provider is in "suspended" status:¶

(i) The provider is ineligible for payment for at least six months.¶

(ii) The Department does not pay any other child care provider for child care at the "suspended" provider's site.¶

(iii) The Department does not pay a child care provider at another site if the "suspended" provider is involved in the child care operation unless the Department determines that the reasons the provider is in "suspended" status are not relevant to the new site.¶

(C) A provider with a status of "suspended" may be eligible for payments after the six month ineligibility period ends when the provider has been approved following reapplication, including providing the required documents and information to the Department for review.¶

(d) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.¶

~~(34)~~ The provider must submit a completed Child Care Provider Listing Form (DHS 7494) to the Department within 30 calendar days from the date the Department issues the listing form to the client. The provider and each individual identified under section (4) of this rule must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police (OSP), Federal Bureau of Investigation (FBI), and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider, each individual described in section (45) of this rule, and each subject individual described in OAR 125-007-0210 and 407-007-0210(8)(a)(J) must fully disclose all requested information as part of the records check.¶

(45) This rule also establishes additional requirements for the following individuals:¶

(a) The site director of an exempt child care facility and each ~~employee~~ individual of the facility who may have unsupervised access to a child in care.¶

(b) The child care provider and each individual the provider uses to supervise a child in his or her absence.¶

(c) In the case of a provider who provides care for a child in the provider's home--¶

(A) Each individual 16 years of age or older who lives in the provider's home; and¶

(B) Each individual who visits the home of the provider during the hours care is provided and may have unsupervised access to a child in care.¶

(56) To receive payment or authorization for payment, the provider must comply with at least one of the following subsections:¶

(a) If the provider is not legally exempt (~~see section (11) of this rule~~):¶

(A) Be currently certified or registered with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 and be in compliance with the applicable rules;¶

(B) Complete the Department's background check process;¶

(C) Complete the Department's listing process; and¶

(D) Be approved by the Department.¶

(b) If the provider is legally exempt and a legally exempt relative (see section (112) of this rule):¶

(A) Complete the Department's background check process;¶

(B) Complete the Department's listing process; and¶

(C) Be approved by the Department.¶

(c) If the provider is legally exempt and not a legally exempt relative for all children in care:¶

(A) Meet all OCC Regulated Subsidy Provider requirements under OAR 414-180-0005 through 414-180-0100;¶

(B) Submit to and pass a site visit at the location where care will be provided;¶

- (C) Complete the Department's background check process;¶
- (D) Complete the Department's listing process; and¶
- (E) Be approved by the Department.¶
- ~~(6d)~~ In the case of a tribally licensed child care facility:¶
 - (A) Must receive annual health and safety inspections from the Indian Health Services;¶
 - (B) Each individual who may have unsupervised access to a child in care must be enrolled in the Early Learning Division Office of Child Care Central Background Registry or approved by the Department of Human Services Background Check Unit;¶
 - (C) Complete the Department's listing process; and¶
 - (D) Be approved by the Department.¶
- ~~(7)~~ Each individual described in section (45) of this rule must:¶
 - (a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250.¶
 - (b) Provide, in a manner specified by the Department, information required to conduct CH, FBI, OSP, and CPS records checks and determine whether the provider meets health and safety requirements.¶
 - (c) Have a history of behavior that indicates no substantial risk to the health or safety of a child in the care of the provider.¶
- ~~(78)~~ Each provider must:¶
 - (a) Obtain written approval from their certifier or certifier's supervisor if the provider is also certified as a foster parent.¶
 - (b) Be 18 years of age or older and in such physical and mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a child in care; and¶
 - (A) Have competence, sound judgment and self-control when working with children; and¶
 - (B) Be mentally, physically and emotionally capable of performing duties related to child care.¶
 - (c) Not be in the same ERDC or TANF filing group (see OAR 461-110-03430 and 461-110-0350) as the child cared for; the parent (see OAR 461-001-0000) of a child in the filing group; or a sibling living in the home of at the child in the filing group.¶
 - (d) Allow the Department to visit or inspect the site of care while child care is provided.¶
 - (e) Keep daily attendance records showing the arrival and departure times for each child in care and with the times recorded as the child care children arrive and depart, and keep billing records for each child receiving child care benefits from the Department. These written records must be retained for a minimum of 12 months and provided to the Department upon request.¶
 - (f) Be the individual or facility listed as providing the child care. The provider may only use someone else to supervise a child on a temporary basis if the person was included on the most current listing form and the provider notifies the Department's Direct Pay Unit.¶
 - (g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.¶
 - (h) Report to the Department's Direct Pay Unit within five days of occurrence:¶
 - (A) Any arrest, indictment, or conviction of any subject individual or individual described in section (45) of this rule.¶
 - (B) Any involvement of any subject individual or individual described in section (45) of this rule with CPS or any other agencies providing child or adult protective services.¶
 - (C) Any change to the provider's name or address including any location where care is provided.¶
 - (D) The addition of any subject individual or individual described in section (45) of this rule.¶
 - (E) Any reason the provider no longer meets the requirements under this rule.¶
 - (i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.¶
 - (j) Supervise each child in care at all times. This includes being within sight or sound of all children; being aware of what each child is doing; being near enough to children to respond when needed; and being physically present

when kindergarten-age or younger children are playing outside, unless the play area is fully fenced and hazard free.¶

(k) Prevent any individual who behaves in a manner that may harm children from having access to a child in the care of the provider. This includes anyone under the influence (see section (142) of this rule).¶

(L) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times.¶

(m) Inform a parent of the need to obtain immunizations for a child and have a completed, up-to-date Oregon shot record called the "Certification of Immunization Status" (CIS) form, or a non-medical or medical Exemption form, on file for each child in care.¶

(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases.¶

(o) Ensure that the home or facility where care is provided meets all of the following standards:¶

(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.¶

(B) The home or facility has water that is safe for drinking water, preparing food, and that meets lead testing requirement under OCC Regulated Subsidy Provider requirements in OAR 414-180.¶

(C) The home or facility has a working smoke detector on each floor level and in any area where a child naps.¶

(D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child. Any gate or barrier may not pose a risk or hazard to any child in care.¶

(E) Any firearm, ammunition, and other items that may be dangerous to children, including but not limited to alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any legally prescribed or over-the-counter medicine, cleaning supplies, paint, plastic bags, and poisonous and toxic materials are kept in a secure place out of a child's reach.¶

(F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard-free condition.¶

(G) The home or facility has a telephone in operating condition.¶

(H) No one may smoke or carry any lighted smoking instrument, including e-cigarettes or vaporizers, in the home or facility or within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. No one may use smokeless tobacco in the home or facility during child care operational hours or anytime child care children are present. No one may smoke or carry any lighted smoking instrument, including e-cigarettes and vaporizers, or use smokeless tobacco in motor vehicles while child care children are passengers.¶

(I) No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) on the premises (see section (142) of this rule) during child care operational hours or anytime child care children are present. No one under the influence of alcohol, controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) may be on the premises during child care operational hours or anytime child care children are present. No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) in motor vehicles while child care children are passengers.¶

(J) Is not a half-way house, hotel, motel, shelter, or other temporary housing such as a tent, trailer, or motor home. The restriction in this paragraph does not apply to licensed (registered or certified) care approved in a hotel, motel, or shelter.¶

(K) Is not a structure -¶

(i) Designed to be transportable; and¶

(ii) Not attached to the ground, another structure, or to any utilities system on the same premises.¶

(L) Controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia may not be on the premises during child care operational hours or anytime child care children are present.¶

- (p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility.¶
- (q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.¶
- (r) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, and crib standards under 16 CFR 1219 and 1220.¶
- (s) Place infants to sleep on their backs.¶
- (t) Not hold a medical marijuana card; or distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications).¶
- (u) Develop and communicate expulsion and suspension policies to parents and caretakers.¶
- (v) Provide care at a location within the state of Oregon.¶
- ~~(89)~~ Legally exempt providers must complete the "Introduction to Child Care Health and Safety" two-hour, web-based training ~~as provided in the following subsections:~~¶
- ~~(a) Legally exempt providers with a list date prior to November 1, 2016 must complete the "Introduction to Child Care Health and Safety" training by July 31, 2017. Providers who have continued to actively provide care and receive payment for Department subsidy families may be granted an extension to September 30, 2017 to complete the training.¶~~
- ~~(b) Legally exempt providers with a list date of November 1, 2016 or later must complete the "Introduction to Child Care Health and Safety" prior to Department approval.¶~~
- ~~(910)~~ Legally exempt providers must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if ~~the or she:~~¶
- ~~(a) Receives funds from the Department; and¶~~
- ~~(b) Provider begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.¶~~
- ~~(101)~~ Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.¶
- ~~(112)~~ For purposes of these rules:¶
- (a) "Premises" means the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.¶
- (b) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.¶
- (c) "Legally exempt" means the child care provider is exempt from licensing with the OCC because the provider is not subject to the licensing requirements under OAR 414-205-0000 to 414-205-0170, OAR 414-350-000 to 414-350-0405, and OAR 414-300-0000 to 414-300-0415.¶
- (d) "Legally exempt relative" means a legally exempt provider who is a relative to all children in care including a great-grandparent, grandparent, aunt, uncle, or sibling not living in the home of any child in care.¶
- ~~(123)~~ Legally exempt providers that are not a legally exempt relative to all children in care must meet all of the requirements in this section before approval by the Department, unless otherwise noted:¶
- (a) Have an up-to-date, in-person infant and child CPR and first aid certification or have a currently valid waiver of this requirement from the Child Care Resource and Referral program.¶
- (b) Complete the Recognizing and Reporting Child Abuse and Neglect (RRCAN) web-based or classroom training.¶
- (c) Complete six hours of ongoing education in each two-year listing period as provided in this subsection. All

trainings must be accepted by the Oregon Center for Career Development (OCCD) and be part of the OCCD's 10 Core Knowledge Categories recognized by Oregon Registry Online to count toward the six hours.¶

(A) Two of the six hours must fall under the "Human Growth and Development" category; and¶

(B) Two of the six hours must cover "Understanding & Guiding Behavior".¶

(134) Child care centers or programs that are legally exempt from certification or registration with the OCC, are located in a commercial or institutional facility, and receive payment from the Department on behalf of a family receiving a child care subsidy, may not exceed the following staff to children in care ratios:¶

(a) Six weeks through 23 months of age, the minimum number of staff to children is one to four. The maximum number of children in a group is eight.¶

(b) 24 months through 35 months of age, the minimum number of staff to children is one to five. The maximum number of children in a group is 10.¶

(c) 36 months of age to attending kindergarten, minimum number of staff to children is one to 10. The maximum number of children in a group is 20.¶

(d) Attending kindergarten and older, the minimum number of staff to children is one to 15. The maximum number of children in a group is 30.¶

(e) In a mixed-age group of children, the number of staff and group size shall be determined by the age of the youngest child in the group.

Statutory/Other Authority: ORS 181.537, 329A.500, 409.050, 411.060, 411.070

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

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments is being amended to continue a temporary rule change initially adopted effective June 1, 2018 that allows support services for housing and utilities when an individual is participating in a JOBS activity, promoting self-sufficiency by preventing their homelessness or stabilizing their living situation. These changes are retroactive to July 1, 2018 because the temporary rule expired on June 30, 2018.

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 (9) 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) Stabilized Living (see OAR 461-001-0025).¶¶

(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~~Subject to local services and budget, the Department may provide payment for an individual regarding housing and utilities expenses. Payments are subject to the following:¶

(A) The individual is engaged in a JOBS plan.¶

(B) Except as provided in paragraph (D) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).¶

- (C) Except as provided in paragraph (D) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.
- (D) With prior manager approval upon verification that an individual has greater needs to stabilize a living situation or prevent homelessness, the Department may approve payments that exceed the limits in paragraphs (B) and (C) of this subsection.
- (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.
- (9) 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.
- (10) 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.
- (11) In the REP program, JOBS Plus and Parents as Scholars are not available.

(12) The August 1, 2018 amendments to this rule are retroactive to July 1, 2018.

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: 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, 412.011, 412.014