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DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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RULES:

461-001-0025, 461-025-0316, 461-130-0327, 461-135-0070, 461-135-0505, 461-135-0575, 461-135-1270, 461-160-0010, 461-160-0015, 461-175-0340, 461-190-0211

AMEND: 461-001-0025

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-001-0025 about definitions, terms, components, and activities in JOBS, Pre-TANF, Post-TANF, and TANF is being amended to change the term "substance use disorder," remove definition acronyms from the rule, and remove programs references that have been discontinued. These amendments bring the rule into alignment with Integrated Eligibility/ONE, federal language, and state statute; and remove outdated terminology.

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 a 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-~~AB~~" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (9) 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 (289) 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 participant and to mutually determine an employment goal, the level

of engagement of the participant in the JOBS program, and which support services (see section (35) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶

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

(5) "Basic education" means a component intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, English as a second language (~~ES~~) (see section (145) of this rule) instruction, job skills training (see section (201) of this rule), adult basic education (~~AB~~) (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 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 participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for 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).¶

(8) "Community service program (~~CP~~)" means an activity in the unpaid employment (see section (38) of this rule) component in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.¶

(9) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (267) of this rule), paid subsidized employment (see section (256) of this rule), unpaid employment, vocational training (see section (40) of this rule), job search and readiness (see section (1920) of this rule), and basic education activities.¶

(10) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (41) of this rule); job search and readiness; community service program (see section (8) of this rule); and vocational training.¶

(11) "Crisis intervention (~~C~~)" means short-term services to protect family stability and safety due to an immediate crisis need.¶

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

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

(134) "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.¶

(145) "English Language Learner" (~~formerly known as English as a Second Language (ES)~~) means an activity in the basic education component. "ES-English Language Learner" classes are designed to give participants with limited English proficiency better working skills in the language.¶

(156) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the unpaid employment component. "FLSA" requires that participants engaged in unpaid employment, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.¶

- (167) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).¶
- (178) "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.¶
- (189) "Job search-~~(JO)~~" means an activity in the job search and readiness component that focuses on 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 engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.¶
- (1920) "Job search and readiness" means a component designed to prepare participants to compete in the local labor market. Job search (see section (189) of this rule), life skills (see section (223) of this rule), ~~substance abuse disorder~~ drug and alcohol services (see section (3412) of this rule), mental health services (see section (234) of this rule), and rehabilitation activities (see section (301) of this rule) are the activities of the "job search and readiness" component.¶
- (201) "Job skills training-~~(JS)~~" means an activity in the basic education component in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.¶
- (212) "JOBS Plus program-~~(PL)~~" means an activity in the paid subsidized employment component that provides TANF participants with on-the-job training and pays their benefits as wages (see OAR 461-190-0401 to 461-190-0426).¶
- (223) "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.¶
- (234) "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.¶
- (245) "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.¶
- (256) "Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus program (see section (212) of this rule); and work supplementation (see section (42) of this rule) are the activities in the "paid subsidized employment" component.¶
- (267) "Paid unsubsidized employment" means a component in which 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 (39) 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.¶
- ~~(27) "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).¶~~
- (28) "Program entry-~~(PE)~~" means an activity that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶
- (29) "Progress (good or satisfactory)" means, for federal reporting purposes, a 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.¶
- (30) "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.¶
- (31) "Self-initiated training-~~(SI)~~" means an activity in which participants are enrolled in a two or four year program,

earning credit toward a college degree.¶

(32) "Stabilized living-(SL)" means an activity intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶

(33) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, crisis intervention (see section (11) of this rule), domestic violence services, medical services, retention services, services to child welfare families, social security application, and stabilized living services.¶

~~(34) "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 a participant's case plan when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶

(38) "Unpaid employment" means a component in which a 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 (see section (41) of this rule), community service program, and supported work (see section (36) of this rule) are the activities of the "unpaid employment" component.¶

(39) "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.¶

(40) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.¶

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

(42) "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: 461-025-0316

REPEAL: Temporary 461-025-0316 from SSP 24-2019

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-025-0316 about Intentional Program Violation (IPV) Hearings in the SNAP program is being amended to broaden the rule's provisions to the SNAP, ERDC, TANF, SFPSS, REF, and REFM programs. This amendment creates clarity for the Office of Administrative Hearings, the Department, and claimants, about how IPV Hearings are handled in the SNAP program and non-SNAP programs. This makes permanent the December 17, 2019 temporary amendment changes and adds the ERDC program to the rule.

CHANGES TO RULE:

461-025-0316

Intentional Program Violation (IPV) Hearings; ~~SNAP~~ERDC, REF, REFM, SFPSS, SNAP, and TANF programs¶

Notwithstanding the other rules in this division of rules and the rules at OAR 137-003-0501 and following, this rule governs intentional program violation hearings for the ~~SNAP program. This rule reflects the requirements of the U.S. Department of Agriculture for the SNAP~~ERDC, REF, REFM, SFPSS, SNAP, and TANF programs.¶

- (1) An individual accused of an Intentional Program Violation may waive the right to an IPV hearing by signing a waiver on a form prescribed by the Department. There is no further administrative appeal after the individual signs the waiver unless the individual asserts that the signature on the waiver was obtained by fraud or under duress and, within 90 days from the date the waiver was signed, requests a hearing (see OAR 461-025-0310) to prove this. The individual has the burden of proving fraud or duress. If an Administrative Law Judge determines that the signature on the waiver was obtained by fraud or under duress, the waiver may be nullified and the Department may thereafter initiate an Intentional Program Violation hearing.¶
- (2) If an IPV is not established by waiver or in court, the Department may initiate the IPV hearing. The individual is entitled to an Advanced Notice of Intentional Program Violation Hearing at least 30 days in advance of the scheduled hearing. The notice includes the specific charge(s) alleged by the Department.¶
- (3) Within 90 days of the date the individual is notified in writing of the disqualification hearing, the Office of Administrative Hearings will conduct the hearing and serve a final order on the individual.¶
- (4) The individual is entitled to a postponement of the scheduled hearing, if the request for postponement is made at least 10 days before the date of the scheduled hearing. The hearing will not be postponed for more than a total of 30 days, and the Office of Administrative Hearings may limit the postponements to one.¶
- (5) When the individual fails to appear for the scheduled IPV hearing, the hearing may be conducted without the individual if:¶
 - (a) The individual refused the notice of hearing;¶
 - (b) The individual refused to claim the notice of hearing;¶
 - (c) The individual received the notice of hearing; or¶
 - (d) The notice of hearing was sent to the address last reported by the individual to the ~~SNAP program~~Department and was returned as undeliverable.¶
- (6) An individual who received notice of the scheduled IPV hearing has 10 days from the date of the scheduled hearing to present reasons indicating a "good cause" for failure to appear. An individual who did not receive notice of the scheduled IPV hearing must present reasons indicating "good cause" for failure to appear as part of a petition for reconsideration or rehearing of the final order within 30 days of the date of the final order.¶
 - (a) For purposes of this rule, "good cause" means the individual was unable to attend the hearing and unable to request a postponement for reasons beyond his or her control.¶
 - (b) "Good cause" will be determined on the record by the Office of Administrative Hearings. If the individual shows "good cause", the Office of Administrative Hearings will schedule another IPV hearing for the individual.¶
- (7) The Administrative Law Judge must advise the individual that he or she may refuse to answer questions during the hearing.¶

(8) The standard for proving that an individual has committed an Intentional Program Violation is clear and convincing evidence.¶

(9) There is no administrative appeal of a final order, except as provided in section (6) of this rule.

Statutory/Other Authority: ORS 411.060

Statutes/Other Implemented: ORS 411.095

AMEND: 461-130-0327

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-130-0327 about good cause is being amended to include language enabling the Department to give good cause for non-cooperation in the JOBS program for any reason the Department determines to be good cause. This amendment allows the Department to grant good cause for reasons other than what is specifically mentioned in (3)(a) through (3)(r) of the rule.

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 participant to provide verification of "good cause" if providing the verification would expose the participant to increased risk of domestic violence (see OAR 461-001-0000).¶¶
- (2) If in making a determination under this rule a participant's physical or mental impairment is in question, the Department may require the participant to provide documentation from a qualified and appropriate medical professional.¶¶
- (3) 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 participant's physical or mental health or would expose the 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 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.¶¶

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

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

(j) The wage for the 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.¶¶

(k) The 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.¶¶

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

(m) The participant's failure to engage is due to a circumstance beyond the participant's reasonable control.¶¶

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

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

(p) 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 participant to engage. ¶¶

(q) In the REF program:¶¶

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

(B) If the hours or nature of the job interferes with the 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).¶¶

(s) For a reason not found in subsections (3)(a) through (3)(r) of this rule that the Department has determined is "good cause."¶¶

(4) In the SNAP program, a 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 participant's religious observances, convictions, or beliefs.¶¶

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

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

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

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

(5) In the SNAP program, a participant may be excused from not meeting ABAWD work requirements (OAR 461-135-0520). "Good cause" may be granted to remove a countable month if a participant has been cooperating with their case plan (see OAR 461-001-0020), but is unable to complete the requirements due to one or more of the following unexpected circumstances. The circumstance must be beyond the control of the participant and occur during the countable month:¶¶

(a) Inclement weather.¶¶

(b) Transportation difficulties.¶¶

(c) Illness impacting ability to work.¶¶

(d) Tragic loss.

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

Statutes/Other Implemented: 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, 45 CFR 261.56, 411.816, ORS 409.010, 411.060, 411.117, 412.006, 412.009, 412.049, 7 USC 2015

AMEND: 461-135-0070

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-135-0070 about specific TANF program requirements is being amended to clarify when a caretaker relative is eligible for TANF when a caretaker relative is neither receiving TANF nor applying for TANF for a dependent child. This amendment makes clear the Department's interpretation of the policy and aligns the rule with Integrated Eligibility/ONE.

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 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 when the caretaker relative:¶¶

(i) Is receiving TANF program benefits for the dependent child, or¶¶

(ii) Is applying for TANF program benefits for the 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

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: 461-135-0505

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-135-0505 about categorical eligibility in the SNAP program is being amended to define which programs fall under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort. It is also being amended to clearly define when a filing group cannot be categorically eligible, which includes participants with lottery or gambling winnings of \$3,500 or above and applicants who lost eligibility for SNAP due to receipt of such lottery or gambling winnings. The amendments also make clear how those participants can regain the ability to be categorically eligible. These changes align rule with federal regulations, bringing Oregon into federal compliance.

CHANGES TO RULE:

461-135-0505

Categorical Eligibility for SNAP ¶

(1) ~~Except as provided under sections (2) and (3) of this rule,~~ an individual is categorically eligible for SNAP benefits if the individual:¶

~~(a) Receives or is authorized to receive GA or SSI benefits;¶~~

~~(b) has countable income (see OAR 461-140-0010) less than 185 percent of the federal poverty level (see OAR 461-155-0180) and;¶~~

~~(a) Receives or is authorized to receive GA or SSI benefits;¶~~

~~(b) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or¶~~

~~(c) Receives or is authorized to receive cash, in-kind benefits, or services funded either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort; which includes;¶~~

~~(c) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or A pamphlet about Information and Referral Services;¶~~

~~(B) Employment Related Day Care (ERDC);¶~~

~~(C) Temporary Assistance to Needy Families (TANF) cash assistance; and¶~~

~~(D) TANF-related programs:¶~~

~~(i) Pre-TANF;¶~~

~~(ii) TA-DVS;¶~~

~~(iii) TANF-JOBS Plus;¶~~

~~(iv) Housing Stabilization Program through Housing and Community Services; and¶~~

~~(v) Employment Payments.¶~~

~~(d) Is a member of a financial group (see OAR 461-110-0530) with countable~~ An individual may not be categorically eligible for SNAP benefits in either of the following circumstances:¶

~~(a) The individual is disqualified from receiving SNAP benefits because of an intentional program violation.¶~~

~~(b) The individual is a primary person (see OAR 461-001-0000) income less than 185 percent of the federal poverty level as described in 15) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-155-0180(4), does not 30-0315.¶~~

~~(3) A filing group (see OAR 461-110-0530) may not be categorically eligible for SNAP benefits in either of the following circumstances:¶~~

~~(a) The filing group has liquid assets from lottery or gambling winnings of \$3,500 or more, and has received a pamphlet about Information and Referral Services. Liquid assets are assets that are easily accessible and do not need to be sold to access their value.¶~~

~~(b) Equal to or in excess of the resource limit listed in OAR 461-160-0015(7). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.¶~~

~~(b) An applicant filing group that lost SNAP eligibility due to receipt of lottery or gambling winnings as described under (3)(a) of this rule.¶~~

~~(4) For an entire filing group to be categorically eligible for SNAP benefits, it must contain only clients who are categorically eligible for SNAP benefits. For the purpose of determining who is categorically eligible for SNAP benefits, in the ERDC and TA-DVS programs all members of the filing group are considered receiving the benefits of the program even if not all members receive the benefit. The receipt of the Information and Referral services pamphlet by an individual is considered received by the entire filing group.~~

~~(35) A filing group that is eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.~~

~~(46) An individual categorically eligible for the SNAP program is presumed to meet the eligibility requirements for resources and countable and adjusted income limits. The individual is also presumed to meet the requirements for a social security number, sponsored alien information, and residency, if verified in a public assistance or medical assistance program.~~

~~(57) When a filing group contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.~~

~~(68) An individual may not be filing group that has lost categorically eligible for SNAP benefits in either of the following circumstances:~~

~~(a) The individual is disqualified from receiving SNAP benefits because of an intentional program violation.~~

~~(b) The individual is a primary person (see ilility due to lottery or gambling winnings under section (3) of this rule may not have eligibility (see OAR 461-001-0000) determined under categorical eligibility rules until they meet the following SNAP asset limits:~~

~~(a) Resource limit listed under OAR 461-001-160-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement(7).~~

~~(b) Countable income limit listed under OAR 461-155-0190, and~~

~~(c) Adjusted income limit listed under OAR 461-130-0315-55-0190.~~

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

AMEND: 461-135-0575

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-135-0575 about SNAP expedited services is being amended to incorporate the definition of "destitute households" in the text of the rule rather than list a reference to the federal regulation. This amendment makes the rule clearer.

CHANGES TO RULE:

461-135-0575

SNAP Expedited Services ¶¶

In the SNAP program:¶¶

(1) For purposes of this rule, "liquid resources" includes cash on hand, a checking or savings account, a savings certificate, and a lump sum payment.¶¶

(2) An applicant is screened for expedited services except when a filing group (see OAR 461-110-0370) applies for SNAP benefits before the end of ~~its~~their current certification. If a filing group meets the expedited services criteria and the Department determines the filing group is eligible for SNAP benefits, the filing group qualifies to receive benefits within seven days following the filing date.¶¶

(23) The filing group meets expedited services criteria if the filing group:¶¶

(a) Has countable income less than \$150 a month and liquid resources that do not exceed \$100;¶¶

(b) Has gross income and liquid resources that total less than the total monthly rent, or mortgage, and utilities of the household; or¶¶

(c) Is a "destitute household," as described in 7 CFR 273.10(e)(3) (covering To be a destitute household, the filing group must include a migrant and/or seasonal farmworker households) and has liquid resources that do not exceed \$100.¶¶

(d) For purposes of this rule only, a liquid resource includes cash on hand, a checking or savings account, a savings certificate, and a lump sum payment and meet one of the following:¶¶

(A) The only income received during the month in which the filing date falls was received prior to the filing date and was from a terminated source. Income is considered from a "terminated source" when:¶¶

(i) Received on a monthly or more frequent basis and will not be received again from the same source during the month of the filing date or in the following month; or¶¶

(ii) Received as periodic income (see OAR 461-001-0000), and the income is not anticipated to be received during the month in which the next payment would normally be received.¶¶

(B) The only income received during the month in which the filing date falls will be received from a new source and income of more than \$25 from that source is not anticipated to be received by the 10th day following the filing date. Income is considered from a "new source" when \$25 or less has been received from that source during the 30 days prior to the filing date.¶¶

(C) The only income of the filing group is from a terminated source received prior to the filing date, a new source received after the filing date, and income from the new source of more than \$25 is not anticipated to be received by the 10th day following the filing date.¶¶

(34) There is no limit to the number of times a benefit group (see OAR 461-110-0750) may receive expedited services. However, all eligibility factors from the last expedited issuance must be verified or the benefit group must have been certified under normal processing standards since the last expedited certification before the client is eligible to receive expedited services again.¶¶

(45) An eligibility process interview for an expedited services client is conducted in accordance with OAR 461-115-0690.¶¶

(56) The application processing timeframe for an expedited services client is determined under OAR 461-115-0210.¶¶

(67) Application information for an expedited services client is verified as required under OAR 461-115-0690.

Statutory/Other Authority: ORS 411.060, 411.816

Statutes/Other Implemented: ORS 411.060, 411.816, 7 CFR 273.10

AMEND: 461-135-1270

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-135-0270 about eligibility for Employment Payments is being amended to add that a member of a REF, Pre-TANF, SFPSS, or TANF filing group is not eligible for employment payments and to clarify when loss of unsubsidized employment impacts eligibility. These amendments add clarity to the rule and aligns with Integrated Eligibility/ONE.

CHANGES TO RULE:

461-135-1270

Specific Requirements; Employment Payments ¶¶

(1) Effective April 1, 2016, a benefit group (see OAR 461-110-0630) that includes an individual who meets the requirements in section (2) of this rule is eligible to receive \$225 in Employment Payments (see OAR 461-001-0025) paid over three months as provided in section (3) of this rule.¶¶

(2) To be eligible for three months of Employment Payments, an individual in the benefit group (see OAR 461-110-0750) or an individual not in the benefit group due to the time limit in OAR 461-135-0071 must meet all of the following requirements:¶¶

(a) Have obtained unsubsidized paid employment and reported it timely.¶¶

(b) Have been a JOBS eligible (see OAR 461-130-0310) individual who closed TANF for one of the following reasons:¶¶

(A) Became ineligible for the Pre-TANF, SFPSS or TANF programs due to income above the applicable income standard in OAR 461-155-0030.¶¶

(B) Voluntarily closed TANF to avoid accruing time toward the time limit in OAR 461-135-0071.¶¶

(C) Voluntarily closed TANF to be eligible for TBA (see OAR 461-135-0506).¶¶

(c) Meet the TANF residency requirements in OAR 461-120-0010.¶¶

(d) Remain at or below 350 percent FPL in OAR 461-155-0180.¶¶

(3) Employment Payments begin the month following the month in which Pre-TANF, SFPSS, or TANF benefits close. Payments are limited to one payment per month per benefit group. Payments may not be prorated and are paid in the following amounts and order:¶¶

(a) \$100 the first month after benefits close.¶¶

(b) \$75 the second month after benefits close.¶¶

(c) \$50 the third month after benefits close.¶¶

(4) An individual receiving Employment Payments is not eligible for JOBS Plus or JPI (see OAR 461-135-1260).¶¶

(5) Employment Payments end when an individual:¶¶

(a) Is approved for REF, Pre-TANF, SFPSS, or TANF program benefits or when the loss of unsubsidized paid employment is reported and verified;¶¶

(b) Is a member of a filing group (see OAR 461-110-0330) approved for REF, Pre-TANF, SFPSS, or TANF program benefits; or¶¶

(c) Loses unsubsidized paid employment and the loss is verified by the Department.

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

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 412.049, 412.124

AMEND: 461-160-0010

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-160-0010 about the use of resources in determining financial eligibility is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

CHANGES TO RULE:

461-160-0010

Use of Resources in Determining Financial Eligibility ¶

Countable (see OAR 461-001-0000) resources are used to determine eligibility (see OAR 461-001-0000) as follows:¶

- (1) In the EA program, the countable resources of a financial group (see OAR 461-110-0530) are used to reduce benefits.¶
- (2) In the ERDC, QMB-DW, REF, REFM, ~~SNAP~~, and TANF programs, a need group (see OAR 461-110-0630) is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶
- (3) In the SNAP program, unless categorically eligible (see OAR 461-135-0505), a need group is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶
- (4) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs:¶
 - (a) An individual is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶
 - (b) The following provisions apply when a child (see OAR 461-001-0000) who is not assumed eligible (see OAR 461-135-0010) is applying:¶
 - (A) As used in the subsection, "ineligible parent" means a parent (see OAR 461-001-0000) who is not receiving SSI or TANF.¶
 - (B) As used in this section, "parental resources" means the countable resources of:¶
 - (i) Each ineligible parent (see paragraph (A) of this subsection) in the financial group of the child; and¶
 - (ii) Each spouse (see OAR 461-001-0000) of an ineligible parent in the financial group of the child.¶
 - (C) The parental resources (see paragraph (B) of this subsection) are deemed available to the child. The amount deemed available to the child is the amount the parental resources exceed the resource limit (see OAR 461-160-0015) of:¶
 - (i) A one-person need group, if one parent (see OAR 461-001-0000) lives in the household of the child; or¶
 - (ii) A two-person need group, if two parents (or one parent and the spouse (see OAR 461-001-0000) of that parent) live in the household of the child.¶
 - (D) If more than one child is applying, the value of the deemed resources is divided evenly between the applying children. If an applying child is determined to be ineligible for OSIPM for any reason including excess resources resulting from deeming, no resources are deemed to that child. Any resources deemed to an applying child determined to be ineligible for OSIPM are deemed equally to other applying children. ¶
 - (E) The parental resources are not deemed available to a non-applying child.¶
 - (F) The value of the parental resources is subject to deeming whether or not those resources are available to the child.¶
 - (45) In the OSIP-EPD and OSIPM-EPD programs:¶
 - (a) A need group is not eligible for benefits if the financial group has countable resources above the resource limit (see OAR 461-160-0015).¶
 - (b) Any money in an approved account (see OAR 461-001-0035) is excluded during the determination of eligibility.¶
 - (c) Assets purchased from moneys in an approved account are excluded, provided they meet the requirements of

OAR 461-145-0025.¶¶

(d) Assets purchased as employment and independence expenses (see OAR 461-001-0035) are excluded, provided they meet the requirements of OAR 461-145-0025.¶¶

(56) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded and have no effect on eligibility (see OAR 461-160-0015).

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.117, 411.400, 411.404, 411.816, 412.049, 413.085, 414.685, 414.839

AMEND: 461-160-0015

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-160-0015 about resource limits is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

CHANGES TO RULE:

461-160-0015

Resource Limits ¶¶

- (1) In the EA program, all countable (see OAR 461-001-0000) resources must be used to meet the emergent need.¶¶
 - (2) In the ERDC program, the limit is \$1,000,000.¶¶
 - (3) In the OSIP and OSIPM programs, the resource limit is as follows:¶¶
 - (a) \$2,000 for a one-person need group (see OAR 461-110-0630) and \$3,000 for a two-person need group.¶¶
 - (b) \$5,000 for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-001-0035 and 461-145-0025 for funds that may be excluded as approved accounts).¶¶
 - (4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all resources are excluded.¶¶
 - (5) In the QMB-DW program, the resource limit is \$4,000 for a one-person need group and \$6,000 for a need group containing two or more individuals.¶¶
 - (6) In the REF and REFM programs, the resource limit is:¶¶
 - (a) \$2,500 for any of the following:¶¶
 - (A) A new REF or REFM applicant for benefits.¶¶
 - (B) In the REF program, the need group that has at least one mandatory (see OAR 461-130-0305) participant in an employment program who is:¶¶
 - (i) Receiving REF and not progressing in a required activity of an open case plan; or¶¶
 - (ii) Serving a current employment program disqualification (see OAR 461-130-0330).¶¶
 - (b) \$10,000 for an REF need group not covered under subsection (a) of this section.¶¶
 - (7) In the SNAP, unless categorically eligible (see OAR 461-135-0505), the program; the resource limit is:¶¶
 - (a) \$3,500 for a financial group (see OAR 461-110-0530) with at least one member who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015).¶¶
 - (b) \$2,250 for all other financial groups.¶¶
 - (8) In the TANF program, the resource limit is:¶¶
 - (a) \$2,500 for any of the following:¶¶
 - (A) A new TANF applicant for benefits.¶¶
 - (B) TANF need group that does not have at least one caretaker relative (see OAR 461-001-0000) or parent (see OAR 461-001-0000) who is receiving TANF.¶¶
 - (C) TANF need group that has at least one JOBS participant who is serving a current JOBS disqualification (see OAR 461-130-0330).¶¶
 - (b) \$10,000 for a need group not covered under subsection (a) of this section.
- Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685
- Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 411.837, 412.049, 413.085, 414.685, 414.839

AMEND: 461-175-0340

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-175-0340 about voluntary closure of benefits is being amended to clarify that when a TANF or REF recipient requests closure of program benefits, support services will close in alignment with program benefits. This amendment aligns the rule with current policy and Integrated Eligibility.

CHANGES TO RULE:

461-175-0340

Notice Situation; Voluntary Action ¶¶

(1) Unless the Department chooses to proceed as described in section (2) of this rule:¶¶

(a) For all programs except the SNAP program, if the primary person (see OAR 461-001-0000), another adult member of the filing group, or the authorized representative:¶¶

(A) Makes an oral request to end or reduce benefits, a timely continuing benefit decision notice (see OAR 461-001-0000) is sent.¶¶

(B) Makes a signed, written request to withdraw, end, or reduce benefits, a basic decision notice (see OAR 461-001-0000) is sent.¶¶

(C) Makes an oral request to withdraw an application for benefits, a basic decision notice is sent.¶¶

(b) In the SNAP program, when the filing group (see OAR 461-110-0370) states it wishes to withdraw its benefits request, or states it wishes to reduce or no longer receive benefits:¶¶

(A) If the request is made by phone to end or reduce benefits, a timely continuing benefit decision notice is sent.¶¶

(B) If the request is made in person to reduce benefits, a basic decision notice is sent.¶¶

(C) If the request to reduce benefits is signed by the primary person (see OAR 461-001-0000), another adult member of the filing group, or the authorized representative, a basic decision notice is sent.¶¶

(D) If the request to end benefits is signed by the primary person, another adult member of the filing group, or the authorized representative in the presence of a worker, no notice is required. If it is not signed in the presence of a worker, a basic decision notice is sent.¶¶

(E) If the client withdraws a signed request for benefits, a basic decision notice is sent.¶¶

(2) The Department may reduce or terminate benefits to an individual, and in the OSIPM and QMB programs, an individual may withdraw an application, when the individual completes a voluntary agreement on a Department form used for this purpose.¶¶

(a) The Department provides the individual with a copy of the completed agreement and except to the extent provided by OAR 461-175-0220(4) no other notice is required.¶¶

(b) The individual may request a hearing to set aside this agreement on the grounds of fraud, duress, or reliance on misinformation provided by the Department, subject to the time limits for hearing requests in OAR 461-025-0310.¶¶

(3) In the SNAP program, a timely continuing benefit decision notice is sent if the filing group returns a signed Change Report form with information that requires a reduction or closure of benefits.¶¶

(4) In the TANF and REF programs, a voluntary request to end TANF or REF benefits under section (1)(a) of this rule is a voluntary request to close all support services (see OAR 461-001-0025 and OAR 461-001-0027) as well.

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, ORS 183.417, 329A.500, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

NOTICE FILED DATE: 01/30/2020

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments in the JOBS, Post-TANF, Pre-TANF, REF, REP, SFPSS, TADVS, and TANF program is being amended to remove programs that are currently closed or don't offer support services, to make clear that medical payments are not allowed, and to elaborate on parameters around program funding availability. The rule is also being amended to restructure how available support services are listed in the rule, make clear which programs are eligible for support services, give guidance regarding which support payments are available and under which circumstances, and to allow for recurrent fuel and public transportation payments. These amendments allow greater flexibility in some areas and make clear certain limitations and restrictions around payments, participants, and programs. The amendments also bring the rule into alignment with federal requirements and Integrated Eligibility.

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-DV~~REP, SFPSS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the limitations of state availability of state and federal funding, the following special provisions apply:¶

(1) ~~Participation in an activity~~ Support services (see OAR 461-001-0025) ~~is~~ payments are available to the following individuals who are eligible (see OAR 461-130-0310) to engage in a case plan (see OAR 461-001-0025):¶

(a) An individual who is an adult parent, needy caretaker relative (see OAR 461-001-0000), ~~or~~ teen parent (see OAR 461-001-0000), or a minor parent (see OAR 461-001-0000) who is head of household; 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 of~~ Pre-TANF, ~~Post-TANF~~, or SFPSS programs.¶

(c) ~~Subject to local services and budget, a~~ 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) ~~A and has a JOBS case plan.~~¶

(d) Subject to the limitations in section (8) of this rule, an individual who has become over income for the TANF program due to earning REF and participating 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 sub~~REP~~, who is not otherwise exempt (see OAR 461-130-0305).¶

(2) 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 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 follow of the Department is that Department staff and individuals work collaboratively to seek resources that are reasonably available to the individual in order to participate ing activities are available, and include support services payments if needed.¶

(a) ~~Job search (see OAR 461-001-0025).~~¶

(b) JOBS Plus.¶

(3) Payment for support services are provided when:¶

(a) Necessary to participate in an approved activity (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) specified in the individual's case plan:¶

(b) Authorized in advance; and¶

(c) All other provisions of this rule are met.¶

(4) A Department to approved a limited number of additional months.¶

(c) Work experience (see OAR 461-001-0025).¶

(d) Supported work (see OAR 461-001-0025).ctivity is eligible for support services payments, except for the following activities:¶

(ea) High School or GED Completion Attendance (see OAR 461-001-0025).Family Support & Connections.¶

(fb) Parents as Scholars (see OAR 461-001-0025).Retention services.¶

(gc) Limited family stabilityMicroenterprise (see OAR 461-001-0000), activity-nd¶

(Ad) Drug and alcohol servicesStabilized living (see OAR 461-001-0025).¶

(B5) Mental health services (see OAR 461-001-0025).¶

(C) Attending medical appointIn the JOBS, Pre-TANF, SFPSS, and TANF programs, the Department may provide payments for support 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 collabora for eligible individuals engaged in an approved activity specified in the individual's case plan, subject to provisions in sections (1)(a) through (1)(d) of this rule. Support services payment types are described as follows and are subject to the following limitations:¶

(a) JOBS Incidentals: In kind goods or items provided to individuals by the office to support the goals of the family while participating in the JOBS program.¶

(b) Bus Pass/Tickets: Bus tickets or pass that are issued in person out of office.¶

(c) Bus Payment: Payments issued to the individual to pay for public transportation. Requests for recurring bus payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely 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:continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶¶
- (d) Gas Payment: Payments for an individual to pay for transportation costs incurred in travel to and from an approved activity. Requests for recurring gas payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶¶
- (ae) 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. Subject to local services and budget, the Department may provide pactivity.¶¶
- (f) Clothing: Payments for clothing items to support the individual to engage in an approved activity.¶¶
- (g) Moving Expense/Relocation: Payments 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 (A) and (C) of this subsection.¶¶
- (dh) 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
- Grooming Needs: Payments for grooming needs for an approved activity.¶¶

- (i) Professional Fees: Payments for professional fees to support the case plan.
- (j) Tools/Equipment: Payments for equipment or tools an individual needs to accept a job offer, or for a work-related activity.
- ~~(Dk) For books and supplies to complete a district-approved vocational training~~ Books/Supplies: Payments for books and supplies an individual needs to engage in an educational activity, including vocational training (see OAR 461-001-0025).
- ~~(E) Other payments with manager approval that are not otherwise restricted by rule.~~
- ~~(e) None of~~ Vocational Training: Payment for tuition and other educational costs for vocational training and self-initiated training (see OAR 461-001-0025), excluding payments for books and supplies. Payments are subject to 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) Pur:~~
 - (A) Tuition payments for a vocational training activity are limited to single payments by session as defined by the educational or vocational training entity, such as a term, semester, or quarter.
 - ~~(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)~~ Tuition payments for a self-initiated training activity are limited to payments provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner.
 - ~~(8C) 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. Payment~~ For tuition payments, lower cost alternatives, as described in section (2) of this rule, must be explored, including the individual pursuing financial aid and other sources of assistance.
 - ~~(m) Auto Expenses: Payments for auto expenses, repairs, or car insurance to support the goals specified in the individual's case plan. Payments for auto expenses are subject to the following considerations:~~
 - ~~(A) Payments for public transportation is a priority over payment for a privately-owned vehicle.~~
 - ~~(B) Payment for fuel costs for a privately-owned vehicle~~ vehicle repairs may be authorized at the discretion of the d 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: minimum necessary repairs.
 - ~~(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~~ Payments for car insurance may be authorized for no more than two months in a 12-month period.
 - ~~(bn) 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.~~
 - ~~(BC) For books and supplies to complete a district-approved vocational training.~~
 - ~~(c) All other payments are not allowed.~~
 - ~~(9) To attain a high school diploma or GED.~~

(D) That are not otherwise restricted , with manager approval.

(o) None of the following payments are allowed:

(A) Medical Assistance or medical services.

(B) Mental health services.

(C) Alcohol and drug treatment services.

(D) Professional Services.

(E) Non-essential items.

(F) Television and cable.

(G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.

(H) Purchase of a car, recreational vehicle, or motor home.

(I) Any payments described in this rule for individuals employed in, seeking employment in, or engaged in an illegal activity (see OAR 461-120-0215).

(J) Pet-related costs.

(K) ERDC co-payments.

(6) 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 payments if verification is reasonably available.

(107) The Department may reduce, close, or deny in whole or in part a request for a support services payments in the following circumstances:

(a) The individual is disqualified for purpose for the payments is not related to the individual's case plan.

(b) The individual is failing to comply with a the case plan or disqualified, unless the payments in question is are necessary for the individual to demonstrate cooperation with the individual's case plan.

(bc) The purpose for the pay individual disagrees with support services payments offered or made by the Department is not relat outlined to in the individual's case plan.

(e8) The individual disagrees with a s In the REF and REP programs, the Department may provide payments for support services for individuals eligible for REP engaged in an approved activity specified in the individual's case plan, subject to provisions in section (1)(e). Support services payment offered or made by the Depart are subject to the following limitations:

(a) Transportation. The Department may provide payments to an individual when transportation costs is for travel to and from an approved REP activity. Payments as outlined in the individual's case plan.

(11) In the REP program, JOBS Plus and Parents as Scholar are only for the cost of public transportation or fuel costs. For fuel costs the individual providing the transportation must report having a valid driver's license and vehicle insurance.

(b) Other Payments. When the need is identified 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 an approved educational activity.

(c) All other payments are not available allowed.

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, 412.011, 412.014, 45 CFR 233.20