

Xochitl Esparza

Authorized Signature
Number: SS-PT-09-034

Issue Date: 10/28/2009

Topic: Cash Payments

Transmitting (check the box that best applies):

New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

All DHS employees
 County Mental Health Directors
 Area Agencies on Aging
 Health Services
 Children, Adults and Families
 Seniors and People with Disabilities
 County DD Program Managers
 Other (please specify): _____

Policy/Rule Title:	OAR: Deprivation Based on Unemployment or Underemployment of the Primary Wage Earner (PWE)		
	FSM: TANF-E: Section 7: Deprivation Based on Unemployment		
Policy/Rule Number(s):	Rule: OAR 461-125-0170	Release No:	
	Policy: FSM TANF-E-7		
Effective Date:	October 29, 2009	Expiration:	Indefinite
References:	HB 2126		
Web Address:			

Discussion/Interpretation:

 The rule (OAR [461-125-0170](#)) has been amended to:

- Align employment separation requirements with OAR [461-135-0070](#) (Employment Separation Rule – formerly the UC Denial Rule)
- Give staff the ability to make eligibility decisions to include good cause
- Include individuals who will not be affected by the employment separation requirements of the rule.

Details of the rule amendment include: specific reasons for an individual leaving their most recent employment, which would result in TANF denial; definition of

most recent employment, misconduct, and good cause; and list of individuals the rule does not apply.

Reasons for employment separation which would cause a denial of TANF application includes:

- Discharge due to
 - Misconduct,
 - felony or
 - theft
- Labor dispute
- Voluntarily quitting a job:
 - In anticipation of a discharge
 - Without good cause.

Defining Good Cause, Misconduct, and Most Recent Employment

“Good cause” means a reasonable person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)) *good cause* for voluntarily leaving work is such that a reasonable person with the characteristics and qualities of such individual would leave work.

“Misconduct” means willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee, including an act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest.

“Most recent employment” means the last job held within the previous 12 months from the *date of request* (see OAR [461-115-0030](#)) for TANF program benefits and for which the individual 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.

The following Primary Wage Earners are not subject to the employment separation requirements of this rule:

- (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 returning to high school or equivalent;
- (c) An individual fleeing from or at risk of domestic violence;
- (d) An individual in the ninth month of pregnancy or experiencing a medical

- complication due to the pregnancy which is documented by a qualified and appropriate professional;
- (e) 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 *date of request* for TANF program benefits;
 - (f) An individual who is separated from his or her *most recent employment* for a reason the Department determines is *good cause*.

Family Service Manual Revisions

The FSM TANF-E Section 7 has been revised. Changes include:

- o Information regarding good cause
- o Examples of reasons for good cause
- o Questions and Answers

Please take a moment of your valuable time to become familiar with this rule and policy change.

Implementation/Transition Instructions:

This rule and policy change will affect:

- Two parent families establishing deprivation based on unemployment.

Use rule and policy to establish or re-establish, at time of re-determination, eligibility for TANF.

Training/Communication Plan: The changes are being incorporated into existing training for self-sufficiency staff.

Local/Branch Action Required: Local manager’s to review with staff. Use amended rule and revised FSM policy to make eligibility determinations for applicants and recipients at the time of re-determination.

Central Office Action Required: Amended OAR [461-125-0170](#) and revised the Family Services Manual (FSM) [TANF – E Section 7](#).

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

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