

5101:1-3-01

**Ohio works first (~~OWF~~): federal work participation rates.****(A) Conflict with Revised Code**

- (1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.
- (2) The county ~~department of job and family services (CDJFS)~~ agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40, 5107.42 and 5107.44 of the Revised Code.
- (3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

**(B) Federal work participation rates**

- (1) Each federal fiscal year each ~~CDJFS~~ county agency must achieve the minimum federal work participation rates pursuant to 45 CFR 260.21 (~~06/06~~)(10/08). The minimum federal work participation rates are ninety per cent for two-parent assistance groups and fifty per cent for all family assistance groups.
- (2) For purposes of calculating federal work participation rates, the definitions set forth in this rule are applicable. In order to meet the definitions of two-parent assistance groups or all-family assistance groups as set forth in paragraphs (C) to (D) of this rule, the ~~work-eligible~~ work-eligible individuals must be included in the assistance group. Learning, earning and parenting (LEAP) participation by a minor head of household, as defined in section 5107.02 of the Revised Code and rule 5101:1-1-01 of the Administrative Code, is included in the two-parent or the all-family assistance group definitions for federal work participation calculation purposes.

**(C) Two-parent assistance group**

~~A two-parent assistance group is one that includes:~~

- ~~(1) At least one minor child and two work eligible individuals.~~
- ~~(2) If the only minor child in a two-parent assistance group is in receipt of supplemental security income (SSI) benefits, or is a child for whom federal, state, or local adoption assistance or foster care maintenance payments are made, the assistance group is deemed to include that minor child for purposes of determining eligibility to participate in OWF.~~
- ~~(3) An assistance group that includes two work eligible individuals, when one of the parents is disabled, shall not be considered a two-parent assistance group, but shall be excluded from the two-parent rate for work participation rate purposes. Disability of a parent shall be deemed to exist when at least one parent has a physical or mental illness or impairment. The disability shall be supported by competent medical documentation and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to work. The disability must be expected to last for a period of at least thirty days. A finding of eligibility for retirement, survivor's, and disability insurance (RSDI) or SSI benefits based on disability or blindness is acceptable proof of a disability for OWF purposes.~~

(1) Definition

A two-parent assistance group includes at least one minor child and two natural or adoptive parents of the same minor child who are work-eligible individuals and living in the home. This includes a two-parent assistance group that is deemed to include a minor child when the only minor child is in receipt of supplemental security income (SSI) benefits, or is a child for whom federal, state, or local adoption assistance or foster care maintenance payments are made.

(2) Exception

When an assistance group contains two work-eligible parents of the same minor child, and one of the parents is disabled, the assistance group shall be excluded from the two-parent work participation requirements. Disability of a parent shall be deemed to exist when at least one parent has a physical or mental illness or impairment. The disability shall be supported by competent medical documentation and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to work. The disability must be expected to last for a period of at least thirty days. A finding of eligibility for retirement, survivor's, and disability insurance (RSDI) or SSI benefits based on disability or blindness is acceptable proof of a disability for OWF purposes.

(D) All-family assistance groups

All-family assistance groups include two-parent assistance groups as defined in paragraph (C) of this rule, and assistance groups described in paragraphs (D)(1) to (D)(6) of this rule.

- (1) An assistance group containing a minor child and a ~~work-eligible~~work-eligible individual.
- (2) An assistance group containing a minor child and a specified relative in need as set forth in rule 5101:1-23-10 of the Administrative Code.
- (3) An assistance group as identified in paragraph ~~(C)(3)~~(C)(2) of this rule shall be included in the all-family assistance group definitions.
- (4) An assistance group containing only a pregnant woman who is at least in her sixth month of pregnancy.
- (5) If the only minor child is in receipt of SSI benefits, or is a child for whom federal, state or local foster care maintenance or adoption assistance payments are made, the assistance group is deemed to include that minor child for purposes of determining eligibility to participate in OWF.
- (6) An assistance group containing a minor child, a ~~work-eligible~~work-eligible individual and a parent who is a recipient of SSI benefits.

(E) Child-only assistance groups

Child-only assistance groups are excluded from the federal work participation rate calculation. A child-only assistance group is an assistance group containing a minor child residing with a parent, legal guardian, legal custodian, or other specified relative whose needs are not included in the assistance group and who does not meet the definition of a ~~work-eligible~~work-eligible individual pursuant to paragraph (B) of rule 5101:1-3-12 of the Administrative Code. This includes situations when the minor child resides with both parents, and both parents are recipients of SSI; and when the parent of the minor child is a child for whom federal, state or local foster care maintenance or adoption assistance payments are made.

(F) Federal work activities

- (1) Activities in paragraph (F)(2) of this rule are core activities and will meet all the

hours of participation for the federal work participation rate. Non-core activities in paragraph (F)(3) of this rule will meet the hours of participation for the federal work participation rate only after the required hours of participation have been completed in a core activity.

For purposes of meeting the federal work participation rates:

- (a) The ~~work-eligible~~work-eligible individuals in two parent assistance groups containing at least two ~~work-eligible~~work-eligible individuals and not receiving federally funded child care must participate at least an average total of thirty-five hours per week (one hundred fifty-one hours monthly), thirty hours of which must be in a core activity.
  - (b) The ~~work-eligible~~work-eligible individuals in ~~two-parent~~two-parent assistance groups containing at least two ~~work-eligible~~work-eligible individuals and an adult in the family is not disabled or is not caring for a child with a disability and receiving federally funded child care must participate at least an average total of fifty-five hours per week (two hundred thirty-seven hours monthly), fifty hours of which must be in a core activity.
  - (c) The ~~work-eligible~~work-eligible individuals in all family assistance groups must participate at least an average total of thirty hours per week (one hundred twenty-nine hours monthly), twenty hours of which must be in a core activity.
  - (d) A ~~work-eligible~~work-eligible individual who is the only parent or specified relative in need in the family of a child under six years of age meets the federal work participation rate by participating at least an average total of twenty hours per week in core activities (eighty-six hours monthly).
- (2) In order to meet the federal work participation rate at least one of the parents in a ~~two-parent~~two-parent assistance group must participate sufficient hours to meet the ~~all-family~~all-family rate as set forth in paragraph (F)(1)(c) of this rule.
- (3) The following are the core work activities:
- (a) Unsubsidized employment;
  - (b) Subsidized private sector employment;

- (c) Subsidized public sector employment;
- (d) Work experience program (WEP);
- (e) On-the-job training (OJT);
- (f) Job search and job readiness assistance;
- (g) Community service;
- (h) Vocational educational training; and
- (i) Providing child care services to an individual who is participating in a community service program.

(4) The following are the non-core work activities:

- (a) Job skills training directly related to employment;
- (b) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and
- (c) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(5) Deeming of hours of participation

- (a) A recipient who is married or a head of household and has not attained twenty years of age is deemed to be participating the required number of hours for a month in a fiscal year if the recipient:
  - (i) Maintains satisfactory attendance at secondary school or the equivalent during the month; or
  - (ii) Participates in education directly related to employment for an average of at least twenty hours per week during the month.

(b) For a married recipient, such participation counts as the greater of twenty hours or the actual hours of participation.

(c) If both parents in the family are under twenty years old, the federal work requirements specified in paragraph (F)(1)(b) of this rule are met if both meet the conditions of paragraph (F)(5)(a)(i) or (F)(5)(a)(ii) of this rule.

(6) Single custodial parent disregarded

For any fiscal year, a ~~CDJFS~~county agency may, at its option, not require an individual who is a single custodial parent caring for a child under the age of twelve months to engage in work activities, and may disregard such an individual in determining the participation rates as set forth in paragraph (B) of this rule.

Effective: 06/01/2010

R.C. 119.032 review dates: 03/08/2010 and 06/01/2015

CERTIFIED ELECTRONICALLY

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Certification

05/13/2010

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Date

Promulgated Under: 119.03  
Statutory Authority: 5107.05, Section 5 of Amended Substitute Senate Bill 238 of the 126th General Assembly  
Rule Amplifies: 5107.05  
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