

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:4-3-31

Rule Type: Rescission

Rule Title/Tagline: Food assistance employment and training: required hours.

Agency Name: Department of Job and Family Services

Division: Division of Food Stamps

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/3/2024
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 33 - 135
- Jay Edwards
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5101.54
5. What statute(s) does the rule implement or amplify? 5101.54, 5107.40, 5107.69
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The General Assembly, in House Bill 33, required that the SNAP E&T program be redesigned to meet the needs of employers in Ohio. Every able-bodied adult without dependents (ABAWD) is required to work at least twenty hours per week as a condition

of eligibility for the Supplemental Nutrition Assistance Program (SNAP). Federal law allows this work requirement to be fulfilled through paid employment, unpaid/volunteer work, or participation in certain employment and training (E&T) programs. An ABAWD who fails to meet their work requirement for 3 months in a 36-month period is not eligible to receive SNAP without either meeting the work requirement on their own or becoming exempt from the requirement itself. If an ABAWD is not working twenty hours per week, participation in the SNAP E&T program is one way – but not the only way, that they can meet their work requirement.

SNAP E&T is available in all Ohio counties and is intended to provide SNAP recipients with the skills, training, and experience necessary to secure regular employment that meets the needs of employers in their community. However, the US Department of Agriculture, Food and Nutrition Service (FNS) has found that the current design of Ohio's SNAP E&T program does not meet the needs of employers, does not have positive employment outcomes and funding for the program primarily goes to the administration of the program, not services to clients. In addition, the General Assembly has required that the SNAP E&T program be redesigned to meet the needs of employers in Ohio.

ODJFS relied on input from employers, county Departments of Job and Family Services, workforce professionals, and advocacy groups to identify a programmatic framework and is now proposing rules to implement the redesigned program to be effective in federal fiscal year 2025. The redesigned SNAP E&T program will meet the needs of Ohio's employers by enhancing participants' basic job skills and work etiquette and creating forward momentum into the workforce. Moreover, the redesigned program will preserve funding from FNS, which means the state can make SNAP E&T available to all SNAP recipients.

This rule is proposed to be rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the hour requirements of the SNAP E&T program which will be incorporated into new proposed Ohio Administrative Code rules 5101:4-9-01, 5101:4-9-04, 5101:4-9-07.1, 5101:4-9-07.3, 5101:4-9-07.4, 5101:4-9-07.5 and 5101:4-9-07.6.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes the hour limitations and requirements of the SNAP E&T program.

- 9. Does the rule incorporate material by reference? Yes**

- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(c).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

This rule has no expected fiscal impact on current or future budgets.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 21

5101:4-3-31 Food assistance employment and training: required hours .

(A) How many hours should a required participant in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program be assigned?

(A) (1)Work experience program and work-based learning: the maximum hours of participation per month for the required participant assigned to a work

experience program or work-based learning program assignment shall be in accordance with the Fair Labor Standards Act (FLSA) (9 /2019) and is the SNAP allotment amount divided by the federal or state minimum wage, whichever is higher.

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(A) (1) When there are multiple required participants in a given assistance group, the total hours of participation shall be shared by all required participants. Whether the participation requirement is being met by one or multiple assistance group members, the total required hours of participation cannot exceed the total SNAP benefit amount divided by the federal or state minimum wage, whichever is higher.

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(A) (2) Education and training assignments: a required participant shall be assigned to education and training for the number of hours needed to complete the education and training assignment.

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(A) (3) Supervised job search assignments: at a minimum, a required participant's level of effort shall be comparable to spending twelve hours a month making job contacts.

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(A) (4) Job retention services: there is no minimum or maximum required number of hours for a participant; however, a county agency is to make a good faith effort to provide job retention services for at least thirty days but no more than ninety days in accordance with rule 5101:4-3-39 of the Administrative Code.

(A) (5) Case management: at a minimum, a required participant is to spend at least one hour in case management services in accordance with rule 5101:4-3-29 of the Administrative Code.

(B) Are there limitations on the hours a required participant can complete?

(B) (1) The total monthly hours of participation in a SNAP E&T program for any assistance group member, together with any hours worked for compensation (in cash or in kind), shall not exceed one hundred twenty.

(B) (2) No participant shall be required to work more than eight hours on any given day without his or her consent.

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(B) (3) An assignment to an activity shall not interfere with an individual's hours of paid employment so long as this employment is countable income pursuant to rule 5101:4-4-19 of the Administrative Code.

(C) Can an individual not required to participate in the SNAP E&T program volunteer to participate?

(C) County agencies may allow volunteers to participate in the SNAP E&T program. County agencies shall not disqualify voluntary participants for failure to comply with the SNAP E&T requirements. Individuals who are voluntarily participating in:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable