

August 8, 2024

Food Assistance Transmittal Letter No. 452

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Rule Changes to Redesign the Supplement Nutrition Assistance Program (SNAP) Employment and Training (E&T) Program.

Background

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.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on **10/01/2024**.

Chapter 0000

5101:4-1-03 "Food assistance: definitions."

This rule describes the terms and meanings used to administer the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

- The introduction paragraph has been amended to clarify that the definitions included in the rule apply throughout Division 5101:4 of the Administrative Code;
- Paragraphs (B)(19) through (B)(21) have been removed as these definitions no longer apply;
- The definition of "thrifty food plan" in paragraph (B)(55) was revised for clarity;
- Paragraph (B)(59) has been removed and defined in new rule 5101:4-3-13 of the Administrative Code;
- Made other non-substantive changes for clarity; and
- Regulatory restrictive words were removed.

Chapter 2000

5101:4-2-07 "Food assistance: initial interview process."

This rule describes the process of initial interviews for SNAP. Changes to the rule include:

- Removed paragraph (D)(3) and added language in new paragraph (D)(11) to clarify the rights and responsibilities that should be given to each assistance group during the initial interview;
- Removed paragraph (D)(9) because the process has been automated;
- Added new paragraph (D)(10) to clarify the federal requirement that individuals are to be screened for exemption from work requirements;
- Removed paragraph (D)(12) due to being repetitive of language included in new paragraph (D)(11)(a); and
- Amended new paragraph (D)(12) to clarify what information an individual receives about their work requirement;
- Made other non-substantive changes for clarity; and
- Regulatory restrictive words were removed.

Chapter 3000

5101:4-3-11 "Food assistance: work registration and exemptions."

This rule describes the process for determining which SNAP recipients are subject to the work registration requirements. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to determining which SNAP recipients are subject to a work requirement which will be incorporated into a rule of the same number and amended Ohio Administrative Code rule 5101:4-2-07.

5101:4-3-11 "Screening for exemptions from work requirements."

This new rule describes the process for screening for exemptions from work requirements. Differences between this rule and the rule it is replacing includes the following changes, including incorporating language from rules that have been rescinded:

- The title of the rule was amended for clarity;
- Paragraphs (A)(1) through (A)(11) incorporate language from paragraphs (B)(1) through (B)(10) of the prior rule;
- Paragraph (B) incorporates language from paragraph (A) of rule 5101:4-3-20;
- Additional exemption criteria were included in paragraph (B) to align with the Fiscal Responsibility Act of 2023; and
- Language from former paragraph (D) was moved to paragraph (C) to clarify what happens when an individual is no longer exempt from a work requirement, and paragraph (D) now includes the information each individual subject to a work requirement is to receive.

5101:4-3-11.1 "Food Assistance: work registration requirements."

This rule describes the work registration requirements of a work registered individual; what happens when an individual fails or refuses to meet the work registration requirements; and describes good cause for failing to meet a work registration requirement. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the work registration requirements which will be incorporated into new Ohio Administrative Code rules 5101:4-3-12 and 5101:4-9-02.

5101:4-3-11.2 "Food assistance: work registration sanctions and compliance."

This rule describes the consequences for failing to meet the work registration requirements, the process for notifying an individual of failing to meet a work registration requirement; the process when an individual is found not suited for participation in an assigned SNAP E&T activity; and how an individual complies to regain eligibility for SNAP. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to consequences for failing to meet the work registration requirements which will be incorporated into new Ohio Administrative Code rules 5101:4-3-12 and 5101:4-9-02.

5101:4-3-12 "General work requirements."

This new rule describes the general work requirements, the consequences for not fulfilling a general work requirement and the process for regaining SNAP eligibility after failing or refusing to fulfill a general work requirement. This new rule incorporates language from the following rules that have been rescinded:

- Paragraph (A)(1) incorporates language from paragraph (A) of rule 5101:4-3-11.1;
- Paragraph (A)(2) incorporates language from paragraph (E) of rule 5101:4-3-11.1;
- Paragraph (A)(3) incorporates language from paragraph (A) and (B) of rule 5101:4-3-19;
- Paragraphs (B) and (B)(1) incorporate language from paragraph (C)(4), (C)(5) and (F) from rule 5101:4-3-11.1 and paragraph (D) of rule 5101:4-3-19;
- Paragraph (B)(2) incorporates language from paragraph (D) of rule 5101:4-3-11.1;
- Paragraph (B)(3) incorporates language from paragraph (D)(8) of rule 5101:4-3-11.1 and paragraph (C)(1) to (C)(3) of rule 5101:4-3-19;
- Paragraph (B)(4) incorporates language from paragraph (B) of rule 5101:4-3-11.2 which has been rescinded;
- Paragraph (C) incorporates language from paragraph (A) and (B)(2)(b) of rule 5101:4-3-11.2;
- Paragraph (C)(1) incorporates language from paragraphs (B)(3) and (B)(4) from rule

5101:4-3-11.1 and paragraph (A)(1) from rule 5101:4-3-11.2;

- Paragraph (C)(2) incorporates language from paragraph (E)(1) of rule 5101:4-3-19;
- Paragraph (C)(3) incorporates language from paragraph (A)(2) from rule 5101:4-3-11.2;
- Paragraph (E)(1) incorporates language from paragraph (D)(1) of rule 5101:4-3-11.2;
- Paragraph (E)(2) incorporates language from paragraph (E)(3) of rule 5101:4-3-11.2 and paragraphs (F) and (G) from rule 5101:4-3-19;
- Paragraph (D)(3) incorporates language from rescinded paragraph (D)(2) of rule 5101:4-3-11.2 and paragraph (F)(3) of rule 5101:4-3-19; and
- Paragraph (F) incorporates language from paragraph (E) of rule 5101:4-3-11.2.

5101:4-3-13 "ABAWD work requirement and time-limited participation."

This rule describes the work requirement, the time-limit on receiving assistance for ABAWDs who do not work and the process for regaining SNAP eligibility after reaching the time-limit on participation. This new rule incorporates language from the following rules that have been rescinded:

- Paragraph (A)(1) incorporates language from paragraphs (B)(2) and (B)(3) of rule 5101:4-3-20;
- Paragraph (A)(3) incorporates language from paragraph (C)(2) of rule 5101:4-3-20;
- Paragraph (B) incorporates language from paragraph (C)(3) of rule 5101:4-3-20;
- Paragraph (C)(1) incorporates language from paragraph (C)(2) of rule 5101:4-3-20 and paragraph (A) of rule 5101:4-3-20.1;
- Paragraph (D)(1)(a) incorporates language from paragraphs (B)(1) and (C)(1) of rule 5101:4-3-20.1;
- Paragraph (D)(1)(b) incorporates amended language from paragraphs (B)(2) and (C) of rescinded rule 5101:4-3-20.1; and
- Paragraph (D)(2) incorporates language from paragraph (E) of rule 5101:4-3-20.1.

5101:4-3-19 "Food assistance: voluntary quit and reduction of work effort."

This rule describes the penalty for work registered individuals who voluntarily quit employment or reduce work hours; situations which are considered voluntary quit or reduction of work hours; how good cause can be established; and how eligibility for SNAP is reestablished. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to voluntary quit and reduction of work effort which will be incorporated into new Ohio Administrative Code rule 5101:4-3-12.

5101:4-3-20 "Food assistance: able-bodied adults without dependents."

This rule describes the process for determining who is considered an able-bodied adult without dependents (ABAWD); the work requirements applicable to ABAWDs; and the ABAWD time limit. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the ABAWD work requirement which will be incorporated into new Ohio Administrative Code rules 5101:4-3-11, 5101:4-3-13, 5101:4-9-07.5 and 5101:4-9-07.6.

5101:4-3-20.1 "Food assistance: regaining eligibility."

This rule describes the ABAWD time-limit and the process for how ABAWDs who have reached the ABAWD time-limit are to regain SNAP eligibility. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates how an ABAWD who has reached

the time-limit can regain SNAP eligibility which will be incorporated into new Ohio Administrative Code rule 5101:4-3-13.

5101:4-3-29 "Food assistance employment and training: case management."

This rule describes what case management services are; the process for providing case management services for individuals required to participate in SNAP E&T; what happens when an individual fails to cooperate with case management services; how good cause is determined; and how hours spent in case management are counted. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to providing case management services for SNAP E&T participants which will be incorporated into new Ohio Administrative Code rules 5101:4-9-02, 5101:4-9-04 and 5101:4-9-05.

5101:4-3-30 "Food assistance: employment and training program."

This rule describes the SNAP E&T program and its requirements. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the requirements of the SNAP E&T program which will be incorporated into new Ohio Administrative Code rules 5101:4-9-01, 5101:4-9-02, 5101:4-9-03, and 5101:4-9-07.

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

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

5101:4-3-32 "Food assistance employment and training: supportive services."

This rule describes processes and procedures for necessary supportive services for individuals participating in SNAP E&T. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the work registration requirements which will be incorporated into new Ohio Administrative Code rules 5101:4-9-02, 5101:4-9-03 and 5101:4-9-07.5.

5101:4-3-33 "Food assistance employment and training: supervised job search."

This rule describes supervised job search; the rights and responsibilities and time limits. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the component of supervised job search and its requirements, which will be incorporated into new Ohio Administrative Code rules 5101:4-9-07.1 and 5101:4-9-07.3.

5101:4-3-34 "Food assistance employment and training: work experience program."

This rule describes the work experience program (WEP) criteria, coverage and if participants are considered employees of the WEP worksite. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the component of work experience and its requirements, which will be incorporated into new Ohio Administrative Code rule 5101:4-9-07.3.

5101:4-3-34.1 "Food assistance employment and training: work experience program

participation and overpayments."

This rule describes the procedures for county agencies to follow when a required assistance group member participated in a work experience program activity during a month an over issuance of benefits occurred. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the process for when an individual required to participate in a work experience program activity during a month an over issuance of benefits occurred.

5101:4-3-35 "Food assistance employment and training: education and training activities."

This rule describes the education and training activities and goals of the SNAP E&T program. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the component of education and training and its requirements, which will be incorporated into new Ohio Administrative Code rules 5101:4-9-07.2 and 5101:4-9-07.4.

5101:4-3-36 "Food assistance employment and training: displacement of other persons."

This rule describes the prohibition on the displacement of other persons from employment in regards to SNAP E&T. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the requirements of the SNAP E&T program which will be incorporated into new Ohio Administrative Code rules 5101:4-9-01, 5101:4-9-07, 5101:4-9-07.3 and 5101:4-9-07.6.

5101:4-3-38 "Food assistance employment and training: conciliation process."

This rule describes the conciliation process within the SNAP E&T program for mandatory SNAP E&T participants. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the conciliation process for mandatory SNAP E&T participants.

5101:4-3-39 "Food assistance employment and training: job retention."

This rule describes the job retention component including goals and limits; and who can receive the services. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the component of job retention and its requirements, which will be incorporated into new Ohio Administrative Code rule 5101:4-9-07.5.

5101:4-3-40 "Food assistance employment and training: work-based learning."

This rule describes the work-based learning component; activities and goals of work-based learning; and county agency responsibilities. This rule is being rescinded as part of the redesign of the SNAP E&T program and it specifically relates to the component of work based learning and its requirements, which will be incorporated into new Ohio Administrative Code rule 5101:4-9-07.6.

Chapter 6000

5101:4-6-04 "Food assistance: student enrolled in an institution of higher education."

This rule describes the eligibility for students enrolled in institutions of higher education and student exemptions for SNAP. Changes to the rule include:

- Amending the chapter citation in paragraph (B)(11)(d) to reflect new Chapter 5101:4-9 of the Administrative Code; and

- Regulatory restrictive words were removed.

Chapter 9000

5101:4-9-01 "SNAP employment and training program."

This new rule describes the overall SNAP E&T program design and the operating requirements for ensuring that SNAP E&T promotes basic job skills and prepares participants to enter in-demand jobs or meet local employer needs. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (B)(1) incorporates language from paragraph (B)(3) of rule 5101:4-3-30;
- Paragraph (B)(2) incorporates language from paragraphs (B)(5) of rule 5101:4-3-30;
- Paragraph (E)(1) incorporates language from paragraphs (B)(1) of rule 5101:4-3-31;
- Paragraph (E)(2) incorporates language from paragraphs (B)(2) of rule 5101:4-3-31;
- Paragraph (E)(3) incorporates language from paragraphs (B)(3) of rule 5101:4-3-31; and
- Paragraph (E)(4) incorporates language from paragraphs (A) of rule 5101:4-3-36.

5101:4-9-02 "SNAP E&T comprehensive assessment."

This new rule describes the comprehensive assessment process used by E&T case managers to determine the employment and educational goals, needs, barriers and strengths of an individual who has requested to participate and been determined appropriate for referral to the SNAP E&T program. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A)(1)(a) incorporates language from paragraph (A)(1) from rule 5101:4-3-29;
- Paragraph (B) incorporates language from paragraph (B)(3) of rule 5101:4-3-29;
- Paragraph (B)(1) incorporates language from paragraph (B) of rule 5101:4-3-32;
- Paragraph (D) incorporates language from paragraph (A)(2) and (C) of rule 5101:4-3-29 and paragraph (B)(5) of rule 5101:4-3-30; and
- Paragraphs (E)(1) and (E)(2) incorporates language from paragraph (C)(3) of rule 5101:4-3-11.1 and paragraphs (C)(1) to (C)(3) of rule 5101:4-3-11.2.

5101:4-9-03 "SNAP E&T supportive services."

This new rule describes the responsibilities of a case manager to ensure supportive services are provided as needed. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A)(1) incorporates language from paragraph (B)(5) of rule 5101:4-3-30 and paragraphs (A)(1) and (C)(1) of rule 5101:4-3-32; and
- Paragraph (B) incorporates language from paragraphs (C)(2) through (C)(4) and (D) of rule 5101:4-3-32.

5101:4-9-04 "SNAP E&T case management."

This new rule describes elements of case management, including the role it plays in monitoring progress in the SNAP E&T program. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraph (A) of rule 5101:4-3-29;
- Paragraph (B)(1) incorporates language from paragraph (D) of rule 5101:4-3-29;
- Paragraph (B)(4) incorporates language from paragraph (G)(3) of rule 5101:4-3-29 and

paragraph (B)(4) of rule 5101:4-3-31.

5101:4-9-05 "SNAP E&T progress monitoring."

This new rule describes the ongoing process E&T case managers are to use when determining if a SNAP E&T enrolled participant is making satisfactory progress in the SNAP E&T program and the actions to be taken when satisfactory progress has not been made. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraphs (A), (A)(3), and (D1) of rule 5101:4-3-29; and
- Paragraph (C) incorporates language from paragraph (D)(2) from rule 5101:4-3-29.

5101:4-9-06 "SNAP E&T disenrollment."

This new rule describes when an individual may be disenrolled from the SNAP E&T program and the process a SNAP E&T case manager is to follow when disenrolling an individual from the SNAP E&T program.

5101:4-9-07 "SNAP E&T components."

This new rule identifies the SNAP E&T program components. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraph (B)(2) of rule 5101:4-3-30;
- Paragraph (B)(4) incorporates language from paragraph (B)(1) of rule 5101:4-3-30; and
- Paragraph (C)(1) incorporates language from paragraph (A) of rule 5101:4-3-36.

5101:4-9-07.1 "SNAP E&T supervised job search."

This new rule describes the SNAP E&T program component of supervised job search. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraph (A) of rule 5101:4-3-33;
- Paragraph (C)(1) incorporates language from paragraph (B)(1) and (C)(1)-(3) of rule 5101:4-3-33;
- Paragraph (C)(2) incorporates language from paragraph (B)(2) of rule 5101:4-3-33;
- Paragraph (C)(3) incorporates language from paragraph (B)(3) of rule 5101:4-3-33;
- Paragraph (C)(4) incorporates language from paragraph (C)(4) of rule 5101:4-3-33;
- Paragraph (E)(1) incorporates language from paragraph (A)(3) of rule 5101:4-3-31 and paragraph (D)(1) of rule 5101:4-3-33; and
- Paragraph (E)(2) incorporates language from paragraph (D)(2) of rule 5101:4-3-33.

5101:4-9-07.2 "SNAP E&T job search training."

This new rule describes the SNAP E&T program component of job search training. This rule incorporates language from the following rule that has been rescinded:

- Paragraph (B) incorporates language from paragraph (E)(2) of rule 5101:4-3-35.

5101:4-9-07.3 "SNAP E&T workfare."

This new rule describes the SNAP E&T program component of workfare. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from rule 5101:4-3-34;
- Paragraph (B) incorporates language from rule 5101:4-3-34;

- Paragraph (C)(1) incorporates language from paragraph (A)(1) of rule 5101:4-3-31;
- Paragraph (C)(2) incorporates language from paragraph (A)(1) of rule 5101:4-3-34;
- Paragraph (C)(3) incorporates language from paragraph (A)(2) of rule 5101:4-3-34;
- Paragraph (C)(4) incorporates language from paragraph (A)(3) of rule 5101:4-3-34;
- Paragraph (C)(5) incorporates language from paragraph (A)(4) of rule 5101:4-3-34;
- Paragraph (C)(6) incorporates language from paragraph (B) of rule 5101:4-3-34;
- Paragraph (C)(7) incorporates language from paragraph (C) of rule 5101:4-3-34;
- Paragraph (C)(9) incorporates language from paragraph (B) of rule 5101:4-3-36;
- Paragraph (E)(1) incorporates language from paragraphs (A)(1) and (C)(2) of rule 5101:4-3-31; and
- Paragraph (E)(3) incorporates language from paragraph (D)(2) of rule 5101:4-3-33.

5101:4-9-07.4 "SNAP E&T education."

This new rule describes the SNAP E&T program component of education. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from rule 5101:4-3-35;
- Paragraph (B)(1) incorporates language from paragraphs (A)(1) and (B) of rule 5101:4-3-35;
- Paragraph (B)(2) incorporates language from paragraphs (A)(2) and (D) of rule 5101:4-3-35;
- Paragraph (B)(3) incorporates language from paragraphs (A)(3) and (E)(2) of rule 5101:4-3-35;
- Paragraph (B)(4) incorporates language from paragraphs (A)(4) and (F) of rule 5101:4-3-35;
- Paragraph (B)(5) incorporates language from paragraphs (A)(5) and (G) of rule 5101:4-3-35;
- Paragraph (C)(1) incorporates language from paragraph (G) of rule 5101:4-3-35;
- Paragraph (C)(3) incorporates language from paragraph (C) of rule 5101:4-3-35;
- Paragraph (C)(4) incorporates language from paragraph (D) of rule 5101:4-3-35;
- Paragraph (C)(5) incorporates language from paragraph (E)(1) of rule 5101:4-3-35;
- Paragraph (C)(6) incorporates language from paragraph (F) of rule 5101:4-3-35;
- Paragraph (C)(7) incorporates language from paragraph (G) of rule 5101:4-3-35;
- Paragraph (D) incorporates language from paragraph (B) of rule 5101:4-3-35; and
- Paragraph (E) incorporates language from paragraph (A)(2) of rule 5101:4-3-31 and paragraph (C) of rule 5101:4-3-35.

5101:4-9-07.5 "SNAP E&T job retention."

This new rule describes the SNAP E&T program component of job retention. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraphs (A), (B) and (D)(1) of rule 5101:4-3-39;
- Paragraph (B) incorporates language from paragraph (A)(2) of rule 5101:4-3-32 and paragraph (C) of rule 5101:4-3-39;
- Paragraph (C) incorporates language from paragraph (E)(1) of rule 5101:4-3-39;
- Paragraph (D) incorporates language from paragraph (D)(2) of rule 5101:4-3-39;

- Paragraph (E)(1) incorporates language from paragraph (A)(4) of rule 5101: 4-3-31 and paragraph (E)(2) of rule 5101: 4-3-39;
- Paragraph (E)(2) incorporates language from paragraph (E)(3) of rule 5101: 4-3-39;
- Paragraph (E)(3) incorporates language from paragraph (F) of rule 5101: 4-3-39; and
- Paragraph (E)(4) incorporates language from paragraph (B)(2) of rule 5101: 4-3-20 and paragraph (G) of rule 5101: 4-3-39.

5101:4-9-07.6 "SNAP E&T work experience."

This new rule describes the SNAP E&T program component of work experience. This rule incorporates language from the following rules that have been rescinded:

- Paragraph (A) incorporates language from paragraphs (A) and (B) of rescinded rule 5101:4-3-40;
- Paragraph (B)(1) incorporates language from paragraph (D) of rule 5101:4-3-40;
- Paragraph (B)(2) incorporates language from paragraphs (A) and (C) of rule 5101:4-3-40;
- Paragraph (C)(1) incorporates language from paragraph (A)(1) of rule 5101:4-3-31 and paragraph (G)(1) of rule 5101:4-3-40;
- Paragraph (C)(2) incorporates language from paragraphs (A) and (B)(2) of rule 5101:4-3-36 and paragraph (D) of rule 5101:4-3-40;
- Paragraph (C)(3) incorporates language from paragraph (B)(1) of rule 5101:4-3-36;
- Paragraph (E)(1) incorporates language from paragraphs (A)(1) and (C)(3) of rule 5101:4-3-31, paragraph (B)(2) of rule 5101:4-3-20, and paragraphs (G)(1) and (G)(2) of rule 5101:4-3-40; and
- Paragraph (E)(2) incorporates language from paragraph (F)(1) of rule 5101:4-3-40.

5101:4-9-08 "SNAP E&T federal reporting."

This new rule describes the information that is reported to the United States Department of Agriculture for the SNAP E&T program outcomes and the county agency's responsibility to ensure the data is reliable and accurate.

5101:4-1-03

Food assistance: definitions.

(A) This rule describes the terms and meanings used to administer the supplemental nutrition assistance program (SNAP), formerly known as the food assistance program. Unless otherwise noted, the definitions in this rule apply throughout division 5101:4 of the Administrative Code. These definitions are not intended to fully explain or to limit the scope of any action in the administration of the program.

(B) Definition:

- (1) "Allotment" means the total value of SNAP benefits an assistance group is authorized to receive during each month or other time period. The allotment may be issued in the form of a check (cash-out) or electronic benefit transfer (EBT).
- (2) "~~Application for Cash, Food, or Medical Assistance (JFS 7200)" JFS 07200~~ "Application for Supplemental Nutrition Assistance Program (SNAP), Cash Assistance, Medical Assistance or Child Care Assistance" means the document utilized by the state of Ohio as an application for cash, food, and medical assistance. It is also a screening device for determining entitlement to expedited SNAP benefits. It is the beginning step in the application process and is used in conjunction with the interactive interview.
- (3) "Assessment" means an in-depth evaluation of employability skills coupled with counseling on how and where to search for employment.
- (4) "Assistance group" means those persons potentially eligible or determined eligible to receive benefits together under one assistance group name. This was formerly referred to as the SNAP household.
- (5) "Assistance group name" means the case name. All assistance groups will have an assistance group name. The assistance group name may or may not but does not have to be the applicant. The person designated as the assistance group name will be the person to receive all notices and will assume all responsibilities such as reviewing the application form for completeness and validity, signing and dating the application, participating in the interactive interview and accepting the program rights and responsibilities unless the assistance group has designated an authorized representative to apply on their behalf.
- (6) "Assistance group payee" means a person who is designated to receive the benefits for an assistance group. The person who is the assistance group name will be the payee unless the assistance group has an authorized representative to receive

the benefits. There will only be one assistance group payee per assistance group and benefits will only be issued to this person.

- (7) "Beneficiary and earnings data exchange (BENDEX)" means the system that is used to verify social security benefit information.
- (8) "Case file or case record" means all program information, verification, application, forms, notices and journal entries used to make an eligibility determination for the assistance group.
- (9) "Case Worksheet-Cash, Food Stamp, and Medical Assistance Interview (JFS 01846)" means the document which is utilized by the state of Ohio to gather data for the cash, food, and medical assistance programs for home visits and telephone interviews when the statewide automated eligibility system is unavailable. The applicant ~~must~~is to acknowledge the information on the form by signing and dating the form.
- (10) "Code of Federal Regulations (CFR)" means the codification of the rules published in the Federal Register by the U. S. government.
- (11) "Date of entry" means the date established by U.S. citizenship and immigration services (USCIS) as the date an alien was admitted into the United States.
- (12) "Department of housing and urban development (HUD)" means a governmental agency that provides housing to low-income households.
- (13) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or publicly operated community mental health center, under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x) (1992).
- (14) "Elderly or disabled member" means a member of an assistance group who:
 - (a) Is sixty years of age or older;
 - (b) Receives supplemental security income benefits under Title XVI of the Social Security Act of 1935 or disability or blindness payments under Title I, II, X, XIV, or XVI of the Social Security Act;
 - (c) Is a veteran with a service-connected or nonservice-connected disability rated by the veterans administration as total or paid as total under Title 38 of the United States Code (U.S.C.) (2002);

- (d) Is considered in need of regular aid and attendance or permanently housebound under such title of the code;
- (e) Is a surviving spouse of a veteran and considered by the veterans administration to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the veterans administration to be permanently incapable of self-support under Title 38 of the U.S.C.;
- (f) Is a surviving spouse or surviving child of a veteran and considered by the veterans administration to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not receiving them;
- (g) Receives federally or state-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
- (h) Receives disability retirement benefits from a governmental agency because of disability considered permanent under section 221(i) of the Social Security Act;
- (i) Received an annuity payment under section (2)(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive medicare by the railroad retirement board; or section (2)(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act;
- (j) Is a recipient of interim assistance benefits pending the receipt of supplemental security income; or
- (k) Receives federally or state administered supplemental benefits under section 212(a) of P.L. No. 93-66, 42 U.S.C. 1382, (12/2013).

(15) "Eligibility determination/benefit calculation (ED/BC)" means the automated process of determining eligibility and the level of benefits by the statewide automated eligibility system which is based on data entered into the system.

- (16) "Eligibility worker" means an employee of the county agency responsible for determining eligibility for SNAP.
- (17) "Eligible foods" means:
 - (a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, hot food products prepared for immediate consumption;
 - (b) Seeds and plants to grow foods for the personal consumption of eligible assistance groups;
 - (c) Meals prepared and delivered by an authorized meal delivery service;
 - (d) Meals served by a communal dining facility for the elderly and their spouses, disabled recipients who receive social security or supplemental security income (SSI) and their spouses, and to homeless assistance groups;
 - (e) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them;
 - (f) Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined in paragraphs (B) (15)(b) to (B) (15) (k) of this rule;
 - (g) Meals prepared and served by a shelter for battered individuals and children to its eligible residents;
 - (h) Meals prepared and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter), as determined by the county agency, which provides meals on a regular basis to homeless persons; and
 - (i) Container deposit fee ~~required necessary~~ to purchase any food or food product contained in a returnable bottle, can or other container, regardless of whether the fee is included in the shelf price posted for the food or food product, as long as the amount does not exceed the state's container deposit fee.
- (18) ~~"Employment and training (E&T) component" means a work experience, education and training, supervised job search, work-based learning or job retention program as described in Chapter 5101:4-3 of the Administrative~~

~~Code designed to help SNAP recipients move promptly into unsubsidized employment.~~

- (19) ~~"Employment and training (E&T) participant"~~ means a SNAP recipient who has been referred to the SNAP E&T program and is either required to be work registered according to rule 5101:4-3-11 of the Administrative Code or volunteers to participate.
- (20) ~~"Employment and training (E&T) program"~~ means a program operated by each county agency consisting of case management and one or more E&T components.
- (21) ~~"Employment services"~~ means the agency responsible for work registration and job search activities.
- (22)(18) "Food and nutrition service (FNS)" means the federal agency of the United States department of agriculture (USDA) responsible for the overall administration of the SNAP program.
- (23)(19) "Guardian" means, an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a child under the age of eighteen to the extent provided in the court's order and subject to residual parental rights of the child's parents.
- (24)(20) "Guardianship payments" means a payment made to a person who becomes a legal guardian of a child under the age of eighteen that can include:
 - (a) Kinship care payments which enables children and families to remain connected to their family of origin; or
 - (b) Subsidized guardianship payments for foster care which enables children who cannot be adopted, and do not live with relatives, to have a greater degree of permanency.
- (25)(21) "Group home" means a public or private nonprofit residential setting that provides its residents with a majority of their meals (over fifty per cent of their meals daily), has no more than sixteen residents, and is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act, or under standards determined by the secretary of the United States department of agriculture to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security Act. In accordance with rule 5101:4-6-26 of the Administrative Code to be eligible, for SNAP benefits,

a resident of the group home is to be blind or disabled as defined in paragraphs (B)(15)(b) to (B)(15)(k) of this rule.

~~(26)~~(22) "Group living arrangement" means the same as a group home.

~~(27)~~(23) "Homeless individual" means an individual who lacks a fixed and regular night time residence or an individual whose primary night time residence is:

- (a) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- (b) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- (c) A night time residence which is a temporary accommodation for no more than ninety days from the date the temporary accommodation began in the residence of another individual; or
- (d) A place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

~~(28)~~(24) "Homeless meal provider" means an authorized public or private establishment (e.g., soup kitchen, temporary shelter), which provides meals on a regular basis to homeless persons, as determined by the county agency.

~~(29)~~(25) "Household" means a personal place of residence where persons live together at the same common address. The persons may ~~or may not but do not have to~~ be related. Group homes and commercial establishments such as hotels or boarding houses are not included in this definition of household.

~~(30)~~(26) "Income and Eligibility Verification System (IEVS)" means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act.

~~(31)~~(27) "Interactive interview" means the interview between the eligibility worker and the applicant to discuss eligibility information to determine benefits. The interview may be conducted face-to-face, by telephone or a home visit.

~~(32)~~(28) "Internal revenue service (IRS)" means the federal agency responsible for the administration of governmental income from taxes, including collection of taxes and enforcement of tax laws.

~~(23)~~(29) "Kinship support payments" means the payment that is received by caretakers for children in accordance with rule 5101:2-42-18.2 of the Administrative Code.

~~(24)~~(30) "Management evaluation (ME) review," means an analysis conducted to determine if a county is administering and operating the SNAP program in accordance with program requirements.

~~(25)~~(31) "Minimum benefit" means the lowest full monthly amount of SNAP that an eligible one or two person assistance group may receive. By law, this amount is eight per cent of the maximum allotment for an assistance group containing one member, rounded to the nearest dollar.

~~(26)~~(32) "Non-assistance" means an assistance group that participates in the SNAP program but at least one of its members does not receive public assistance.

~~(27)~~(33) "Ohio works first (OWF)" means a program funded under Title IV-A of the Social Security Act. This program was formerly referred to as the "TANF program" and the "ADC program."

~~(28)~~(34) "Ohio works first (OWF) recipient" means any person who receives an OWF payment, in accordance with paragraph (E) of rule 5101:1-23-01 of the Administrative Code.

~~(29)~~(35) "Overpayment" means the amount by which benefits issued to an assistance group exceed the amount the assistance group was eligible to receive.

~~(40)~~(36) "Public assistance (PA)" means any of the following programs authorized by the Social Security Act: old-age assistance; TANF funded under Title IV-A of the Social Security Act; aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind, or disabled.

~~(41)~~(37) "Quality control (QC) review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the SNAP allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend or terminate cases are correct.

~~(42)~~(38) "Retail food store" means an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume as determined by visual inspection, sales records, or other methods that are customary or reasonable in the retail food industry, is more than fifty per cent staple food items for home preparation and consumption; public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated

community mental health centers for drug addicts and/or alcoholics; public or private nonprofit group living arrangements; public or private nonprofit shelters for battered women and children; public or private establishments approved by an appropriate state or local agency that feeds homeless persons; any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and a farmer's market.

~~(43)~~(39) "Shelter for battered individuals and children" means a public or private nonprofit residential facility that serves battered individuals and their children. When such a facility serves other individuals, a portion of the facility ~~must~~ is to be set aside on a long-term basis to serve only battered individuals and their children.

~~(44)~~(40) "SNAP program" means a program designed to promote general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.

~~(45)~~(41) "Social security administration (SSA)" means the federal agency responsible for the administration of benefits for retirement, survivors', or disability benefits.

~~(46)~~(42) "Spouse" means:

- (a) Those defined as married to each other under applicable state law and those required to be recognized as married pursuant to the United States supreme court decision in Obergefell v. Hodges, 576 U.S., 135 S. Ct. 2584 (2015); or
- (b) Those who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople. Since October 10, 1991 Ohio has not recognized common law marriages so only couples established as a common law marriage prior to October 10, 1991 fall under this definition.

~~(47)~~(43) "State agency" means the Ohio department of job and family services, including the local offices, that have the responsibility for the administration of the federally aided public assistance programs within the state.

~~(48)~~(44) "State data exchange (SDX)" means the system used to verify supplemental security income (SSI) benefits.

~~(49)~~(45) "Statewide automated eligibility system" means the centralized automated system that supports all eighty-eight county agencies.

~~(50)~~(46) "Substantial lottery or gambling winnings" means a cash prize won in a single game before taxes or other withholdings are taken that is equal to or greater than the maximum allowable financial resource limit for elderly or disabled households as outlined in rule 5101:4-4-01 of the Administrative Code. In Ohio this may include but is not limited to payouts from casinos, racinos, slot machines, poker, and keno and other forms of gambling. All assistance groups are subject to report lottery or gambling winnings equal to or greater than the limit defined in rule 5101:4-4-01 of the Administrative Code. Resource limits are reviewed and adjusted annually; a food assistance transmittal letter is issued notifying the county agencies of the updated amounts. Division 3770:1 of the Administrative Code describes the types of lottery permitted in Ohio. Section 2915.01 of the Revised Code defines gambling as permitted in Ohio. This is not limited to substantial lottery or gambling winnings won only in Ohio.

~~(51)~~(47) "Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act, to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.

~~(52)~~(48) "Supplemental security income (SSI) recipient" means a person who receives SSI payments, whose entire SSI grant is being recouped, whose SSI case is in suspended status, or whose SSI has been authorized but payment has yet to be received.

~~(53)~~(49) "Systematic alien verification for entitlements (SAVE)" means the U.S. citizenship and immigration services (USCIS) whereby county agencies may verify the validity of documents provided by aliens applying for SNAP benefits by obtaining information from a central data file.

~~(54)~~(50) "Temporary assistance for needy families (TANF)" means a program funded under Title IV-A of the Social Security Act. This is the title used in federal legislation and regulations. Ohio has adopted the title "Ohio works first (OWF)" for its Title IV-A cash assistance program and the "prevention, retention, and contingency program (PRC)" for its benefits and services program.

~~(55)~~(51) "Thrifty food plan" means ~~the diet required to feed a family of four persons consisting of a man and a woman ages twenty through fifty, a child ages six through eight, and a child ages nine through eleven determined in accordance with the secretary of agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum SNAP allotments, the secretary of agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments~~

~~as required by law, one of four food plans developed by the United States department of agriculture that estimates the cost of a healthy diet across various price points. The thrifty food plan is the lowest cost of the four. It represents a nutritious, practical, cost-effective diet prepared at home for a "reference" family, which is defined in federal law as an adult male and female, ages twenty to fifty, and two children, ages six to eight and nine to eleven. It is the basis for SNAP allotments.~~

~~(56) (52)~~ "U.S. citizenship and immigration service (USCIS)" (formerly known as the immigration and naturalization service) is an agency under the department of homeland security.

~~(57) (53)~~ "United States department of agriculture (USDA)" means the federal agency responsible for overseeing the SNAP program.

~~(58) (54)~~ "Workforce Innovation and Opportunity Act (WIOA)" means the legislation providing funding for job training, adult education, education for youths, employment for dislocated workers, and vocational rehabilitation. This legislation was formerly administered by the Workforce Investment Act of 1998.

~~(59) "Work program" means:~~

- ~~(a) A program under the Workforce Innovation and Opportunity Act of 2014 (Pub. L. No. 113-128);~~
- ~~(b) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (7/2014); and~~
- ~~(c) A program of employment and training operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 6 (d)(4) of the Food and Nutrition Act.~~
- ~~(d) A program of employment and training for veterans operated by the department of labor or the department of veterans affairs, and approved by the United States department of agriculture (USDA) food and nutrition service (FNS).~~

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5101:4-2-07

Food assistance: initial interview process.

(A) What is the process for an initial interview?

- (1) Upon receipt of an application, as defined in rule 5101:4-2-01 of the Administrative Code, the county agency ~~shall~~is to conduct an interactive interview with a member of the assistance group or an authorized representative for the assistance group making application.
- (2) The county agency ~~shall~~is to schedule an interview for all applicant assistance groups who are not interviewed on the day they submit an application. The interview notice ~~shall~~is to contain the date and time of the interview. The notice ~~shall~~is to also list the phone number the county agency will call when completing a phone interview, or the phone number the applicant will call to complete the interview with the county agency.
- (3) When separate applications are filed for assistance groups residing in the same household, each assistance group that has applied on a separate application ~~shall~~is to be interviewed or scheduled for an interview.
- (4) When scheduling an interview, the county agency ~~shall~~is to consider and attempt to accommodate any special circumstances or requests from an assistance group, including the assistance group's work schedule.
- (5) The county agency ~~shall~~is to schedule all interviews as promptly as possible to ensure eligible assistance groups receive an opportunity to participate within thirty days after the application is filed.

(B) What are the options for conducting an initial interview?

- (1) The county agency may conduct an:
 - (a) Office interview;
 - (b) Telephone interview; or
 - (c) Home visit (as long as it is scheduled in advance with the assistance group).
- (2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency ~~shall~~is to grant a face-to-face interview to any assistance group that requests one.

(C) What are the standard interview practices?

- (1) The interview may be conducted with the head of the assistance group, spouse, any other responsible member of the assistance group or an authorized representative.
- (2) When it is obvious the applicant is not mentally competent and is not able to understand the hearing rights, the applicant ~~shall be required~~ is to name an authorized representative to receive notices.
- (3) An applying assistance group ~~shall~~ is to report all changes related to its supplemental nutrition assistance program (SNAP) eligibility and benefits at the certification interview.
- (4) The JFS 01846, "Case Worksheet- Cash, Food Stamps, and Medical Assistance Interview," ~~shall~~ is to be completed by the county agency when the statewide automated eligibility system is down for an extended period of time or a home visit is necessary.

(D) What are the county agency's responsibilities during an interview?

- (1) Review the information appearing on the application, and explore and resolve unclear and incomplete information.
- (2) Perform necessary collateral contacts and collect ~~required~~ necessary verifications.
- (3) ~~Advise assistance groups of their rights and responsibilities during the interview, including the appropriate application processing standard and the assistance group's responsibility to report changes. The rights and responsibilities include:~~
 - (a) ~~For all work registrants, the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code;~~
 - (b) ~~For all work registrants required to participate in the SNAP employment and training program (E&T), the requirements described in rule 5101:4-3-30 of the Administrative Code;~~
 - (c) ~~For all able-bodied adults without dependents (ABAWD), the work requirement, time limit and process for regaining eligibility described in rules 5101:4-3-20 and 5101:4-3-20.1 of the Administrative Code.~~
 - (d) ~~The assistance group's responsibility to report changes in accordance with rule 5101:4-7-01 of the Administrative Code; and~~
 - (e) ~~The application processing standards described in rule 5101:4-2-11 of the Administrative Code.~~

~~(4)(3)~~ Conduct the interview as an official and confidential discussion of assistance group circumstances.

~~(5)(4)~~ Protect the applicant's right to privacy during the interview. ~~Facilities shall be adequate to County agencies are to ensure that the facilities used to conduct the interview~~ preserve the privacy and confidentiality of the interview.

~~(6)(5)~~ Advise assistance groups that are also applying for or receiving Ohio works first (OWF) cash assistance benefits that time limits and other ~~requirements~~ ~~duties~~ that apply to the receipt of OWF benefits do not apply to the receipt of SNAP, and that assistance groups that stop receiving OWF benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits.

~~(7)(6)~~ Confirm the assistance group is not subject to an intentional program violation.

~~(8)(7)~~ In accordance with rule 5101:9-2-02 of the Administrative Code, the county agency ~~shall is to~~ comply with the Americans with Disabilities Act of 1990 (ADA) plan adopted by the county agency. This includes, but is not limited to, providing the assistance group with an explanation of their rights under the amendments to Title II of the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 2008 and offering additional screening to any individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.

~~(9)~~ Screen each individual who is either an adult or a sixteen or seventeen year old ~~who is the assistance group name and is not in school or in the SNAP E&T program, to determine if an individual is to register for work in accordance with rule 5101:4-3-11 of the Administrative Code and for appropriateness for referral to the SNAP E&T program, using the JFS 07208, "Supplemental Nutrition Assistance Program Work Registration, ABAWD, and Employment and Training Screening Tool," or other automated system equivalent approved by the Ohio department of job and family services (ODJFS) and save a completed copy in the case record.~~

~~(10)(8)~~ Notify the assistance group of their right to request a copy of their completed application.

~~(11)(9)~~ Confirm that a member of the assistance group has not been convicted of and is not out of compliance with the terms of the sentence for crimes described in rule 5101:4-2-03 of the Administrative Code. The county agency is to document the individual's attestation in the case record.

(10) In accordance with rule 5101:4-3-11 of the Administrative Code, determine if each assistance group member is subject to one or more work requirements by screening for exemptions from the work requirements.

(11) Advise assistance groups of their rights and responsibilities during the interview, including the appropriate application processing standard and the assistance group's responsibility to report changes. This includes:

(a) For each individual determined to be subject to a work requirement, a comprehensive oral explanation of each applicable work requirement that includes:

(i) The general work requirements;

(ii) The able-bodied adults without dependents (ABAWDs) work requirement, time-limit and process for regaining eligibility after reaching the ABAWD time-limit;

(b) The assistance group's responsibility to report changes in accordance with rule 5101:4-7-01 of the Administrative Code; and

(c) The availability of SNAP employment and training (E&T) services for individuals who would be appropriate for referral to SNAP E&T in accordance with rule 5101:4-9-01 of the Administrative Code and asking if they wish to be referred to SNAP E&T.

(12) ~~Provide a comprehensive oral explanation of each applicable work requirement pertaining to individuals in the assistance group as described in rules 5101:4-3-11.1, 5101:4-3-30 and 5101:4-3-20 of the Administrative Code.~~

(13) ~~(12) Ensure each member of the assistance group subject to a work requirement receives a written notice during the certification process that includes the following information:~~

(a) ~~Which individuals in the assistance group are subject to a work requirement(s);~~

(b) ~~(a) The applicable work requirements for all members of the assistance group including:~~

(i) ~~The general work registration requirement in accordance with rule 5101:4-3-11.1 requirements described in rule 5101:4-3-12 of the Administrative Code; and~~

~~(ii) The SNAP E&T requirement in accordance with rule 5101:4-3-30 of the Administrative Code, and~~

~~(iii)(ii) The ABAWD work requirement in accordance with rule 5101:4-3-20 described in rule 5101:4-3-13 of the Administrative Code.~~

~~(e)(b) Exemptions from each applicable work requirement;~~

~~(e)(c) The process to request an exemption, including contact information to request an exemption;~~

~~(e)(d) Rights and responsibilities of each applicable work requirement;~~

~~(e)(e) What is required necessary to maintain eligibility under each applicable work requirement;~~

~~(e)(f) Pertinent dates by which an individual is to take any actions to remain in compliance with each applicable work requirement;~~

~~(e)(g) Consequences for failure to comply with each applicable work requirement;~~

~~(e)(h) The process for requesting good cause, including examples of good cause circumstances and contact information to initiate a good cause request; and~~

~~(e)(i) Any other information the county agency believes would assist the assistance group members with compliance; and compliance.~~

~~(e)(k) When an individual is subject to mandatory SNAP E&T, the written notice is to also explain the individual's right to receive participant reimbursements for allowable expenses related to participation in SNAP E&T, up to any applicable cap, and the responsibility of the county agency to exempt the individual from the requirement to participate in SNAP E&T when the individual's allowable expenses exceed what the county agency will reimburse in accordance with rule 5101:4-3-32 of the Administrative Code.~~

(E) What happens when an assistance group misses its interview?

(1) The county agency ~~shall~~ is to notify an assistance group of its missed interview appointment by using the JFS 04218 "Notice of Missed Interview" or the statewide automated eligibility system equivalent, in accordance with rule

5101:4-5-07 of the Administrative Code and inform the assistance group they are responsible for rescheduling a missed interview.

- (2) When the assistance group contacts the county agency within the thirty-day application processing period, the county agency ~~shall~~is to schedule a second interview.
- (3) The county agency ~~shall not~~is not to deny an assistance group's application prior to the thirtieth day when the assistance group fails to appear for the first scheduled interview.
- (4) When the assistance group requests a second interview during the thirty-day application processing period and is determined eligible, the county agency ~~shall~~is to issue prorated benefits from the date of application.

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5101:4-3-11

Screening for exemptions from work requirements.**(A) Who is exempt from general work requirements?**

As a condition of eligibility for the supplemental nutrition assistance program (SNAP), every individual that does not meet one of the following exemptions is referred to as a "work registrant" and is subject to the general work requirements as described in rule 5101:4-3-12 of the Administrative Code. A county agency is to utilize the Ohio benefits integrated eligibility system for screening to determine and document the exemption status and work requirement (when applicable) of each individual. An individual is exempt when they are:

- (1) A person younger than sixteen years of age.
- (2) A sixteen- or seventeen-year-old participant who is attending school, enrolled in an employment training program on at least a half-time basis, or who is not the assistance group name.
- (3) A person sixty years of age or older.
- (4) A parent or other assistance group member who is responsible for the care of a dependent child under age six or an incapacitated person. When a parent and another member of the assistance group both claim to be responsible for the care of the same dependent child(ren) or incapacitated person, only one member is to be exempt. The responsibility should be determined through a discussion with the applicant.
- (5) A person receiving unemployment compensation benefits or who has applied for and is complying with the requirements of the unemployment compensation application process.
- (6) A person determined by the county agency to be physically or mentally unfit for employment either permanently or temporarily. An individual is medically certified as physically or mentally unfit for employment when the individual is:
 - (a) Receiving temporary or permanent disability benefits issued by governmental or private sources; or
 - (b) Obviously mentally or physically unfit for employment as determined by the county agency. Mental or physical unfitness that may be directly or indirectly observed or perceived does not need a medical statement. However, the county agency is to maintain documentation within the case file capable of withstanding a third-party review of what was observed or perceived to support the granting of the exemption.

When the unfitness is not obvious, the individual is to provide a statement from any medical personnel, that the individual is physically or mentally unfit for employment. The county agency is to maintain verification within the case file capable of withstanding a third-party review.

(7) Assistance group members who are applying for both supplemental security income (SSI) and SNAP benefits at the local social security office are to have the requirement for work registration waived until:

(a) They are determined eligible for SSI and thereby become exempt from work registration; or

(b) They are determined ineligible for SSI at which time their exemption from work requirements is to be reevaluated, notwithstanding the requirements of paragraph (C) of this rule.

(8) A person who regularly participates in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.

(9) A student enrolled at least half time in any recognized school, training program, or institution of higher education and meets the student eligibility requirements in accordance with rule 5101:4-6-04 of the Administrative Code. A student will remain exempt during normal periods of class attendance, vacation and recess.

When the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer) the county agency shall work register the individual, unless the individual qualifies for another exemption.

(10) An assistance group member subject to and complying with any work requirement under the Ohio works first (OWF) program.

(11) An employed or self-employed person working a minimum of thirty hours weekly or earning weekly wages at least equal to the federal minimum wage multiplied by thirty hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within thirty days (although this is not to prevent individuals from seeking additional services from the county agency).

(B) Who is exempt from the able-bodied adults without dependents (ABAWD) work requirement?

In addition to being a work registrant and subject to the general work requirements, every individual who does not meet one of the following exemptions is subject to

the ABAWD work requirement described in rule 5101:4-3-13 of the Administrative Code. A county agency is to utilize the Ohio benefits integrated eligibility system to determine and document the exemption status and work requirement (when applicable) of each individual. An individual is exempt when they are:

- (1) A person under eighteen or fifty-five years of age or older.
- (2) A pregnant woman.
- (3) A parent (natural, adoptive, or step) of an assistance group member under age eighteen, even when the assistance group member who is under eighteen is not eligible for SNAP.
- (4) An individual residing with an assistance group member under age eighteen, even when the assistance group member who is under eighteen is not eligible for SNAP.
- (5) A homeless (i.e., unhoused) individual.
- (6) A veteran as defined in section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the United States armed forces (such as army, marine corps, navy, air force, space force, coast guard, and national guard), including an individual who served in a reserve component of the armed forces and who was discharged or released there from, regardless of the conditions of such discharge or release.
- (7) An individual under the age of twenty-five, and who was in foster care under the responsibility of and who left custody of a public children's services agency after the age of eighteen.

(C) What happens when there is a change in exemption status?

A county agency is to utilize the Ohio benefits integrated eligibility system to determine and document the exemption status and work requirement (when applicable) of each individual.

- (1) When an individual who had been subject to either work requirement becomes exempt due to a change in circumstances, the exemption begins in the month during which the change occurred.
- (2) When an individual who had been exempt from a work requirement becomes required due to a change in circumstances:

(a) For individuals determined to no longer be exempt from the general work requirements, the change will take effect:

- (i) At the time the change is reported, if the change in circumstance was subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code:
- (ii) At the assistance group's next recertification, if the change in circumstance was not subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code.

(b) For individuals determined to no longer be exempt from the ABAWD work requirement, the change will take effect the month after the month in which the change of circumstance occurred.

(D) What information does each individual subject to a work requirement receive?

At initial certification, recertification and when a previously exempt assistance group member or new assistance group member becomes subject to a work requirement, the county agency will provide the individual with:

- (1) A comprehensive oral explanation of the applicable work requirement(s) pertaining to each individual in the assistance group including:
 - (a) The general work requirements described in rule 5101:4-3-12 of the Administrative Code; and
 - (b) The ABAWD work requirement described in rule 5101:4-3-13 of the Administrative Code.
- (2) A consolidated work notice issued from the Ohio benefits integrated eligibility system.

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5101:4-3-12

General work requirements.

Every work registrant participating in the supplemental nutrition assistance program (SNAP) is subject to general work requirements as a condition of receiving benefits. This rule describes the general work requirements, the consequences for not fulfilling a general work requirement and the process for regaining SNAP eligibility after failing or refusing to fulfill a general work requirement.

(A) What are the general work requirements?

(1) Every work registrant in SNAP is subject to the following work requirements:

- (a) Upon request, provide the county agency with sufficient information regarding employment status or availability for work;
- (b) Report to a suitable employer when referred by the county agency;
- (c) Accept a bona fide offer of suitable employment when referred by the county agency;
- (d) Continue suitable employment until it is no longer considered suitable; the individual is terminated for reasons beyond the individual's control; or the individual becomes exempt from the general work requirements; and
- (e) Not voluntarily and without good cause quit a job of thirty or more hours a week or reduce work effort to less than thirty hours a week.

(2) For purposes of this rule, employment is "unsuitable" when:

- (a) The wage offered is less than the highest of the applicable federal or state minimum wage or eighty per cent of the federal minimum wage, when neither the federal nor the state minimum wage is applicable;
- (b) The employment offered is on a piece-rate basis, (i.e., paid per unit of production) and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages;
- (c) The assistance group member, as a condition of employment or continuing employment, is to join, resign from, or refrain from joining any legitimate labor organization; or
- (d) The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under section 208 of the Labor-Management Relations Act of 1947 29 U.S.C. 141 (6/1947), or unless an

injunction has been issued under section 10 of the Railway Labor Act of 1926, 45 U.S.C. 151 (10/1996).

(3) For purposes of this rule:

- (a) An individual voluntarily and without good cause quitting their job includes when an employee of the federal, state or local government participates in a strike against the employer, and is dismissed from their job because of participation in the strike.
- (b) An individual has reduced their work hours without good cause when the reduction results in earning less than the federal minimum wage times thirty hours.
- (c) A voluntary job quit or a reduction of work is not to be explored by the county agency when an individual reduces hours or resigns at the demand of the employer, terminates self-employment or quits a job and secures comparable employment.

"Comparable" is not strictly defined and a county agency is not to declare a new job incomparable simply because the number of hours or the salary is lower than the job that was quit without discussing the circumstances with the individual.

(B) What is good cause for not fulfilling a work requirement?

The county agency is responsible for determining good cause when a work registrant does not fulfill a general work requirement. In determining whether or not good cause exists, the county agency is to take into account the facts and circumstances, including information submitted by an employer and/or the assistance group member involved.

(1) Good cause includes circumstances beyond the work registrant's control, such as, but not limited to:

- (a) Illness (either their own or that of another assistance group member requiring the presence of the work registrant);
- (b) Assistance group emergency;
- (c) The unavailability of transportation;
- (d) The lack of adequate child care for children who have reached age six but are under age twelve; and

(e) Domestic violence, as defined in section 5107.02 of the Revised Code.

(2) Good cause for leaving employment includes circumstances beyond the work registrant's control and also includes, but is not limited to, the following:

- (a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- (b) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.
- (c) Acceptance of employment by the individual, or enrollment by the individual in any recognized school, training program, or institution of higher education on at least a half time basis, that requires the individual to leave employment; or acceptance by any other assistance group member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision that requires the assistance group to move and thereby requires the individual to leave employment.
- (d) Resignations by persons under the age of sixty that are recognized by the employer as retirement.
- (e) Employment that becomes unsuitable, as specified in paragraph (A) of this rule, after the acceptance of such employment.
- (f) Acceptance of a bona fide offer of employment of more than thirty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by thirty hours that, because of circumstances beyond the control of the individual, subsequently either does not materialize or results in employment that is not suitable.
- (g) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where assistance groups will apply for SNAP benefits between jobs particularly in cases where work is not yet available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment is to be considered good cause when it is part of the pattern of that type of employment.

(3) When a county agency finds the information regarding an assertion of good cause is questionable as defined in rule 5101:4-2-09 of the Administrative Code, it will request verification of the assistance group's statements. It is the assistance

group's responsibility to provide the necessary verification. However, when the county agency has access to the information needed it should be considered. When assistance in gathering the information is needed, it is to be provided by the county agency. When good cause is questionable and the assistance group fails or refuses to provide verification of the questionable information, good cause will not be determined.

(4) Prior to taking action in accordance with paragraph (C) of this rule, the county agency is to ensure that the work registrant was informed of the alleged failure(s) to meet a work requirement and their right to provide good cause information to the county agency. The county agency is to inform the work registrant of the failure by any reasonable means (letter, phone call, email, etc.).

Once a work registrant has been informed of the alleged failure, it is their responsibility to contact the county agency within seven days of the notification to show good cause for the alleged failure.

(C) What are the consequences for not fulfilling a general work requirement?

Within ten days of determining a work registrant failed or refused to fulfill a work requirement without good cause, the county agency will utilize the Ohio benefits integrated eligibility system to issue a notice of adverse action. In accordance with division 5101:6 of the Administrative Code, the notice will include a clear and understandable statement of the proposed action and the reason(s) for it, citations to applicable regulations and the work registrant's right to request a state hearing.

(1) A work registrant in receipt of SNAP benefits who fails or refuses without good cause to meet a general work requirement will be sanctioned in accordance with this paragraph.

(a) For a first failure or refusal, the county agency is to sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of one benefit month.

(b) For a second failure or refusal, the county agency is to sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of three benefit months.

(c) For a third or subsequent refusal, the county agency is to sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of six benefit months.

(2) An applicant subject to the general work requirements who has a voluntary job quit or reduction of work hours without good cause and within sixty days of

applying for SNAP will be ineligible for SNAP for the same time period that they otherwise would have been sanctioned for the failure.

(3) When an individual stops receiving SNAP benefits for a different reason before the actual imposition of the sanction, the sanction will not be held in abeyance. The establishment of new residence in another county or another assistance group by an individual who has been proposed for a sanction or who is currently under sanction does not, in and of itself, negate the sanction.

(D) What is the consequence of quitting a job or reducing effort for an individual who is exempt from the general work requirements because they were working thirty or more hours per week (or receiving weekly earnings at least equal to the federal minimum wage multiplied by thirty hours)?

If a SNAP recipient who is exempt from the general work requirements quits job/reduces hours without good cause and is not working thirty or more hours per week or otherwise exempt from the general work requirements, then the county agency is to propose a sanction in accordance with paragraph (C) of this rule.

(E) How does an individual regain eligibility after not fulfilling a general work requirement?

(1) Except for work registrants sanctioned as a result of a voluntary quit or reduction of work effort, prior to reinstatement of benefits, the county agency is to provide, and the sanctioned work registrant is to sign the JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement."

(a) When the JFS 03804 is signed prior to the end of the sanction period, the sanctioned individual regains eligibility and the county agency reinstates benefits after the minimum sanction period is served.

(b) When the JFS 03804 is signed after the end of the minimum sanction period, the individual regains eligibility effective the day the JFS 03804 was signed and returned and the county agency reinstates benefits pursuant to rule 5101:4-7-01 of the Administrative Code.

(2) For work registrants disqualified or sanctioned as a result of voluntary quit or reduction of work effort:

(a) Eligibility may be reestablished during a disqualification period and the individual is to, when otherwise eligible, be permitted to resume participation without signing a JFS 03804 when:

- (i) The individual secures new employment that is comparable in salary or hours to the job that was quit.
 - (ii) The individual may increase his or her work effort to thirty or more hours per week or earn an amount equal to the federal minimum wage times thirty hours per week; or
 - (b) When the minimum sanction period is served and the sanctioned individual has not found new employment or increased hours of employment, the individual may begin participation in the SNAP program when the individual is fulfilling the general work requirements and is otherwise determined eligible.
- (3) When the circumstances change and the individual qualifies for an exemption from the general work requirements, the individual may qualify for SNAP benefits. Such exemptions may occur before the minimum sanction period ends.

(F) How are failures for noncompliance with unemployment compensation or an Ohio works first (OWF) work requirement handled?

Individuals exempt from the general work requirement due to receiving unemployment compensation or OWF benefits are to comply with the unemployment compensation or OWF requirements. When a county agency learns that an assistance group has lost or been denied unemployment compensation or OWF eligibility, the county agency is to determine whether the loss or denial was caused by a determination of the administering agency that the individual failed or refused without good cause to comply with an unemployment compensation or OWF requirement.

- (1) When it is determined that the individual failed or refused to meet an OWF requirement and all members of the SNAP assistance group are receiving OWF benefits, the county agency is to follow rule 5101:4-3-09 of the Administrative Code.
- (2) When it is determined that the individual failed or refused to meet an OWF requirement and one or more members of the SNAP assistance group are not in receipt of OWF benefits, or the individual failed or refused to meet an unemployment compensation requirement, the county agency is to determine if the individual who failed or refused to meet an unemployment compensation or OWF program requirement was exempt from the general work requirements pursuant to rule 5101:4-3-11 of the Administrative Code and:

- (a) When the individual meets a different exemption from the general work requirements, no further action is needed.
- (b) When the individual does not meet a different exemption from the general work requirements, the county agency is to sanction the individual in accordance with paragraph (C) of this rule. The income and resources of the individual will be treated in accordance with paragraph (A) of rule 5101:4-6-13 of the Administrative Code.
- (c) Assistance group members who fail to comply with an unemployment compensation or OWF requirement that is not equivalent to that of a SNAP work requirement are to lose their exemption and must be registered for work when not otherwise exempt.

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5101:4-3-13

ABAWD work requirement and time-limited participation.

Every able-bodied adult without dependents (ABAWD) is required to work twenty hours per week or they will lose eligibility for the supplemental nutrition assistance program (SNAP). This rule describes the work requirement, the time-limit on receiving assistance for ABAWDs who do not work and the process for regaining SNAP eligibility after reaching the time-limit on participation.

(A) What is the ABAWD work requirement?

(1) For a total of at least twenty hours per week (eighty hours averaged monthly), every ABAWD is required to either:

(a) Engage in work.

For purposes of this rule, "work" includes:

(i) Working in exchange for (alone or in combination): money (paid work); goods or services (in-kind work); or verified unpaid work.

(ii) "Unpaid work" includes any activity where the individual performs something for no compensation and that benefits the community or a member of the community that does not reside with the individual. Unpaid work is subject to the verification requirements of rule 5101:4-2-09 of the Administrative Code.

(b) Participate in a work program.

For purposes of this rule, a work program includes:

(i) A program under Title 1 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, (07/2014);

(ii) A program under section 236 of the Trade Act of 1974, 19 U.S.C. 2296, (06/2015);

(iii) A program of employment and training for veterans operated by the department of labor or the department of veterans affairs; or

(iv) The SNAP employment and training (E&T) program operated in accordance with the requirements and hourly limitations in Chapter 5101:4-9 of the Administrative Code.

(c) Participate in a combination of work and a work program.

(2) Verification of hours.

- (a) An ABAWD is to use the JFS 07410 "ABAWD Verification of Unpaid Hours" to verify unpaid work hours used to fulfill the work requirement. The hours are to be verified at certification, recertification and anytime that an ABAWD reports a change in the nature of the work (e.g., hours, location, entity the work is performed for, etc.).
- (b) A county agency is to verify paid employment hours and hours spent in a work program consistent with the requirements described in rule 5101:4-2-09 of the Administrative Code and verification is to be conducted at certification, recertification and anytime that an ABAWD reports they are fulfilling the work requirement through paid employment or a work program that has not already been verified.

(3) Each month that an ABAWD received a SNAP allotment for the entire month and failed to fulfill the ABAWD work requirement without good cause, is considered a "countable month."

(B) What is good cause for not fulfilling the ABAWD work requirement?

When a county agency determines that an individual would have fulfilled the ABAWD work requirement, but missed some hours for good cause, the individual is to be considered to have fulfilled the work requirement when the absence from work, and/or the work program is temporary.

Good cause is to include circumstances beyond the individual's control, such as, but not limited to:

- (1) Illness (either their own or that of another assistance group member requiring the presence of the ABAWD individual);
- (2) Assistance group emergency;
- (3) Domestic violence; as defined in section 5107.02 of the Revised Code; or
- (4) The unavailability of transportation.

(C) What is the consequence for not fulfilling the ABAWD work requirement without good cause?

- (1) An ABAWD is not eligible to participate in SNAP as a member of any assistance group when the ABAWD has received benefits for three countable months

during any thirty-six month period. The first month of the thirty-six month count begins during the first full month of benefits.

(2) The county agency is responsible for utilizing the Ohio benefits integrated eligibility system to enforce the ABAWD time-limit on participation.

(D) How does an individual regain eligibility after not fulfilling the ABAWD work requirement?

(1) When an individual is ineligible to participate in SNAP due to the ABAWD time-limit, but is otherwise eligible, they may regain SNAP eligibility by:

(a) Becoming exempt from the general work requirements or the ABAWD work requirement. The individual becomes eligible on the date of application (or the date the individual requested to join an existing SNAP assistance group); or

(b) In the sixty days prior to the date of application (or the date the individual requested to join an existing SNAP assistance group), completing a total of eighty hours of work or participation in a work program over thirty consecutive days. The individual becomes eligible on the date of application (or the date the individual requested to join an existing SNAP assistance group).

The SNAP E&T program is a work program reserved for SNAP recipients and is not a work program that can be used to regain SNAP eligibility due to a failure to comply with the ABAWD work requirement.

(2) Once in a thirty-six month period, an ABAWD may be eligible for an additional three consecutive months of SNAP eligibility after failing to meet the work requirement. When the county agency determines that an ABAWD who has regained SNAP eligibility in accordance with this rule has subsequently failed to meet the ABAWD work requirement, the county agency will determine if the ABAWD has received the additional three consecutive months of benefits in the past thirty-six months.

(a) When the county agency determines that the ABAWD has already received the three consecutive additional months of eligibility, the ABAWD is ineligible.

(b) When the county agency determines that the ABAWD has not yet received the three consecutive additional months of eligibility, the ABAWD is eligible for a period of three consecutive countable months starting on either:

- (i) The date the individual first notifies the county agency that they are no longer fulfilling the ABAWD work requirement; or
- (ii) When the individual has been satisfying the work requirement by participating in a SNAP E&T component, the date the county agency notifies the individual that they are no longer meeting the ABAWD work requirement.

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5101:4-6-04

Food assistance: student enrolled in an institution of higher education.

(A) Who is considered to be an ineligible student?

- (1) An individual who is enrolled at least half-time, as determined by the school, in an institution of higher education ~~shall~~is to be ineligible to participate in the supplemental nutrition assistance program (SNAP) unless the individual qualifies for one of the exemptions in paragraph (B) of this rule.
- (2) An individual is considered to be enrolled in an institution of higher education when the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or when the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is ~~required~~necessary.

(B) What are the student exemptions?

To be eligible for the program, a student as defined in paragraph (A) of this rule ~~must~~is to meet at least one of the following criteria:

- (1) Age: the student is age seventeen or younger or age fifty or older.
- (2) Unfit to work: the student is physically or mentally unfit for work in accordance with rule 5101:4-3-11 of the Administrative Code.
- (3) Recipient of Ohio works first (OWF): the student is considered to be a recipient of an OWF cash payment.
- (4) Enrolled through work activity programs: the student is enrolled in the institution of higher education as a result of participation in an OWF work activity program.
- (5) Employed: the student is employed for a minimum of twenty hours per week and is paid for such employment or, when self-employed, is employed for a minimum of twenty hours per week and receiving weekly earnings at least equal to the federal minimum wage multiplied by twenty hours. The twenty hours per week is specific. The total hours worked in a month cannot be averaged.
- (6) Participation in a work study program: the student is participating in a state-financed or federally-financed work study program during the regular school year. To qualify under this provision, the student ~~must~~is to be approved for work study at the time of application for SNAP, the work study ~~must~~is to be approved

for the school term, and the student ~~must~~is to anticipate actually working during that time.

The exemption ~~shall~~is to begin with the month the school term begins or the month work study is approved, whichever is later. Once begun, the exemption ~~shall~~is to continue until the end of the month the school term ends, or it becomes known that the student has refused an assignment. When it is determined that a student had been approved and anticipated performing work study hours that did not materialize, no claim is to be created. When a determination is made that the student deliberately gave wrong or misleading information, a claim is to be created. The student work study exemption ~~shall~~is not to continue between terms when there are breaks of a full month or longer unless the student is participating in work study during the break.

- (7) Participation in on-the-job training: the student is participating in an on-the-job training program. An individual is considered to be participating in an on-the-job training program only during the period of time the individual is being trained by the employer.
- (8) Care of a child under age six: the student is responsible for the care of a dependent assistance group member under the age of six.
- (9) Care of a child between six and eleven years of age: the student is responsible for the care of a dependent assistance group member who has reached the age of six but is under age twelve when the county agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraphs (B)(5) and (B)(6) of this rule.
- (10) A single parent with a child under age twelve: the student is a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and is responsible for the care of a dependent child under age twelve. This provision applies in those situations where only one natural, adoptive, or stepparent (regardless of marital status) is in the same assistance group as the child. When no natural, adoptive, or stepparent is in the same SNAP assistance group as the child, another full-time student in the same assistance group as the child may qualify for eligible student status under this provision when he or she has parental control over the child and is not living with his or her spouse.
- (11) Enrolled in an institution of higher education as a result of participation in:
 - (a) A program under the Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) (7/2014);

- (b) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (6/2015);
- (c) An employment and training program other than the SNAP employment and training (E&T) program, for low-income assistance groups that is operated by a state or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP E&T program component. The JFS 07600 "Student Verification" is to be completed by the institution of higher education and used when determining that the following criteria is met:
 - (i) The individual is enrolled in a program under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than four years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or
 - (ii) The individual is enrolled in an accredited institution of higher education with a major that leads to an in-demand occupation. A list of in-demand occupations can be found on the Ohio means jobs website: "<https://topjobs.ohio.gov/top-jobs-list>"; and
 - (a) Is eligible to participate in a state-financed or federally-financed work study program during the regular school year, as determined by the institution of higher education; or
 - (b) Has an expected family contribution of zero dollars in the current academic year; or
- (d) An E&T program under Chapter ~~5101:4-3~~5101:4-9 of the Administrative Code, subject to the condition that the course of study or program;
 - (i) Is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than four years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or
 - (ii) Is limited to remedial courses, basic adult education, literacy, or English as a second language.

(C) How is enrollment status determined?

The enrollment status of a student ~~shall~~is to begin on the first day of the school term of the institution of higher education. Such enrollment ~~shall~~is to be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term excluding summer school.

(D) How is an ineligible student's income and resources handled?

An individual who is subject to the requirements of this rule and who does not meet any of the criteria in paragraph (B) of this rule ~~shall~~is to be considered ineligible to participate in the SNAP program. The income and resources of the ineligible student ~~shall~~is not to be counted in determining eligibility or the level of benefits for the assistance group, as specified in rule 5101:4-6-15 of the Administrative Code.

(E) How is eligibility determined for students who are participating in a meal plan at an institution of higher education?

(1) The county agency is to determine when students participating in a meal plan receive a majority of their meals through the meal plan.

(a) The circumstances should be fully explored to determine how to treat meal plans and to determine the scope of the meal plan. Meal plan structure may vary from institution to institution and the value of a meal plan may be counted by the number of meals, points, or dollars included. Additional information may be obtained from the student for clarification when it is unclear how many meals are received from the meal plan.

(b) For example, when a student receives breakfast and lunch every weekday through their meal plan, that is equivalent to ten meals per week. While this is two of three daily meals, the county agency would not consider the student to be receiving the majority of their meals as ten meals per week is less than the majority of twenty-one total weekly meals.

(2) Students will be considered a resident of an institution when the majority of their meals are provided through a meal plan and will be ineligible for SNAP in accordance with rule 5101:4-2-03 of the Administrative Code.

(3) Students who are not provided with the majority of their meals through a meal plan are not considered a resident of an institution and may be eligible for SNAP when all other eligibility factors are met.

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5101:4-9-01

SNAP employment and training program.

The supplemental nutrition assistance program (SNAP) employment and training (E&T) program is designed to meet employer needs and move SNAP recipients into the workforce. This rule describes the overall SNAP E&T program design and the operating principles for ensuring that SNAP E&T promotes basic job skills in participants and that programming aligns with preparing participants to enter in-demand jobs or meet local employer needs.

(A) What are the key features of the SNAP E&T program?

- (1) Meeting employer needs: SNAP E&T is part of the statewide workforce system and relies on labor market data and employer needs to inform programming. County agencies are able to design their program to be consistent with paragraph (B) of this rule and to meet local workforce needs.
- (2) Promoting sustained self-sufficiency: SNAP E&T includes case management and encourages a continuum of services to reduce barriers to employment and move recipients into the workforce and off of public assistance. Rule 5101:4-9-04 of the Administrative Code provides the framework for county agencies to provide case management services and rule 5101:4-9-05 of the Administrative Code describes how the SNAP E&T program is designed to ensure progress by SNAP E&T enrolled participants, as defined in paragraph (D) of this rule.
- (3) Increasing basic job skills: SNAP E&T focuses on increasing basic job skills and focuses on finding jobs for unemployed able-bodied adults without dependents (ABAWDs). The education and training components of SNAP E&T are described in rule 5101:4-9-07 of the Administrative Code and its supplemental rules.
- (4) Improving financial literacy: Every individual enrolled in SNAP E&T is to receive financial literacy training, that includes enhancing the individual's knowledge and skills to manage their financial resources effectively and make responsible financial decisions that suit their financial situation and support their life goals.

(B) What are the essential elements of the SNAP E&T program?

- (1) Each county agency is to:
 - (a) Submit a SNAP E&T plan to the Ohio department of job and family services (ODJFS). Plans that do not conform to the template provided by the department will not be approved.
 - (b) Design and operate its SNAP E&T program in consultation with their local workforce development board and consistent with the rules in Chapter

5101:4-9 of the Administrative Code, including providing SNAP E&T components in accordance with rule 5101:4-9-07 of the Administrative Code, case management services and monitoring the progress of SNAP E&T participants .

- (c) Utilize the Ohio benefits integrated eligibility system to administer the SNAP E&T program, as instructed by ODJFS.
- (d) Ensure activities are performed by a SNAP E&T case manager who is familiar with the rules in Chapter 5101:4-9 of the Administrative Code. A SNAP E&T case manager may be an employee of the county agency or a third-party under contract by the county agency.
- (e) Ensure that when it (or its contracted provider) becomes aware that an able-bodied adult without dependents (ABAWD) who has enrolled in SNAP E&T has failed to participate in an assigned SNAP E&T component, that the failure is documented in the Ohio benefits integrated eligibility system within ten days of the failure.
- (f) Be fiscally responsible for SNAP E&T activities funded under the plan and is liable for repayment of unallowable costs.
- (g) Ensure that SNAP E&T funds are not used to serve Ohio works first (OWF) recipients.

(2) Each SNAP E&T enrolled participant is expected to:

- (a) Fully participate in the SNAP E&T program in order to obtain skills, training and work experience needed to move into gainful employment, including complying with work site and provider rules.
- (b) Commit to developing and fulfilling goals necessary to overcome barriers to employment.
- (c) Utilize case management services offered in accordance with rule 5101:4-9-04 of the Administrative Code.

(C) Who is appropriate to refer for scheduling of a comprehensive assessment to the SNAP E&T program?

Any applicant or recipient of SNAP benefits may request to participate in SNAP E&T. Prior to referring the individual for scheduling of a comprehensive assessment conducted in accordance with rule 5101:4-9-02 of the Administrative Code, the county agency is to ensure that:

(1) The individual has knowingly requested to participate in SNAP E&T and the date of request is documented in the Ohio benefits integrated eligibility system;

(2) The individual is appropriate for referral:

(a) Automatically if they are an unemployed ABAWD. For purposes of this chapter, "unemployed ABAWD" means an ABAWD with no earned income.

(i) Every unemployed ABAWD who requests to participate in SNAP E&T is appropriate for referral.

(ii) The county agency will give priority of service to serving unemployed ABAWDs. Priority of service includes, but is not limited to, giving the individual precedence in scheduling of assessments; and if enrolled, priority to assignment of a SNAP E&T component and providing necessary supportive services. Priority of service does not guarantee that the unemployed ABAWD will be enrolled in SNAP E&T.

(b) At county option, when they are an unemployed or underemployed individual who is seeking employment or to improve employment opportunities and who has a barrier to employment, as defined by the county agency.

When a county agency elects to serve individuals outside of the unemployed ABAWD population, it is to ensure that eligibility workers are aware of the criteria for referral and that the criteria be applied fairly to all individuals who request to participate;

(3) When determined appropriate, the individual has been approved for SNAP benefits by the time the comprehensive assessment is conducted.

When determined not appropriate, the county agency is to inform the individual within fifteen days of the individual requesting to participate in SNAP E&T, that they are not appropriate for referral, by any reasonable means (letter, phone call, email, etc.)

(D) When is an individual considered enrolled in SNAP E&T?

(1) An individual is considered a "SNAP E&T program participant" when they complete a comprehensive assessment administered in accordance with rule 5101:4-9-02 of the Administrative Code.

(2) A SNAP E&T program participant is considered enrolled in SNAP E&T once they are assigned to one or more SNAP E&T components. Once a program participant is determined appropriate for SNAP E&T and enrolled, the individual may only be disenrolled from SNAP E&T consistent with rule 5101:4-9-06 of the Administrative Code.

(E) What are the limitations on participation in SNAP E&T?

- (1) The total monthly hours of participation in the SNAP E&T program for any SNAP E&T enrolled participant, together with any hours worked for compensation (in cash or in-kind), are not to exceed one hundred twenty.
- (2) No SNAP E&T enrolled participant is to work more than eight hours on any given day without their consent.
- (3) An assignment to an activity is not to interfere with a SNAP E&T enrolled participant's hours of regular paid employment so long as this employment is countable income in accordance with rule 5101:4-4-19 of the Administrative Code.
- (4) SNAP E&T program participants and enrolled participants are not to be assigned to program activities that result in the displacement of other persons. Displacement occurs when a SNAP E&T enrolled participant's assignment results in removing or discharging employees or otherwise denying such employment to persons who:
 - (a) Are already employed as regular full-time or part-time employees;
 - (b) Are or have been employed full time or part time as participants in a subsidized employment program/on-the-job training or in other publicly subsidized employment and training programs;
 - (c) Are or have been involved in a dispute between a labor organization and the employer or sponsor; or
 - (d) Have been laid off and are either:
 - (i) Receiving unemployment compensation; or
 - (ii) Subject to recall under the established policies of the employer or sponsor.

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5101:4-9-02

SNAP E&T comprehensive assessment.

This rule describes the comprehensive assessment process used by employment and training (E&T) case managers to determine the employment and educational goals, needs, barriers and strengths of an individual who has requested to participate and been determined appropriate for referral to the supplemental nutrition assistance program (SNAP) E&T program.

(A) What is included in the comprehensive assessment?

(1) A county agency is to conduct a comprehensive assessment of each individual referred to SNAP E&T. The comprehensive assessment includes:

(a) A SNAP E&T assessment administered by an E&T case manager using the Ohio benefits integrated eligibility system. The SNAP E&T assessment includes but is not limited to a review of the referred individual's occupational skills, prior work experience, employability, interests, aptitudes, supportive service and developmental needs.

The SNAP E&T assessment will assist the E&T case manager in scoring the individual's status across five areas of well-being and the scores of SNAP E&T enrolled participants will be regularly updated to reflect progress made in the SNAP E&T program. The areas include:

(i) Family stability;

(ii) Well-being;

(iii) Financial literacy and management;

(iv) Education and training; and

(v) Employment and career.

(b) For individuals who do not have at least an associate degree awarded by an accredited institution of higher education, a basic skills assessment selected by the county agency to determine if the referred individual is unable to compute or solve problems, or read, write or speak English, at a level necessary to function on the job or in society. The county agency is to select assessment instruments that are valid and appropriate for the population and identify them in its SNAP E&T plan.

(2) The time spent in a SNAP E&T assessment and/or basic skills assessment is to be documented as an assignment in the Ohio benefits integrated eligibility system. For able-bodied adults without dependents (ABAWDs), the time spent

in an assessment is not to be used to fulfill their work requirement unless the ABAWD is also assigned to one or more SNAP E&T components.

(3) When a county agency has a contract or agreement with a third-party to conduct all or part of the comprehensive assessment, the county agency is to ensure all of the following:

- (a) The assessment administered by the third-party will include at a minimum, the same information that would otherwise be collected during a comprehensive assessment using the Ohio benefits integrated eligibility system;
- (b) The information gathered by the third-party will be promptly entered into the Ohio benefits integrated eligibility system, including the information needed to generate a well-being score; and
- (c) Suitability determinations made as a result of the comprehensive assessment are consistent with Chapter 5101:4-9 of the Administrative Code.

(B) When is a comprehensive assessment to be conducted?

(1) For unemployed ABAWDs, a county agency is to conduct a comprehensive assessment utilizing the Ohio benefits integrated eligibility system within fifteen days of the individual requesting to participate in SNAP E&T or approval of SNAP benefits, whichever is later. For all others, the assessment is to be conducted within thirty days of the date the individual requested to participate in SNAP E&T or approval of SNAP benefits, whichever is later. A county agency is to provide necessary supportive services to ensure an individual can participate in their assessment.

The failure of a county agency to timely schedule an assessment is not good cause for an ABAWD failing to fulfill their work requirement.

(2) The SNAP E&T assessment is to be updated by a case manager in the Ohio benefits integrated eligibility system and in consultation with the SNAP E&T enrolled participant:

- (a) Each time an activity to an assignment to a SNAP E&T component has ended;
- (b) When the SNAP E&T case manager determines the SNAP E&T enrolled participant's circumstances warrant an update to the assessment; and
- (c) At disenrollment, when possible.

(C) How does an E&T case manager determine if an individual is suitable for assignment to a SNAP E&T component?

(1) Prior to assigning an individual to an E&T component and enrolling them in SNAP E&T, the E&T case manager is to consider if the individual is suitable for participation in the component. Rules 5101:4-9-07.01 to 5101:4-9-07.06 of the Administrative Code include a description of who is best suited for participation in each SNAP E&T component.

The determination of suitability is to be based on the totality of the individual's circumstances, including the outcome of the comprehensive assessment and whether or not the individual is likely to achieve the desired outcome of the assigned SNAP E&T component(s). When making the determination, the SNAP E&T case manager is to consider if there is an activity within a component that if assigned, will meet the individual's needs and that the individual:

- (a) Is likely or able to obtain or retain employment as a result of participation in the SNAP E&T component;
- (b) Is in need of education or training services to obtain or retain employment;
- (c) Has the skills and qualifications to successfully participate in the selected component; and
- (d) Has selected a component that will lead to employment in an in-demand job or meet local employer needs.

(2) A SNAP E&T case manager is not to assign an individual to a SNAP E&T component that is not suitable and the decision is not an adverse action subject to rule 5101:6-2-04 of the Administrative Code. However, the E&T case manager is to inform the individual that they are not suitable by any reasonable means (letter, phone call, email, etc.).

(3) The considerations described in this paragraph apply to all individuals referred to SNAP E&T and an assignment is not to be made if there is not a suitable assignment for the individual. This includes:

- (a) Individuals who are to receive priority of service in accordance with rule 5101:4-9-01 of the Administrative Code; and
- (b) Individuals who are to meet the ABAWD work requirement in accordance with rule 5101:4-3-11 of the Administrative Code.

(D) How does an E&T case manager assign an individual to an E&T component?

Upon determining that an individual is suitable for assignment to one or more SNAP E&T components, the E&T case manager is to use the Ohio benefits integrated eligibility system and work with the individual to develop an employability plan. A copy of the employability plan is to be provided to the SNAP E&T enrolled participant. The employability plan includes:

- (1) An assignment to activities in one or more SNAP E&T component, including tentative dates, times and locations for each activity and hours of participation;
- (2) Goals and milestones for achievement;
- (3) Supportive services to be provided;
- (4) The case management services and plan for progress monitoring; and
- (5) The expectations of SNAP E&T enrolled participants.

(E) What happens when a SNAP E&T enrolled participant is no longer suitable for an assigned SNAP E&T component?

- (1) When a SNAP E&T provider determines an enrolled participant is no longer suitable for an assigned SNAP E&T component, the county agency is to take the following actions. For purposes of this rule, "SNAP E&T provider" means an entity other than a county agency, that is providing E&T services in one or more SNAP E&T component(s) to an enrolled participant.
 - (a) A SNAP E&T provider is to notify the county agency within ten days of determining that an enrolled participant is not suited for participation in an assigned SNAP E&T component. The SNAP E&T provider may make the determination at any time between when the individual is referred to an activity until the activity is completed.
 - (b) Within ten days of receiving notice from the provider, the E&T case manager is to notify the enrolled participant of the determination. The notification may be verbal or in writing and is to include the following:
 - (i) A description of the provider determination (when available);
 - (ii) The next steps the county agency will take as a result of the provider determination;
 - (iii) The E&T case manager's contact information;

(iv) Information that the individual is not being sanctioned as a result of the provider determination; and

(v) For an ABAWD who is the subject of the provider determination, information that unless they are otherwise meeting the ABAWD work requirement described in rule 5101:4-3-13 of the Administrative Code, has good cause or is otherwise exempt they will accrue countable months beginning the next full benefit month after they are notified of the provider determination.

(c) Within ten days of notifying the enrolled individual of the provider determination, but no later than the next recertification date, the E&T case manager is to:

Ensure that the enrolled individual is suitable for assignment to one or more SNAP E&T component(s) pursuant to this rule. If suitable for assignment, the E&T case manager is to update the participant's case file in the Ohio benefits integrated eligibility system and make the assignment; if not suitable for assignment, the E&T case manager is to follow the disenrollment process described in rule 5101:4-9-06 of the Administrative Code.

(2) When a county agency is the provider of a SNAP E&T component and determines a SNAP E&T enrolled participant is no longer suitable for the assigned SNAP E&T component, the county agency is to take the following actions:

(a) Within ten days of making the determination, the E&T case manager is to notify the enrolled participant of the determination. The notification may be verbal or in writing and is to conform with paragraph (E)(1)(b) of this rule. The county agency or E&T case manager may make the determination at any time between when the individual is referred to an activity until the activity is completed.

(b) Within ten days of notifying the enrolled individual of the provider determination, but no later than the next recertification date, the E&T case manager is to take the actions described in paragraph (E)(1)(c) of this rule.

(F) What is the consequence for not meeting expectations contained in the employability plan?

There is no loss of SNAP eligibility or change in benefit amount due to a failure to meet an expectation contained in an individual's employability plan. However,

meeting SNAP E&T program expectations are indicators of progress within the SNAP E&T program and when monitoring progress in accordance with rule 5101:4-9-05 of the Administrative Code, the county agency is to consider if the individual met SNAP E&T expectations included in the employability plan.

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SNAP E&T supportive services.

Beginning with the costs associated with participating in the comprehensive assessment and continuing until disenrollment from the supplemental nutrition assistance program (SNAP) employment and training (E&T) program, individuals may need assistance in overcoming barriers, including being reimbursed for expenses directly related to their participation in the SNAP E&T program. This rule describes the responsibilities of a case manager to ensure supportive services are provided as needed.

(A) What are supportive services?

Services determined by a SNAP E&T case manager to be necessary and reasonable to enable an individual to participate in SNAP E&T, achieve self-sufficiency and/or obtain or retain employment. This includes providing reimbursement for expenses or costs associated with attending an E&T assessment. There are two categories of supportive services:

- (1) Allowable expenses directly related to participation include, but are not limited to the cost of transportation, other work, training or education related expenses and child care.
- (2) Connections to other programs: When an E&T case manager identifies that a SNAP E&T enrolled individual has a barrier to employment not directly related to participation in SNAP E&T, the E&T case manager is to work with the individual to explore ways to overcome the barrier(s), including but not limited to:
 - (a) Linkages to community services;
 - (b) Assistance with housing;
 - (c) Payments related to emergent needs;
 - (d) Connections to publicly funded child care;
 - (e) Legal services; and
 - (f) Referrals to health care.

(B) What are the county agency's responsibilities for providing supportive services?

A county agency and the assigned E&T case manager are to:

- (1) Arrange and provide payment for reimbursement or expenses that directly relate to participation in the SNAP E&T program (including the comprehensive assessment);
- (2) Make reasonable and diligent efforts to connect a SNAP E&T enrolled participant to programs or services needed to overcome barriers to employment;
- (3) Explore needed supportive services with the SNAP E&T enrolled participant during the comprehensive assessment, through case management and as a way to address barriers to progress in the SNAP E&T program;
- (4) Document supportive services in the Ohio benefits integrated eligibility system, including, if known, the cost of providing the service to the participant, even when the service was provided through another program (for example, the value of a rent payment made through a county agency's prevention, retention or contingency program); and
- (5) Be solely responsible for determining the appropriateness and the availability of funds for payment or reimbursement, including determining if the expense or reimbursement is allowable.
- (6) Provide reimbursement for child care expenses for a child under the age of twelve, that directly relate to participation in SNAP E&T only when:
 - (a) The individual has applied for publicly funded child care and been determined not to be eligible; or
 - (b) The individual is eligible for publicly funded child care and has copay expenses.

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SNAP E&T case management.

Every individual enrolled in the supplemental nutrition assistance program (SNAP) employment and training program (E&T) is able to receive case management services from an E&T case manager. This rule describes elements of case management, including the role it plays in monitoring progress in the SNAP E&T program.

(A) What is case management?

- (1) A county agency is to design its SNAP E&T case management services to support a partnership between a SNAP E&T enrolled participant and an E&T case manager to help the participant develop the resources, skills, and sustained behavior changes necessary to attain and preserve their economic independence and progress through the SNAP E&T program.
- (2) The timing and frequency of case management services is to be individualized, but is to include contact between the E&T case manager and SNAP E&T enrolled participant no less than every thirty days.

(B) What are the responsibilities of SNAP E&T case managers?

- (1) At least once a month, every SNAP E&T enrolled participant is to be provided with case management services by an E&T case manager. Case management may be provided in person, via email or over the phone, but is to include the option for direct discussion between the SNAP E&T enrolled participant and the E&T case manager.

When a SNAP E&T enrolled participant does not utilize case management services for two consecutive months, the SNAP E&T case manager may stop attempting to provide case management services. However, an enrolled SNAP E&T participant who is otherwise making satisfactory progress in SNAP E&T is not to be disenrolled from SNAP E&T based only on not participating in case management.

- (2) E&T case managers are to ensure that case management supports the progress of a SNAP E&T enrolled participant without allowing case management to become an impediment to participation.
- (3) When an E&T case manager becomes aware of a circumstance that may qualify a SNAP E&T enrolled participant for an exemption from a work requirement or good cause for noncompliance with a work requirement, the E&T case manager is to provide that information to the appropriate staff in the county agency who can then make the determination.

(4) When a SNAP E&T enrolled participant has been assigned to case management, the E&T case manager is to record the number of hours a SNAP E&T enrolled participant will spend in case management (if any) in the Ohio benefits integrated eligibility system.

- (a) An able-bodied adult without dependents (ABAWD) is only to be assigned hours in case management if they are also assigned to one or more SNAP E&T components and the number of hours in case management is not to exceed more than half of all SNAP E&T assigned hours.
- (b) When recording the number of hours spent in case management, only allowable SNAP E&T activities should be recorded. For example, the hours a SNAP E&T enrolled participant spends with an E&T case manager identifying a temporary housing solution are to be recorded, but the hours spent actually moving into temporary housing are not part of an allowable SNAP E&T component or activity and therefore are not to be recorded.

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SNAP E&T progress monitoring.

The supplemental nutrition assistance program (SNAP) employment and training (E&T) program has limited funding and therefore, it is critical that SNAP E&T enrolled participants have clear and achievable goals designed to ensure they are advancing through the SNAP E&T program and into sustained self-sufficiency. This rule describes the ongoing process E&T case managers are to use when determining if a SNAP E&T enrolled participant is making satisfactory progress in the SNAP E&T program and the actions to be taken when satisfactory progress has not been made.

(A) What is ongoing progress monitoring?

Progress monitoring is the responsibility of the E&T case manager and includes an ongoing evaluation of:

- (1) The SNAP E&T enrolled participant's employment goals, needs, barriers and strengths;
- (2) Whether the individual is achieving the goals and milestones contained in the SNAP E&T employability plan;
- (3) Information gained (if any) from conversations with the SNAP E&T enrolled participant through case management services offered in accordance with rule 5101:4-9-04 of the Administrative Code; and
- (4) Reports from SNAP E&T providers to accurately gauge a participant's level of engagement and progress in the SNAP E&T program.

(B) What is satisfactory progress?

Satisfactory progress in the SNAP E&T program means a SNAP E&T enrolled participant is:

- (1) Actively achieving goals and milestones detailed in their employability plan;
- (2) Engaged in the SNAP E&T program; and
- (3) In good standing and making expected progress as determined by the provider of the SNAP E&T services. For purposes of this rule, "provider" includes a county agency who is providing a SNAP E&T component.

(C) What are a SNAP E&T case manager's responsibilities for assisting a SNAP E&T enrolled participant in making satisfactory progress in the SNAP E&T program?

The E&T case manager is to:

- (1) Conduct ongoing progress monitoring; and
- (2) Make adjustments as necessary to the SNAP E&T enrolled participant's employability plan regarding:
 - (a) Employment goals, needs, barriers and strengths;
 - (b) Supportive services; and
 - (c) Goals and milestones.

(D) What are the consequences of not making satisfactory progress in the SNAP E&T program?

Only after an E&T case manager has exercised due diligence in carrying out the responsibilities described in paragraph (C) of this rule:

- (1) Within ten days of an E&T case manager determining that a SNAP E&T enrolled participant is not making satisfactory progress in the SNAP E&T program, the E&T case manager is to follow the disenrollment process described in rule 5101:4-9-06 of the Administrative Code.
- (2) There is no loss of SNAP eligibility or change in benefit amount as a consequence of failing to make satisfactory progress and the determination is not an adverse action subject to rule 5101:6-2-04 of the Administrative Code. However, the E&T case manager is to inform the SNAP E&T enrolled participant that they are not making satisfactory progress by any reasonable means (letter, phone call, email, etc.).

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SNAP E&T disenrollment.

Once an individual has been enrolled in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program, they may only be disenrolled in accordance with the provisions of this rule. This rule describes when a SNAP E&T enrolled participant may be disenrolled from the SNAP E&T program and the process a SNAP E&T case manager is to follow when disenrolling a SNAP E&T enrolled participant from the SNAP E&T program.

(A) Under what circumstances may an E&T case manager disenroll a SNAP E&T enrolled participant from SNAP E&T?

A case manager may disenroll an individual when:

(1) The SNAP E&T enrolled participant informs the E&T case manager that SNAP E&T services are no longer needed. This includes when the enrolled participant has:

- (a) Obtained unsubsidized employment;
- (b) Achieved all employment, educational and/or training goals;
- (c) Become ineligible for SNAP due to an increase in earned income and not receiving job retention services in accordance with rule 5101:4-9-07.5 of the Administrative Code;
- (d) Exhausted job retention services provided in accordance with rule 5101:4-9-07.5 of the Administrative Code; or
- (e) Enrolled in a program under Title 1 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, (07/2014); a program under section 236 of the Trade Act of 1974, 19 U.S.C. 2296, (06/2015); or a program of employment and training for veterans operated by the department of labor or the department of veterans affairs.

(2) The E&T enrolled participant can no longer be served with E&T services. This includes when the enrolled participant cannot be assigned due to:

- (a) The lack of a provider of a suitable E&T component or activity (this includes reaching provider capacity);
- (b) Funding limitations by the county agency;
- (c) Institutionalization or incarceration of the E&T enrolled participant;

(d) The enrolled participant is not suitable for assignment to a SNAP E&T component;

(e) The E&T enrolled participant is deceased;

(f) The E&T enrolled participant has moved out of the county;

(g) Military enlistment or deployment of the E&T enrolled participant; or

(h) Loss of SNAP eligibility due to an increase in unearned income or for any reason other than fraud or non-compliance and not receiving job retention services in accordance with rule 5101:4-9-07.5 of the Administrative Code.

(3) The E&T enrolled participant is not making progress in the SNAP E&T program. This includes when the enrolled participant has:

(a) Voluntarily withdrawn from SNAP E&T;

(b) Not engaged in SNAP E&T for at least two consecutive months;

(c) Been determined to not be making satisfactory progress in the E&T program in accordance with rule 5101:4-9-05 of the Administrative Code; or

(d) Loss of SNAP eligibility due to fraud or non-compliance.

(B) What are the SNAP E&T case manager's responsibilities when disenrolling a SNAP E&T enrolled participant?

(1) The SNAP E&T case manager is to document the disenrollment in the Ohio benefits integrated eligibility system, including ensuring that all supportive services and assignments have been end-dated.

(2) There is no loss of SNAP eligibility or change in benefit amount due to disenrollment from SNAP E&T and the decision is not an adverse action subject to rule 5101:6-2-04 of the Administrative Code. However, within ten days of determining that the SNAP E&T enrolled participant is to be disenrolled, the SNAP E&T case manager is to inform the SNAP E&T enrolled participant of the reason for the disenrollment and the date it takes effect by any reasonable means (letter, phone call, email, etc.).

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SNAP E&T components.

Every individual enrolled in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program is to be assigned to one or more SNAP E&T components. This rule describes the components and conditions for operating them.

(A) What are the SNAP E&T components?

A SNAP E&T component is a broad category of employment or training activities. Each component has one or more activities that SNAP E&T enrolled participants may participate in and each component is intended to lead to a specific educational or employment outcome.

(1) Every county agency is to offer the following SNAP E&T components:

- (a) Supervised job search consistent with rule 5101:4-9-07.1 of the Administrative Code;
- (b) Job search training consistent with rule 5101:4-9-07.2 of the Administrative Code;
- (c) Workfare consistent with rule 5101:4-9-07.3 of the Administrative Code;
- (d) Education consistent with rule 5101:4-9-07.4 of the Administrative Code; and
- (e) Job retention consistent with rule 5101:4-9-07.5 of the Administrative Code.

(2) Any county agency may offer the SNAP E&T component of work experience consistent with rule 5101:4-9-07.6 of the Administrative Code.**(B) What are the responsibilities of a county agency for operating SNAP E&T components?**

The county agency is to ensure that case managers:

- (1) Assign every SNAP E&T enrolled participant to complete a financial literacy course as an educational component activity. The financial literacy course is to be provided through one of the following entities:
 - (a) The OhioMeansJobs website (OhioMeansJobs.com) and/or the closest OhioMeansJobs center;
 - (b) An extension office of the Ohio state university; or
 - (c) Another accredited financial literacy course.

- (2) Offer job retention services consistent with the provisions of rule 5101:4-9-07.5 of the Administrative Code, to any SNAP E&T enrolled participant who begins unsubsidized, paid employment while enrolled in SNAP E&T.
- (3) Coordinate with SNAP eligibility workers to ensure enrolled participants are eligible to receive SNAP E&T services, including providing information about changes in participation by able-bodied adults without dependents (ABAWDs).
- (4) Make reasonable modifications for individuals with a disability and otherwise comply with rule 5101:9-2-02 of the Administrative Code.
- (5) Ensure every SNAP E&T component involves a level of effort on behalf of the SNAP E&T enrolled participant comparable to spending approximately twelve hours a month for two months making job contacts (less in workfare or work experience components if the participant's benefit divided by the minimum wage is less than this amount).

(C) What are the limitations on SNAP E&T components?

- (1) Enrolled participants in the SNAP E&T program are not to be assigned to program activities that result in the displacement of other persons. Displacement occurs when a participant's assignment results in removing or discharging employees or otherwise denying such employment to persons who:
 - (a) Are already employed as regular full-time or part-time employees.
 - (b) Are or have been employed full time or part time as participants in a subsidized employment program/on-the-job training or in other publicly subsidized employment and training programs.
 - (c) Are or have been involved in a dispute between a labor organization and the employer or sponsor.
 - (d) Have been laid off and are either:
 - (i) Receiving unemployment compensation; or
 - (ii) Subject to recall under the established policies of the employer or sponsor.
- (2) Enrolled participants are to be assigned to a sufficient number of hours to effectively and efficiently provide the participant with the necessary training to move into employment. When an ABAWD is not able to fulfill their work requirement based only on hours assigned to SNAP E&T activities, it is the

responsibility of the ABAWD to find additional allowable hours to fulfill their requirement.

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SNAP E&T supervised job search.**(A) What is supervised job search?**

Supervised job search is a component designed to provide job-ready individuals with access to structured activities that have a direct link to increasing opportunities to find suitable employment. County agencies are to design their supervised job search programs to at least accomplish the following objectives:

- (1) Enrolled participants are trained in the strategies and skills to be used in obtaining employment of the highest quality within the shortest period of time;
- (2) Enrolled participants are provided with an experience in which the techniques learned could be used at any time; and
- (3) Employers in the community are provided with qualified individuals to fill vacant positions.

(B) What activities are included in supervised job search?

Supervised job search activities are to have a direct link to employment and include, but are not limited to:

- (1) Actively applying for work;
- (2) Instruction in job-seeking skills;
- (3) Building connections with prospective employers; and
- (4) Attending hiring events and other networking opportunities.

(C) How are supervised job search activities to be implemented?

- (1) Supervised job search is to occur at county-approved locations where an enrolled participant's activities and time participating are able to be directly supervised and tracked. County approved locations include any location deemed suitable by the county agency and where the participant has access to tools, and materials needed to perform supervised job search .
- (2) Supervised job search locations are not limited to a physical building and may include virtual tools. Examples of physical locations may include the OhioMeansJobs centers operated by the local workforce development board or resource rooms at the job and family services office; whereas virtual tools may include the OhioMeansJobs.com website, other websites, portals or web applications. Offering a variety of locations and formats to best meet participant

needs is encouraged and to the extent possible, county agencies are to allow participants to choose their preferred location and format.

- (3) Supervision, either remotely or in-person, is to be provided by skilled staff who provide meaningful guidance and support with at least monthly check-ins. Supervision and job search activities may occur at different times, and is to be provided in such a way to best support the participant and may include activities such as job search coaching, review of job search activities, and guidance on how to best target participant job search activities.
- (4) Time spent in supervised job search activities is to be tracked within the Ohio benefits integrated eligibility system.

(D) Who is best suited for participation in supervised job search?

In addition to the suitability criteria described in rule 5101:4-9-02 of the Administrative Code, a case manager is to consider the following prior to making an assignment :

- (1) The participant should have prior work history and the skills necessary to participate in the component, including but not limited to the necessary technological skills and access to websites and other resources to successfully complete activities.
- (2) The participant will be likely to find a job through participation in the activity and there are suitable jobs available for that participant.

(E) What are the limitations on participating in supervised job search?

- (1) A SNAP E&T case manager may assign supervised job search activities to find suitable employment based on the participant's assessment and local labor market needs. However, the supervised job search period is not to exceed six continuous months.
- (2) For an enrolled participant who is an able-bodied adult without dependents (ABAWD), hours spent in an assignment to the supervised job search component do not fulfill the ABAWD work requirement. However, job search activities may be included as an integral part of another component (e.g., workfare or education) and the time spent in job search would count towards the ABAWD work requirement, as long as the hours spent in job search are less than half of the total number hours assigned.

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SNAP E&T job search training.**(A) What is job search training?**

Job search training is a component that enhances the job search skills of participants by providing instruction and mentoring in understanding employer needs, job seeking techniques, increasing motivation and self-confidence for work. Job search training differs from the supervised job search component because of the need to conduct training activities. County agencies are to design their job search training programs to at least accomplish both of the following objectives:

- (1) Enrolled participants will participate in activities that improve their skills to search for and acquire a job.
- (2) Enrolled participants will learn behaviors associated with success in job seeking. This includes, but is not limited to identification of skills/interests, obtaining interviews, updating resumes, interview skills, developing good work habits, etc.

(B) What activities are included in job search training?

Job search training activities are to have a direct link to job-readiness and include, but are not limited to:

- (1) Classroom instruction on the strategies and skills in job seeking;
- (2) Job lead development;
- (3) Completing resumes, work histories, and application forms;
- (4) Using resources such as the telephone, telephone directories, newspapers, internet, and friends and/or relatives;
- (5) Contacting the individual who does the hiring;
- (6) Maintaining good records of job search activities;
- (7) Employability assessments;
- (8) Training in techniques to increase employability;
- (9) Job placement services;
- (10) Job application assistance;
- (11) Resume writing;

(12) Interviewing skills (including mock interviewing);

(13) Work place etiquette (dress, social skills, etc.); and

(14) Using job search technology.

(C) How are job search training activities to be implemented?

The supplemental nutrition assistance program (SNAP) employment and training (E&T) case manager is to ensure that there is a direct link between job search training activities and the job-readiness of the participant.

(D) Who is best suited for participation in job search training?

In addition to the suitability criteria described in rule 5101:4-9-02 of the Administrative Code, a SNAP E&T case manager is to consider the following prior to making an assignment:

(1) The participant should need soft skills necessary for searching for a job (e.g., setting goals, solving problems, choosing careers, using the internet, creating resumes, completing applications and improving interviewing skills).

(2) Participation in the assignment is likely to result in the participant becoming job-ready.

(E) What are the limitations on participating in job search training?

(1) A SNAP E&T case manager may assign job search training activities for a reasonable amount of time based on the participant's assessment. However, the assignment to job search training is not to exceed three continuous months.

(2) For an enrolled participant who is an able-bodied adult without dependents (ABAWD), hours spent in an assignment to the job search training component do not fulfill the ABAWD work requirement. However, job search activities may be included as an integral part of another component (e.g., workfare or education) and the time spent in job search would count towards the ABAWD work requirement, as long as the hours spent in job search are less than half of the total number hours assigned.

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SNAP E&T workfare.**(A) What is workfare?**

Formerly known as the "work experience program" (WEP), workfare is a component in which an enrolled participant develops basic work habits, practices skills, and demonstrates the ability to learn new skills while working for a private or public nonprofit agency; and in lieu of wages, receives compensation in the form of their household's monthly supplemental nutrition assistance program (SNAP) benefit. County agencies are to design their workfare programs to at least accomplish the following objectives:

- (1) SNAP employment and training (E&T) enrolled participants not otherwise able to obtain employment are given the opportunity to work in jobs that serve a useful public purpose and improve their employability through training and actual work experience; and
- (2) SNAP E&T enrolled participants will learn new skills or improve existing skills necessary to transition into regular unsubsidized employment.

(B) What activities are included in workfare?

Workfare activities may only be located in public or private nonprofit agencies and at a minimum, are to provide the enrolled participant with opportunities to develop basic work habits.

(C) How are workfare activities to be implemented?

- (1) Prior to making an assignment, the SNAP E&T case manager is to calculate the maximum number of hours that may be assigned each month by dividing the amount of the enrolled participant's SNAP allotment divided by the federal or state minimum wage, whichever is higher. This is referred to as the "FLSA maximum."
- (2) SNAP E&T enrolled participants are not to perform political, partisan, or electoral activities.
- (3) The worksite is to meet all applicable federal, state and local health and safety standards, equal employment opportunity (EEO) policies, fair labor standards, displacement policies, and provide reasonable work conditions.
- (4) The placement has not been developed in response to, or in any way associated with, the existence of a strike, lockout, or bona fide labor dispute, and does not violate any existing labor agreement.

- (5) A SNAP E&T enrolled participant's religious freedom is not to be violated nor may the participant be compelled to do work that promotes a religious doctrine or belief.
- (6) A SNAP E&T enrolled participant is not to be considered an employee of either the sponsor, the county agency, or the Ohio department of job and family services (ODJFS) and, therefore, is not entitled to the benefits and privileges of an employee. The operation of workfare is not to be considered the operation of an employment agency by the state or county agency.
- (7) SNAP E&T enrolled participants assigned to and participating in workfare are to be covered for participation-related injuries or disabilities under work relief compensation administered by the bureau of workers' compensation (BWC). Unless the county agency pays the premiums for the sponsor, a private nonprofit, or government sponsor with whom a SNAP E&T enrolled participant is placed, is to pay the premiums to the BWC on behalf of the SNAP E&T enrolled participant. SNAP E&T enrolled participants assigned to other SNAP E&T activities are not to be included in premium payments made by the county agency to the BWC.
- (8) The county agency is to have an agreement (e.g., contract or memorandum of understanding) with each workfare site that includes but is not limited to designation of responsibility for provision of benefits, if any are necessary, to the workfare participant.
- (9) SNAP E&T enrolled participants are not to be used to fill existing vacant positions and no participant is to perform work that has the effect of reducing the work or promotional opportunities of employees. They may, however, perform the same type of work as the employee. Reducing the work of employees means reducing the number of hours, wages or employment benefits of regular or part-time employees, or reducing the number of positions that the employer certifies would otherwise be filled by regular employees.

(D) Who is best suited for participation in workfare?

In addition to the suitability criteria described in rule 5101:4-9-02 of the Administrative Code, a SNAP E&T case manager is to consider the following prior to making an assignment:

- (1) The SNAP E&T enrolled participant should need to gain or improve skills or work behaviors, or secure a job reference, in order to find paid employment; and
- (2) The participant should have little to no work history or no recent work history.

(E) What are the limitations on participating in workfare?

- (1) The number of hours a SNAP E&T enrolled participant is assigned to participate in workfare is not to exceed the FLSA maximum.

 - (a) A SNAP E&T enrolled participant may choose (but is not obligated) to participate for additional hours in one or more additional SNAP E&T components.
 - (b) A SNAP E&T enrolled participant who is an able-bodied adult without dependents (ABAWD), fulfills their work requirement if they are assigned to and participate in workfare for the FLSA maximum each month.
- (2) A SNAP E&T case manager may assign workfare for a reasonable amount of time so the enrolled participant can gain work experience and develop job skills; however, the assignment is not to exceed six continuous months.
- (3) Immediately following certification of SNAP benefits, but prior to making an assignment to workfare, an E&T case manager may establish a job search period of up to thirty days. This job search period is to be made as a workfare assignment and enrolled participants are considered to be participating in and complying with the conditions of workfare, including an enrolled E&T participant who is subject to the able-bodied adult without dependents work requirement described in rule 5101:4-3-13 of the Administrative Code.

This job search period may only be established at initial certification, not at recertification.

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SNAP E&T education.**(A) What is education?**

Education is a component that provides a wide range of activities that improve the basic skills and employability of enrolled participants. County agencies are to design their education programs to at least accomplish the following objectives:

- (1) Supplemental nutrition assistance program (SNAP) employment and training (E&T) enrolled participants will participate in activities that directly enhance their employability; and
- (2) SNAP E&T enrolled participants with basic skills deficiencies will participate in activities designed to measurably improve basic skills and literacy.

(B) What activities are included in education?**(1) Basic education, which includes:**

- (a) High school or equivalent education;
- (b) Remedial education;
- (c) Adult basic education;
- (d) Basic literacy education; and
- (e) Instructional programs in English as a second language (ESL).

(2) Vocational education, which includes:

- (a) Occupational training in technical job skills and equivalent knowledge and abilities in a specific occupational area;
- (b) Post-secondary education; and
- (c) Training offered by other entities such as public secondary schools and public and private entities.

(3) Job readiness training activities which include, but are not limited to:

- (a) Identifying and overcoming personal barriers to employment;
- (b) Building self-confidence and self-promotion;
- (c) Good grooming and dress techniques;

- (d) Managing time, money, and household budgets;
- (e) Obtaining proper dependent care and supervision of dependents while working;
- (f) Conducting self-assessments to determine employment options and training needs;
- (g) Learning and using good interviewing techniques;
- (h) Understanding employer expectations;
- (i) Understanding benefits, taxes, deductions, and hospitalization policies;
- (j) Being prompt and punctual for work;
- (k) Accepting supervision positively;
- (l) Relating to other employees; or
- (m) Retaining the job as a step toward security and independence.

(4) Educational programs include, but are not limited to, courses or programs of study that are a part of a program of career and technical education. "Career and technical education" means:

- (a) A specialized public secondary school used exclusively or principally for the provision of career and technical education to individuals who are available for study in preparation for entering the labor market;
- (b) The department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than three different fields that are available to all students, especially in high-skill, high-wage, or in-demand industry sectors or occupations;
- (c) A public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school; or

(d) The department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than three different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

(5) Other programs or activities that expand the employability of SNAP E&T enrolled participants.

(C) How are education activities to be implemented?

(1) Each educational activity is to have a direct-link to job readiness.

(2) SNAP E&T funds that are used for educational activities are not to supplant non-federal funds for existing educational services and activities and SNAP E&T is not to be charged more than what the general public would pay for the same service.

(3) Basic education: Participation in this educational activity is to be based on the goal of obtaining employment.

(4) Vocational education: Participation in this educational activity should assist enrolled participants in obtaining useful employment in a recognized occupation. Vocational education may include: occupational training in technical job skills and equivalent knowledge and abilities in a specific occupational area; post-secondary education; and training offered by other entities such as public secondary schools and public and private entities. Ohio has aligned the allowable programs to those administered by providers found on the workforce inventory of education and training (WIET) list.

(5) Job readiness training: Participation in this educational activity should expand the employability of enrolled participants by ensuring they become familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. Various types of structured programs qualify, such as rehabilitation, counseling, employability assessments, training in techniques for employability, and job placement services.

(6) Educational programs: Participation in this educational activity should assist the enrolled participant in obtaining useful employment in a recognized occupation. These educational programs may be offered concurrently or

contextually with basic education or vocational education. An educational program, course or program of study does not have to receive funding from the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) to be considered meeting the definition of a career and technical education program.

(7) Other programs or activities: Other educational and training activities are allowable when the case manager has determined participation will expand the employability of the enrolled participant and there is a direct link between the activity and job readiness.

(D) Who is best suited for participation in education?

In addition to the suitability criteria described in rule 5101:4-9-02 of the Administrative Code, a SNAP E&T case manager is to consider the following prior to making an assignment:

- (1) The SNAP E&T enrolled participant should have already attained the necessary credentials (if any) to enter the program.
- (2) For basic education activities, the SNAP E&T enrolled participant does not possess basic literacy skills (whether or not they have obtained a high school diploma or equivalent education).
- (3) For job readiness training, the SNAP E&T enrolled participant should be ready to work, but could benefit from enhanced techniques related to seeking employment or may benefit from additional "soft skills" training.

(E) What are the limitations on participating in education?

- (1) Educational activities may vary in length, depending on the course work. As part of ongoing progress monitoring, the SNAP E&T case manager is to ensure that SNAP E&T enrolled participants are making satisfactory progress and that they are likely to complete the course(s) as scheduled.
- (2) Assignments to educational activities are not to be perpetual and the SNAP E&T case manager is to ensure the SNAP E&T enrolled participant explored employment opportunities at the conclusion of each assignment.

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5101:4-9-07.5**SNAP E&T job retention.****(A) What is job retention?**

The job retention component provides services to individuals who have secured employment after having been enrolled in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. County agencies are to design their job retention programs to at least accomplish the following objective:

Enrolled participants will receive services that increase the likelihood of:

- (1) Continued employment;
- (2) Satisfactory job performance; and
- (3) Increased earnings over time.

(B) What activities are included in job retention?

Job retention services include, but are not limited to:

- (1) Employer mediation;
- (2) Job coaching;
- (3) Workplace literacy;
- (4) Training/skills enhancement; and
- (5) Supportive services provided in accordance with rule 5101:4-9-03 of the Administrative Code.

(C) How are job retention activities to be implemented?

The SNAP E&T case manager is to make a good faith effort to provide job retention services for at least thirty days. SNAP E&T case managers can demonstrate a good faith effort, in a number of ways including, but not limited to:

- (1) Making a reasonable number of attempts to contact the SNAP E&T enrolled participant;
- (2) Discussing the thirty day minimum period with the SNAP E&T enrolled participant; or
- (3) Outlining specific steps the provider or the SNAP E&T enrolled participant will take over the next thirty days to maintain a job.

(D) Who is best suited for participation in job retention?

In addition to reviewing the suitability criteria described in rule 5101:4-9-02 of the Administrative Code and prior to making an assignment, a SNAP E&T case manager is to verify the current or formerly SNAP E&T enrolled participant:

- (1) Began employment after or while participating in one or more other SNAP E&T components; and
- (2) Is receiving SNAP in the month of or month prior to beginning job retention services. Job retention services can be provided when the SNAP E&T enrolled participant is no longer in receipt of SNAP and is not:
 - (a) Sanctioned for failing to meet a general work requirement; or
 - (b) Disqualified due to an intentional program violation in accordance with division 5101:6 of the Administrative Code.

(E) What are the limitations on participating in job retention?

- (1) Job retention services are to be offered for no more than ninety days.
- (2) A SNAP E&T enrolled participant can receive job retention services for more than one job at the same time. The job retention time limits apply to each job separately and may overlap.
- (3) There is no limit to the number of times a SNAP E&T enrolled participant can receive job retention services so long as prior to obtaining new employment, the SNAP E&T enrolled participant re-engages with the SNAP E&T program.
- (4) For an able-bodied adult without dependents (ABAWD), hours spent in job retention activities may be used to fulfill the ABAWD work requirement. However, supportive services are not to be used to fulfill the ABAWD work requirement and a SNAP E&T case manager is to ensure that an assignment to job retention does not include hours dedicated to providing or receiving supportive services.

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SNAP E&T work experience.**(A) What is work experience?**

Work experience is a component designed to provide a planned, structured learning experience that takes place in a workplace for a limited period of time and improves the employability of supplemental nutrition assistance program (SNAP) employment and training (E&T) enrolled participants through actual work experience or training, or both. County agencies are to design their work experience programs to at least accomplish the following objectives:

- (1) SNAP E&T enrolled participants will move promptly into regular public or private employment as a result of the experience; and
- (2) SNAP E&T enrolled participants will acquire the general skills, knowledge, and work habits necessary to obtain employment.

(B) What activities are included in work experience?

Work experiences include either:

- (1) A work activity performed in exchange for supplemental nutrition assistance program (SNAP) benefits that provides an enrolled participant with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment. A work activity can be arranged within the private for-profit sector, the non-profit sector, or the public sector (as opposed to the welfare component which is to take place at a public or private non-profit institution). Work activity is a training program and should include:
 - (a) Clearly articulated outcome goals;
 - (b) Intentional day-to-day activities that are designed to improve someone's skills and employability; and
 - (c) A planned start date and end date.
- (2) A work-based learning program that emphasizes employer engagement and enables enrolled participants to move into regular public or private employment. A work-based learning program in SNAP E&T is a sustained interaction with industry or community professionals in real world settings (or simulated environments at an educational institution) that includes an element of training that fosters in-depth, firsthand engagement with the tasks in a given field that are aligned to curriculum and instruction. A county agency determines which work-based learning activities to offer, if any. Except for on-the-job training, a county agency also determines if the activities will be paid or unpaid,

and whether or not to subsidize the wages with E&T funds. Program activities can include, but are not limited to:

- (a) Internships: A planned, structured learning experience that takes place in a workplace for a limited period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid and consistent with other laws, such as the Fair Labor Standards Act (9/2019). An internship may be arranged within the private for profit sector , the non-profit sector, or the public sector.
- (b) Pre-apprenticeships/apprenticeships: A program or set of strategies designed to enter and succeed in a registered apprenticeship program. Pre-Apprenticeships may be used to provide work experiences that can help obtain the skills needed to be placed into a registered apprenticeship. Pre-Apprenticeship services and programs are designed to prepare individuals to enter and succeed in registered apprenticeship programs.
- (c) Customized training: Training that is designed to meet the unique needs of an employer (including a group of employers); that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; for which the employer pays for a significant cost of the training.
- (d) Transitional jobs: A transitional job provides a work experience for a limited period of time, that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable a person to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.
- (e) Incumbent worker training: A program designed to meet the unique needs of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment; and conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.
- (f) On-the-job workers training (OJT): A work placement made through a contract with an employer or registered apprenticeship program sponsor in the public, private non-profit, or private sector. Through the on-the-job training (OJT) contract, occupational training is provided for the participant in exchange for the reimbursement, typically up to fifty per

cent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. An OJT contract is to be limited to the period of time necessary for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skills that are necessary to the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. Wages are reimbursed at a set percentage by the organization to the employer for the length of the contract. OJT also carries the expectation that the participant will be hired by the employer in a permanent position when the contract ends.

(C) How are work experience activities to be implemented?

(1) Prior to making an assignment, the SNAP E&T case manager is to calculate the maximum number of hours that may be assigned each month by dividing the amount of the enrolled participant's SNAP allotment divided by the federal or state minimum wage, whichever is higher. This is referred to as the "FLSA maximum."

(2) Regardless of the activity, a work experience:

(a) Is not to provide any work that has the effect of replacing the employment of an individual not participating in the employment or training experience program; and

(b) Is to provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

(3) SNAP E&T enrolled participants are not to be used to fill existing vacant positions and no participant is to perform work that has the effect of reducing the work or promotional opportunities of employees. They may, however, perform the same type of work as the employee. Reducing the work of employees means reducing the number of hours, wages or employment benefits of regular or part-time employees, or reducing the number of positions that the employer certifies would otherwise be filled by regular employees.

(D) Who is best suited for participation in work experience?

Individuals who are work-ready and who, in the judgment of the SNAP E&T case manager, can move promptly into regular public or private employment as a result of their participation.

(E) What are the limitations on participating in work experience?

- (1) The number of hours an enrolled participant is assigned to participate in a work experience is not to exceed the FLSA maximum.

 - (a) An enrolled participant may choose (but is not obligated) to participate for additional hours in one or more additional SNAP E&T components.
 - (b) An enrolled participant who is an able-bodied adult without dependents (ABAWD), does not fulfill their work requirement merely by participating in a work experience for the FLSA maximum each month. If the ABAWD did not complete enough hours through E&T to fulfill their work requirement, they are to identify other opportunities to fulfill their work requirement.
 - (c) Subsidized work-based learning activities are limited to once every twelve months for each participant.
 - (d) A county agency is not to subsidize the wages of more than three per cent of the workforce at any one time for any employer or SNAP E&T provider in the private for-profit sector.
- (2) A SNAP E&T case manager may assign an enrolled participant to a work experience for a reasonable amount of time; however, the assignment is not to exceed six continuous months. However, if an individual is participating in a registered apprenticeship program and the program is to last longer than six months, the individual may complete the full apprenticeship program.

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SNAP E&T federal reporting.

The Ohio department of job and family services (ODJFS) provides regular reports to the food and nutrition service (FNS) within the U.S. department of agriculture, regarding the administration of the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. This rule describes the information that is reported to FNS and a county agency's responsibility for ensuring the data is reliable and accurate.

What information is reported to FNS?

(A) The SNAP E&T program activity report (referred to as the FNS-583 report).

- (1) The FNS-583 report is how FNS monitors participation in SNAP E&T and is the basis for how the state receives federal funding for the operation of SNAP E&T. The report includes:
 - (a) Line 1: The number of individuals in receipt of SNAP on the first of October who are subject to the general work requirements described in rule 5101:4-3-12 of the Administrative Code. This number is reported on the first quarterly report submitted to FNS;
 - (b) Line 2: The number of individuals determined to be subject to the general work requirements described in rule 5101:4-3-12 of the Administrative Code for each month. This number is reported quarterly to FNS and does not include individuals reported on line 1.
 - (c) Line 3: The number of individuals subject to the able-bodied adults without dependents (ABAWD) work requirement described in rule 5101:4-3-13 of the Administrative Code who are participating in qualifying activities in order to meet the requirement. This number is reported quarterly to FNS;
 - (d) Line 4: The number of all other recipients (including ABAWDs involved in activities that do not meet their work requirement) participating in SNAP E&T components. This number is reported quarterly to FNS;
 - (e) Line 5: The number of ABAWD case months used if any discretionary exemptions were allowed. This number is reported quarterly to FNS;
 - (f) Line 6: The number of SNAP E&T enrolled participants provided with case management services in accordance with rule 5101:4-9-04 of the Administrative Code. This number is reported on the fourth quarterly report submitted to FNS;

(g) Line 7: The number of SNAP E&T enrolled participants who participated in each SNAP E&T component during the fiscal year. This number is reported on the fourth quarterly report submitted to FNS; and

(h) Line 8: The number of SNAP E&T program participants during the fiscal year. This number is reported on the fourth quarterly report submitted to FNS. This number is reported on the fourth quarterly report submitted to FNS.

(2) In order to ensure that the data submitted to FNS is accurate and reliable, county agencies are to utilize the Ohio benefits integrated eligibility system as instructed, to:

(a) Determine exemptions from work requirements in accordance with rule 5101:4-3-11 of the Administrative Code;

(b) Document comprehensive assessment results in accordance with rule 5101:4-9-02 of the Administrative Code; and

(c) Document SNAP E&T assignments and supportive services, including assignments to case management, in accordance with Chapter 5101:4-9 of the Administrative Code.

(B) Federal outcome measures.

ODJFS submits an annual E&T report by January first each year that contains the following information for the preceding federal fiscal year:

(1) The number and percentage of SNAP E&T enrolled participants and formerly SNAP E&T enrolled participants who are in unsubsidized employment during the second quarter after disenrollment from SNAP E&T;

(2) The number and percentage of SNAP E&T enrolled participants and formerly SNAP E&T enrolled participants who are in unsubsidized employment during the fourth quarter after disenrollment from SNAP E&T;

(3) The median average quarterly earnings of SNAP E&T enrolled participants and formerly SNAP E&T enrolled participants who are in unsubsidized employment during the second quarter after disenrollment from SNAP E&T;

(4) The total number and percentage of SNAP E&T enrolled participants that completed an educational, training work experience or an on-the-job training component; and

(5) A disaggregation of SNAP E&T enrolled participants by the number and percentage of certain demographics and participant characteristics.

(C) State outcome measures.

- (1) The median average quarterly earnings of SNAP E&T enrolled participants and formerly SNAP E&T enrolled participants who are in unsubsidized employment during the first quarter after disenrollment from SNAP E&T;
- (2) The median average quarterly earnings of SNAP E&T enrolled participants and formerly SNAP E&T enrolled participants who are in unsubsidized employment during the third quarter after disenrollment from SNAP E&T;
- (3) The number and percentage of former SNAP E&T enrolled participants who became ineligible for SNAP within thirty days of disenrolling from SNAP E&T due to a reason other than non-compliance, and began receiving SNAP benefits again within one quarter;
- (4) The number and percentage of former SNAP E&T enrolled participants who became ineligible for SNAP within thirty days of disenrolling from SNAP E&T due to a reason other than non-compliance, and began receiving SNAP benefits again within two quarters; and
- (5) The number and percentage of formerly SNAP E&T enrolled participants who are employed with the same employer in the first and second quarters after disenrollment from SNAP E&T.

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