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OWF/PRC Guidance Letter No. 2

TO: Directors, County Departments of Human Services
Directors, County Public Children Services Agencies
Directors, Child Support Enforcement Agencies
Regional Account Managers

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: OWF/PRC Guidance Letter No. 2

The Ohio Department of Human Services (ODHS) issues a series of guidance letters related to Ohio Works First (OWF) and Prevention, Retention and Contingency (PRC) programs. This is the 2nd letter in the series. This letter informs counties of the urgent need to immediately begin working with OWF participants who have not been assigned to any type of work activity.

Questions regarding this document are to be directed to your regional Account Manager.

Success in Welfare Reform hinges on at least two important principles—Personal Responsibility and Services that Promote Self-Sufficiency. These two principles require County Departments of Human Services (CDHS) to work with all OWF families in a timely way. It is imperative that work obligations of OWF are understood and participants are enrolled in work activities and services that promote self-sufficiency. Ohio's counties have enjoyed enormous success in conveying the message of personal responsibility and have helped welfare recipients find employment in record numbers. This success is reflected in the caseload declines of historic proportion and Ohio's high participation rates.

Despite our success, some OWF participants have remained untouched by our efforts. The Ohio Department of Human Services' (ODHS) information system records indicate that many of those receiving OWF Cash Assistance for up to 18 months are not participating in work activities. This information may mean that activities and services have not been recorded accurately. If so, the CDHS should initiate corrective action to assure that its information is accurately represented in the Information System. This information may mean that an action is pending or that the obligation to promote self-sufficiency and personal responsibility have not been met.

State law is unequivocal about the CDHS's responsibility to actively work with all participants to develop a self-sufficiency contract and to assign all participants in activities that lead to self-sufficiency. CDHS's may assign work activities, alternative work activities or developmental activities. The relevant sections of the Ohio Revised Code are cited below.

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ORC Section 5107.16 requires the CDHS to develop with the assistance group a self-sufficiency with a plan for self-sufficiency.

ORC Section 5107.68(A) states, "The county departments of human services shall implement and enforce the requirements of sections 5107.40 to 5107.69 of the Revised Code". These are the sections related to appraisals and assignment to work, developmental or alternative activities.

ORC Section 5107.41 requires that "As soon as possible" after application, the CDHS shall conduct an appraisal of each assistance group member. "At the appraisal, the county department shall develop with the minor head of household or adult a plan for the assistance group to achieve the goal of self-sufficiency and personal responsibility through unsubsidized employment within the time limit for participation in the Ohio works program....."

ORC Section 5107.42(A) provides "Except as provided in divisions (B) [which relates to barriers] and (C) [which relates to caring for child under 12 months old], **county departments of human services shall assist each** minor head of household and adult participant in OWF **to one or more work activities and developmental activities"**

If the CDHS were in compliance with the above section (and other related sections of Chapter 5107), it would be working with every required participant to provide services that remove barriers and assure participation in activities that promote self-sufficiency. If the CDHS worked actively with each required participant, there would be very few OWF Participants not enrolled in work, alternative work or developmental activities.

A failure to actively engage OWF Families creates two potential problems. First, Ohio's time limit is 36 months and many OWF families have used up over half of their potential time to receive OWF cash assistance. Many of these families may be in desperate straights if they are not prepared to become self-sufficient by the end of 36 months.

Secondly, federal and state law require adult recipients of OWF cash assistance to be engaged in some type of work activity when assessed as job ready. Section 261.10 of the Federal Regulations defines the requirement as follows:

" Sec. 261.10 What work requirements must an individual meet? (a)(1) A parent or caretaker receiving assistance must engage in work activities when the State has determined that the individual is ready to engage in work or when he or she has received assistance for a total of 24 months, whichever is earlier, consistent with section 407(e)(2) of the Act.

(2) The State must define what it means to engage in work for this requirement; its definition may include participation in work activities in accordance with section 407 of the Act."

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Ohio's State Plan declares that Ohio will comply in the following language:

"Pursuant to 42 U.S.C. section 602(a)(1)(A)(ii), Ohio will require that any parent or caretaker receiving assistance through OWF must participate in state-defined work activities once they are able to engage in work, or once they have received assistance under the program for twenty-four months. A failure to follow federal law, makes a county potentially liable for audit findings and litigation."

To meet this work requirement, a CDHS need not necessarily place all OWF participants a federal defined work activity. The CDHS may use developmental activities, or alternative work activities. The CDHS need not have all OWF participants in work activities for the full 30 hours. The bottom line is that a CDHS must enroll all OWF recipients activities and services designed to promote economic self-sufficiency. CDHS's have great latitude in defining what activities and services are appropriate to promote personal responsibility and economic self-sufficiency. A CDHS should invoke its sanction policy if a required OWF Participant refuses to comply with a valid work assignment. ORC Section 5101.16(B)(1)(a) prohibits the CDHS from sanctioning a family because the CDHS failed to make a work assignment.

A failure to comply with these provisions may jeopardize the CDHS with respect to state audits or federal compliance reviews. Federal TANF Regulations, Section 262.1 (1), (2), (14), indicate the potential of a sanction for a failure to implement TANF requirements and enforce work requirements as certified in the State Plan.

Participation information is available on the Paradox files provided to all counties each month. If you need assistance in accessing this data please contact your account manager. We urge you to review the Paradox files and identify any reporting errors that need to be fixed and to develop strategies to begin serving all OWF families as soon as possible. Special attention should be given to any family that has received OWF assistance for more than 12 months without being enrolled in an appropriate work activity.

Should you need assistance in identifying unserved OWF cases, developing service strategies, or resolving reporting errors please contact your Account Manager.

c: County Commissioners Association OHSDA
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