

HARRISON COUNTY
DEPARTMENT of JOB and FAMILY SERVICES
HARDSHIP DETERMINATIONS
Revised 06/07

PURPOSE:

Pursuant to Ohio Revised Code section 5107.18 qualified individuals can participate in the Ohio Works First Program (“OWF”) for up to thirty-six months. The thirty-six month time limit rule applies to assistance group members that satisfy any of the following characteristics; the adult head of household, the spouse of the adult head of household, a pregnant minor head of household, minor parent head of household, or spouse of such a head of household.

An assistance group member is ineligible for OWF assistance after receipt of the thirty-sixth month of assistance, regardless of whether the thirty-six months of participation and assistance are consecutive. Following receipt of the thirty-sixth month of assistance, a qualified individual cannot receive further aid, absent a hardship exemption.

Ohio Revised Code 5107.18 permits the Harrison County Department of Jobs and Family Services (“County”) to exempt participants from the thirty-six month OWF time restriction. The County may continue to extend OWF benefits to members satisfying certain exemption requirements. Pursuant to O.R.C. 5107.18 THE County may exempt up to 20% of the average monthly number of OWF assistance groups from the thirty-six month time limit because of the presence of a hardship.

The County retains the sole discretion to determine whether OWF assistance group member qualify for a hardship exemption. Such determination shall be made in accordance with this policy and applicable law. If the County determines that there is the presence of a hardship that justifies an exemption within the scope of the policy and the County has not reached its 20% maximum, then the assistance group member is entitled to a hardship exemption and continued assistance for a period determined by the County.

HARDSHIP DEFINED:

For purposes of this policy, hardship shall be defined as an event or condition of significance creating privation, suffering or adversity to the assistance group.

THE TWENTY PERCENT CALCULATION: (Governed by OAC Rule 5101:1-23-011)

Beginning October 1, 2000, the beginning of the federal fiscal year, the 20% exemption limit shall be calculated in the following manner:

The Ohio Department of Jobs and Family Services (“ODJFS”) shall determine the County’s number of eligible exemptions. The ODJFS will notify the county of the number of OWF participants to whom it can grant a hardship exemption. The number of assistance groups eligible for the 20% exemption shall be determined by the ODJFS based upon a calculation of the average number of monthly OWF participants from the prior fiscal year.

In calculating the 20%, the ODJFS totals the number of OWF assistance groups in the immediately preceding fiscal year. The ODJFS will divide the total number of OWF assistance groups from the prior year by twelve to obtain the monthly average. Twenty percent (20%) of the monthly average is the number of hardship exemptions that the County can grant each month. The number of monthly exemptions shall remain in effect and unchanged throughout the twelve months of the current federal fiscal year. As an example, if the County has a total number of OWF assistance groups equaling 120 for the preceding fiscal year beginning on October 1, 1999 and ending on September 31, 2000, then the average monthly number of assistance groups for the County is 10. However, the County shall only provide a hardship exemption to 20% of the average monthly participants. In other words, the County can grant hardship exemptions to 20% of 10 average monthly OWF assistance groups. Therefore, 2 assistance group members per month can be granted a hardship exemption.

Nothing in this policy shall be construed so as to require the County to grant any request for a hardship exemption solely because it has not reached the 20% maximum.

A new monthly average shall be calculated by the ODJFS at the beginning of every federal fiscal period starting October 1.

In the event that the ODJFS's calculation does not result in a whole number, the calculated number is to be rounded down to the nearest whole number. Thus, if the ODJFS arrives at a number of 3.7, the number is to be rounded down resulting in the ability to grant 3 hardship exemptions per month. The County is unable to provide hardship exemptions for any assistance group members based on a number other than the number calculated by the ODJFS.

Revised calculations will be completed for the County by the ODJFS each subsequent fiscal year. Nothing in this policy shall be construed to prohibit the use of any revised calculations that may be made during the fiscal year.

Because the ODJFS may be unable to provide the actual number of participants eligible for the 20% exemption immediately at the start of a new federal fiscal year, the County shall utilize the estimate of the available hardship exemptions based upon the year-to-date caseloads provided by ODJFS beginning October 1. This estimate shall be utilized until the ODJFS calculation is made for the new fiscal year.

THE HARDSHIP EXEMPTION:

The County shall not exempt an OWF assistance group participant from OWF benefits until the participant has exhausted the thirty-six month time limit. A participant shall not be exempted prior to the grant of the thirty-sixth month of OWF assistance. The thirty-six month period does not have to be consecutive.

Although the County is prohibited from exempting an assistance group member from participation in OWF prior to the thirty-six month time limit, the County can make preparations for review prior to the completion of the thirty-six month time limit. The county may make decisions regarding the extension of a hardship exemption to a member prior to the conclusion of the thirty-six month time limit.

For example, the County may in its sole discretion hold a face-to-face meeting with an assistance group prior to the thirty-six month time limit to discuss possible solutions for resolving a potential hardship. The County may conduct face-to-face interviews with assistance groups facing a thirty-six month time limit. During the interview, held prior to the expiration of the thirty-six month limit, the County shall discuss with the assistance group the presence of viable options for obtaining continued assistance. At these meetings, the County shall obtain information necessary to determine whether the assistance group is eligible for a hardship exemption. At this time, the County may also consider the duration of the hardship exemption for the assistance group. No hardship exemption shall be granted for more than six months at any one time.

The County maintains the sole control and discretion to determine whether an OWF participant is eligible for the continued receipt of a hardship exemption. The duration of the hardship exemption is contingent upon the presence or absence of specific factors relating to the basis for the hardship exemption as set forth in this policy and the determinations of the County.

The county retains the authority to prioritize which groups are entitled to continue or begin their receipt of a hardship exemption. The county may revoke or limit a previous hardship request that it granted if, in the

County's discretion, another assistance group presents a more compelling need for a hardship exemption and the County is at or near the 20% hardship exemption limit. In the event that a County is considering revocation or modification of a previously granted hardship exemption, the County shall notify the assistance group at least fourteen (14) days in advance of the potential change. The County shall offer the assistance group an opportunity for a face-to-face meeting and shall consider any additional information submitted by the assistance group prior to making a final determination concerning the proposed revocation or modification. If the County has agreed to provide a hardship exemption for a specified duration, the county shall not revoke or limit the duration of a hardship exemption until the completion of the specified exemption period unless the County has reserved the right to revoke the hardship exemption at the time it was granted.

PROCEDURE:

The county shall notify the assistance group that it has reached the thirty-six months of eligibility within five days of the last OWF payment. Such notice shall also inform the assistance group of the hardship process.

Assistance groups who wish to be considered for an exemption shall make their request using the OWF EXEMPTION REQUEST FORM. The exemption request may be filed by a member seeking an exemption no earlier than the 15th day of the month prior to the month that OWF assistance terminates using the OWF HARDSHIP EXEMPTION REQUEST FORM. For example, if OWF benefits terminate effective September 30, then a hardship exemption request may be filed beginning August 15. No requests will be granted or accepted prior to the 15th of the month prior to the cessation of benefits.

The assistance group seeking the hardship exemption must provide the county any required documentation with the exemption request form. If a hardship exemption request is based on medical circumstances, the assistance group must provide appropriate medical documentation and be under the care of a medical professional. The assistance group shall cooperate with the County during the hardship review process.

In order to be eligible for a hardship exemption, the assistance group must have fulfilled the OWF self-sufficiency contract or show good cause why it could not fulfill the contract. In addition, the assistance group must not have been sanctioned in the twelve (12) months prior to seeking the hardship exemption.

The county shall make a ruling on the hardship exemption status within thirty days of the date of the receipt of a completed **EXEMPTION REQUEST FORM**. If the required documentation is not provided within thirty days of the receipt of the form making the request, then the County may deny the request for a hardship exemption.

When the County denies a request for a hardship exemption, the agency shall provide the assistance group seeking the exemption with a notice outlining its hearing rights. The county shall provide the assistance group with the reasons for denial of a hardship request.

If an OWF assistance group chooses not to file a request for a hardship exemption on the 15th of the preceding month, then the County shall provide notice informing the assistance group of the impending thirty-six month time limit. Upon receipt of such notice, an assistance group shall be able to request a state hearing to question the calculation of the thirty-six months period.

All hardship exemptions shall be granted for a period of three (3) months or less as determined by the County agency on a case-by-case basis. During the last month of the exemption period, the assistance group must request a hardship exemption renewal if they wish the exemption to continue. Additional documentation may be required when seeking an extension. Granting an extension will be determined based upon other hardship exemption claims, the priorities of the exemptions and the assistance group's need for an extension of the hardship exemption. The County shall prioritize all claims for a hardship exemption pursuant to the list of priorities provided below.

In the event that the County is at risk of exceeding the number of allowed exemption slots, a priority system shall be utilized for granting hardship exemptions. The priority of hardship exemptions shall be determined and adjusted by the agency director. All adjustments in priority shall be made in a manner as is deemed necessary by the County. Assistance groups adversely affected by the change in priorities shall be sent a notice in accordance with this policy.

Although evidence may be presented in support of a claim for a hardship exemption, the county maintains the sole authority to determine whether the assistance group member is entitled to the hardship exemption. The hardship exemption determination shall be based upon the written exemptions listed in the document. The count shall not apply the written standards for determining a hardship exemption in an arbitrary, unreasonable, or capricious manner. The County shall administer all hardship exemptions in a manner consistent with the County policy and Ohio law for the purpose of aiding an assistance group member in achieving self-sufficiency.

The failure of an assistance group to cooperate in any aspect of the hardship review shall be just and sufficient cause to deny a hardship request or to revoke a request that may have been previously granted.

When a hardship exemption is granted, the assistance group shall be required to sign a revised self-sufficiency contract setting forth the terms of the hardship extension. Failure to abide by the terms of the hardship extension shall be sufficient cause to revoke the extension. During the period of the hardship exemption, the assistance group may be required to meet with the County as often as is reasonably necessary to monitor the progress.

HARDSHIP EXEMPTIONS:

The goal of the county and the OWF is to provide assistance group members with an opportunity to achieve Self-Sufficiency. Therefore, the County shall provide necessary assistance and work activities to help achieve its goal within the allotted thirty-six month time period. However, where self-sufficiency is not obtained within thirty-six month period, the County may use the following factors to grant a hardship exemption for assistance group members. The specific hardship exemptions that may apply are as follows:

EXEMPTION # 1 (Code 0401)

The individual has applied for SSI/SSD for a mental or physical disability at least three (3) months prior to reaching their thirty-six (36) month time limit and has been unable to participate in an assigned work activity due to that disability as verified by a licensed physician. **(Revised 06/07)**

EXEMPTION # 2 (Code 0402)

The individual has been employed and has been injured or diagnosed with a disabling condition. **Individual is not eligible for Workers' Comp or other Disability Insurance and disability is expected to last less than 12 months.**

(Revised 06/07)

EXEMPTION # 3 (Code 1503)

The individual's loss of employment is due to lay-off or closing of their current place of employment. Unemployment Compensation must be applied for and accepted.

EXEMPTION # 4 (Code 0304)

The individual is a single custodial parent with a child under three months of age. Child care is not available as verified by the Child Care Unit. **Approval will be for a total of 6 months, only.**

(Revised 06/07)

EXEMPTION # 5 (Code 0505)

The individual has been a victim of domestic violence within the past three months as verified by a police report and this condition impacts the ability to be employed. Required to be participating with Women's Tri-County, counseling or actively seeking help from a support provider. **Approval for a total of 6 months, only**

(Revised 06/07)

EXEMPTION # 6 (Code 1306)

The individual is a teen head of household and has not received twenty-four (24) months of OWF cash assistance following the teen's receipt of a high school diploma or equivalent.

EXEMPTION # 7 (Code 0607)

The individual is enrolled in, and progressing in, an education or training program directly related to employment which will not be completed by the expiration of the thirty-six month time limit, but, will be completed within six (6). **Must provide verification of expected date of graduation.**

(Revised 06/07)

EXEMPTION # 8 (Code 0308)

The individual is required (as verified by a licensed physician) to provide twenty-four (24) hour care for a disabled, immediate family member living in the home (**no other family member is available to provide care**). **The recipient must apply for and accept any other available home health care or supportive services in the community.. An immediate family member is defined as a mother, father, child or spouse.** The agency reserves the right to secure a second opinion from a medical provider of the agency's choice.

(Revised 06/07)

The County retains the discretion to determine whether assistance group members satisfy a listed hardship exemption. Any hardship presented by an assistance group member that is not listed in the above-listed written exemptions shall not result in the awarding of an OWF hardship exemption.

Hardship exemptions will be granted for a period of three (3) months or less, only. Assistance Group must complete the "HARDSHIP EXEMPTION REVIEW FORM" to request an extension of his/her exemption. Exemptions of less than three (3) months will be determined on a case-by-case basis.

PRIORITY OF EXEMPTIONS:

Priority will be given to the exemptions in the same order as their listing.

