



Department of  
Job and Family Services

John R. Kasich, Governor

Michael B. Colbert, Director

**Family Assistance Letter #108A**

December 28, 2011

TO: Directors, County Departments of Job and Family Services

FROM: Trudie J. Bormann, Deputy Director  
Office of Family Assistance

SUBJECT: **TANF Work Participation Corrective Compliance Plan:  
First Month Pay for Performance and Child Care Eligibility**

As discussed more thoroughly in Family Assistance Letter #108, on August 28, 2009, Ohio received notification of its failure to meet both the two-parent and all-family work participation rates for federal fiscal year (FFY) 2007 and of a potential \$32,758,572 penalty as a result. On July 29, 2011, the U.S. Department of Health and Human Services, Administration for Children and Families, denied Ohio's claim of reasonable cause. As a result, the state was required to enter into a corrective compliance plan to come in compliance with the work participation rate in FFY 2012. Ohio's TANF Work Participation Corrective Compliance Plan, certified by the Governor, was submitted on September 27, 2011 and went into effect immediately. A copy of the plan and the Governor's Executive Order was attached to Family Assistance Letter #108.

One important component of Ohio's plan is increased use of the First Month Pay for Performance assignment. Ohio law currently permits county agencies to assign Ohio Works First (OWF) applicants to job search and job readiness activities while OWF eligibility is being determined. This is called First Month Pay for Performance because while an OWF application is pending, individuals may be assigned to a job search or job readiness work activity, and failure to comply with the job search or job readiness assignment will result in the imposition of a one, three, or six month tiered sanction.

A common concern received from county agencies is the current child care policy which does not recognize eligibility for subsidized child care by OWF applicants; only those approved for OWF are found eligible for child care. However, for applicants to complete the assignment, supportive services, such as child care, need to be available. Section 5107.66 of the Ohio Revised Code states:

Subject to the availability of funds and except as limited by section 5107.58 of the Revised Code, county departments of job and family services shall provide for participants of Ohio works first placed in a work activity, developmental activity, or alternative work activity to receive support services the county department determines to be necessary. County departments may provide for applicants of Ohio works first placed

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in the work activity established under section 5107.50 of the Revised Code to receive support services the county department determines to be necessary. Support services may include publicly funded child care under Chapter 5104. of the Revised Code, transportation, and other services.

Pursuant to the Ohio Administrative Code, rules 5101:1-3-11 and 5101:1-3-12, failure to provide supportive services, or a lack of child care, are considered good cause reasons for noncompliance with a work or alternative activity and therefore applicants are not subject to sanction if they do not have child care when necessary for them to meet their work requirements.

Because of the renewed emphasis on work participation, the Office of Family Assistance, Bureau of Child Care and Development, has reviewed the state law and rules regarding child care eligibility. It is clarified that for purposes of promoting self sufficiency and personal responsibility OWF families who are looking for and preparing for employment through job search and job readiness activities will be allowed child care eligibility even though OWF eligibility is pending for these families. Caretakers who meet current child care eligibility requirements and whose activity is limited to or includes participation in a Self-Sufficiency Plan prior to being determined eligible for OWF cash assistance, shall meet the requirement of participating in a training activity which prepares the caretaker for paid employment as defined in rule 5101:2-16-30 (K)(2) of the Ohio Administrative Code.

A joint video conference with state child care and OWF program staff has been scheduled for January 4, 2012 at 1:00 pm to provide further information on this change. Attached please also find Technical Assistance Notice No. 5 provided by the Bureau of Child Care and Development.

Questions about First Month Pay for Performance can be directed to the TANF-FSTA mailbox at [TANF-FSTA@jfs.ohio.gov](mailto:TANF-FSTA@jfs.ohio.gov) or call 1-866-886-3537 (option 6).

Questions about child care eligibility can be directed to Matthew Murray at [matthew.murray@jfs.ohio.gov](mailto:matthew.murray@jfs.ohio.gov) or call (614) 752-0440.

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