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Governor



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OWF/PRC Guidance Letter # 39

To: Directors, County Departments of Job and Family Services
Directors, County Public Children Service Agencies
Directors, Child Support Enforcement Agencies
Regional Account Managers

From: Tom Hayes, Director

SUBJECT: OWF: SELF-SUFFICIENCY CONTRACT MODEL REVISION

On August 28, 1997, Ohio Works First (OWF) Letter # 2 was issued to introduce the ODHS 3801, "Ohio Works First Self-Sufficiency Contract". This OWF/PRC Guidance Letter will obsolete OWF Letter #2.

Since the original model was issued in 1997, there have been numerous changes that have occurred which require a revision to the document. The U.S. Department of Health and Human Services (HHS) Office for Civil Rights has recently issued a Policy Guidance regarding the Prohibition against discrimination on the basis of disability in the administration of the TANF Program. The guidance can be accessed at www.hhs.gov/ocr/prohibition.html. The guidance clarifies the obligations that Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, impose on State and local governments, and on recipients of federal financial assistance from HHS involved in TANF activities. These activities include:

- The application process;
- The initial screening for disability and accommodation needs;
- The assessment of accommodation needs for people with disabilities;
- The job training and education process; and
- The work program process.

HHS has also issued a guidance regarding the prohibition against discrimination to persons with limited-English proficiency (LEP), a part of Title VI of the Civil Rights Act of 1964. This guidance reinforces the responsibilities of agencies who receive federal funding from HHS to provide oral and/or written translation services to individuals whose primary language (spoken or written) is not English. The guidance can be accessed at www.hhs.gov/ocr/lep/.

In order to comply with these federal requirements and as a result of meetings with the ODJFS Office of Legal Services and Office of Civil Rights, language has been added to the self-sufficiency contract model regarding individuals with disabilities and the requirement of the CDJFS to offer and provide interpreters, if necessary, to individuals whose primary language is not English or who are hearing impaired. Revisions were made as a result of clearance comments, with Legal and Civil Rights reviewing the model contract and plan prior to the issuance of this guidance letter.

Specific changes to the model are listed below.

Self-Sufficiency Contract

- Additional CDJFS responsibilities have been added to conform with requirements under ADA and LEP.
- Additional language regarding the time limits to inform assistance groups of extensions and good cause that may be available after the initial 36-month receipt of OWF.

Self-Sufficiency Plan

- Sections of the Plan are identified with letters, allowing for an easier understanding of the sections that could be sanctionable.
- A box with the participant name, case name and case number has been added to the top of all of the pages.
- A section titled “Possible Barriers to Employment” has been added. This information would be beneficial in determining what steps should be taken to ensure that assistance groups receive the necessary services to enable them to achieve self-sufficiency within the allowable time period permitted under state and federal law.
- A section titled “Steps to Achieving Self-Sufficiency” has been added to indicate specific actions that are being provided to overcome barriers. This section can be used to indicate referrals for services made to community agencies.
- The “location” of the work activity has been added to the “Work Responsibilities and Activity Plan”. More spaces have been added for multiple assignments.
- The “My Other Responsibilities” section now includes specific actions that are considered part of cooperation with the CSEA. The section listing cooperation with the PCSA has been removed -

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any additional responsibilities would be listed in the spaces indicated under “My Other Responsibilities”. A paragraph detailing good cause in cooperating with the CSEA has been added.

- More categories of “assistance/services” have been added under the “County Department’s Responsibilities” section, including “Interpreter Services”, “Educational Courses” and “Training Courses”. “Child Care” has been separated into 2 categories - “help in locating child care” and “help in payment of child care”.
- Sections (H) and (I) detailing sanction and penalties has been separated, thus allowing a better understanding of when a sanction or penalty is applied.
- Under the “Sanctions” section , information regarding the good cause provision for single individuals caring for a child under 6, who are unable to secure child care, has been added. This provision is a requirement in rule 5101:1-3-12 of the Administrative Code, Section 5107.16 of the Revised Code and in 45 CFR 261.56 (c).

In addition to what has been added to the model, the CDJFS is also required to inform the single custodial parent caring for a child under the age of 6, the procedure for determining a family’s inability to obtain needed child care, any other requirements or procedures associated with this provision and the applicable definitions for “appropriate child care”, “reasonable distance”, “unsuitability of informal care” and “affordable child care arrangements”. “Reasonable distance” and “Unsuitability of informal child care” are defined by the CDJFS; “appropriate child care” and “affordable child care arrangements” are defined in rule 5101:1-3-12.

- Information on compliance and services available during compliance has been added to the “Sanction” section.
- More information on the consequences regarding the Medicaid card for non-cooperation at the third-tier was added to the “Sanction” section.
- A section titled “OWF Ombudsperson” has been added to provide the assistance group the name and phone number of this individual. This is a requirement of section 329.07 of the Revised Code.
- Numerous amendment signature and date lines have been added at the end of the self-sufficiency plan.

It is recommended that, at a minimum, the CDJFS attach a copy of the county’s good cause and just cause plans to the self-sufficiency contract/plan.

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This model is also not meant to replace appraisal and/or assessment procedures that CDJFS' have in place. While the model does reflect the use of the contract/plan for only one required assistance group member, the CDJFS has the option to use one contract/plan per required assistance group member or for both members in 2-parent households. If the CDJFS chooses separate plans for assistance group members in 2-parent households, they need to ensure consistency in the scheduling of activities and other requirements to not create a transportation or child care hardship for the assistance group members.

A CDJFS may choose to adopt the JFS 03801, modify it or create their own. Section 5107.14 of the Revised Code, lists the items that **MUST** be contained in the CDJFS self-sufficiency contract. In addition to these items, self-sufficiency contracts/plans must also include information regarding assistance to individuals with disabilities and information regarding providing an interpreter to individuals whose primary language is not English.

CDJFS' are strongly encouraged to have their self-sufficiency contract/plans reviewed by their local Prosecutor or agency attorney to ensure that it complies with requirements of the Ohio Revised Code, Ohio Administrative Code, Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and with Title VI of the Civil Rights Act of 1964. **(ccn 4724)**

Attachments

TH:ke

c:	County Commissioners Association	Cheri Walter
	Stan Sells	Deputy Directors
	PCSAO	OJFSDA
	Regional Account Managers	Deputy Account Managers
	Fiscal Supervisors	LouAnn Shy
	Joel Potts	Rick Smith
	Bureau Chiefs/OWD	Jane Frye
	Jeanne Carroll	Ronn Kolbash
	Bob Mullinax	Technical Assistance Managers