

**Stark County
Department of Job and Family Services
Hardship Exemption Policy**

Purpose

Pursuant to Ohio Revised Code section 5107.18 qualified individuals can participate in the Ohio Works First (“OWF”) for up to thirty-six months. The thirty-six month time limit rule applies to the 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 Stark county Department of Job 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 members 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 this 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 creating a significant 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 Job 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.

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 year starting October 1. 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.

Because the ODJFS may be unable to provide the actual number of participants eligible for the 20% exemption immediately at the start of the 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 receipt of the thirty-six 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 fifteen (15) 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 Ohio Department of Job and Family Services shall notify the assistance group that it has reached the thirty-six months of eligibility.

Assistance groups who wish to be considered for an exemption shall make their request using the Stark County OWF Hardship 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 15th. 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 requested 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 not be under sanction at the time of the application.

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 fifteen (15) days of the receipt of the request form, 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 the 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 assistance group will be notified 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 time period determined by the County. The County shall make this determination on a case-by-case basis. During the last month of the exemption period, the assistance group must request a hardship exemption renewal, using the Exemption Request form, if they wish the exemption to continue. Additional documentation may be required when seeking a renewal. Granting a renewal 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 exemption. 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 this

document. The County 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 cooperation 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 may be required to sign a revised self-sufficiency contract setting forth the terms of the hardship exemption. Failure to abide by the terms of the hardship exemption shall be sufficient cause for its revocation. 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. Where self-sufficiency is not obtained within the thirty-six month lifetime benefit period, the County may use the following criteria to grant a hardship exemption for assistance group members. The specific hardship exemptions that may apply are as follows:

Exemption #1

You are a single custodial parent or an intact family with two (2) disabled parents who are pending SSI/SSD and/or a recognized medical disability insurance program for a mental or physical disability. You have been unable to participate in an assigned work activity due to that disability as verified by a licensed physician, nurse practitioner, or clinical counselor with the ability to prescribe medications (and each required individual is not employable).

Exemption #2

You are providing care for a disabled (as verified by a licensed physician) immediate family member living in the home, and no other arrangements for the family members care are available (as verified by the county). An immediate family member is defined as a mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, step-parent, step-sibling or legal guardian.

Exemption #3

You are a single custodial parent caring for your child and child care is not available as determined by the county.

Exemption #4

You are a single custodial parent with a newborn under three (3) months of age.

Exemption #5

You are a child's caretaker and over 60 years of age.

Exemption #6

Your assistance group is cooperating with Child Protective Services in a 180-day re-unification plan. Applicant must have been in receipt of OWF cash when the children were removed. CPS documentation is required for verification purposes.

Exemption #7

You have been a victim of domestic violence as verified by supporting documentation, where available.

Exemption #8

You have become homeless within the past thirty (30) days through no fault or action of your own, due to loss of earned or unearned income or by disaster (i.e. flood, fire, and tornado). Homelessness will be verified by homeless shelter, homeless hotline (certification required) or another social service agency.

Exemption #9

You are participating in an education or training program directly related to employment which will not be completed by the expiration of the thirty-six (36) month time limit, but will be completed within six (6) months.

Exemption #10

You have worked three (3) out of the past six (6) months and became temporarily (less than nine months) incapacitated due to illness, injury or pregnancy as verified by a licensed physician. You have been employed in good standing within thirty (30) days of the documented disability and earnings were above OWF payment standard for three (3) out of the last six (6) months.

Exemption #11

You are the residential spouse or parent who has experienced the death of their spouse or a child (newborn to age 18) within the past twelve (12) months.

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.

The County cannot grant a hardship exemption to an OWF assistance group member once the County has filled the 20% limit unless it exercises its discretion to termination any hardship exemption that has been previously granted.

Priority of Exemptions:

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

The County reserves the right to change or amend this policy as needed.

Approved: DATE: _____

Board of County Commissioners

Tom Harmon, President

Todd Bosley, Commissioner

Jane Vignos, Commissioner

Stark County Department of Job and Family Services

Julie Barnes, Executive Director

Approved as to legal form and legal sufficiency:
(Please refer to the attached letter dated August 27, 2008)

Amy Andrews Sabino
Assistant Prosecutor