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OFFICE OF FAMILY STABILITY LETTER #49B
September 29, 2006

TO: Directors, County Departments of Job and Family Services

FROM: Jeanne Carroll, Deputy Director
Office of Family Stability

SUBJECT: TANF Reauthorization: September 29, 2006 Implementation

Over the past few months, we have provided a series of Family Stability letters on the Deficit Reduction Act of 2005 and the “interim final” regulations issued by the U.S. Department of Health and Human Services (HHS) on June 29, 2006 related to the reauthorization of the Temporary Assistance for Needy Families (TANF) Program. This letter transmits the information necessary for the September 29, 2006 implementation by the County Departments of Job and Family Services (CDJFS).

Cash Assistance Manual Transmittal Letter (CAMTL)

CAMTL #29, containing the new Ohio Administrative Code (OAC) rules implementing the interim final TANF regulations, is posted to the TANF Reauthorization section on the ODJFS Office of Family Stability’s website at: http://jfs.ohio.gov/ofam/tanf_info.stm and will soon be published on the ODJFS eManuals web site. The rules have been emergency filed with an effective date of September 29, 2006. These rules will remain in effect for 90 days and will be replaced with the regular rules that will be filed within the next week. If there are any changes to the regular rules that differ from the emergency rules, we will issue another CAMTL to transmit the changes to the rules.

Section (5) of Amended Substitute Senate Bill 238 (Am. Sub. S.B. 238) of the 126th General Assembly contained uncodified law that provides ODJFS with the authority to promulgate rules to implement the TANF Reauthorization provisions of the Deficit Reduction Act of 2005 that may be inconsistent with the Ohio Revised Code. The rules in the CAMTL identify the Revised Code sections that are superseded by the rules. The CDJFS shall apply the rule and not the conflicting statute as indicated in each rule.

In addition to implementing the specific provisions of the interim final TANF regulations (see Family Stability Letter #49a), the new rules include changes that are intended to more closely align the state requirements with federal requirements. These changes include the elimination of a state work participation rate, the elimination of developmental activities and the elimination of the 20% caseload limitation for assignments to alternative activities. Each county is expected to meet the federal work participation rates by assigning participants to the countable work activities for the hours necessary to meet the participation rate, but may also assign some participants to alternative activities or to fewer hours of countable work activities to address temporary or

permanent barriers to employment even though these activities or hours will not meet the work participation rate.

Statutory Language

ODJFS will propose statutory changes to Chapter 5107 of the Revised Code because of the conflicting provisions of the rules and state statute. By January 2007, ODJFS must submit recommended legislative changes to the Governor and General Assembly.

CRIS-E System Changes

Phase one of the CRIS-E modification to accommodate the TANF Reauthorization changes has been tested and will be placed into production on the evening of September 29, 2006. The changes to the system are included in Appendix A that is attached to this letter and will be referenced in a CRIS-E view flash bulletin and available online at: http://jfs.ohio.gov/ofam/tanf_info.stm. CRIS-E training will take place from November 1 through December 13, 2006.

Training

Family Stability is offering training sessions for CDJFS work activities and income maintenance line staff from the end of September through October. Contact Deanna Chapman at 419-241-4091 for information about registering for training.

Fair Labor Standards Act (FLSA) and Deeming

On September 18, 2006, ODJFS received notification from the United States Department of Agriculture, Food and Nutrition Service (FNS) that Ohio had been approved to implement a Mini Simplified Food Stamp Program. Approval permits the CDJFS to combine the OWF and food stamp benefits to calculate the maximum number of hours the OWF assistance group may participate in the Work Experience Program (WEP) or Community Services Program under the minimum wage provisions of the FLSA. This will permit the CDJFS to deem those assistance groups as having satisfied the core activity requirements.

We are awaiting clarification from HHS, Administration for Children and Families (ACF) on the calculation for situations where there are food stamp only persons in the household. Until we receive a response from ACF we are advising the CDJFS to use the amount of the food stamp allotment attributable to the OWF assistance group and not the food stamp only household members, regardless of whether they are FSET required. When we receive the clarification, it will be provided to the CDJFS.

Reports on Sanctioned and Penalty Cases

The federal regulations added a new category of individuals who meet the definition of "work eligible" and are required to participate in work activities, unless they meet an exemption. These individuals are non-recipient parents living with a child receiving TANF cash assistance. Certain non-recipient parents in open OWF assistance groups under a three-tier sanction or penalty situation will meet the definition of work eligible individual. To assist the CDJFS in identifying these individuals, an ad hoc report was sent on September 14, 2006 to the CDJFS with a list of open OWF assistance groups that would meet the definition of work eligible on September 29, 2006. On September 27, 2006 notices were sent to 421 OWF assistance groups under a sanction and 63 OWF assistance groups identified as in receipt of fraudulent assistance informing them that in order to continue to receive OWF after December 31, 2006, the individual must comply with the work requirement in order to continue to receive cash assistance for the family. A copy of both notices is attached to this letter as Appendix B. The number of recipients to receive a notice differs from the original count due to multiple penalties identified in a few cases.

Work Verification Plan

45 CFR 261.62 requires each state to submit a Work Verification Plan to HHS by October 1, 2006. The Work Verification Plan includes many definitions defined in the OAC rules contained in CAMTL #29. If HHS requires changes to the Work Verification Plan, a state must submit those changes within 60 days of receipt of notification and include all necessary changes as part of the final approved Work Verification Plan no later than September 30, 2007. Ohio has submitted the plan to HHS and is awaiting review and approval or recommended changes from HHS. If there are any changes to the plan that will result in rule changes, we will send them to statewide clearance and issue another CAMTL to transmit the changes to the rules. A copy of the plan can be found at: http://jfs.ohio.gov/ofam/tanf_info.stm.

If you have any questions about TANF Reauthorization or this letter, please submit them to the WACTA mailbox.

Attachments

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c: Barbara Riley, Director
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