



COUNTY ADVISORY BULLETIN

CAB

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WELFARE REFORM

On July 2, 1997 the governor signed HB 408, the comprehensive welfare reform bill which implements federal welfare reforms required under the federal Personal Responsibility and Work Opportunity Reconciliation Act. The bill, effective October 1, 1997, changes the basic relationship between the state and counties and between counties and welfare recipients. HB 408 gives county commissioners broad flexibility in designing welfare programs and administration at the local level in exchange for county responsibility for meeting outcome goals designed to move welfare recipients from dependency to self-sufficiency. The law requires recipients to become active participants in planning and working toward their own self-sufficiency. Participants will be required to sign a self-sufficiency contract with the county and participate in work and development services to become employed and retain employment.

THE CHALLENGE TO COUNTIES

Welfare reform in HB 408 is not just a change in welfare programs. It is a whole new approach to an old problem. For years, every county has had a percentage of people who receive welfare benefits for a variety of reasons. However, in all cases, these people are outside the mainstream of the society and economy of the county. Ohio Works First presents an opportunity to bring community resources together in a new way to bring these people into the mainstream. This cannot be done by locking the doors of the county department of human services (CDHS) and the commissioners office and coming up with a brilliant plan. The doors must be opened and all sectors of the community involved in solving this community problem. Otherwise, the county will fail to meet federal work participation standards and may face payment of sanctions from the county general fund. If people reach the time limit on their assistance and have not obtained employment, they will become a burden on the public and private resources of the county to meet basic needs. It is a community problem and without the involvement of government, private

service agencies, religious organizations, and the business community, the county and the community will fail.

Commissioners are being given more flexibility to design and operate local programs and will be held legally and financially responsible by the state and federal governments for achieving results. Even more importantly, commissioners will be held responsible by the local community for achieving success in welfare reform and cannot do it without every community resource available.

OHIO WORKS FIRST: Welfare Reform in Ohio

What Has Changed?

- ▶ Time Limits - 3 years/5 lifetime (ORC 5107.10)
Cash assistance no longer an indefinite entitlement. Recipients are expected to become employed and self sufficient within the time limits. Participants are limited to three years on OWF cash assistance. After two years off, participants may receive another two years if they show good cause.
- ▶ Recipients Become Participants - (ORC 5107.14)
Participants in cash assistance must participate in planning and working toward their own self sufficiency. They are active participants, not passive recipients.
- ▶ County/State Partnership -
The county designs flexible programs to fit the county and participants to move participants to self sufficiency and full participation in the county. The state acts as facilitator with technical assistance, management information system support and training.
- ▶ Community Involvement - (ORC 329.06/5101.21)
County must bring all of the county resources together - government, business, education, services, social/religious organizations to help all county residents into the mainstream.
- ▶ County Flexibility/Responsibility
The county has the flexibility to plan and design fiscal, human and organizational resources to best serve the community. Counties will be held responsible for outcomes in the county, more than the process of how the outcomes are reached.
- ▶ Communication
The board of county commissioners must work with the community and keep the community and participants informed of the mission, the goals, the program changes and the progress of welfare reform. Constant public communication is essential.

What Has Not Changed?

- ▶ Cash assistance is standard statewide with checks issued by the state.
- ▶ Food Stamp Program has not changed in terms of regulations, process requirements, quality control and error rate measurements.
- ▶ Medicaid program has not changed re: eligibility requirements, etc.
- ▶ Disability assistance remains much as before.

SEE ATTACHMENT ONE FOR A BRIEF OVERVIEW OF OHIO WORKS FIRST.

What Flexibility Do Commissioners Have?

Administrative Structure

Redesignation (ORC 307.981)

- ▶ Commissioners have the authority to redesignate any entity, public or private as the County Department of Human Services (CDHS), Child Support Enforcement Agency (CSEA) or Public Children Services Agency (PCSA) or any combination of the above with 60 days public notice.

If the county is served by a separate Children Services Board (CSB), the Board of Commissioners must give public notice of the intent to redesignate and give the CSB 60 days to respond. If the CSB approves the redesignation, the Board of Commissioners may only proceed to redesignate by a unanimous vote.

Contracting (ORC 307.981)

- ▶ Commissioners have the authority to contract any human services function to any entity, public or private except in the case of a separate Children Services Board (CSB) where the CSB is the contracting agent, not the Board of Commissioners.
- ▶ Before any changes are proposed, commissioners should know how current agencies work and whether any change is really necessary to meet goals.

Funding

- ▶ Flexible funding and “one pot” of funding refer only to the traditional CDHS programs - that is, administrative funding for income maintenance, food stamps, medicaid, Ohio Works First (formerly ADC and JOBS), child care, refugee

assistance and administration and program funding for Title XX and for Prevention, Retention and Contingency Programs (formerly energy assistance, JOBS, supportive services, etc.). Flexible funding does NOT include funding for child support or children services. Flexible funding is available only under a partnership agreement.

Programs

The Food Stamp and Medicaid programs remain unchanged administratively, and there is still a standard statewide cash assistance program with checks issued from Columbus. However, the county has the flexibility to design work and support programs to meet county needs and get participants employed.

Prevention, Retention and Contingency Programs (ORC 5108)

The county has complete flexibility to design programs to help people to avoid going on cash assistance, to get work and to continue working. Instead of giving people what the state has, counties will be able to give people what they need. Examples are:

- ▶ fixing a car or buying work tools for someone to keep working or go to work;
- ▶ helping with rent or utilities;
- ▶ helping with temporary housing or other services to recover from a fire or flood.

ODHS will provide a model program, but the county may adopt or modify that program or devise its own, including eligibility standards, types of services or payments available and limits of assistance.

Work Programs

The county may design work programs as it sees fit to meet the thirty hour per week work requirement within three broad categories:

- ▶ federally allowable work activities (ORC 5101.40ff.) including paid work, subsidized jobs, work experience, unpaid internships. Adults must participate up to 20 hours per week to be counted toward federal participation rates;
- ▶ development work activities (ORC 5107.58) includes up to 10 hours per week of education, GED, post secondary education, services such as substance abuse counseling, etc., to help develop participants to be more employable;
- ▶ alternative work activities (ORC 5107.64)

for those unable to work in traditional settings, which may include education, counseling, parenting classes, etc., to become employment ready.

Support Services

Counties will have the ability to design work programs and support services to assist participants to reach their self sufficiency goals set in the self sufficiency contract.

Day Care (ORC 5104)

Day care will be a statewide program, funded by state and federal dollars. Dollars will be paid on demand at the local level and counties will not be restricted to a day care allocation as in the recent past. As long as dollars are available statewide, day care programs will remain open in every county. Rules are being relaxed to encourage more neighborhood care.

Transportation (ORC 307.984)

Every county is required to convene a transportation planning group and develop a written transportation plan for OWF participants and other low income residents of the county. There is general concern that many working poor have difficulty getting to work and day care.

Plan of Cooperation

The plan of cooperation is a formal, written contract involving the Board of Commissioners, the County Department of Human Services (CDHS), the Child Support Enforcement Agency (CSEA) and the County Public Children Services Agency. Owing to the specific, contractual nature of the plan of cooperation, it should be limited to the commissioners and the three primary county social services agencies, and should not involve other public or private entities.

The plan of cooperation must be completed and included with any community plan submitted to the Ohio Department of Human Services (ODHS) for negotiation of a partnership agreement. The plan may address whatever the parties wish, but should, at a minimum, address the following:

1. What services each agency is responsible for
2. What steps all of the parties will take to avoid duplication of services
3. What steps all parties will take to prevent gaps in services to Ohio Works First Families
4. How all parties will work together to move county families toward self-sufficiency
5. What funding will be provided through each system to meet goals set by the commissioners, including federal, state and county funds available
6. Steps all parties will take to share information with each other and the public.

Commissioners and Welfare Reform

Commissioners are responsible for:

- ▶ Organizing a county planning council (ORC 329.06);
- ▶ Developing a community plan;
- ▶ Establishing a plan of cooperation with the County Department of Human Services (CDHS), the Child Support Enforcement Agency (CSEA) and the Public Children Services Agency (PCSA) (ORC 307.98);
- ▶ Convening a countywide planning group on transportation and developing a transportation plan (ORC 307.984);
- ▶ Developing a coordination plan with school districts in the county (ORC 307.985);
- ▶ Determining the administrative structure of human services programs in the county (ORC 307.981);
- ▶ Determining the scope and eligibility for flexible Prevention, Retention and Contingency programs;
- ▶ Entering into a partnership agreement with the Ohio Department of Human Services (ODHS) (ORC 5101.21);
- ▶ Appropriating general fund dollars for the mandated share of welfare including TANF maintenance of effort (ORC 5101.16);
- ▶ Appropriating how incentives and savings will be invested in local TANF related programs (ORC 5101.24);
- ▶ Keeping the public and participants informed of program changes and progress on welfare reform.

Commissioners must understand that it will not be enough to just change programs or systems in human services. It will be necessary to involve the community in planning and carrying out a new strategy for moving segments of the county's population which have been left out into the main stream.

County Human Services Planning Committee

Each Board of Commissioners is required to appoint and organize a County Human

Services Planning Committee (CHSPC) to gather public input, review draft programs and make recommendations to the Board of Commissioners in developing and maintaining a community plan to implement Ohio Works First (OWF).

Membership

The County Human Services Planning Committee must include:

1. A representative of the County Department of Human Services (CDHS) (preferably the director).
2. A classified employee of the Board must appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the social services provided in the county. The Board must make appointments in a manner that reflects the ethnic and racial composition of the county. The followings groups and entities may be represented on the committee:
 - Consumers of social services;
 - The Public Children Services Agency;
 - The Child Support Enforcement Agency;
 - The County Family and Children First Council;
 - Public and private colleges and universities;
 - Public entities that provide social services, including Boards of Health, Boards of Education, the County Board of Mental Retardation and Developmental Disabilities, and the Board of Alcohol, Drug Addiction and Mental Health Services that serves the county;
 - Private non-profit and for-profit entities that provide social services in the county or that advocate for consumers of social services in the county, including entities that provide services to or advocate for victims of violence;
 - Labor organizations;
 - Any other group or entity that has an interest in the social services provided in the county, including groups or entities that represent any of the counties business, urban, and rural sectors.

The County Human Services Planning committee must do all of the following:

1. Serve as an advisory body of the Board of County Commissioners with regard to the social services provided in the county, including assistance under Chapter 5107 and 5108 of the Revised Code, publicly funded child day-care under Chapter 5104 of the Revised Code, and social services provided under Section 5101.46 of the Revised Code.
2. Provide comments and recommendations to the Board prior to the Boards

entering into or substantially amending a partnership agreement with the Director of Human Services under Section 307.98 of the Revised Code.

3. Conduct public hearings on proposed county profiles for the provision of social services under Section 5101.46 of the Revised Code.
4. At the request of the Board, make recommendations and provide assistance regarding the social services provided in the county.
5. At any other time the committee considers appropriate, consult with the board and make recommendations regarding the social services provided in the county. The committee's recommendations may address the following:
 - implementation and administration of social service programs;
 - use of federal, state and local funds available for social service programs;
 - evaluation of the outcomes of social service programs;
 - any other matter the board considers relevant to the provision of social services.

If there is a committee in existence in a county on the effective date of this amendment that the Board of County Commissioners determines is capable of fulfilling the responsibilities of a County Human Services Planning Committee, the Board may designate the committee as the County's Human Services Planning Committee and the committee shall serve in that capacity.

The Committee should develop the planning council to include stakeholders from the public and private sectors of the county which will help ensure the success of the county's efforts. Without involving private non-profit agencies, agencies which provide child care and transportation and community business leaders, counties will not be able to marshal the necessary support services within the county to get jobs for Ohio Works First (OWF) participants and help them stay employed. The efforts must be an open, community wide effort.

Partnership Agreement

The partnership agreement is a two way agreement negotiated between the board of county commissioners and the director of the Ohio Department of Human Services. The agreement will run for one year at a time to coincide with the state fiscal year (July 1 - June 30). The agreement will include the outcomes expected of the county, the consequences of failure to meet outcomes, procedures for resolving disputes, expected support in information, technical assistance, training and funding from ODHS. It will be a negotiated two-way working document and may be amended by agreement.

Pursuant to ORC 5101.21, the partnership agreement may address the following:

- requirements governing the administration and design of and agencies cooperation to enhance social services duties;
- outcomes expected of the county;
- assistance, services and technical support to be provided by the state;
- performance standards to be met by the county and assistance to be given by the state in meeting these goals;
- criteria and methodology to be used by the state to measure county performance and the counties to measure state performance;
- accrued financial, administrative or other incentive awards;
- procedures for state action against a county for non-compliance;
- funding to be made available to the county;
- audit procedures;
- any ODHS rules to be waived;
- method for amending or terminating agreement and an expedited process for correctly errors;
- dispute resolution procedures;
- other provisions deemed necessary by the state or the county.

The partnership agreement is intended to be a comprehensive agreement between the county and state relative to the Ohio Works First Program. While commissioners may wish at a later time to include child support or childrens services in this process, the initial thrust is Ohio Works First.

The advantage of having a partnership agreement is that it is the only way the county will be eligible to keep dollars saved in OWF or to earn incentives under OWF programs. Another advantage is that it puts in writing the mutual expectations of the county and the state in welfare reform.

Time Frame for Agreements

All counties should be working toward developing a partnership agreement, even though

the law does not require all counties to be in an agreement until January 1, 2000.

Following is the tentative schedule the Ohio Department of Human Services has adopted for developing partnership agreements in Phase I through July 1, 1998:

Wave I - January 1, 1998	Wave II - April 1, 1998	Wave III - July 1, 1998
Belmont	Athens	Hocking
Fulton	Butler	Licking
Geauga	Cuyahoga	Mahoning
Greene	Highland	Richland
Hamilton	Lake	Seneca
Montgomery	Sandusky	Washington
Scioto	Shelby	Franklin
	Wyandot	

ODHS has however, expressed a willingness to work with counties and develop a partnership agreement before the scheduled date. What a county would need to petition ODHS for a partnership agreement includes:

- 1) A functioning county human services planning committee.
- 2) A functioning county transportation planning group.
- 3) An agreement with local schools for coordinating services to OWF families.
- 4) A county plan of cooperation signed by the board of commissioners, the CDHS, the CSEA and the PCSA.
- 5) A community business plan for implementing welfare reform which has been subjected to review by the public and the county human services planning committee.
- 6) A letter to the director of ODHS expressing a desire to negotiate a partnership agreement.

Every county will be assigned an account manager who will work with the county on an ongoing basis to coordinate all activities between the ODHS and the county, with authority to make decisions and marshal resources.

Mandated Share (ORC 5101.16)

The mandated share of welfare is still limited to public assistance programs.

What Stays The Same?

The basic calculations remain unchanged for some programs. The county is responsible for percentages as follows:

10% of non-federal share of food stamp administration
10% of non-federal share of medicaid administration
25% of administration of disability assistance
25% of the program cost of disability assistance

The 110% limit on increase from year to year will continue and will cover the total of the share of other programs, plus the OWF maintenance of effort.

What Changes?

Maintenance of Effort

Instead of 10% of the non federal share of ADC administration, ADC programs and JOBS programs, the county is responsible for a maintenance of effort for the TANF program on the same basis as the state. The maintenance of effort is equal to the county's expenditures on ADC, ADC administration and JOBS for federal fiscal year 1994 (October 1993 - September 1994) just as the state must maintain the amount it spent on these programs for the same time period. For the period of state fiscal years 1998 and 1999, the state and counties are only mandated to contribute 80% of the FFY 1994 figure.

Calendar Year to State Fiscal Year

To coincide with the terms of the partnership agreements, the mandated share will be assessed on a state fiscal year (July - June) basis rather than a calendar year basis. Since commissioners cannot appropriate money past the end of the calendar year, the process will work as follows:

By May 15th of each year, ODHS will certify to each board of commissioners the mandated share for the following state fiscal year, which will consist of the county's actual share of food stamps, medicaid and disability assistance for the previous fiscal year plus the OWF maintenance of effort.

Each January, the board of commissioners will appropriate the amount certified by ODHS the previous May plus 5% to cover maximum growth exposure. Each June, the commissioners may reduce the appropriation of the mandated share for the second half of the calendar year, if the extra 5% is not necessary.

Again the 110% limit applies to the total, including the maintenance of effort.

EXAMPLES:

	A	B
May 15, 1998 - ODHS certifies FY 99 mandated share	\$100,000	\$100,000
January 1999 - BCC appropriates for calendar year 1999	\$105,000	\$105,000
	(mandate + 5%)	
May 1999 - ODHS certifies FY 2000 mandated share	\$100,000	\$110,000
June 1999 - BCC reduces calendar year 1999 appropriation by \$ 5,000		no reduction
January 2000 - BCC appropriates for calendar year 2000	\$105,000	\$115,500

CONCLUSION

Welfare reform is shifting responsibility and decision making to the county level and demanding greater accountability of counties for results in moving participants toward self sufficiency. It is also placing greater responsibility on welfare participants for planning and achieving their own goals.

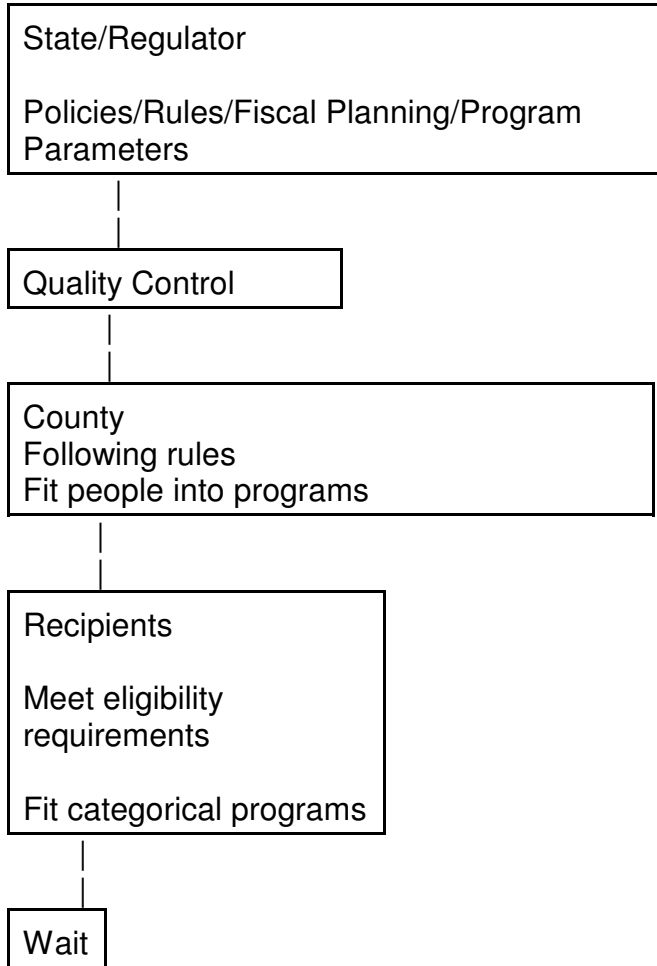
County human services agencies have been changing their emphasis from determining eligibility and handing out checks to assessing and building skills and getting people employed. HB 408 gives counties more flexibility to change programs and structures to further those goals, as with all change, the first question should be: What are we doing now? The second question should be: What can we do to meet those goals with the agencies and resources we already have? Then and only then, should we ask the question: What do we need to change and to what extent?

SEE ATTACHMENT 3 FOR A DETAILED SUMMARY OF HB 408

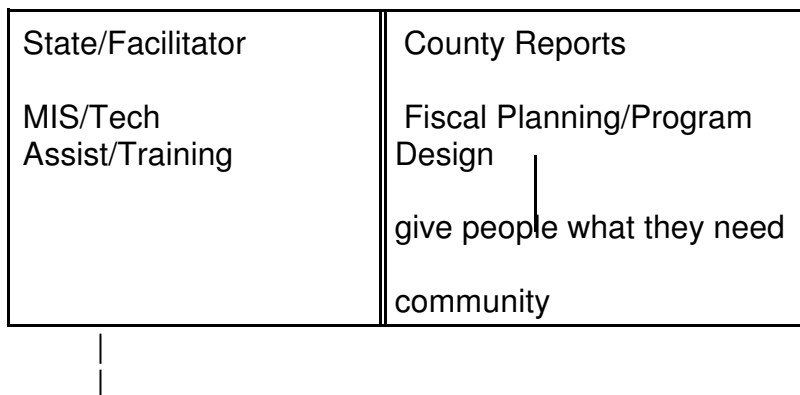
Commissioners should call Jerry Collamore at CCAO with questions.

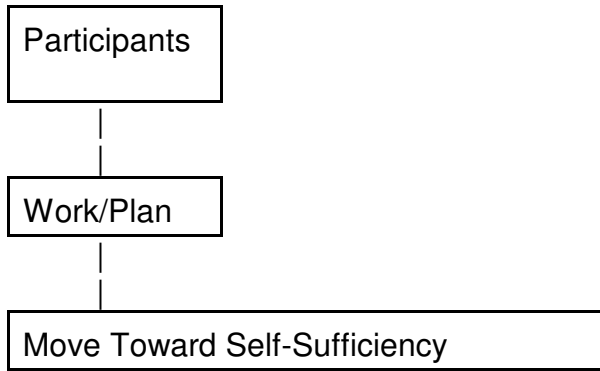
OLD County Human Services System

Attachment 1



NEW County Human Services System





**OHSDA/CCAO ANALYSIS OF HB 408
BY REVISED CODE SECTION**

Ohio Revised Code Sections are in **BOLD** type
Comments are in *Italics*

Revised 8-7-97

GENERAL COMMENTS

- *Certain sections of the law were included in Sub HB 408 in order to delete reference words (such as ADC) which no longer exist, or were replaced with new reference words (such as TANF or Ohio Works First). However, some of these sections were not otherwise substantially changed enough for treatment in an analysis.*
- *As in all substantial bills (699 pages in HB 408), a number of current sections of the law were either entirely deleted and/or replaced with new language, renumbered in a new section, and/or new sections created. There were 203 sections amended, approximately 26 sections renumbered, and approximately 70 new sections created, with an approximate total of over two hundred sections of ORC changed or created relative to welfare reform.*
- *HB 408 requires that ODHS provide counties with an indexed copy of HB 408. Because counties will be receiving such a document from ODHS, OHSDA will not include an in-depth analysis of all specific requirements of the law (such an analysis would be quite lengthy!), but rather will give a brief description/analysis of the intent of the section, and any necessary comments relative to a county perspective.*
- *Typically in the past, counties could count on very specific transmittal letters and rules for every change in the law. This legislation allows for a great deal of county flexibility relative to process, and in many areas radically limits ODHS's rule making authority. Therefore, counties can count on information, technical assistance and training from ODHS and OHSDA to explain*

what areas will require county decision making, and different options and best practices that counties may wish to consider in their program design and delivery decisions.

ADMINISTRATION OF SOCIAL SERVICES

117.45 Changes name from “recipient of ADC” to “participant in Ohio Works.”

COMMENTS: Based on suggestions by OHSDA and CCAO, LSC staff changed the word “recipient” to “participant” throughout all of the sections of the bill in order to reflect the focus of the need to participate in activities and not just receive benefits.

125.13 Permits the Director of the Department of Administrative Services to donate any declared surplus or excess motor vehicle that does not exceed \$4,500 in value, with the exception of motor vehicles furnished to the State Highway Patrol, to a nonprofit organization for the purpose of meeting the transportation needs of Ohio Works First participants, if the Director has first attempted to dispose of the motor vehicle to state agencies; state-supported or state-assisted institutions of higher education; and tax-supported agencies, municipal corporations or other political subdivisions of the state.

307.01 (and thereafter in the bill) --Changes all references to the “county children services board or county department of human services exercising the children services function” to “public children services agency.” *COMMENTS: It was agreed that the wordy description of a PCSA in the law was unnecessary, and should be changed to the generic term.*

307.12 Permits a board of county commissioners to donate motor vehicles that are not needed for public use, obsolete, or unfit for the purpose for which they were acquired and that do not exceed \$4,500 in value to a nonprofit organization for the purpose of meeting the transportation needs of Ohio Works First participants.

307.441 Eliminates current law that permits a board of county commissioners to procure a liability insurance policy for members of a county welfare advisory board (renamed human services planning committee under the bill). Removes the reference to members of the county welfare advisory boards as being insurable for liability by Commissioners. *COMMENTS: There is a question as to whether the newly created human services planning committee should have been inserted in this section, since this group will take over many of the same functions as the advisory board.*

307.851 Eliminates current law that authorizes a board of county commissioners, subject to the approval of PCSA or CDHS, to contract for a corporation or association to provide children and youth or health and human services for low income persons if the county has enacted a tax levy in excess of the ten-mill limitation for the services.

307.981 Except as limited for public children services agencies (PCSA) administered by a

county children services board and only to the extent permitted by federal law, permits a board of county commissioners to designate any private or government entity to serve as a child support enforcement agency (CSEA), county department of human services (CDHS), PCSA, two of those county social service agencies, or all three of those agencies.

307.981 Requires a board of county commissioners, not less than 60 days before it redesignate a CSEA, CDHS, or PCSA, to notify the Ohio Department of Human Services (ODHS) and publish notice in a newspaper of general circulation in the county of the commissioners' intention to make the redesignation and reasons for the redesignation.

307.981 Provides that a board of county commissioners may not redesignate a PCSA administered by a county children services board unless the commissioners do all of the following: (1) notify the children services board of the commissioners' intent to redesignate the PCSA, (2) include with the notice a written explanation of the administrative, fiscal, or performance considerations causing the commissioners to seek to redesignate the PCSA, (3) provide the children services board an opportunity to comment on the proposed redesignation before the redesignation occurs, and (4) if the children services board, not more than 60 days after receiving the commissioners' notice, notifies the commissioners that the children services board has voted to oppose the redesignation, vote unanimously to proceed with the redesignation. *COMMENTS: OHSDA only agreed to accept the county commissioner designation authority language if it applied to all county social service agencies. Though there is always the possibility for commissioners to privatize functions of a social services agency, there is a greater opportunity (and financial incentive) for combining of agency functions under one public agency or umbrella.*

307.982 Permits, to the extent permitted by federal law, a board of county commissioners to contract with a private or government entity, including a public or private college or university located in any county, for the entity to perform a social service duty on behalf of a CSEA, CDHS, or PCSA other than a PCSA administered by a county children services board. *COMMENTS: A compromise agreement was reached between CCAO and PCSAO to not allow Commissioners to take over the contracting authority of a stand-alone PCSA board, as long as the PCSA board was functioning.*

307.983 Requires each board of county commissioners to enter into a written plan of cooperation with the CSEA, CDHS, and PCSA to enhance the administration of the Ohio Works First Program; the Prevention, Retention, and Contingency Program; and other social service duties the commissioners and CSEA, CDHS, and PCSA agree to include in the plan.

307.983 Provides that a plan of cooperation between a board of county commissioners and a CSEA, CDHS, and PCSA may also include other government entities. *COMMENTS: There was originally much confusion about the intended purpose of the "plan of cooperation." County representatives made it very clear during the legislative process that the plan of cooperation is intended to be a written agreement between the county commissioners and each county social*

service agency (CDHS, CSEA and PCSA) regarding respective roles and duties toward meeting goals of Ohio Works First, how to design and implement the prevention, retention and contingency program (PRC), and any other duties the parties agree to in the plan. The plan of cooperation was originally suggested as a way to get the agency Directors and County Commissioners to talk about what they wanted to do and to reach agreement about tasks and expectations prior to discussing these issues with outside interests and negotiating a partnership agreement with the state. OHSDA and CCAO strongly recommend that the CDHS Director draw up a discussion outline for a plan with Commissioners.

307.984 Requires each board of county commissioners to develop a written transportation work plan that establishes policies regarding the transportation needs of low income residents of the county seeking or striving to retain employment.

307.984 Requires a board of county commissioners, when developing its transportation work plan, to consult with (1) the CDHS, (2) a regional transit authority if such an authority serves the county, (3) a community action agency if such an agency serves the county, (4) as designated by the commissioners, representatives of private nonprofit and government entities that work with issues related to economic development, employment, and persons with physical disabilities, and (5) other individuals designated by the commissioners. *COMMENTS: This idea was a Democrat amendment, accepted because of legislators' concern that transportation will be key to the success of the Ohio Works First program. Originally recommended as a part of the plan of cooperation, county representatives insisted that the transportation planning process take place with more community involvement. OHSDA strongly recommends that all CDHS Directors begin to immediately pull together the different players who might be interested in being involved in transportation planning, and to take the lead role in development of this plan.*

307.985 Requires each board of county commissioners, with the CDHS and either each board of education in the county or the education service center or joint educational service center, to establish procedures for providing services to children whose families relocate frequently. *COMMENTS: This idea was a Democrat amendment, accepted because of legislators' concern about children being relocated to different school districts, and losing the continuity of service provision and communication with schools that might result from changing case managers. OHSDA strongly recommends that all CDHS Directors begin to call meetings with their Boards of Education on behalf of county commissioners, to investigate strategies and develop procedures to improve service communication and coordination.*

307.986 *COMMENTS: This section was especially important to clarify a process for how partnership agreements, contracts, plans and procedures should be coordinated, legally adopted and amended.*

307.987 Provides that if a board of county commissioners contracts with a religious organization to administer a CSEA, CDHS, or PCSA or to perform a service otherwise performed by a CSEA, CDHS, or PCSA, or if the Director of ODHS enters into an agreement or contracts with, or issues

a grant to, a religious organization for the enhancement or innovation of human service activities, the religious organization is required to comply with federal law governing religious organizations' administration and provision of government services. *COMMENTS: This section was added because a number of religious organizations testified that a few CDHS agencies were saying that the law prevented them from contracting for services with any organization with a religious affiliation. They insisted that the law be clear that it was allowable.*

329.01 Clarifies what is a county human service department. *COMMENTS: Most of the language stays the same, with one paragraph being assigned a new section number (329.01).*

329.02 *COMMENTS: This section is the first section in the law to make reference to the removal of the welfare advisory board and its replacement with the County Human Services Planning Committee (CHSPC).*

329.04 Provides that if a board of county commissioners assigns a new power or duty of the board regarding human services to a CDHS that necessitates ODHS changing its federal cost allocation plan, the CDHS may not implement the power or duty unless the United States Department of Health and Human Services approves the change. This section clarifies the services, duties and powers of the CDHS. *COMMENTS: All of the references to the Title XX plan were deleted from this section and put into another section, with most of the other language in this section remaining with minor alteration, and the addition of a few new duties (such as the plan of cooperation).*

329.05 This section continues to allow the CDHS to take on other responsibilities, but clarifies that any additional new duties must be coordinated with the partnership plan, plan of cooperation and other required plans.

329.051 This section still requires making voter registration applications available.

329.06 Replaces county welfare advisory committees with county human services planning committees and requires that each planning committee advise its board of county commissioners on social services programs.

329.06 Requires a board of county commissioners to appoint to the county human services planning committee a representative of the CDHS; a CDHS employee in the classified civil service, if there are any such employees in the county; and public and other individuals appointed in such a manner that the committee's membership is broadly representative of the groups of individuals and public and private entities that have an interest in the social services provided in the county.

329.06 Permits but does not mandate the following groups and entities to be represented on a county human services planning committee: (1) consumers of social services, (2) the PCSA, (3) the CSEA, (4) the county family and children first council, (5) public and private colleges and

universities, (6) public entities that provide social services, (7) private nonprofit and for-profit entities that provide social services in the county, including entities that provide services to or advocate for victims of domestic violence, or that advocate for consumers of social services in the county, (8) labor organizations, and (9) any other group or entity that has an interest in the social services provided in the county.

329.06 Requires a board of county commissioners to make appointments to the county human services planning committee in a manner that reflects the ethnic and racial composition of the county. *COMMENTS: It appears that even state staff do not understand the specific intent of this section. Other than the mandating of a member to represent the public and two from the CDHS, all other recommendations are only examples of types of representatives to include on the CHSPC. OHSDA strongly recommends that the CDHS Director be clear to Commissioners that there are no mandated representatives other than the above three exceptions, as we have heard that some groups are attempting to convince Commissioners that their representation is mandated. It is also important to note that OHSDA and CCAO were able to hold back legislators from mandating representation, and from mandating that Commissioners must accept recommendations from the committee. This was a difficult battle to win because of the lobbying from other interests who were interested in being a mandated member on the committee in order to help make recommendations for contracting out CDHS services to their agencies. It is strongly suggested that CDHS Directors (in conjunction with County Commissioners) begin the identification of appropriate members of this committee, and to set up the committee by October 1.*

329.06 Requires a board of county commissioners to conduct a public hearing and consult with the county human services planning committee prior to entering into or substantially amending a partnership agreement between the commissioners and the Director of ODHS. *COMMENTS: County representatives compromised on language that would allow for public comment into development of the partnership agreement, but resisted original language that would have required public hearing on any and all amendments to the agreement. Instead, only “substantially amending” the agreement requires a public hearing.*

2151.011 *COMMENTS: This section deals with child protection. OHSDA and CCAO staff do not think that the rewrite of this section (though extensive) significantly alters the major intent of how certain child protective related terms are defined.*

4115.04 *COMMENTS: The prevailing rate of wage for public improvements does not apply to work activities or alternative work activities, except for SEP and WEP.*

4117.01 *COMMENTS: Excludes participants of Ohio Works First from the Collective Bargaining assuming the person is not engaged in paid employment.*

4141.44 Requires the Bureau of Employment Services (OBES) to cooperate and collaborate with one-stop career center systems, ODHS, and CDHSs concerning the availability of programs and

funding administered or provided by OBES to assist Ohio Works First participants, particularly participants who are convicted felons, in achieving self-sufficiency. *COMMENTS: Concerns had been expressed that OBES was not fully cooperating with CDHSs and one-stop-career centers to the fullest extent possible, especially to provide special assistance and information to convicted felons who may be having difficulty in finding employment. Though a variety of amendments were offered by the Democrats for a study of the employment problems of convicted felons, this was the only language included in the bill that mentions the issue.*

5101.06 Permits the Director of ODHS to establish offices, bureaus, and sections within ODHS, in addition to the divisions the Director currently is permitted to establish.

5101.10 Eliminates current law that permits the Director of ODHS to expend funds appropriated or available to ODHS to match federal funds that are or may become available for the purposes of personnel, training, education, and research in human services and the delivery of human services from public or private entities and provides instead that the Director is permitted to expend funds appropriated or available to ODHS for the purposes of the administration of, and training, education, and research in, human services from public or private entities. *COMMENTS: It is no longer possible to match funds to the Federal government for the original purposes of this section.*

5101.21 Requires each board of county commissioners to enter into a written partnership agreement with the Director of ODHS not later than January 1, 2000 regarding the administration and design of the Ohio Works First Program; Prevention, Retention, and Contingency Program; human services activities that a CDHS assumes pursuant to an agreement entered into under current law; and other CDHS duties that the commissioners and Director agree to include in the agreement and permits the commissioners and Director to include in the agreement administration and design of CSEA and PCSA duties.

5101.21 Permits ODHS, to the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the General Assembly, to establish a consolidated funding allocation for two or more of a CDHS's duties included in a partnership agreement between the Director of ODHS and a board of county commissioners.

5101.211 Permits (1) the Director of ODHS to enter into a written agreement with state agencies, universities, and colleges to assist in the coordination, provision, or enhancement of the duties of a CSEA, CDHS, or PCSA, (2) the Director to enter into written agreements or contracts with, or issue grants to, private and government entities for the enhancement or innovation of human service activities on the state or local level, and (3) the terms of an agreement, contract, or grant to be incorporated into a partnership agreement between the Director and a county board of commissioners.

5101.211 Provides that partnership agreements between the Director of ODHS and county boards of commissioners and agreements, contracts, and grants that the Director enters into or

issues to state agencies, universities, and colleges and private and government entities are not subject to competitive selection requirements or the Controlling Board's approval.

5101.22 Permits ODHS to establish performance standards for the administration and outcomes of social service duties and determine at intervals ODHS specifies the degree to which a CSEA, CDHS, or PCSA complies with a performance standard.

5101.23 Permits ODHS, subject to the availability of funds, to provide annual financial, administrative, or other incentive awards to CSEAs, CDHSs, and PCSAs that exceed performance standards specified in a partnership agreement between the Director of ODHS and a board of county commissioners or that ODHS establishes, and provides that a CSEA, CDHS, or PCSA is permitted to spend funds provided as a financial incentive award only for the purposes for which the funds are appropriated.

5101.23 Establishes the Social Services Incentive Fund to provide incentive awards under the bill and permits the Director of ODHS to request that the Director of the Office of Budget and Management transfer funds in the Title IV-A Reserve Fund and other funds appropriated for social service duties into the Fund.

5101.23 et al *COMMENTS: The section on partnership agreements was rewritten multiple times to reflect very specific county intent relative to what should take place in a partnership agreement. Our original concern was that the partnership agreement language was one-sided on behalf of the state. We recommended that the Department's rule making authority for this section be eliminated, and that all requirements about what must be or may be included in the agreement be spelled out in the law. The language is intended to allow a county to choose to be as inclusive or exclusive as a county desires (while still maintaining minimum requirements), and to allow for the ability to negotiate away unnecessary state rules (if not required by the Federal government) and to determine expectations for state services and assistance to the county. Counties can utilize this agreement as a binding contract relative to the administration and design of the Ohio Works program, assuming the agreement meets minimum requirements laid out in federal and state code. In summary, this agreement provides counties the ability to negotiate Ohio Works First, as well as other issues they wishes to include. Perhaps the most important tool a county can wield, the partnership agreement is the one place that a county should negotiate its special needs and circumstances. CDHS Directors should begin the process of discussions with the County Commissioners relative to the Plan of Cooperation as soon as possible, in order to pave the way for when the county negotiates with the state on the partnership agreement.*

5101.24 Permits ODHS to take one or more actions against a CSEA, CDHS, or PCSA if ODHS determines the agency (1) failed to meet a performance standard specified in a partnership agreement entered into between the Director of ODHS and a board of county commissioners or that ODHS establishes, (2) failed to comply with a requirement established by federal statute or regulations, state law, or an ODHS rule, or (3) is solely or partially responsible for, or contributes

to, an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty. Specifies that the actions ODHS may take against a CSEA, CDHS, or PCSA are to (1) require the agency to submit to and comply with a corrective action plan pursuant to a time schedule specified by ODHS, (2) impose a financial or administrative sanction against the agency, which may include requiring the agency to share with ODHS a final disallowance of federal financial participation or other sanction or penalty, (3) perform a social service duty for the agency until ODHS is satisfied that the agency will perform the duty satisfactorily, and (4) request that the Attorney General bring mandamus proceedings to compel the agency to take or cease the action that is the cause of ODHS taking action against the agency. *COMMENTS: Discussions on Performance standards and sanctions were discussed at great length between state and county representatives. Attempts were made to remove the language relative to rules, but the bills sponsor wanted to make sure that if state statute required certain types of implementation through a rule, that counties would be in compliance. We believe that the partnership agreement still remains the vehicle to negotiate the specifics of how sanctions will be passed down to the counties. This section does not deal with sanctions against the state for nonperformance, since such actions shall be determined in the partnership agreement. We believe that there is still much ambiguity about the performance standards process, and remain ready to recommend changes to the law if we believe that it is too proscriptive and all inclusive.*

5101.24 Requires ODHS, if it decides to take action against a CSEA, CDHS, or PCSA to notify the agency, board of county commissioners, and county auditor and to conduct an administrative review on the request of an agency made not later than 45 days after ODHS mails the notice to the agency.

5101.25 Requires ODHS, in consultation with county representatives, to develop annual training goals and model training curriculum for employees of CDHSs, CSEAs, and PCSAs and identify a variety of state funded training opportunities to meet the proposed goals. *COMMENTS: This language was submitted by OHSDA and CCAO to ensure that counties be involved in curriculum development and that the state assist in the payment of training from its training line-item.*

5101.80 Establishes a general requirement that whenever ODHS is required by the federal government to report on a program, the report must be prepared and submitted according to the federal requirements for the report, and authorizes ODHS to coordinate reports and other documents to the extent possible. *COMMENTS: This was included to reduce the overall number of reports being developed by the state, and to allow for the collapsing of reports when possible.*

5101.93 Requires the Welfare Oversight Council to meet at least twice a year, rather than once every three months in Columbus or other locations to monitor and review the Ohio Works First Program; the Prevention, Retention, and Contingency Program; and ODHS, CDHSs, CSEAs, and PCSAs and permits the Council to visit ODHS, CDHSs, CSEAs, and PCSAs. *COMMENTS: The sponsor of the bill wanted the scope of the oversight group to be expanded, but also wanted to reduce the number of times the committee had to meet. This is a state-oriented group with*

legislators as members.

5101.97 Requires ODHS to complete a progress report on partnership agreements not later than July 1, 1999, and the first day of each July thereafter and requires that the report include a review of whether CSEAs, CDHSs, and PCSAs satisfied performance standards included in the agreements and whether ODHS provided assistance, services, and technical support specified in the agreements to aid CDHSs, CSEAs, and PCSAs in meeting the performance standards.

5101.97 Provides that the reports from ODHS required under the federal Personal Responsibility and Work Opportunity Reconciliation Act may be submitted as annual summaries.

5101.97 Combines four ODHS reports on welfare programs into one report regarding the characteristics of the recipients of and participants in ODHS's programs and the outcomes of those programs.

5101.97 et al *COMMENTS: This section was an idea proposed by members of the Ohio Assembly to increase accountability to the Ohio Assembly. We were able to add language stating that the report on partnership agreements also had to report on how the state was fulfilling its responsibilities.*

5153.16 Permits a PCSA administered by a county children services board to contract with the following for the purpose of assisting the PCSA with its duties: (1) CDHSs, (2) boards of alcohol, drug addiction, and mental health services, (3) county boards of mental retardation and developmental disabilities, (4) regional councils of political subdivisions, (5) private and government providers of services, and (6) managed care organizations and prepaid health plans.

Temporary Law Section 15 Requires ODHS to develop, not later than January 1, 1998, and in consultation with boards of county commissioners, a technology enablement plan that includes an outline of an information technology strategy addressing: (1) prioritization of needed short-term management information changes to the current technology system, (2) an outline of how independent technology systems will interface to support reporting needs, (3) a listing of needed adaptations to operate simultaneous administration of current and new human services programs in order to fulfill reporting requirements, and (4) long-term changes required to the current information technology system necessary for the implementation of the bill's initiatives.

COMMENTS: This language was written by OHSDA and CCAO to ensure that the MIS issues were dealt with in a timely fashion, because of concerns that counties would not have adequate MIS support for new requirements.

Temporary Law Section 16 Requires the Director of ODHS to convene a group composed of the Directors of Transportation, Mental Retardation and Developmental Disabilities, and Development, the Administrator of the Ohio Bureau of Employment Services, and representatives of various private groups to (1) conduct a review of current state transportation resources and policies and consider new transportation coordination initiatives to support local

community efforts in the design of local transportation solutions for underemployed and unemployed Ohioans and (2) review economic development issues related to underemployed and unemployed Ohioans. *COMMENTS: This section was written by OHSDA and CCAO to ensure that the issue of transportation (which has been identified as a significant barrier to helping TANF families) was discussed at the state level to ensure that any potential state wide planning be directed toward helping to solve local transportation issues.*

Temporary Law Section 17 Requires the Director of Transportation to apply for federal funds that are or may become available under the Intermodal Surface Transportation Efficiency Act for transportation services for participants of the Ohio Works First Program. *COMMENTS: Another way to potentially increase transportation resources for TANF families.*

Temporary Law Section 18 Requires the Department of Administrative Services to develop a statewide, coordinated campaign to encourage government employers to hire participants of the Ohio Works First Program and as part of the campaign to promote the Subsidized Employment Program. *COMMENTS: Recommended as a way to involve other state agencies in assisting with job placement of TANF participants.*

Temporary Law Section 18 Requires the Bureau of Employment Services to develop a statewide, coordinated campaign to encourage private employers to hire participants of the Ohio Works First Program and as part of the campaign to promote the Subsidized Employment Program. *COMMENTS: Recommended as a way to involve another state agency with job placement of TANF participants.*

Temporary Law Section 19 Creates the Confidentiality Study Committee consisting of six members of the General Assembly to study the confidentiality requirements pertaining to the handling of and access to official records of county social service agencies. *COMMENTS: This language was considered crucial in helping to bridge gaps and problems with information sharing, especially as it relates to public record.*

OHIO WORKS FIRST AND PREVENTION, RETENTION & CONTINGENCY

5101.80 Requires ODHS to contract with a private entity to conduct an independent ongoing evaluation of the Ohio Works First Program and the Prevention, Retention, and Contingency Program under which the private entity will examine issues of process, practice, impact, and outcomes and study former participants of Ohio Works First who have not participated in the Program for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received assistance or services under the Prevention, Retention, and Contingency Program, and whether they are successfully self

sufficient. *COMMENTS: This language was written to meet the information needs of the Ohio Assembly, as well as the Ohio Public (accountability issues).*

5101.80 Requires ODHS to (1) prepare, not later than March 1, 1998, and the first day of each September and March thereafter until September 1, 2001, a county-by-county report concerning individuals who cease to participate in Ohio Works First that contains reasons the individuals ceased to participate, including employment, marital status, and relocation, and (2) prepare, not later than January 1, 2001, and the first day of each January and July thereafter, a report containing a county-by-county breakdown of individuals who cease to participate in Ohio Works First and the reasons individuals ceased to participate, including exhausting the time limit for participation, and information on individuals who have been exempted from the time limit and the reasons for the exemption. *COMMENTS: This language was written to meet the information needs of members of the Ohio Assembly and the Ohio public.*

5101.81 Requires ODHS to submit the state plan for the Ohio Works First Program and the Prevention, Retention, and Contingency Program to certain members of the General Assembly before submitting the plan to the United States Secretary of Health and Human Services. *COMMENTS: Of great concern to ODHS, the bills sponsor wanted to make sure that the state plan to HHS on Ohio Works First had some Ohio Assembly oversight. This language was somewhat modified from its original form, which would have required legislative approval before submission, as well as approval for even minor amendments to the plan.*

5101.81 Permits the President of the Senate and Speaker of the House of Representatives to establish a joint study committee to examine whether the Ohio Works First and Prevention, Retention, and Contingency state plan complies with federal statutes and regulations and state law, permits the committee to issue a report to ODHS regarding its findings, and requires ODHS to make corrections to the plan that are necessary to ensure it is in compliance with federal statutes and regulations and state law. *COMMENTS: This language provides some Ohio Assembly oversight over the state's plan to the federal government.*

5101.82 Creates in the state treasury the Title IV-A Reserve Fund and permits the Director of Budget and Management, if authorized by an agreement the Director enters into under current law with the United States Secretary of the Treasury, to transfer to the Title IV-A Reserve Fund money appropriated for the Ohio Works First Program and the Prevention, Retention, and Contingency Program that are available at the end of a federal fiscal year after the appropriation is reconciled. *COMMENTS: Allows for a fund vehicle to hold funds after the end of the federal fiscal year.*

5101.82 Requires the Director of Budget and Management to transfer money in the Title IV-A Reserve Fund to (1) the General Revenue Fund for the purpose of funding the Ohio Works First Program and the Prevention, Retention, and Contingency Program, (2) the Social Services Incentive Fund, and (3) to the extent required by the agreement between the Director and the United States Secretary of the Treasury, to the Cash Management Improvement Fund.

5107.01 States that the General Assembly believes or recognizes, with regard to the Ohio Works First Program, that (1) the first priority for adults and minor heads of household participating in the Program is to work, which includes keeping an employer's schedule and satisfying the employer's work requirements, and to develop marketable skills, (2) many adults and minor heads of household participating in the Program need to complete high school or receive training for an occupation in order to qualify for employment, and (3) some provisions of the Program as operated pursuant to previously granted federal waivers are inconsistent with subsequently enacted federal legislation but it is the General Assembly's intent to rely on the waivers for authority to conduct the Program in the manner specified by the bill to ensure the work readiness of Program participants by requiring at least 20 hours of weekly participation in work activities, including, with a limitation, a post secondary education work activity originally authorized by Sub. H.B. 167 of the 121st General Assembly, and no more than ten hours of weekly participation in developmental activities. *COMMENTS: This language was originally debated as being "too philosophical" for a bill, but the sponsor wanted to reinforce the importance of "work first," while continuing to stress that education must still be maintained as an important goal.*

5107.03 Abolishes the Aid to Dependent Children (ADC) Program and the Family Emergency Assistance Program and establishes the Ohio Works First Program and the Prevention, Retention, and Contingency Program.

5107.05 Permits ODHS to adopt a rule authorizing a CDHS not to take action against a participant of Ohio Works First to recover an erroneous payment if the payment is below an amount ODHS specifies and provides that action a CDHS takes may include reducing cash assistance payments to assistance groups that receive erroneous payments.

5107.05 Requires ODHS to adopt rules specifying the circumstances under which a CDHS may exempt an Ohio Works First participant from participating in a work activity or developmental activity, such as that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the participant leave for illness or earned vacation. *COMMENTS: This language is somewhat misleading, as it only focuses on an absence due to a holiday or weather emergency. Some legislators were worried that counties would be too tough on participants, asking that they work on holidays or during snow storms.*

5107.10 Provides that an assistance group participating in the Ohio Works First Program is to receive time-limited cash assistance. *COMMENTS: The sponsor wanted to be clear that the cash assistance was limited.*

5107.10 Provides that to be eligible to participate in Ohio Works First an assistance group must include at least one of the following: (1) a child who resides with a custodial parent, legal guardian, or specified relative caring for the child or in an adult-supervised living arrangement, (2) a specified relative of a child receiving Supplemental Security Income or federal, state, or

local foster care or adoption assistance who resides with and cares for the child, or (3) a woman at least six months pregnant. *COMMENTS: This language is compatible with federal law.*

5107.10 Permits an assistance group to continue to participate in Ohio Works First for not more than four months even though a PCSA removes the group's children from the group's home due to abuse, neglect, or dependency if the PCSA (1) notifies the CDHS at the time the PCSA removes the children that the PCSA believes the children will be able to return to the group within three months and (2) informs the CDHS at the end of both of the first two months after the PCSA removes the children that the parent, legal guardian, or specified relative is cooperating with case plans prepared for the children and that the PCSA is making reasonable efforts to return the children to the group. *COMMENTS: This was recommended as a way to support reunification.*

5107.10 Specifies as a condition of eligibility for Ohio Works First that no member of the assistance group may be involved in a strike. *COMMENTS: This was recommended to disallow strikers from being eligible for assistance.*

5107.10 Does not apply to Ohio Works First a provision under current ADC law that requires a person born after November 15, 1979, to do one of the following beginning on the date the person turns age 21 as a condition of ADC eligibility: (1) present evidence of having earned a high school diploma, adult education diploma, or high school equivalence diploma, (2) attend a school or special education program, (3) attend, or be on an active waiting list to attend, an adult high school continuation program, or (4) attend, or be on an active waiting list to attend, instructional courses designed to prepare the person to earn a high school equivalence diploma. *COMMENTS: The language is confusing in this section. The bill actually eliminates this language from being applied to new participants in Ohio Works First, since the self sufficiency plan should spell out the requirements for Ohio Works First.*

5107.10 Requires a CDHS, in determining whether an assistance group is initially eligible to participate in Ohio Works First, to determine whether the group's (1) gross income, less disregards mandated by federal and state law, exceeds a specified dollar amount and (2) countable income is less than the payment standard (the maximum amount of cash assistance the group may receive). *COMMENTS: In order to provide clear guidelines about eligibility for Ohio Works First, the sponsor insisted that it be spelled out in the law instead of through rule.*

5107.10 Requires a CDHS, in determining whether an assistance group participating in Ohio Works First continues to be eligible to participate, to determine whether the assistance group's countable income, less an 18-month \$250 and one half gross earned income disregard, is less than the payment standard.

5107.10 Requires a CDHS, if an assistance group reapplies to participate in Ohio Works First not more than four months after ceasing to participate, to use the income requirement for continued eligibility rather than initial eligibility in determining whether the group is eligible for

resumed participation.

5107.12 Requires a participant of Ohio Works First, to the extent required by ODHS rules, to notify a CDHS immediately on receipt of additional income not previously reported to the CDHS.

5107.14 Requires each member of an assistance group who is an adult or minor head of household, not later than 30 days after applying for or undergoing a redetermination of eligibility for Ohio Works First, to enter into a self-sufficiency contract with a CDHS that sets forth the rights and responsibilities of the group, including work responsibilities and other requirements designed to assist the group in achieving self-sufficiency and personal responsibility.

5107.14 Provides that a self-sufficiency contract is to be based on appraisals conducted to develop self-sufficiency and personal responsibility plans and assessments conducted to determine whether any member of an assistance group is in need of other assistance or services provided by a CDHS or other private or government entities.

5107.14 et al *COMMENTS: The section on self sufficiency contracts was rewritten to allow for as much flexibility for counties to add requirements, while still maintaining certain minimum requirements. The contract will be allowed to be modified. The five day time limit for the work appraisal was abolished.*

5107.14/5107.43 Abolishes the Job Opportunities and Basic Skills (JOBS) Training Program and establishes work responsibilities for adults and minor heads of household participating in Ohio Works First.

5107.16 Requires a CDHS to sanction an assistance group as follows if a member of the group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract: (1) for a first failure or refusal, the CDHS must deny or terminate the group's eligibility to participate in Ohio Works First for one payment month or until the failure or refusal ceases, whichever is longer, (2) for a second failure or refusal, the CDHS must deny or terminate the group's eligibility to participate for three payment months or until the failure or refusal ceases, whichever is longer, and (3) for a third or subsequent failure or refusal, the CDHS must deny or terminate the group's eligibility to participate for six payment months or until the failure or refusal ceases, whichever is longer. *COMMENTS: This issue was discussed at great length. Everyone agreed to attempt to write sanction language that was based on a "work first, pay second" model, that had a very simple sanction process. However, in an attempt to comply with federal regulations on Medicaid and food stamps, all the participants agreed that having different sanction systems for different parts of assistance would not be simple. Therefore, the sanction process is tied to being out of compliance with any aspect of the self-sufficiency contract, with all expectations being written into the contract. This sanction language is the toughest sanction allowable by federal law for food stamps and Medicaid.*

5107.16 Provides that a child eligible for Medicaid because the child is participating in Ohio Works First does not lose Medicaid eligibility if the child ceases to participate because of a sanction caused by the failure or refusal by a member of the child's assistance group to comply in full with a provision of a self-sufficiency contract. *COMMENTS: No legislator wanted the political liability or blame for kids losing health benefits because of non-compliance by a parent.*

5107.16 Provides that an adult eligible for Medicaid because the adult is participating in Ohio Works First does not lose Medicaid eligibility if the adult ceases to participate because of a first or second sanction caused by the failure or refusal of a member of the adult's assistance group to comply in full with a provision of a self-sufficiency contract but does lose Medicaid eligibility if the adult ceases to participate because of a third or subsequent sanction, unless the adult qualifies for another category of Medicaid eligibility. *COMMENTS: The third sanction kicks in loss of Medicaid for an adult, but the federal law specifies that if the adult qualifies for another category of Medicaid outside of TANF, they must receive the medical benefit. The state plan for Medicaid cannot be changed because of the waivers, therefore certain decisions had to be made based on the state plan waivers.*

5107.16 Provides that an adult eligible for Medicaid because the adult's family meets income, resource, and family composition requirements in effect in this state on July 16, 1996, for the former ADC Program loses Medicaid eligibility if the adult ceases to participate in Ohio Works First because of a third or subsequent sanction caused by the failure or refusal of a member of the adult's assistance group to comply in full with a provision of a self-sufficiency contract related to work responsibilities, unless the adult qualifies for another category of Medicaid eligibility.

5107.18 With certain exceptions, provides that an assistance group is ineligible to participate in Ohio Works First if the group includes an adult who has participated in the component for 36 months beginning on October 1, 1997. *COMMENTS: The time limit language.*

5107.18 Provides that an assistance group that has ceased to participate in Ohio Works First due to the 36-month time limit may, if at least 24 months have elapsed and good cause exists, reapply for additional eligibility not exceeding 24 months. *COMMENTS: Hotly debated between Democrats and Republicans, this was compromise offered by the Senate Republicans to take care of the concern that someone who had participated in Ohio Works First had a legitimate need to go back on (such as a lay-off, family illness) but still imposes a 24 month period of absence before being accepted back on.*

5107.18 Requires CDHSs to determine whether good cause for additional eligibility exists and provides that good cause may include losing or inability to find employment, divorce, domestic violence, and unique personal circumstances. *COMMENTS: Hotly debated between some state and county staff, this makes clear that a county defines "good cause" for additional eligibility.*

5107.18 Requires that an assistance group seeking additional eligibility provide a CDHS with verification of whether any assistance group members had employment while not participating in

Ohio Works First.

5107.18 Allows a CDHS to exempt not more than 20% of the average monthly number of Ohio Works First participants from the time limit on the grounds that the CDHS determines that the time limit is a hardship, but prohibits the CDHS from exempting an assistance group until the group has exhausted its initial 36 months of cash assistance. *COMMENTS: Everyone agreed that a time-limit exemption should not be determined before the 36 month had been exhausted.*

5107.18 Requires ODHS to monitor continually the percentage of the average monthly number of Ohio Works First participants in each county that is exempted from the time limit and, on determining that the percentage in any county equals or exceeds 18%, notify the CDHS immediately. *COMMENTS: Great concern was expressed that a computer system would not be capable of providing counties with needed monitoring data, and therefore this was added to the law.*

5107.20 Provides that participation in Ohio Works First constitutes an assignment to ODHS of any rights members of an assistance group have to support from another person, requires a CSEA that receives support payments assigned to ODHS to pay the payments to the ODHS, and requires ODHS to deposit the support payments it receives into the Child Support Collections Fund or the Child Support Administrative Fund to be used to make cash assistance payments under Ohio Works First.

5107.20 Does not apply to Ohio Works First a provision of current law governing ADC that requires ODHS to pay the first \$50 of support payments owed to an ADC recipient to the recipient if a CSEA collects the payments in the month in which they were due or in a subsequent month and the obligor made the payments in the month in which they were due. *COMMENTS: Recipients will all receive a 6% increase in assistance instead.*

5107.22 Requires a caretaker of a child, if the caretaker is a member of the child's assistance group and unless good cause exists, to cooperate in establishing the child's paternity and in establishing, modifying, and enforcing a support order for the child and requires ODHS to adopt rules determining good cause for failure rather than, as under current ADC law, specifying what constitutes good cause in state law.

5107.24 Requires that a pregnant minor, minor parent, or child of a minor parent reside in a place of residence maintained by a parent, legal guardian, or specified relative of the minor or, if exceptions apply, to reside in an adult-supervised living arrangement to be eligible to participate in Ohio Works First.

5107.26 Provides that each member of an assistance group participating in Ohio Works First is ineligible to participate for six months if a CDHS determines that a member of the group terminated employment without just cause and each person who was a member of the assistance group of a recipient of transitional child day-care or transitional Medicaid on the day prior to the

day the recipient begins to receive the transitional aid is ineligible to participate in Ohio Works First for six months if a CDHS determines that the recipient terminated employment without just cause. *COMMENTS: Legislators were very supportive of sanctioning individuals for terminating employment without good cause.*

5107.26 Specifies that just cause for terminating employment is determined by the CDHS and includes discrimination; unreasonable work demands or conditions; employment that is unsuitable due to failure to pay minimum wage, the work being located at a site subject to a strike or lockout, unreasonable risk to the employee's health or safety, or that the employee is physically or mentally unable to perform the employment; documented illness of the employee or a member of the employee's assistance group requiring the presence of the employee; a documented household emergency; and lack of adequate child care for children of the employee under age six.

5107.28 Requires ODHS to establish the LEARNFARE Program in any county in which the board of county commissioners chooses to participate. *COMMENTS: Makes LEARNFARE an option by Commissioners.*

5107.283 Provides that the LEARNFARE Program may provide for an incentive to encourage a parent or, if a student participating in LEARNFARE is age 18 or 19, the student, to consent to the release of the student's school attendance records and for the student to comply with LEARNFARE's school attendance requirement; provides that the incentive may be a cash bonus or other form of incentive; and provides that the CDHS is not to receive any additional state or federal funds to pay for LEARNFARE incentives.

5107.30 Continues the LEAP Program, originally created for the ADC Program, as part of Ohio Works First.

5107.40 Specifies that the following qualify as work activities: (1) unsubsidized employment activities, including activities a CDHS determines are legitimate entrepreneurial activities, (2) the Subsidized Employment Program, (3) the Work Experience Program, (4) on-the-job training, including training to become an employee of a child day-care center or type A family day-care home, authorized provider of a certified type B family day-care home, or in-home aide, (5) the Job Search and Readiness Program, (6) community service activities, including a program under which an Ohio Works First participant who is the parent, legal guardian, or specified relative responsible for the care of a child enrolled in grade 12 or lower is involved in the child's education on a regular basis, (7) vocational educational training activities, (8) jobs skills training activities that are directly related to employment, (9) education activities that are directly related to employment for participants who have not earned a high school diploma or high school equivalence diploma, (10) education activities for participants who have not completed secondary school or received a high school equivalence diploma under which the participants attend a secondary school or a course of study leading to a high school equivalence diploma, (11) child-care service activities, including training, to aid another participant of Ohio Works First

assigned to a community service activity or other work activity, (12) full-time post-secondary educational activities originally authorized by Sub. H.B. 167 of the 121st General Assembly, and (13) with certain limitations, the LEAP program. *COMMENTS: The bill's sponsor insisted that all information pertaining to federal requirements or allowable waiver activities related to allowable work be defined in the law instead of through an ODHS rule interpretation of the federal law. There is still disagreement between different parties about allowing certain types of education as an allowable federal activity.*

5107.41 Requires a CDHS, as soon as possible after an assistance group applies for Ohio Works First, to schedule and conduct an appraisal of each member of the group who is an adult or minor head of household and, at the appraisal, develop a plan for the group to achieve the goal of self-sufficiency and personal responsibility through unsubsidized employment within the Ohio Works First time limit. *COMMENTS: Removes five day work appraisal requirement, as we argued that increased flexibility meant counties determining their own reasonable time-lines based on extenuating factors.*

5107.41 Provides that an appraisal may include an evaluation of the employment, educational, physiological, and psychological abilities, liabilities, or both, of a minor head of household or adult applying for Ohio Works First.

5107.41 Prohibits a CDHS from assigning a minor head of household or adult to a vocational education work activity for more than 12 months. *COMMENTS: This is a limitation of the Federal government for the activity to be counted as allowable.*

5107.42 Requires a CDHS, if it assigns a minor head of household or adult to a work activity under which the minor or adult provides child-care services to another participant of Ohio Works First assigned to another work activity, to make reasonable efforts to assign the minor or adult to at least one other work activity at the same time and, if the CDHS assigns a minor or adult to a post-secondary education work activity originally authorized by Sub. H.B. 167 of the 121st General Assembly, to assign the minor or adult to at least one other work activity at the same time. *COMMENTS: Some legislators were worried that women would be isolated as child-care givers, with few options for economic independence.*

5107.42 Requires a CDHS, except under certain circumstances, to assign each minor head of household and adult participating in Ohio Works First to one or more work activities or developmental activities.

5107.42 Permits a CDHS to assign a minor head of household or adult to one or more alternative work activities, instead of work activities or developmental activities, if the minor head of household or adult has a temporary or permanent barrier to participation in a work activity. *COMMENTS: Required by federal law.*

5107.42 Prohibits a CDHS from assigning more than 20% of minor heads of household and

adults participating in Ohio Works First to an alternative work activity. *COMMENTS: Hotly debated between state and county representatives, counties did not want to be tied to an artificial limit in assignment as long as they met the federal participation rates. The state argued that this limitation on assignment was necessary to help prevent counties from having more than 20% assigned to alternative. In response, there was an agreement to create a third category called developmental, which would be a coding category with similar activities to alternative, but assigned only to individuals already meeting the federal requirement of twenty hours in allowable activities, but who have ten hours of additional state requirements.*

5107.42 Permits a CDHS to exempt a minor head of household or adult who is unmarried and caring for a child under age one from the work requirements of Ohio Works First for not more than 12 months, but requires the CDHS to assign an exempt minor or adult to at least one developmental activity and permits the CDHS to assign the minor or adult to one or more work activities. *COMMENTS: Perhaps one of the most challenged issues, county representatives insisted that this allowable federal exemption for families with children under one be written into the law. State staff contended that it was implicit in the waiver. Families with kids under one will still be required to sign a self sufficiency contract, and can even participate in allowable work activities. However, if there is a problem in finding child care, the lack of participation will not be held against a county. If the person decides to participate fully and can find child care, then their participation counts for federal counting purposes.*

5107.42 Provides that an exempt minor head of household or adult is disregarded for purposes of determining whether a CDHS is meeting work participation rate requirements.

5107.43 Provides that a minor head of household or adult placed in one or more work activities or developmental activities must participate in the activities at least the following number of hours each week as determined by a CDHS: (1) in the case of a minor head of household or adult in an assistance group that includes only one adult, 30 hours and (2) in the case of adults in an assistance group that includes two adults, 35 hours between the two adults. *COMMENTS: The feds require 20 hours and then the hours go up in the next few years. Ohio is requiring the maximum now.*

5107.43 Of the hours of participation in work activities and developmental activities, permits a minor head of household or adult to participate in developmental activities for up to ten hours a week and requires the minor or adult to participate in work activities at least 20 hours a week.

5107.43 Provides that after having participated in a post-secondary education work activity originally authorized by Sub. H.B. 167 of the 121st General Assembly for 1,040 hours a minor head of household or adult may not participate in that work activity for more than five hours a week.

5107.43/5107.14 Abolishes the Job Opportunities and Basic Skills (JOBS) Training Program and establishes work responsibilities for adults and minor heads of household participating in

Ohio Works First.

5107.44 Requires CDHSs to exceed the federal minimum work activity participation rates by not less than five percentage points on a statewide average basis. *COMMENTS: Very hotly debated between the state and counties, this requirement has no sanction if this does not happen. This was fully supported by the sponsor.*

5107.50 Authorizes a CDHS to assign a minor head of household or adult applying for Ohio Works First to the Job Search and Readiness Program before the applicant's eligibility is determined and limits the number of weeks an applicant for or participant of Ohio Works First may participate in the Program.

5107.52 Permits a state agency or political subdivision to create or fill vacant full-time and part-time positions, including classified and unclassified positions, for participants of Ohio Works First assigned to the Subsidized Employment Program and provides that a private or government employer is required to pay a participant assigned to the Program at the same rate as other employees doing similar work for the employer rather than, as under current ADC law, the higher of that amount or the federal minimum hourly wage.

5107.52 Requires an agreement for employment of a Subsidized Employment Program participant by a private employer to require that the employer give the participant preference for any unsubsidized full-time position with the employer that becomes available after the participant completes any probationary or training period specified in the agreement.

5107.52 Eliminates current law that requires, when assignments under the Work Experience Program are made, that first priority be given to placements in a public agency, second priority be given to placements in a private nonprofit organization, and third priority be given to placements in a private for-profit organization.

5107.54 Permits a CDHS to develop projects to which participants of Ohio Works First are assigned under the Work Experience Program, including (1) unpaid internships with private and government entities, (2) having a participant refurbish publicly assisted housing, (3) having a participant volunteer to work at the Head Start Agency in which the participant's child is enrolled, and (4) projects under which the CDHS contracts with a board of education or the chief administrator of a non-public school to provide for a participant who has a child enrolled in a public or non public school to volunteer or work at the school.

5107.54 Requires a private or government entity with which an Ohio Works First participant is placed in the Work Experience Program to pay workers' compensation premiums on account of the participant, unless a CDHS pays the premiums for the entity.

5107.58 Provides that, in order for a participant of Ohio Works First to have tuition for post-secondary education paid for under a work activity originally authorized by Sub. H.B. 167 of the

121st General Assembly, the participant first must make reasonable efforts to obtain a loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell Grant and an Ohio Instructional Grant.

5107.58 Permits a CDHS to enter into a loan agreement on or after October 1, 1998, to pay a participant's tuition for up to two years, if the Participant has made reasonable efforts to obtain other financial assistance. *COMMENTS: There are no available extra dollars for this activity, however.*

5107.58 Permits a CDHS to establish, in accordance with a federal waiver granted pursuant to a request made under Sub. H.B. 167 of the 121st General Assembly, a developmental activity under which a participant attends a school, special education program, adult high school continuation program, or instructional courses designed to prepare the participant to earn a high school equivalence diploma and is required to earn a high school diploma, adult education diploma, or high school equivalence diploma in two years.

5107.64 Provides that the following are examples of alternative work activities that a CDHS may establish for a minor head of household or adult who has a temporary or permanent barrier to participation in a work activity: (1) parenting classes and life-skills training, (2) participation in a certified alcohol or drug addiction program, (3) in the case of a homeless assistance group, finding a home, (4) in the case of a minor head of household or adult with a disability, active work in an individual written rehabilitation plan with the Rehabilitation Services Commission, (5) in the case of a minor head of household or adult who has been the victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence, or participating in criminal justice activities against the domestic violence offender, and (6) an education program under which a participant who does not speak English attends an English course as a second language course. *COMMENTS: These suggestions or definitions for an alternative activity reflect, in large part, the interest groups who attempted to make these activities mandatory alternative activities. However, the Ohio Assembly agreed that each county should define their own activities. Counties should beware that some of these groups may approach commissioners stating that these activities are mandated.*

5107.65 Prohibits a participant of Ohio Works First from being assigned to a work activity, developmental activity, or alternative work activity when the employer removes or discharges a person, for the purpose of substituting the participant in the person's place, in any of the following circumstances: (1) the person is already employed as a regular full-time or part-time employee of the employer, (2) the person has been employed full time or part time as a participant in a work activity, developmental activity, or alternative work activity, (3) the person is or has been involved in a dispute between a labor organization and the employer, or (4) the person is on layoff from the same or any substantially equivalent job.

5107.65 Prohibits an employer from hiring an Ohio Works First participant part time to circumvent hiring a full-time employee.

5107.65 Requires a CDHS to establish and maintain a grievance procedure for resolving complaints by individuals or their representatives that the assignment of a participant of Ohio Works First violates the bill's antidisplacement provisions.

5107.66 Requires a CDHS, subject to the availability of funds, to provide for participants of Ohio Works First placed in a work activity, developmental activity, or alternative work activity to receive support services the CDHS determines to be necessary.

5107.66 Permits a CDHS to provide for an Ohio Works First applicant placed in the Job Search and Readiness Program to receive support services the CDHS determines to be necessary.

5107.67 Provides that, except in the case of work or services provided under an unsubsidized employment activity or in the Subsidized Employment Program, credit for work performed by an Ohio Works First participant in a work activity, developmental activity, or alternative work activity does not constitute remuneration or employment for the purpose of civil service law, municipal old age and survivors' insurance, Public Employees Retirement System membership, or unemployment compensation.

5107.67 Provides that state law governing prevailing wages on public works and collective bargaining for public employees does not apply to the labor of a participant of Ohio Works First placed in a work activity, developmental activity, or alternative work activity except those engaged in paid employment or subsidized employment pursuant to the activity.

5107.68 Requires that, in employing persons to administer and supervise the work responsibilities under Ohio Works First, first consideration be given to applicants for and participants of Ohio Works First rather than, as under current law governing the JOBS Program, first consideration going to state government employees who have been laid off and ADC recipients required to participate in the JOBS Program. *COMMENTS: This was at request of OHSDA and CCAO, because the state is not required to give preference to county employees who might be laid off.*

5107.69 Requires ODHS, if the United States Secretary of Health and Human Services informs ODHS that implementation of the work requirements under Ohio Works First in accordance with the bill jeopardizes federal funding for Ohio Works First, to ensure that CDHSs require participants to participate in work activities, developmental activities, and alternative work activities in a manner consistent with federal law. *COMMENTS: This was a compromise because of the debate over whether certain types of education should be counted as an allowable activity.*

5107.70 Permits a CDHS to conduct assessments of assistance groups participating in Ohio Works First to determine whether any members are in need of other assistance or services provided by the CDHS or other private or government entities.

5107.70 Provides that assessments a CDHS conducts of assistance groups participating in Ohio Works First may include (1) whether any member of the group has a substance abuse problem and (2) whether there are any other circumstances that may limit a group member's employability and requires a CDHS to inquire whether any member of the group is the victim of domestic violence at the first assessment and provide the information to ODHS for statistical purposes. *COMMENTS: This was added because of some legislators' concern over provision of services to these individuals. Some legislators wanted to mandate service provision by the CDHS to everyone in these categories, regardless of availability of time or resources.*

5107.70 Permits the CDHS to refer an assistance group member to a private or government entity, including Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous, that provide assistance or services the CDHS determines the member needs. *COMMENTS: A Democrat amendment that focuses on clarifying the ability for county agencies to make referrals to non-profits and self-help groups.*

5107.70 Requires the Department of Alcohol and Drug Addiction Services, subject to available funds, to establish a program in counties selected by the Department for substance abuse screening, assessment, and treatment referral for Ohio Works First participants who have a child in the custody of or receiving or referred for services from a PCSA.

5107.72 Requires each CDHS to refer a parent participating in Ohio Works First whose child is a member of the parent's assistance group for family planning services consistent with the parent's religious and moral views and requires the CDHS to document each referral. *COMMENTS: Documentation of the referral is what is new in this language.*

5107.75 Provides, as under current ADC law, that cash assistance under Ohio Works First is inalienable.

5107.76 Prohibits a CDHS, if a child was a member of an assistance group that received an erroneous Ohio Works First payment but becomes a member of a new assistance group that does not include a minor head of household or adult who also was a member of the previous assistance group, from taking action against the new assistance group to recover the erroneous payment the previous assistance group received.

5107.76 Provides that a CDHS is to retain 25% of erroneous payments it, on or after October 1, 1996, determines occurred and recovers and the ODHS receives the remaining 75%, rather than the 50% split provided under current ADC law.

5107.78 Requires ODHS, when it sends an Ohio Works First cash assistance payment to an assistance group that resides in a county in which the Support Enforcement Tracking System is in operation, to state (1) the number of months the assistance group has participated in Ohio Works First and the remaining number of months it may participate under the time limit and (2) the amount of support payments due a member of the assistance group that a child support

enforcement agency collected and paid ODHS (in repayment of public assistance received by the assistance group) during the most recent month for which ODHS has this information.

5108.06 Provides that the Prevention, Retention, and Contingency Program is for assistance groups that include at least one child and need assistance or services to overcome immediate barriers to achieving or maintaining self-sufficiency and personal responsibility.

5108.07 Requires that ODHS develop a written model design for the Prevention, Retention, and Contingency Program and requires CDHSs to adopt the model design or develop their own policies for the component, which may be a modification of the model, different from the model, or a combination. *COMMENTS: This model idea was recommended by OHSDA and CCAO in order to give counties with few resources some model from which to start their PRC design process. Some state staff are under the mistaken impression that this gives the state permission to write all of the rules for the model, including eligibility.*

5108.07 Requires that the Prevention, Retention, and Contingency Program be consistent with federal law and regulations, state law, the state plan regarding the Program, and amendments to the plan. *COMMENTS: Concern was expressed that though counties were designing these programs, that the programs could not violate any federal restrictions. This was a compromise instead of giving the state rule making authority over PRC.*

5111.017 Eliminates current law that requires an assistance group that includes a pregnant woman required to receive medical services under Medicaid through a managed care organization to be sanctioned if the pregnant woman fails to cooperate with a substance abuse assessment or participate in treatment.

Temporary Law Section 3 Provides that a determination ODHS or a CDHS made prior to the bill's effective date pursuant to the following continue in effect unless ODHS adopts rules providing otherwise: (1) a state hearing or administrative appeal, (2) state law governing erroneous and fraudulent payments and improperly obtained aid, and (3) a federal statute or regulation, state law, or an ODHS rule regarding disqualifications, sanctions, and warnings for failure to satisfy an ADC requirement. *COMMENTS: This is a vastly watered down version of previous language which appeared to make it impossible for a county to change anything relative to clients who had been participating in the old program.*

Temporary Law Section 4 Provides that a rule ODHS adopted prior to the bill's effective date remains valid until rescinded by ODHS, notwithstanding the abolition of the ADC and JOBS Programs and creation of the Ohio Works First Program and the Prevention, Retention, and Contingency Program and requires ODHS, no later than July 1, 1998, and to the extent allowable under rule-making authority, to conduct a review and repeal all rules that, as a result of the bill's enactment, are no longer applicable to the administration of ODHS's programs. *COMMENTS: This language was requested by OHSDA and CCAO in order to cut down on the number of rules, yet make it clear we needed transitional rules.*

Temporary Law Section 5 Provides that the elimination of the ADC Program and replacement of the Temporary Assistance for Needy Families (TANF) Program with the Ohio Works First Program and the Prevention, Retention, and Contingency Program does not bar a CDHS from (1) making determinations of whether erroneous payments were made under ADC or TANF and taking action to recover the erroneous payments or (2) denying eligibility to participate in the Ohio Works First Program and the Prevention, Retention, and Contingency Program to an assistance group that received a fraudulent payment under ADC or TANF and has not repaid the fraudulent payment. *COMMENTS: This language was requested by OHSDA and CCAO in order to clarify Temporary Law Section 3.*

Temporary Law Section 6 Provides that the right of subrogation for the cost of medical services and care, an assignment of the right to medical support, and an assignment of the right to support from another person to ODHS or a CDHS prior to the bill's effective date continues in force, notwithstanding the elimination of the ADC and TANF Programs and creation of the Ohio Works First Program.

Temporary Law Section 7 Provides that aid provided under the former ADC and TANF Programs continues to be inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process, notwithstanding the creation of the Ohio Works First Program.

Temporary Law Section 8 Provides that, in the case of a person receiving transitional Medicaid or transitional publicly funded child day-care on the bill's effective date, the number of months the person received the transitional aid prior to that date must be applied to the maximum number of months the person may receive the transitional aid for the current duration of eligibility.

Temporary Law Section 11 Permits ODHS to adopt rules in accordance with the Administrative Procedure Act governing the transition from providing aid under the ADC and TANF Programs to providing assistance under the Ohio Works First Program and the Prevention, Retention, and Contingency Program. *COMMENTS: It was agreed that there had to be a common process under which the transition from one set of programs to another was made by counties.*

Temporary Law Section 20 Requires ODHS to allocate up to \$5 million in fiscal years 1998 and 1999 from the amount appropriated for Ohio Works First that is not used due to caseload reductions to CDHSs for the purpose of enhancing transportation services to participants in Ohio Works First. *COMMENTS: This was a Democrat amendment accepted because of all legislators concerns over transportation. This may interfere with reaping savings for caseload reductions to counties. We are not certain how this will work.*

Temporary Law Section 21 Requires each CDHS to notify the head of each household that includes an assistance group participating in Ohio Works First no later than November 1, 1997 of

the changes made by the bill.

OTHER HUMAN SERVICES PROGRAMS

5101.46 Eliminates the process of review and approval by the General Assembly of a state Title XX (social services) plan and replaces it with a process of approval by boards of county commissioners and ODHS of "county profiles" for using federal Title XX funds. *COMMENTS: Under mutual agreement and hard work, state and county representatives were able to radically simplify the TITLE XX program.*

5101.46 Repeals provisions of the Title XX statutes that expressly do the following: (1) establish a 10% local match for the federal and state Title XX funds received, (2) require that a CDHS use at least 20% of its Title XX allocation for child day-care, (3) require that certain Title XX services be provided at no charge and other services for a fee, (4) specify the provisions that must be included in a Title XX contract entered into with a provider of social services, (5) prohibit charging providers a fee as a condition of receiving Title XX funds, (6) require that Title XX providers submit semiannual reports on their use of Title XX funds, (7) authorize providers to make Title XX eligibility determinations, and (8) authorize Title XX services to be provided on a multi county basis.

5101.46 Requires ODHS to expend no more than 2% of its Title XX social services appropriation for the training of (1) employees of CDHSs, (2) providers of services under contract with CDHSs; boards of alcohol, drug addiction, and mental health services; and county boards of mental retardation and developmental disabilities, and (3) employees of a PCSA directly engaged in providing Title XX social services.

5101.46 Limits to 14% the amount of Title XX funds that may be used at the local level for administrative costs. *COMMENTS: This stems from concerns that too many TITLE XX funds are being expended in administration by CDHS's.*

5101.46 Requires that any funds transferred to the Title XX program from the Ohio Works First and Prevention, Retention, and Contingency Programs be distributed solely to the county departments of human services. *COMMENTS: Prevents the state from absorbing county dollars.*

5104.46 Eliminates current law that authorizes ODHS, to the extent permitted by federal law, to require a recipient of ADC, Disability Assistance, Medicaid, or Title XX social services to provide proof that children under age 19 in the recipient's assistance group have been immunized against certain diseases. *COMMENTS: This is an attempt to build in certain conditions to assistance which would benefit children.*

5101.54 Permits ODHS to adopt rules governing (1) eligibility requirements for the Food Stamp Program, (2) sanctions for failure to comply with eligibility requirements, (3) allotment of food stamp coupons, (4) to the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp benefits subject to employment and training requirements receive food stamp benefits after satisfying the requirements, (5) administration of the program by CDHSs, and (6) other requirements necessary for the efficient administration of the program.

5101.54 Permits ODHS to adopt rules governing employment and training requirements for recipients of food stamp benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. *COMMENTS: OHSDA and CCAO have to check if this is required by the federal government. If not, then we might lobby to have the rule making authority eliminated.*

5101.54 Permits ODHS to submit a plan to the United States Secretary of Agriculture for ODHS to operate a "simplified food stamp program" under which the requirements governing the Ohio Works First Program also govern the Food Stamp Program in the case of households receiving food stamp benefits and assistance under the Ohio Works First Program.

5101.54 In the case of a household in immediate need of assistance under the Food Stamp Program, requires certification of eligibility, pending verification, within 24, or, if mitigating circumstances occur, within 72 hours, after application. *COMMENTS: Though not a complete win, this change provides counties much more leeway in meeting the emergency needs of food stamp recipients.*

5101.54 Requires that a county department of human services, at the time of application for food stamps by members of a household in immediate need of food assistance, to provide the household with a list of community assistance programs that provide emergency food. *COMMENTS: A compromise in order to allow counties to wait until a Monday for expediting food stamps.*

5101.544 Provides that if the benefits of a household are reduced under a federal, state, or local means-tested public assistance program for failure to perform an action required under the program, the household may not receive an increased allotment of food stamp benefits.

5111.01 Permits ODHS, as long as federal funds are provided, to provide Medicaid to families with children that meet either of the following conditions: (1) the family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former ADC Program as those requirements were established by state law, federal waivers, and ODHS rules or (2) the family does not meet the requirements specified in (1) but is participating in the Ohio Works First Program.

5111.01 Eliminates current law that authorizes ODHS, if funds are appropriated for this purpose,

to provide Medicaid to children born after January 1, 1983, who are not otherwise eligible for Medicaid and whose countable income is at or below 200% of the federal poverty guidelines.

5111.01 Authorizes expansion of Medicaid eligibility, subject to federal approval and not sooner than January 1, 1998, to include children not otherwise eligible who are age six or older but under age 19 with family incomes at or below 150% of the federal poverty guidelines.

5111.017 Requires a person providing prenatal medical services to a pregnant Medicaid recipient who must receive medical services through a managed care organization to inform the recipient of the possible effects of alcohol and other drug use on the fetus if the person, following a screening, determines that the recipient may have a substance abuse problem.

5111.113 Increases the amount a Medicaid recipient who is in a nursing facility may keep from income as a personal needs allowance to not less than \$40 for an individual and \$80 for a married couple, both of whom are nursing facility residents, from the current amount of not less than \$30 for an individual and \$60 for a couple. *COMMENTS: A popular amendment by both Democrats and Republicans.*

5115.01 Repeals current law that provides that a resident of a certified residential treatment center may receive Disability Assistance not more than once in a five-year period and provides instead that a person who actively participates in a certified alcohol or drug addiction program may receive Disability Assistance. *COMMENTS: An important expansion for disability assistance in communities without in patient facilities.*

5115.01 Requires a CDHS to designate a representative payee for a Disability Assistance recipient eligible for assistance because of active participation in a certified alcohol or drug addiction program.

COUNTY SHARE OF PUBLIC ASSISTANCE COSTS

5101.16 Establishes as each county's share for the Ohio Works First Program and the Prevention, Retention, and Contingency Program the amount that was the actual amount of the county's share of expenses for the ADC and JOBS programs during federal fiscal year 1994, except during state fiscal years 1998 and 1999, when the county share will be 80% of that amount.

5101.16/5101.24 Allows ODHS to increase a county's share of expenditures pursuant to a "sanction" for failing to meet performance standards, failing to comply with federal or state laws or rules, or being responsible for or contributing to an adverse audit or quality control finding, disallowance of federal financial participation, or other penalty.

5101.161 Permits ODHS to adopt rules establishing a maximum amount that it will reimburse a county for public assistance expenditures, and provides that if a county spends more than that amount, the excess expenditure will not be included in computing the state's share of expenditures for public assistance.

5101.161 Requires a board of county commissioners, each January, to appropriate the amount ODHS certifies as the estimated amount of the county share of certain public assistance expenditures and an additional 5% of that amount and permits the board, each June, to reappropriate for any appropriate purpose the amount appropriated in January that exceeds the total of the amount ODHS certified for the last six months of the current state fiscal year and the first six months of the following state fiscal year.

5101.161 Requires ODHS, before the 15th day of each payment period ODHS establishes by rule, to pay the estimated state and federal share of a county's public assistance expenditures for that payment period increased or decreased by the amount ODHS underpaid or overpaid the county for the most recent payment period that ODHS knows an underpayment or overpayment was made.

5101.162 Permits ODHS to use available federal funds to reimburse a county that has not entered into a partnership agreement with the Director of Human Services county expenditures for administration of the Food Stamp or Medicaid Program even though the county expenditures exceed the maximum reimbursement amount ODHS may establish for the expenditures.

5101.16 (et al) *COMMENTS: The county share language in this section (and related sections) was rewritten multiple times, posing the most confusing challenge to legislative services commission staff in their attempts to understand the complexity of the county and state fiscal relationship.*

5101.18 *COMMENTS: County representatives were successful in eliminating language in the "overpayments to recipients" section, that would not allow counties seeking to recover costs to "terminate or reduce social services to any person who is entitled to them." This language conflicted with the ability to sanction for noncompliance issues.*

5101.24/5101.16 Allows ODHS to increase a county's share of expenditures pursuant to a "sanction" for failing to meet performance standards, failing to comply with federal or state laws or rules, or being responsible for or contributing to an adverse audit or quality control finding, disallowance of federal financial participation, or other penalty.

CONFIDENTIALITY OF PUBLIC ASSISTANCE RECORDS

5101.27 Requires ODHS to release information regarding a public assistance recipient to a government entity responsible for administering a program that provides assistance to low-income individuals for purposes related to the administration of the program.

5101.27 Requires ODHS to release information regarding a public assistance recipient to a government entity responsible for children's protective services.

5101.27 Requires ODHS to provide access to information regarding a public assistance recipient to the recipient; the recipient's authorized representative; the recipient's parent or guardian; and the recipient's attorney, if the attorney has written authorization from the recipient.

5101.27 Permits ODHS to release certain information regarding a public assistance recipient if the recipient gives voluntary, written consent.

5101.28 Requires ODHS, to the extent permitted by federal law, to provide access to information to the Auditor of State and other government entities auditing assistance programs.

5101.28 Permits ODHS to report to a PCSA or other appropriate agency information on known or suspected child abuse or neglect.

5101.29 Exempts from the public records law identifying information regarding children enrolled in child day-care and identifying information regarding persons who make a complaint regarding a child day-care center or home to ODHS or other appropriate government entity.

Temporary Law Section 22 Requires ODHS, in consultation with county representatives and academic researchers, to develop a protocol regarding sharing information concerning trends and outcomes of welfare reform activities.

CHILD DAY-CARE

5104.01 Provides that publicly funded child day-care may be provided to eligible infants, toddlers, preschool children, and school children up to age 13.

5104.01 Provides that child care resource and referral services include coordination of services among child day-care resource and referral organizations to assist in developing and maintaining a statewide system of child day-care resource and referral services if required by ODHS and cooperation with CDHSs in encouraging the establishment of parent cooperative child day-care centers and parent cooperative type A family day-care homes.

5104.01 Exempts from definition of a "child day-care center" a place that provides child day-

care, but not publicly funded child day-care, if an organized religious body provides the child day-care; a parent, custodian, or legal guardian of at least one child receiving child day-care is on the premises and readily accessible at all times; the child day-care is provided on no more than 30 days per year; and the day-care is provided only for preschool and school age children.

5104.011 Requires ODHS to adopt rules governing procedures for granting limited certification to type B family day-care homes where the provider cares for the children of only one family.

5104.011 Permits the CDHS to waive any inspection and criminal records check required by the law governing child day-care if the provider is a relative of the caretaker parent or is a friend of the caretaker parent providing child day-care only to the children of the caretaker parent and the provider and caretaker parent verify in writing to the CDHS that minimum health and safety requirements are being met in the home.

5104.011 Clarifies that publicly funded child day-care may be provided by a type B family day-care home that has received a limited certification.

5104.04 Maintains the requirement that child day-care centers and type A family day-care homes be inspected at least twice annually and that at least one inspection be unannounced.

5104.04 Requires that part-time child day-care centers and type A family day care homes be inspected at least once annually and that at least one inspection be unannounced.

5104.04 Requires ODHS to collect information concerning the amounts charged by each child day-care center or type A family day-care home annually.

5104.04 Requires a licensee of a child day-care center or type A family day-care home to post written reports of inspections in a conspicuous location.

5104.04 Permits ODHS to use selected requirements that have been determined to be predictors of overall compliance in the inspection of child day-care centers or type A family day-care homes.

5104.04 Requires ODHS to report information concerning inspections of child day-care centers and type A family day-care homes to the Governor and the General Assembly.

5104.081 Repeals creation of the Division of Child Day-care in ODHS, but requires that ODHS employ at least one senior-level full-time staff person to oversee ODHS's child day-care responsibilities.

5104.11 Permits county directors of CDHSs to contract with government entities to inspect and certify type B family day-care homes.

5104.13 Requires ODHS to publish a guide concerning state law requirements for certification of type B family day-care homes and provide copies to CDHSs for distribution to providers.

5104.30 Repeals provisions formerly required by the Child Care and Development Block Grant Act dedicating funds for the improvement of the quality and availability of child day-care and specifying how the funds were to be awarded to the counties.

5104.30 Requires ODHS to allocate and use at least 4% of federal funds available under the Child Care and Development Block Grant Act for activities that (1) are designed to provide comprehensive consumer education to parents and the public, (2) increase parental choice, and (3) are designed to improve the quality and increase the supply of child day-care and provides that not more than 5% of federal funds may be expended for administrative costs.

5104.30 Permits ODHS to develop a registry of persons providing child day-care and to adopt rules to implement the registry.

5104.30 Eliminates the requirement that ODHS conduct market rate surveys and establish a maximum rate of assistance that it will reimburse counties for publicly funded child day-care.

5104.30 Requires ODHS to establish a rate of reimbursement for publicly funded child day-care that may vary based on certain factors.

5104.30 Requires ODHS, in establishing the rate of reimbursement, to develop an enhanced rate for providers offering child day-care for parents who work non-traditional hours.

5104.30 Requires that a provider of publicly funded child day-care agree to be paid for services at the lower of the rate customarily charged by the provider for children enrolled in day-care or the rate of reimbursement established by ODHS.

5104.301 Permits CDHSs to establish programs to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child day-care, which may include recruitment of interested parents, provision of technical assistance, and assistance in training interested parents.

5104.301 Provides a \$5,000 incentive payment to CDHSs that implement a program encouraging the organization of parent cooperative child day care centers and parent cooperative type A family day-care homes for each center or home established.

5104.301 Requires parents of children enrolled in a CDHS program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes to work at least four hours per week in the center or home.

5104.301 Permits ODHS to adopt rules governing programs encouraging the development of

parent cooperative child day-care centers and parent cooperative type A family day-care homes.

5104.31 Reiterates that publicly funded child day-care may be provided by a parent cooperative child day-care center or parent cooperative type A family day-care home.

5104.34 Guarantees that a family receiving publicly funded child day-care on October 1, 1997 will continue to receive publicly funded child day-care until the family's income reaches 150% of the federal poverty guidelines.

5104.34 Requires ODHS, subject to available funds, to allow a family to continue to receive publicly funded child day-care until the family's income exceeds 150% of the federal poverty line.

5104.34 Permits a CDHS that determines that available resources are insufficient to provide publicly funded child day-care to all eligible families who request it to establish a waiting list, which may be broken down by income, and requires a CDHS that has established a waiting list to assess the needs of the next family scheduled to receive publicly funded child day-care when resources become available.

5104.34 Requires that parents receiving publicly funded child day-care be employed or in education or training for an amount of time reasonably related to the time that the children are receiving publicly funded day care, unless the children are eligible for protective or special needs day care.

5104.34 Permits an assistance group that ceases to receive assistance under Ohio Works First to receive transitional child day-care during the immediately following 12 months if the assistance group needs assistance due to employment and has an income no greater than 150% of the federal poverty guidelines.

5104.34 Provides that an assistance group is ineligible for transitional publicly funded child day-care if the group is ineligible to participate in the Ohio Works First Program because the group received fraudulent assistance under the Program or has been sanctioned for failure or refusal to comply in full without good cause with a self-sufficiency contract.

5104.34 Provides that an assistance group that became ineligible for transitional child day-care because the 12-month period expired has first priority for receipt of non-guaranteed publicly funded child day-care and that such an assistance group continue to receive priority for publicly funded child day-care until its income exceeds 150% of the federal poverty line.

5104.34 Permits CDHSs to charge a caretaker parent a fee for protective day care.

5104.38 Requires that the Department of Human Services adopt rules specifying the maximum amount of adjusted income a family may have and still qualify for publicly funded child day-

care.

5104.38 Requires ODHS to adopt rules governing financial and administrative requirements for publicly funded child day-care.

5104.38 Eliminates rule-making authority concerning allocation of funds under the Child Care and Development Block Grant Act.

5104.38 Requires that the Department of Human Services monitor anticipated future expenditures of publicly funded child day-care each month with the assistance of the Office of Budget and Management and the Day-care Advisory Council.

5104.39 Requires that the Department of Human Services conduct quarterly, rather than annual, evaluations of publicly funded child day-care and specify in the reports of the evaluations the number of participants and amount of expenditures by county.

5104.42 Requires ODHS to adopt rules establishing a payment procedure for publicly funded child day-care.

Temporary Law Section 14 Requires ODHS, in consultation with CDHSs and day-care providers and advocates, to review and simplify existing rules governing the certification of type B family day-care homes.

Temporary Law Section 23 Recognizes the importance of child day-care to the goal of self sufficiency and expresses the General Assembly's intent to continue to provide publicly funded child day-care to those currently receiving it.

INDIVIDUAL DEVELOPMENT ACCOUNTS

329.12 Permits a CDHS to establish an individual development account (IDA) program for low income residents of the county under which a fiduciary organization may deposit into IDAs up to twice the amounts deposited by program participants.

329.12 Establishes criteria that a CDHS must consider in selecting a fiduciary organization to administer an IDA program, and permits a CDHS to make a grant each year to the fiduciary organization to pay all or part of the administrative costs of the program.

329.13 Prohibits a fiduciary organization from accepting additional contributions if it has not deposited at least half of its funds available into IDAs.

329.14 Requires individuals seeking to participate in an IDA program to enter into an agreement with the fiduciary organization specifying the terms and conditions of participation in the program.

329.14 Prohibits a fiduciary organization from depositing an amount into a participant's IDA pursuant to an agreement with the participant's employer.

329.14 Limits the balance of an IDA to \$10,000.

329.14 Provides that money in an IDA, including interest, may not be considered, to the extent permitted by federal law, in determining whether an individual is eligible for Ohio Works First; Prevention, Retention, and Contingency; or Medicaid or the amount of assistance provided under those programs.

329.14 Permits a program participant to use money in an IDA only for specified purposes and only with the approval of the fiduciary organization.

329.14 Permits a program participant to use money in an IDA for personal emergencies, but provides that such a withdrawal results in the loss of matching funds in the amount of the withdrawal.

5101.971 Requires a CDHS to mandate that a fiduciary organization administering an IDA program collect and maintain certain information regarding the program, requires a CDHS to prepare and file with ODHS a semi-annual report concerning its IDA program, and requires ODHS to prepare an annual report on IDA programs and adopt rules governing implementation of IDA programs.

5733.04/5747.01 Permits those who contribute matching funds to an IDA program to deduct the contributions for state tax purposes.

WELFARE REFORM TIME LINE

- October 1, 1997 HB 408 Effective
- * county must have Prevention, Retention and Contingency Program in place
 - * commissioners must have appointed a county human services planning committee
- December 1, 1997 Wave One counties must have negotiated Partnership Agreement
- January 1, 1998 Wave Two counties must be operating under signed Partnership Agreement
- July 1, 1998 Wave Three counties must be operating under a signed Partnership Agreement

Every county must submit its community plan to the county human services planning committee and the public for review no later than 30 days before signing a partnership agreement with the state.