



Sub. S.B. 123

123rd General Assembly
(As Passed by the Senate)

Sens. Fingerhut, Brady, Mallory, Furney, Prentiss, DiDonato, Espy, McLin, Shoemaker, Drake, Hagan, Kearns, Spada, Blessing, Herington, Latell

BILL SUMMARY

- Allows an Ohio Works First (OWF) participant who has participated in the post-secondary education work activity for at least 1,040 hours and who is making sufficient progress toward earning a degree to continue participating in that activity more than five hours a week.
- Prohibits a county department of job and family services from assigning a post-secondary education work activity participant to an additional work or developmental activity if the participant meets certain criteria related to full-time work toward a degree.
- Generally prohibits a county department from reassigning a post-secondary education work activity participant to another work activity if the person is making sufficient progress toward earning a degree.
- Requires the Ohio Department of Job and Family Services (ODJFS) to disregard certain participants in the post-secondary education work activity when calculating OWF work participation rates.
- Requires a county department, under certain circumstances, to count a person's participation in a clinical or work study as participation in the post-secondary education work activity if the person must complete the study to earn a degree.
- Requires a county department to provide its employees training regarding the post-secondary education work activity.

- Requires ODJFS, on its own and in collaboration with the Department of Education, to establish publicity campaigns to promote awareness among OWF participants of the post-secondary education work activity.
- Requires ODJFS to contract for an independent study of OWF participants and former participants who are or were assigned to the post-secondary education work activity and participated in the work activity for more than 1,040 hours.

CONTENT AND OPERATION

Post-secondary education work activity

(secs. 5107.42, 5107.43, 5107.44, and 5107.582)

The Ohio Works First (OWF) Program is an income maintenance program for families with or expecting a child. In return for monthly cash assistance, adults and minor heads of household participating in the program are required to satisfy requirements, including work and training requirements, designed to lead to self-sufficiency and personal responsibility. County departments of job and family services are permitted to establish as work activities for OWF participants programs under which participants are enrolled full-time in post-secondary education leading to vocation.

Time limit on participation

An OWF participant may not participate in the post-secondary education work activity more than five hours a week once the participant has participated in it 1,040 hours.¹ The bill provides that the limit does not apply if the county department is satisfied that the participant is making sufficient progress toward earning the degree sought under the activity. A county department that establishes a post-secondary education work activity must establish standards to determine whether a participant is making sufficient progress toward earning a degree.

¹ *In addition to the five hours, an OWF participant is permitted to participate in a developmental activity that is identical to the post-secondary education work activity for up to ten hours a week. Further, an OWF participant and the county department can agree that the participant volunteer to participate in work activities or developmental activities, which could include post-secondary education, for more than the number of hours generally required by the county department.*

Assignment to other activity or termination of participation prohibited

Under current law, the county department is generally required to assign each OWF participant to one or more work activities and developmental activities. If the county department assigns a participant to the post-secondary education work activity, it must assign the participant to at least one other work activity at the same time. The county department can reassign a participant to a work or developmental activity other than post-secondary education if it determines that reassignment will aid the assistance group in achieving self-sufficiency and personal responsibility.

The bill prohibits the county department from assigning a participant to another work or developmental activity if the participant has participated in the post-secondary education work activity at least 1,040 hours and is participating in it at least the number of hours each week that a participant is required to participate in work activities and developmental activities. It also prohibits the county department from ending the participant's participation in the post-secondary education work activity if the county department is satisfied that the participant is making sufficient progress toward earning the degree, unless reassignment to another activity is the only way that county departments, on a statewide average basis, can exceed by at least five percentage points the minimum work activity participation rates established by federal law.

Exemption from work participation rate

Ohio law requires that county departments of job and family services, on a statewide average basis, exceed the minimum federal work participation rates by not less than 5%. The bill requires the Department of Job and Family Services (ODJFS) to disregard from that calculation participants who have at least 1,040 hours in the post-secondary education work activity and are participating in that work activity more than five hours a week.

Expansion of post-secondary education work activity

(sec. 5107.581)

The bill expands the post-secondary education work activity to include paid or unpaid participation in a clinical or work study if the participant (1) must complete the study to earn the degree, (2) has participated in the work activity for at least 1,040 hours, and (3) is participating in the activity more than five hours a week.

Training for county employees

(sec. 5107.583)

The bill requires a county department that establishes a post-secondary education work activity to provide for appropriate employees to undergo training regarding the activity.

Publicity campaigns

(sec. 5107.584)

The bill requires ODJFS, on its own, and in collaboration with the Department of Education, to establish publicity campaigns to promote awareness among OWF participants of the post-secondary education work activity.

Study of OWF participants assigned to the post-secondary education work activity

(Section 3)

The bill requires ODJFS to contract with an entity independent of ODJFS to study OWF participants and former participants who are or were assigned to the post-secondary education work activity and participated in that work activity for more than 1,040 hours. The contract must require that the entity prepare a report that contains the following information:

(1) For each county, the number of persons who participated in the post-secondary education work activity for more than 1,040 hours;

(2) The costs incurred by each county department for persons who participated in that work activity more than 1,040 hours;

(3) For the state, the number of hours per week and the total number of hours in excess of 1,040 that persons have participated in that work activity;

(4) For the state, the percentage of persons who participated in that work activity for more than 1,040 hours who earned a degree and the type of degree earned;

(5) For the state, whether the persons who participated in the work activity more than 1,040 hours are employed, the type of employment, the amount of compensation they are receiving, and whether the employment is related to the degree they earned.

The report must be submitted to the Governor and the majority and minority leadership of the General Assembly no later than July 1, 2002.

COMMENT



Federal law governing Ohio Works First, known federally as Temporary Assistance for Needy Families (TANF), requires states to ensure that a certain percentage of participants satisfy work requirements. A state that fails to meet the work participation rates without reasonable cause is subject to a federal penalty. Working toward earning a post-secondary degree is not an activity federal law recognizes as fulfilling the work requirement. Sub. H.B. 408 of the 122nd General Assembly included the post-secondary education program as an acceptable work activity on the basis that it was part of a previously granted federal waiver. Federal TANF law allows states to continue operating under such waivers until they expire. According to the Department of Job and Family Services, Ohio's waiver expires September 30, 2002. It is possible that, once the waiver has expired, the United States Department of Health and Human Services will not consider an OWF participant who participates in the post-secondary education program as fulfilling the work requirement.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-14-99	p. 305
Reported, S. Health, Human Services & Aging	05-23-00	p. 1775
Passed Senate (33-0)	05-25-00	pp. 1862-1863

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