



## Ohio Administrative Code

### Rule 5101:1-3-12.2 Subsidized public and private employment.

Effective: June 1, 2017

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#### (A) Conflict with Revised Code

(1) Section (5) of the Amended Substitute Senate Bill 238 of the 126th General Assembly (9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C., 607(i)(2) (8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2) (8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40 and 5107.52 of the Revised Code.

(3) All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated in this rule.

#### (B) What is the definition of subsidized private and/or public sector employment?

(1) Subsidized private and/or public sector employment means employment for which the employer receives a subsidy from temporary assistance for needy families (TANF) or other public funds to offset some or all of the wages and costs of employing an individual. Work study that involves paid employment provided by an educational institution meets the definition of subsidized employment when the individual's earnings are subsidized by the educational institution.

(2) Hours of participation in substance abuse treatment, mental health treatment or rehabilitation



activities or various other barrier removal or educational activities may count when the individual is paid for these hours as part of subsidized employment.

(3) An employer can receive up to twelve monthly subsidy payments per individual placed with that employer. Longer durations may be appropriate for supported employment with individuals with disabilities as long as they are justified by an individualized needs assessment. The county agency shall determine when the subsidy will begin and when the subsidy shall end in accordance with the subsidized employment contract.

(4) A subsidized employment program shall include the expectation of continuing employment with the participating employer after the subsidy expires or a placement component that leads to employment with another employer after the subsidy expires. The expectation of employment may be contingent upon the participant's successful completion of any probationary or training period specified in the contract and abiding by the employer's rules and regulations.

(5) What are acceptable models of subsidized employment?

Acceptable models of subsidized employment include but are not limited to:

(a) The use of a third party who acts as the employer of record for a trial period, such as a temporary staffing agency. The organization receives a fee from the county agency or other public agency to cover the participant's salary and supportive services; or

(b) The use of supported work for individuals with disabilities, as defined under the Rehabilitation Act of 1973, 29 U.S.C. 705(35). Supported work for individuals with disabilities means work in an integrated setting (i.e. where people with and without disabilities work in the same place) for a wage consistent with those paid to non-disabled workers with similar job functions.

(c) The use of transitional jobs for hard-to-employ Ohio works first participants. Transitional jobs provide time-limited, paid work experience combined with a comprehensive set of services in order to help participants overcome barriers to employment and build work related skills.