



## Ohio Administrative Code

### Rule 5101:1-3-12 Ohio works first: work activities.

Effective: October 1, 2026

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#### (A) Which section of the Revised Code applies to work activities?

- (1) Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules necessary to comply with Title IV-A, Title IV-D, federal regulations, state law and the state plan.
- (2) The county agency shall administer the work activity programs in accordance with the requirements contained in this rule. This rule seeks to clarify sections 5107.01, 5107.14, 5107.16, 5107.36, 5107.40, 5107.41, 5107.42, 5107.43, 5107.60, 5107.62, 5107.64, 5107.65, 5107.67, 5107.68 and 5107.70 of the Revised Code.

#### (B) Who is a work eligible individual (WEI)?

- (1) A WEI means an adult or minor head of household receiving Ohio works first (OWF) or a non-recipient parent living with a child who is in receipt of OWF unless the parent is:
  - (a) A minor parent who is not the head of household;
  - (b) A non-citizen who is not eligible to receive OWF due to his or her immigration status;
  - (c) A recipient of supplemental security income (SSI) benefits;
  - (d) A recipient of social security disability insurance (SSDI) benefits; or
  - (e) A parent providing care for a disabled family member, when the following criteria are met:
    - (i) The disabled family member must be living in that home; and
    - (ii) There is medical documentation to support the need for the parent to remain in the home to care for the disabled family member. The disability is to be deemed to exist when there is a physical or mental illness or impairment. The disability is to be supported by competent medical documentation and is to be of such a debilitating nature as to reduce substantially or eliminate the individual's ability to work. The disability is expected to last for a period of at least thirty days.
- (f) A parent, legal guardian, legal custodian, or other specified relative whose needs are not included in a child only AG. This includes situations when the minor child resides with both parents, and both parents are recipients of SSI; and when the parent of the minor child is a child for whom federal,



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state, or local foster care maintenance, or adoption assistance payments are made.

- (2) An adult or minor head of household claiming a physical or mental illness or impairment is still considered a WEI and could be assigned an alternative activity as described in rule 5101:1-3-12.12 of the Administrative Code unless they are in receipt of SSDI or SSI.
- (3) An assistance group (AG) when the only minor child is in receipt of SSI benefits, or is a child for whom federal, state, or local foster care maintenance, adoption assistance payments, kinship support payments as described in rule 5180:3-13-18.2 of the Administrative Code, or federal or state kinship guardianship assistance program (KGAP) payments as described in rules 5180:2-56-02 and 5180:2-55-03 of the Administrative Code are made, the AG is deemed to include that minor child for purposes of determining eligibility to participate in OWF.

(C) What are work activities?

Time spent in the following activities will meet the hours of participation as described in paragraph (D) of this rule.

- (1) Unsubsidized employment;
- (2) Subsidized private sector employment;
- (3) Subsidized public sector employment;
- (4) Work experience program (WEP);
- (5) On-the-job-training (OJT);
- (6) Job search and job readiness assistance;
- (7) Community services;
- (8) Vocational education training;
- (9) Providing child care to an individual who is participating in a community services program;
- (10) Job skills training directly related to employment;
- (11) Education directly related to employment, in a case of a recipient who has not received a high school diploma or a certificate of high school equivalency;



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- (12) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate;
- (13) Parenting classes, job skills and life skills training;
- (14) Participation in a alcohol or drug addiction program certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;
- (15) Finding a home in the case of a homeless AG;
- (16) 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;
- (17) Attending English as a second language course;
- (18) Applying for or appealing a social security disability insurance benefit;
- (19) Attending medical appointments or counseling;
- (20) Intensive case management; and
- (21) Participation in an assessment or vocational rehabilitation program with opportunities for Ohioans with disabilities.

(D) What are the hourly work requirements for a WEI?

- (1) All WEIs shall be assigned to one or more work activities or alternative activities as described in paragraph (C) of this rule, and participate at least the following number of hours except as provided in paragraphs (D)(2) to (D)(4) of this rule:
  - (a) An AG containing one WEI is to participate at least an average weekly amount of thirty hours (one hundred thirty hours monthly).
  - (b) An AG containing at least two WEIs and not receiving federally funded child care are to participate at least an average total weekly amount of thirty-five hours (one hundred fifty-two hours monthly).
  - (c) An AG containing at least two WEIs and an adult in the family is not disabled or is not caring for a child with a disability, and is receiving federally funded child care are to participate at least an average total weekly amount of fifty-five hours (two hundred thirty-eight hours monthly).



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(d) An AG containing two WEIs where one parent is disabled is to participate, at least an average total weekly amount of thirty hours (one hundred thirty hours monthly).

(e) An AG that includes a WEI who is the only parent or specified relative in need in the family of a child under six years of age, at least an average weekly amount of twenty hours (eighty-seven hours monthly).

(f) Single custodial parent.

For any fiscal year, a county agency may at its option, assign a WEI who is a single custodial parent caring for a child under the age of twelve months to one or more alternative activities for a number of hours a week determined by the county agency.

(g)

(2) There are circumstances when the county agency may reduce a WEI's hours of participation in a work activity to less than the weekly hours otherwise required. The county agency shall document the reason for not assigning the participant to all or some of the required hours. The comprehensive assessment shall be used to determine when it is appropriate to assign a reduced number of hours.

A reduction in the hours of participation may be a reasonable modification when an individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities. The county agency will act in accordance with rule 5101:9-3-02 of the Administrative Code and the Americans with Disabilities Act (ADA) (1990) plan adopted by the county agency.

(3) After a WEI is assigned to a work activity or alternative activity a county agency shall place the WEI in the assigned activity as soon as the activity becomes available. Until the activity is available, a county agency shall assign a WEI to another activity as appropriate.

(4) Participation in a work activity may be waived due to domestic violence, as described in rule 5101:1-3-20 of the Administrative Code.

(5) One work eligible parent may complete all required work activity hours for a two-parent AG.

(6) Alternative activities



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- (a) When a county agency determines that a WEI has a temporary or permanent barrier to participation in a work activity, it may assign a WEI to one or more alternative activities pursuant to rule 5101:1-3-12.12 of the Administrative Code.
    - (b) There are no minimum number of hours required for assignment in alternative activities.
    - (c) There are no limitations as to the number of WEIs who may be assigned to alternative activities.
  - (7) A county agency may reassign a WEI when the county agency determines reassignment will aid the AG in achieving self sufficiency and personal responsibility and shall make reassignments when circumstances requiring reassignment occur, including when a temporary barrier to participating in a work activity is eliminated as determined by the comprehensive assessment.
  - (8) Every adult WEI twenty-five or older participating in OWF is to complete a financial literacy course as a job search and job readiness activity after OWF approval. The financial literacy course is to be provided through one of the following entities:
    - (a) The OhioMeansJobs website (OhioMeansJobs.com) and/or the closest OhioMeansJobs center;
    - (b) An extension office of the Ohio state university; or
    - (c) Another accredited financial literacy course.
- (E) Can a WEI applicant(s) be assigned to a work activity?
- Job search and job readiness activities, as defined in rule 5101:1-3-12.5 of the Administrative Code, are the only activities an applicant(s) of OWF can be assigned.
- (F) When are work hours deemed to have been met?
- (1) A recipient who is married or a head of household and has not attained twenty years of age is deemed to be participating the number of hours for a month in a fiscal year when the recipient:
    - (a) Maintains satisfactory attendance at secondary school or the equivalent during the month; or



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(b) Participates in education directly related to employment for an average of at least twenty hours per week during the month.

(2) For a married recipient, such participation counts as the greater of twenty hours or the actual hours of participation.

(3) When both parents in the family are under twenty years old, the work requirements specified in paragraph (D)(1)(c) of this rule are met when both meet the conditions of paragraph (F)(1)(a) or (F)(1)(b) of this rule.

(G) Which holidays are countable towards the hourly participation requirement?

(1) Pursuant to 45 C.F.R. 261.60 (2/2008) the following ten holidays are limited to:

- (a) New Years day, January first;
- (b) Birthday of Martin Luther King Jr., the third Monday in January;
- (c) Washington's birthday, the third Monday in February;
- (d) Memorial day, the last Monday in May;
- (e) Independence day, July fourth;
- (f) Labor day, the first Monday in September;
- (g) Columbus day, the second Monday in October;
- (h) Veteran's day, November eleventh;
- (i) Thanksgiving day, the fourth Thursday in November; and
- (j) Christmas day, December twenty-fifth.

(2) In order to count a holiday as actual hours of participation, the WEI shall have been scheduled to participate on that day but for the holiday.

(H) What occurs when a WEI fails to complete the assigned hours?

(1) Single custodial parent with a child under six:

The county agency shall inform single custodial parents caring for a child under six years of age of the following requirements, and may include this information on the participant's self sufficiency contract (SSC).



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- (a) The provisions in rule 5101:1-3-13 of the Administrative Code;
- (b) The exception to imposing a three-tier sanction when the single custodial parent demonstrates an inability to obtain needed child care;
- (c) The county agency procedures for determining a single custodial parent's inability to obtain needed child care;
- (d) The fact that the exception to participation in work activities does not extend the OWF time limits; and
- (e) The right to a state hearing.

Documentation to confirm that parents have been informed of this provision shall be contained in the case file.

(2) All others with missed hours:

Missed hours of participation in a month may be made up by a WEI within the same month at the discretion of the county agency. Any missed hours of participation that are not made up by an individual may be considered good cause when they meet one of the good cause reasons described in rule 5101:1-3-13 of the Administrative Code. Any missed hours of participation that are not made up within the month or that good cause cannot be established are subject to the three-tier sanction provisions as described in rule 5101:1-3-15 of the Administrative Code.

(3) When the county agency determines that the provisions of rule 5101:1-3-13 of the Administrative Code do not apply, the county agency shall apply the sanction policy pursuant to rule 5101:1-3-15 of the Administrative Code.

(I) What are the supervision requirements for unpaid work activities?

- (1) Participation in unpaid activities shall be supervised no less frequently than once each day that the individual is scheduled to participate.
- (2) Daily supervision means that a responsible party has daily responsibility for oversight of the individual's participation, not necessarily daily, in-person contact with the participant.
- (3) WEIs shall be supervised by one of the following:
  - (a) The employer;



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(b) The work supervisor; or

(c) Other responsible third party.

(J) How are hours of participation in unpaid activities verified?

- (1) All actual hours of participation shall be verified on a monthly basis.
- (2) Verification is considered to be met when the county agency has received confirmation of the actual hours of participation.
- (3) All assigned hours of participation shall be accounted for by the county agency.
- (4) Verified hours of participation shall be entered into the Ohio benefits integrated eligibility system in a timely manner.
- (5) Acceptable types of verification for hours participated include but are not limited to the following:
  - (a) The Ohio benefits integrated eligibility system generated schedule;
  - (b) JFS 06910 "Record of Attendance Report";
  - (c) JFS 06909 "Record of School Attendance";
  - (d) Data exchange report;
  - (e) Documented phone contact with the work site or other methods determined acceptable by the county agency as long as the following are included:
    - (i) The participant's name;
    - (ii) An accounting of all assigned hours of participation at that participation site;
    - (iii) The name and location of the participation site;
    - (iv) The name of the participant's work site supervisor; and
    - (v) The name and phone number of the person verifying the hours.

(K) How are hours of participation in paid activities verified?



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- (1) A county agency shall verify the participation hours for unsubsidized employment, subsidized employment program (SEP) and on-the-job training (OJT) at least once every six months.
  - (2) When hours have been reported on an interim report issued and verified pursuant to rule 5101:4-7-01 of the Administrative Code, the verified hours shall be used as a six month projection of hours of participation.
  - (3) The hours verified during the application and reapplication process as described in rules 5101:1-2-01 and 5101:1-2-10 of the Administrative Code shall be used as a six month projection of hours of participation.
  - (4) The county agency shall determine monthly work participation hours by multiplying the average weekly number of hours by 4.33.
- (L) How are the work assignments affected by the Fair Labor Standards Act (12/2022) (FLSA)?
- (1) WEIs assigned to the work experience program (WEP) and community service activities are subject to FLSA requirements contained in 29 U.S.C. 201 (12/2022).
  - (2) "To employ" is defined for purposes of complying with FLSA as "to suffer or permit to work."
  - (3) WEP and community service activities should be examined by the county agency to determine whether each assigned activity is subject to FLSA.
  - (4) The maximum monthly hours of participation allowable under FLSA are determined as follows:
    - (a) The OWF grant (before recoupment) and supplemental nutrition assistance program (SNAP) allotment (before recoupment) are added together;
    - (b) Child support collections received in the month and retained to reimburse the state or federal government for the current month's OWF payment are subtracted from the total in paragraph(L)(4)(a) of this rule.
    - (c) The net amount in paragraph (L)(4)(b) of this rule is divided by the higher of the state or federal minimum wage to determine the maximum allowable hours of monthly participation in WEP or community service.
  - (5) When the child support received is fluctuating or not representative of the current child support payments, the county agency shall convert the child



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support payments to a monthly average using the process defined in rule 5101:1-23-20 of the Administrative Code. The county agency shall use child support payments collected and retained in the immediately preceding three month period to determine an average amount to be used in the calculation of maximum monthly hours of participation allowable under FLSA.

- (6) Any work allowance amount issued is excluded from the calculation of monthly FLSA hours of participation.
- (7) When a work assignment is subject to the requirements of the FLSA and the allowable assignment for hours of participation falls below the hour requirement as described in rule 5101:1-3-01 of the Administrative Code, the county agency shall assign another activity not subject to FLSA to fulfill the hours, except as provided in paragraph (D)(4) of this rule.

(M) What other requirements pertain to OWF work activities?

- (1) No WEI shall be assigned to a work activity or alternative activity when the employer removes or discharges a person, for the purpose of substituting the individual in the person's place in any of the following circumstances:
  - (a) The person is already employed as a regular full-time or part-time employee of the employer;
  - (b) The person has been employed full time or part time as a WEI in a work activity or alternative activity;
  - (c) The person is or has been involved in a dispute between a labor organization and the employer; or
  - (d) The person is on layoff from the same or any substantially equivalent job.
- (2) No employer shall hire an OWF recipient or WEI part-time to circumvent hiring a full-time employee.
- (3) The county agency shall establish and maintain a grievance procedure for resolving complaints by individuals or their representatives that the assignment of a WEI violates the provisions described in paragraph(M)(1) of this rule.
- (4) Except for a WEI who is assigned to subsidized employment as described in rule 5101:1-3-12.2 of the Administrative Code or unsubsidized employment as described in rule 5101:1-3-12.1 of the Administrative Code, credit for work performed by a WEI in a work activity or alternative activity does not constitute remuneration for the purpose of Chapter 124. or 145. of the Revised Code and



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services performed by the WEI do not constitute employment for the purposes of Chapter 4141. of the Revised Code.

- (5) The county agency shall implement and enforce the requirements of this rule. State and local agencies shall cooperate with the county agency to the maximum extent possible in the implementation of these sections.
- (6) In employing persons to administer and supervise work activities and alternative activities, a county agency shall give first consideration to applicants for OWF and WEIs provided such applicants and WEIs qualify for the administrative and supervisory positions to be filled. An applicant or WEI shall be eligible for first consideration only within the county that the applicant applies for OWF or a WEI participates in OWF.
- (7) Subject to the availability of funds and except as limited by section 5107.58 of the Revised Code, a county agency shall provide support services it determines to be necessary for OWF participants placed in a work activity, developmental activity, or alternative work activity. A county agency may provide support services it determines to be necessary for OWF applicants placed in a job search or job readiness activity established under section 5107.50 of the Revised Code. Support services may include publicly funded child care under Chapter 5104. of the Revised Code, transportation, and other services.
- (8) The assignment of a WEI pursuant to this rule or its supplemental rules shall be consistent with rule 5101:9-3-02 of the Administrative Code and the ADA plan adopted by the county agency.