



Ohio Administrative Code

Rule 5101:1-3-13 Ohio works first: good cause for work activity failures.

Effective: [May 1, 2017](#)

(A) Conflict with the Revised Code

(1) Section (5) of 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 5107.14, 5107.161 and 5107.162 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated in this rule.

(B) What is good cause for work activity failures?

(1) "Good cause" is defined as a valid reason a work eligible individual failed to comply with a provision of their self sufficiency contract requirements.

(2) For each failure, refusal or absence, the county agency shall determine when good cause exists.

(C) What are allowable good cause reasons?

Good cause reasons are limited to the following:



- (1) Illness of the work eligible individual or of another family member related by blood, marriage or adoption, living in the same household, when care by the work eligible individual was necessary;
- (2) For either the work eligible individual or a family member living in the same household, a previously scheduled appointment necessary for medical, dental, or vision care.
- (3) A previously scheduled job interview for a work eligible individual, including any subsequent interviews and/or testing requirements.
- (4) Court ordered appearances.
- (5) Appointment with another social service agency or program.
- (6) Death in the family, with the length of absence to be determined by the county agency. "Family" is defined as spouse, domestic partner (domestic partner is defined as one who stands in place of a spouse and who resides with the work eligible individual), child, grandchild, parents, grandparents, siblings, stepchild, stepparent, step-siblings, great-grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or legal guardian or other person who stands in the place of a parent.
- (7) A school, place of work or worksite is closed for the day.
- (8) Lack of child care.

How is lack of child care determined?

In determining when good cause exists for nonparticipation with a work requirement for a work eligible individual, the county agency shall determine when child care is a necessary supportive service when a single custodial parent caring for a minor child under age six proves a demonstrated inability for one or more of the following reasons:

- (a) Unavailability of a licensed or certified child care provider within a reasonable distance from the parent's home or work site. "Reasonable distance" is defined by each county agency and is based on



availability of transportation.

(b) Unavailability or unsuitability of informal child care by a relative or other arrangements.

"Unsuitability of informal child care" is a decision made by the county agency and is based on information received from the public children services agency (PCSA) that the PCSA determines is relevant to share with the county agency in order to protect children pursuant to rule 5101:2-33-21 of the Administrative Code.

(c) Unavailability of appropriate and affordable formal child care arrangements. "Affordable child care arrangements" means that work eligible individuals are guaranteed eligibility for child care subsidy with copayments based on family size and income.

(9) A failure of the county agency to provide supportive services.

(10) A failure of the county agency to provide the work eligible individual with all information necessary about the assignment.

(11) Circumstances involving domestic violence that make it difficult for the individual to comply in full with a provision of the self sufficiency contract, in accordance with rule 5101:1-3-20 of the Administrative Code.

(12) Other circumstances determined on a case by case basis by the county agency.

(D) How should a claim of good cause be documented?

(1) Verification of good cause may be required of the work eligible individual at the county agency's discretion.

(2) The county agency may request verification by a third party for a good cause claim.

(3) The county agency shall allow the work eligible individual no more than ten days from the request of verification to provide requested good cause verification.



(4) The work eligible individual has primary responsibility for providing verification to support the claim of good cause and resolve any questionable information.

(5) A work eligible individual may supply good cause verification in person, through the mail, by fax, electronically, through an authorized representative, or through the primary information person. The county agency shall not require the work eligible individual to present verification in person.

(E) What happens when good cause is not found?

When the claim of good cause is not found to be valid, the county agency shall either:

(1) Allow the work eligible individual to make up the missed hours of participation within the same month in accordance with rule 5101:1-3-12 of the Administrative Code; or

(2) Impose a new or continue an existing sanction in accordance with rule 5101:1-3-15 of the Administrative Code.