

Xochitl Esparza, TANF Program Manager
Authorized Signature

Number: SS-PT-10-011
Issue Date: 06/15/2010

Topic: Cash Payments

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Staff determining TANF eligibility |

Policy/Rule Title:	Deprivation Based on Unemployment or Underemployment of the Primary Wage Earner (PWE); MAA, TANF		
	Specific Requirements; TANF (Employment Separation)		
Policy/Rule Number(s):	461-125-0170 and 461-135-0070	Release No:	
Effective Date:	NA	Expiration:	NA
References:			
Web Address:			

Discussion/Interpretation: This transmittal is being sent as a reminder to staff regarding the “Employment Separation” rule and policy.

Please review the information below as well as the Oregon Administrative Rules (OAR [461-125-0170](#) and [461-135-0070](#)), policy in the Family Service Manual ([TANF D-10](#) and [TANF E-7](#)), and this month’s skill challenge.

The deprivation (OAR [461-125-0170](#)) and employment separation (OAR [461-135-0070](#)) rules are similar in many aspects however there is one major difference.

Difference: If a caretaker relative were denied TANF program benefits due to OAR [461-135-0070](#) (employment separation rule), the family would remain eligible for MAA. If the Primary Wage Earner (PWE) left their most recent employment, which results in a denial (see OAR [461-125-0170](#)) of TANF program benefits, the entire family would be ineligible for MAA.

OAR [461-125-0170](#) (Deprivation) and OAR [461-135-0070](#) (Employment Separation) are similar in the following ways:

- The Definitions of:
 - "Most recent employment" means the last job held within the previous 12 months from the *date of request* (see OAR [461-115-0030](#)) for TANF program benefits and for which the individual was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment.
 - "Misconduct" means willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee, including an act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest.
 - "Good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)) *good cause* for voluntarily leaving work is such that a reasonable person with the characteristics and qualities of such individual would leave work.
- The reasons for leaving a job, which may result in a TANF denial to include:
 - Discharged or fired for:
 - Misconduct, or
 - Felony or theft.
 - Labor dispute; or
 - Voluntary quit –
 - In anticipation of discharge for misconduct, felony or theft
 - Without good cause.

The reasons listed above are the **only** reasons, which may result in a TANF denial.

Reasons which would **not** result in a TANF denial include but are not limited to:

- Discharged for lacking the skills necessary to perform the functions of the job,
- An isolated instance of poor judgment,
- Good faith errors,

- Unavoidable accidents,
- Absences due to illness or other physical or mental disabilities.

Example: Hailey was working for a computer company. She began two months ago. She was required to successfully complete a programming course before her third month. Hailey failed the course and was discharged.

Would the reason Hailey was discharged result in a denial of TANF program benefits? **No.** Hailey was not fired for misconduct, felony or theft. She was let go because she could not complete the required course.

There are individuals who are not affected by this rule. They are the same for both rules and include the following:

- A Parent as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a paid work experience (see OAR [461-190-0199](#)).
- A teen parent returning to high school or equivalent.
- An individual fleeing or at risk of domestic violence.
- An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the date of request for TANF program benefits.
- An individual who is separated from his or her most recent employment for a reason the department determines is good cause. (There is a list of examples of “good cause” in the Family Services Manual, TANF section [D-10](#).)

A skill challenge is available and will provide additional scenarios and questions as well as explanations of the answers.

Implementation/Transition Instructions: N/A

Training/Communication Plan: N/A

Local/Branch Action Required:

Review the transmittal as well as the skills challenge, which is being sent separately. Review the Family Services Manual sections: [TANF-D.10](#) and [TANF-E.7](#) and OARs [461-125-0170](#) and OAR [461-135-0070](#).

Central Office Action Required: N/A

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

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