



**Department of
Job and Family Services**

Ted Strickland, Governor
Douglas Lumpkin, Director

To: County Department of Job and Family Services Directors
Workforce Investment Board Directors
Child Support Enforcement Agency Directors
Public Children Services Agency Directors

Cc: Ohio Job and Family Services Directors' Association
Ohio Child Support Enforcement Agency Directors' Association
Public Children Services Association of Ohio
County Commissioners' Association of Ohio

From: Douglas Lumpkin, Director,
Ohio Department of Job and Family Services (ODJFS)

Date: September 14, 2009

Re: County Job and Family Services Hours of Operation

I know this is a difficult time for county agencies, and that many are considering a number of strategies to cope with dwindling funds. Where it is possible and reasonable, I will allow flexibility, and will continue to be a partner with all of you as we work together to find solutions to our budgetary challenges.

In recent weeks, we have received some inquiries regarding one potential strategy for county agencies: reducing hours or days of operation. Specifically, we have been asked to clarify the state and federal requirements for county agency hours of operation. In response to this request, we have reviewed statute and program regulations to understand whether a reduction in hours is permissible. Law and regulations require that county agencies meet all legal responsibilities for the programs they administer. They must ensure that individuals can submit applications and have their cases certified promptly and pursuant to law and regulations.

State law does not set particular hours of operation; however Ohio Revised Code (ORC) Section 329.04 describes the responsibilities of the county departments of job and family services (CDJFS). In addition, ORC Section 329.023 requires each CDJFS to have hours of operation "outside the county department's normal hours of operation," during which it must "accept from employed individuals applications for the programs administered by the county department and assist employed program recipients and participants with matters related to the programs."

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Although no rule or law establishes specific office hours, federal and state mandates do identify time frames for processing applications, certifying cases and accommodating both applicants and participants.

The following are some of those mandates.

Medicaid

For Medicaid-related duties, certain federal requirements must be met regardless of hours of operation. Paramount is ensuring that we continue to meet our obligations for timely processing of Medicaid application as required under 42 CFR 413.911. Any reduction in hours of operation by a combined agency with statutory duties under Revised Code 329.04 cannot alter operations in a manner that would impair or interfere with the timely processing of applications. Doing so would violate the terms of the CDJFS subgrant agreement and would jeopardize the continued receipt of federal Medicaid administrative funds for the CDJFS.

Food Assistance

Although a CDJFS is under the control and direction of the board of county commissioners, local priorities may not conflict with state or federal law, nor the federal law that stipulates the conditions for receipt of federal funds. The federal Supplemental Nutrition Assistance Program regulation (7 CFR 273.2) and state food assistance rule (OAC 5101:4-1-13) require county departments of job and family services to establish procedures that best serve households in the county, including households with special needs. This includes, but is not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals and households with members who are working. The county agency must provide timely, accurate and fair service to both applicants and participants. Additionally, the federal regulation and state rule require the county to allow households to file application forms on the same day they contact the CDJFS during office hours. The CDJFS must post signs in its office with information about same-day filing.

Additionally, ORC Section 5101.54 requires that households determined to be in immediate need of food assistance must receive certification of their eligibility within 24 hours after their application or, if mitigating circumstances occur, within 72 hours. This provision is commonly known as "expedited food assistance." The county agency must ensure that this provision is met.

Services to Children

Combined agencies that include public children services agencies (PCSAs) must ensure that they have the ability to accept reports of child abuse 24 hours a day, seven days a week.

As for applications for subsidized child care or certification of Type B Homes, there is no federal requirement governing the hours when eligibility determinations must be made. However, ORC 5104.33 requires counties to "implement policies designed to ensure that the application process is as accessible to the public as possible. These policies shall include making the application forms available at appropriate locations selected by the county department and making arrangements that enable applicants to complete the application process at times outside their normal working hours, and at locations

convenient for them. The arrangements may include stationing certain of their employees at various sites in the county for the purpose of assisting applicants in completing the application process and of making eligibility determinations at those locations.”

Combined Agencies

Child Support Enforcement Agencies

There is no specific requirement regarding hours of operation for child support enforcement agencies. However, federal regulations governing the child support program (Title IV-D of the Social Security Act, 42 USC 651 et seq. and 45 CFR 302.10) require that the program be continuously operating statewide. Furthermore, 45 CFR 303.20 requires that there be sufficient resources at the state and local level to meet performance and time standards specified in the regulations, including case intake, establishing paternity and support orders, location of noncustodial parents, and collection and enforcement of support orders.

One-Stops

No federal or state laws or regulations require specific hours of operation for One-Stop Centers. However, consideration should be given to agreements and contracts with provider agencies and other partners before making the decision to reduce hours or days of operation. Cost commitments, such as in the One-Stop Memorandum of Understanding, may be impacted. As in all program areas, One-Stops must maintain reasonable access to services and the timely processing of applications. On days a full-service comprehensive facility will be closed, arrangements should be made with satellite or affiliate sites to offer services.

We understand the challenges that counties are facing but would like to remind them of their obligations and responsibilities to the citizens of Ohio, who deserve reasonable access to the services they are entitled to, especially during this difficult time. Before county agencies make the decision to reduce their hours or days of operation, they must ensure they are meeting all legal responsibilities for the programs they administer.