

**Participation Classifications: Exempt, Mandatory, and Volunteer**

- (1) In the Pre-TANF, REF, SNAP, and TANF programs:
  - (a) The Department assigns an individual to one or more employment program participation classifications: *exempt*, *mandatory*, and *volunteer* (see OAR [461-130-0305](#) for definitions of all three terms).
  - (b) Notwithstanding OAR [461-130-0503](#)(2)(c), while receiving *Employment Payments* (see OAR [461-001-0025](#)) under OAR [461-135-1270](#), an individual is classified as a *volunteer*.
- (2) In the Pre-TANF and TANF programs:
  - (a) An individual in the *need group* (see OAR [461-110-0630](#)) is JOBS *exempt* from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is --
    - (A) A *parent* (see OAR [461-001-0000](#)) providing care for a family member who is an individual with a *disability* (see OAR [461-001-0000](#)) and is in the *household group* (see OAR [461-110-0210](#)) with the *parent*. Medical documentation to support the need for the care is required.
    - (B) A noncitizen who is not authorized to work in the United States.
    - (C) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.
    - (D) A *caretaker relative* (see OAR [461-001-0000](#)) who is non-needy.
  - (b) A *caretaker relative* of a *dependent child* or unborn who receives TANF program benefits is JOBS eligible if the *caretaker relative* is in the same filing group with the *dependent*

*child* (see OAR [461-001-0000](#)) or unborn (even if the *caretaker relative* is not in the TANF program *benefit group* under OAR [461-110-0750](#)), unless the *caretaker relative* is otherwise JOBS *exempt* from participation under subsection (a) of this section.

- (c) A JOBS volunteer is an individual who is federally mandatory and eligible to participate in an employment program, but who may not be disqualified as they meet at least one of the following state exemptions:
- (A) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.
  - (B) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.
  - (C) A *parent*, who is 20 years old and older, or has a high school diploma or GED and is age 18 or 19, during the first six months after the birth of the parent's *dependent child* except that the Department may require the *parent* to participate in parenting classes or a *family stability activity* (see OAR [461-001-0000](#)). An exemption allowed under this paragraph may apply only to one JOBS Eligible participant in each filing group (see OAR [461-110-0330](#)).
  - (D) A *parent* under age 20 years old without a high school diploma or GED, during the first 16 weeks after the birth of the parent's *dependent child* except that the Department may require the *parent* to participate in parenting classes, a *family stability activity*, or an educational track if the *parent* has not completed high school, GED, or equivalency program.
  - (E) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the *dependent child* or needy *caretaker relative*.
  - (F) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.

(G) A VISTA volunteer.

(3) In the SNAP program:

(a) An individual is *exempt* from registration in an employment program and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is:

(A) An individual with a physical, mental, or behavioral health condition that prevents performance of work or the ability to obtain or maintain employment, including but not limited to:

(i) Having a *disability* (see OAR [461-001-0015](#)) or receiving disability income, or has applied for disability benefits pending a decision or is in the appeal process.

(ii) Pregnant and a medical practitioner has limited their work due to medical complications related to the pregnancy.

(iii) Receiving “wrap-around services” focused on physical or mental health. “Wrap-around services” means a range of services provided by a Community Based Organization (CBO) addressing a participant’s needs which include medical or health issues preventing a participant from obtaining or maintaining employment.

(B) Responsible for the care of a *child* (see OAR [461-001-0000](#)) in the filing group under 6 years of age.

(C) Responsible for the care of an individual with an incapacity that substantially reduces or eliminates the individual’s ability to care for themselves, and providing this care prevents the participant from obtaining or maintaining employment.

- (D) A student enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. An individual remains *exempt* during normal periods of class attendance, vacation, and recess but no longer qualifies for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion, or when the student drops out of school or does not enroll in classes for the next regular school term (excluding summer term).
  - (E) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.
- (b) An individual is *mandatory* for registration in an employment program and the requirements in OAR [461-130-0315v](#) if the individual meets the requirements of one of the following paragraphs. These individuals may be disqualified under OAR [461-130-0330](#) for failing to meet the requirements in OAR [461-130-0315](#). The individual is not required to participate in any SNAP employment and training program and is not subject to the SNAP time limit under OAR [461-135-0520](#). The individual is:
- (A) Working for pay a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. This includes *migrant and seasonal farm workers* (see OAR [461-001-0015](#)) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
  - (B) Engaged in the TANF JOBS program under Title IV-A of the Social Security Act.
  - (C) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim,

or is participating in at least one of the following Employment Department training programs:

- (i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.
  - (ii) The Training Unemployment Insurance (TUI) program.
  - (iii) The Self-Employment Insurance (SEA) program.
  - (iv) The Apprenticeship Program (APT).
- (c) A *mandatory* client is an individual in the *need group* (see OAR [461-110-0630](#)); who is 16 or 17 years of age and a *primary person* (see OAR [461-001-0015](#)), or 18 years of age and older and 59 years of age and younger; and who is not *exempt* under subsection (a) of this section.
- (4) In the REF program, an individual in the *need group* is *exempt* from the REP program participation and disqualification if the individual meets the requirements of at least one of the following subsections. The individual is –
- (a) 65 years of age or older.
  - (b) An individual providing care for a family member who is in the *household group* and has a *disability* (see OAR [461-001-0000](#)). Medical documentation to support the need for the care is required.
  - (c) An individual whose participation is likely to cause undue hardship to that individual.
  - (d) Pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.
  - (e) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.

- (f) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.816](#), [412.006](#), [412.009](#), [412.014](#), [412.049](#)

Statutes/Other Implemented: ORS [409.010](#), [409.750](#), [411.060](#), [411.070](#), [411.816](#), [411.837](#), [412.006](#), [412.009](#), [412.014](#), [412.049](#), [7 USC 2015\(d\)](#), [7 CFR 273.7](#)

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