

**461-190-0500**  
**Workfare; SNAP**

**Effective 1-01-20**

- (1) Workfare is a voluntary employment program to assist ABAWDs (see OAR [461-135-0520](#)) to meet the work requirements in OAR [461-135-0520](#). Workfare is for ABAWD clients who reside in one of the SNAP *time limit areas* (see OAR [461-135-0520](#)).
- (2) Workfare sites are with private or public non-profit agencies or in a public service capacity. Workfare assignments may not be related to political or partisan activities.
- (3) Workfare assignments may not replace or prevent the employment of regular employees. This includes the following circumstances:
  - (a) The client would displace a currently employed worker or position or would cause a reduction in regularly scheduled hours, wages or benefits of a current employee.
  - (b) The assignment would impair an existing contract for services or a collective bargaining agreement.
  - (c) The assignment occurs at the same time another individual is laid off from the same or an equivalent job within the same organizational unit, or an employer terminates an employee or reduces its work force by hiring a participant in Workfare.
  - (d) The assignment infringes in any way on promotional opportunities of a current employee.
  - (e) The assignment will fill an established but currently vacant position.
- (4) The Workfare assignment must provide the same benefits and working conditions provided to regular employees performing comparable work for comparable hours. This includes:

- (a) The working conditions for clients participating in the Workfare activity may not violate applicable state and federal health and safety standards, or require activities not considered usual and customary in the occupation for which the participant is being trained.
  - (b) Clients participating in the Workfare activity who are covered by a workers' compensation system are entitled to the same level of benefits under the same conditions as other individuals similarly employed.
  - (c) Clients in Workfare not covered by an applicable workers' compensation statute must be provided with equal medical and accident protection for on-site injuries as that required by the state's worker compensation statute for covered employment.
- (5) Clients in Workfare are covered by the Fair Labor Standards Act (FLSA) (see OAR [461-001-0020](#)) if the worksite is an FLSA subject employer.
  - (6) For each individual that the Department determines has a potential for locating unsubsidized employment, Workfare begins with 30 days of intensive job search or job search training. If the Department determines this labor market test is inappropriate, Workfare begins with a job site placement.
  - (7) After the first 30 days, individuals who are not participating in an activity listed in OAR [461-135-0520](#)(3)(d) may continue in a Workfare job site placement.
  - (8) Individuals in a Workfare job site placement must complete the monthly average of work hours based on the FLSA calculation. The individual must meet the monthly requirements in order to comply with the requirements of the Workfare program, unless they have good cause under OAR [461-130-0327](#).
  - (9) An individual may not be given more than one Workfare plan in a month.

- (10) Individuals in a Workfare job site placement must provide proof from the employer of Workfare hours worked each month.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.116](#), [411.816](#)

Statutes/Other Implemented: ORS [409.050](#), [411.060](#), [411.070](#), [411.116](#), [411.816](#)

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