



# FAMILY INDEPENDENCE ADMINISTRATION

Matthew Brune, Executive Deputy Commissioner




James K. Whelan, Deputy Commissioner  
Policy, Procedures, and Training

Stephen Fisher, Assistant Deputy Commissioner  
Office of Procedures

## POLICY BULLETIN #11-97-OPE

### CHILDCARE IN EXCESS OF THE WEEKLY OR DAILY MARKET RATE

<b>Date:</b> October 24, 2011	<b>Subtopic(s):</b> Childcare, ACCIS
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform Job Center staff that a childcare provider can be paid for hours of service that routinely exceeds the normal weekly rate. The provider must be paid for hours actually worked on a regular basis which can include the parent's travel time to and from work to the provider's place of care.</p> <p>The childcare rate that is paid to a provider is determined by the following time frames:</p> <ul style="list-style-type: none"> <li>• <u>Weekly full-time care rate</u>: 30+ hours of care per week</li> <li>• <u>Daily care rate</u>: 6-12 hours of care in one day but less than 30 total hours in a five day period</li> <li>• <u>Part day care rate</u>: between 3-6 hours of care in one day. A part-day rate must also be applied to school age children cared for by a day care program for <i>less than</i> 3 hours/day by a center or program that does not charge by the hour.</li> <li>• <u>Hourly care Rate</u>: fewer than 15 hours per week and fewer than 3 hours per day (except for school age children eligible for part-day rate).</li> </ul> <p>In certain instances, childcare providers can be paid up to the applicable market rate for services provided in excess of the weekly full-time timeframe or the daily care timeframe if the provider routinely charges additional money for the additional care provided.</p> <p>If care is provided by a single provider for six or seven days per week and the provider charges additional money for the sixth and/or seventh day(s), then an additional market rate (either daily, part day, or hourly) can be applied to pay for care provided on the sixth and/or seventh day(s).</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 3 at the prompt followed by 1 or  
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Additionally, if care is provided by a single provider for more than 12 hours in a single day and the provider charges for time exceeding 12 hours, then an additional market rate (daily, part-day, or hourly) can be applied to cover the hours of care over 12 hours.

An example of each of these instances follows. For the purpose of determining the appropriate market rates, Monday must be used as the start of the weekly period.

See [PB #11-62-OPE](#)

Six or seven days of care per week.

**Example A** (*Extended Week*):

A provider cares for a child from 9:00 AM to 7:00 PM (10 hours) per day, Monday through Friday, and also from 7:00 AM to 11:00 AM (4 hours) on Saturday, and charges an additional amount for care during weekends.

Since care is provided over 30 hours in a five day period (Monday-Friday), the weekly full-time care rate should be applied. Since the provider also provides care for four hours on Saturday and charges extra for this additional time, then a part day care rate (between 3-6 hours in a single day) should also be applied.

If this same provider began providing care on Saturdays from 7:00 AM to 6:00 PM (11 hours), then instead of a part day care rate being applied a daily care rate should be applied since care is being provided for over 6 hours a day.

Over 12 hours of care per day.

**Example B** (*Extended Hours*):

A provider, whose normal operating hours are 7:00 AM to 6:00 PM, cares for a child from 7:00 AM to 11:00 PM (16 hours) per day, Monday through Friday, and charges an additional amount for care after 6:00 PM. In this example, the weekly market rate applies since care is provided for 30 or more hours over the course of five days and since care is provided for more than 12 hours per day, five part-day market rates also apply for the four additional hours of care above the 12 hours per day provided from 7:00 PM to 11:00 PM, Monday through Friday.

If this same provider provided care Monday through Friday from 7:00 AM to 9:00 PM (14 hours) then the weekly full-time care rate would apply as well as the hourly rate for 2 hours of time per day (10 hours per week) the child is cared for over 12 hours.

**Note:** When entering the hours of care in the Automated Child Care Information System (ACCIS), if care is routinely provided from 8:00 AM to 8:00 PM Monday through Friday (12 hours per day for 5 days), no additional payments are made and the care is entered as full-time care. The provider will only receive the weekly full-time rate.

If care is provided for a sixth day but the total weekly hours do not exceed 50 hours, care is also entered in ACCIS as full-time care only.

Only care for a sixth day that causes the total hours to exceed 50 hours per week (51 hours or more) or care for a five day week that consistently exceed 12 hours per day must be entered as extended care.

### **Care Provided by Multiple Providers**

In some instances childcare services are provided by multiple providers. If the combined childcare payments to multiple providers exceeds one weekly market rate, the parent or caretaker must demonstrate that their work schedule or the special needs of the child necessitates that childcare services be provided by multiple providers.

If the parent or caretaker has not demonstrated that there is a necessity to use multiple providers, then the maximum childcare payment that can be issued is one weekly market rate payment to the provider who provides care for the highest number of hours.

If the parent or caretaker has demonstrated that there is a necessity to use multiple providers, then childcare payments can be made to each provider for only the services that they individually provide. For example, a provider cares for a child from 7:30 AM to 5:30 PM, Monday through Friday. Another provider cares for that child from 6:00 PM to 10:00 PM on Tuesday and Thursday. The maximum payment available is one weekly market rate for the first provider and two part-day market rates for second provider.

**Reminder:** Payments for child care are made through ACCIS and are made for services rendered in the previous month(s). These payments are calculated and authorized by ACS when the provider submits the monthly attendance form for eligible children in his/her care.

*Effective Immediately*

### **References:**

18 NYCRR 415.9  
[11-OCFS-LCM-12](#)