



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #12-59-ELI (This Policy Bulletin Replaces PB #05-156-ELI)

### APPLICANTS/PARTICIPANTS PARTICIPATING IN A STRIKE

<b>Date:</b> July 19, 2012	<b>Subtopic(s):</b> Eligibility and Budgeting
<p> This procedure can now be accessed on the FIAweb.</p> <p><b>Note:</b> Beginning August 29, 2012, any reference to the Food Stamp Program shall mean the Supplemental Nutrition Assistance Program (SNAP) and any reference to Food Stamp benefits or FS shall mean SNAP benefits.</p>	<p><b>Revisions to the Original Policy Bulletin:</b></p> <p>This Policy Bulletin has been revised to provide staff with instructions on budgeting the income of a non-striker. In addition, POS instructions and screen shots have been added.</p> <p><b>Purpose:</b></p> <p>The purpose of this policy bulletin is to inform Job Center and Non-Cash Assistance (NCA) Food Stamp (FS) Office staff of the rules regarding applicants/participants participating in a strike as well as those that are locked out and are considered non-strikers. It is informational for all other staff.</p> <p>A striker is anyone involved in a strike or concerted stoppage of work by employees, including stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.</p> <p>A non-striker is an Employee who is <u>prevented from working by a strike</u> but is not participating in the strike, or an Employee whose work place is <u>closed by an employer</u> in order to resist demands of employees, such as a lockout.</p> <p>Example: The July 2012 work stoppage at Con Edison was caused by the employer; therefore, the employees have been locked out and are considered non-strikers.</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

Cash Assistance rules

For Cash Assistance (CA) purposes, striking individuals/families may receive recurring benefits in the SNA category, or emergency benefits in the Emergency Assistance to Needy Families (EAF) category or in the Emergency Safety Net (ESN) category, if otherwise eligible.

The individual/family will not be ineligible solely because the individual or family member is on strike.

No family shall be eligible for assistance in the Family Assistance (FA) category for any month in which the case head or legally responsible relative is participating in a strike.

Food Stamp rules

For Food Stamp purposes, the household's eligibility is based on whether or not the household includes a striker or a non-striker.

Strikers

Households that include an individual participating in a strike are not eligible for FS unless the household was financially eligible the day before the strike began and is otherwise eligible at the time of application/recertification.

Households are not entitled to an increased FS allotment as a result of the decreased income of a striking household member.

The household is **not** entitled to an increased FS allotment as the result of a decrease in the income of the striking member(s) of the household. Eligibility at the time of application and recertification shall be determined by comparing the striking member's income the day prior to the strike to the striker's current income, and budgeting the higher of the two for the month of application/recertification. Eligibility and benefit level shall then be calculated for the month of application as for any other household.

The applicant/participant must provide proof of income (i.e., pay stubs).

Pre-strike eligibility shall be determined by considering the day prior to the strike as the day of application/recertification and assuming the strike did not occur. Once determined, the pre-strike income or current income, whichever is higher, must be budgeted for food stamps only, using program (**PROG**) code **F**. This will prevent the food stamps from increasing due to the striker's reduced income.

**Note:** Income must be verified per current procedure.

Examples: Budgeting Pre-strike income

Example 1: ineligible household

Jane Doe's union went on strike on December 20. Ms. Doe was earning \$1,000 per week (\$4,333 per month – \$1,000 x 4.333) prior to the strike. Because Ms. Doe is participating in the strike, her income was reduced to a union striker's benefit of \$150 per week (\$649.95 per month). On December 27, Ms. Doe applies for food stamps for herself and her two children.

Ms. Doe is not eligible for food stamps because she was financially ineligible for benefits as of December 19 (the day before the strike). Her income prior to the strike was \$4,333 per month (\$1,000 x 4.333). She therefore failed the gross income test for food stamps.

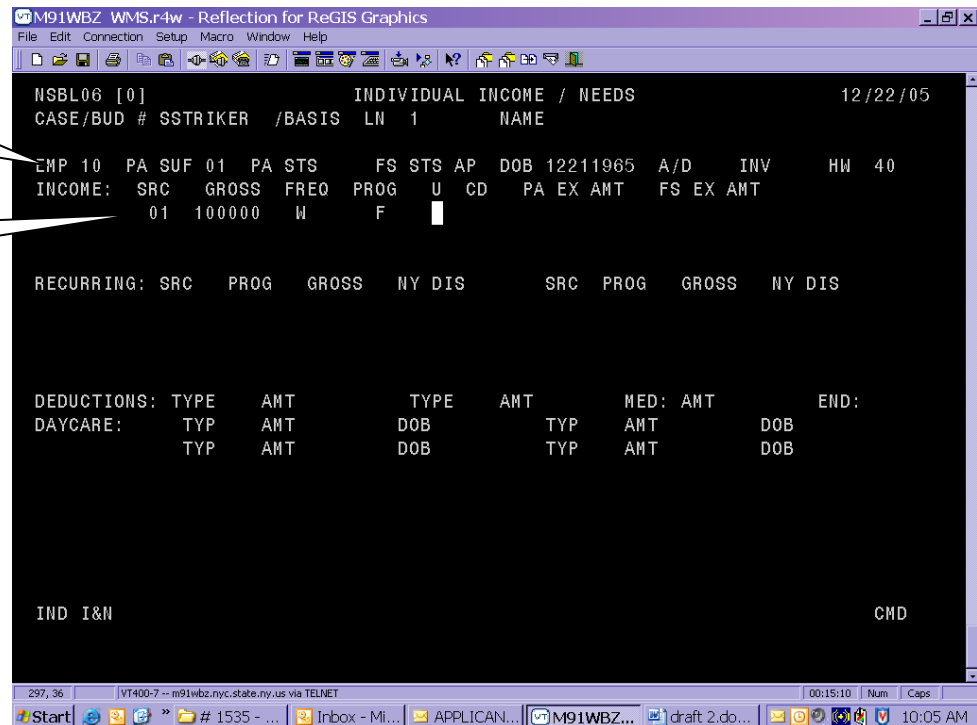
The following entries must be made on the Individual Income/Needs (NSBL06) screen:

- Enter code **10** (Striker) in the Employment (**EMP**) field;
- Enter code **01** (Earned Income) in the Source (**SRC**) field;
- Enter the number of hours the person worked prior to the strike in the **HW** field
- Enter the amount of income in the **GROSS** field;
- In the Frequency (**FREQ**) field enter the appropriate code (**W** [Weekly], **B** [Biweekly], etc.); and
- Enter code **F** in the Program (**PROG**) field

Revised

Enter code **10** in the **EMP** field.

Enter income source code **01**

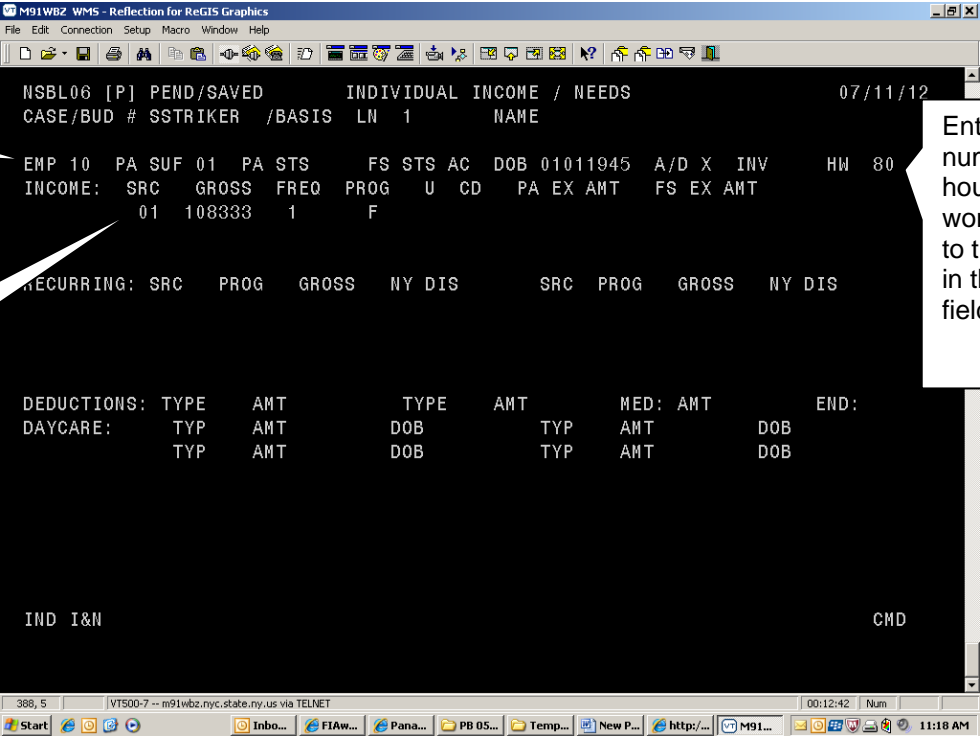


### Example 2: Eligible household

Bill Smith's union went on strike on December 20. Mr. Smith was earning \$250 per week (\$1,083.25 per month – \$250 x 4.333) as a part-time worker prior to the strike. Because Mr. Smith is participating in the strike, his income was reduced to a union striker's benefit of \$100 per week (\$433.33 per month). On December 27, Mr. Smith applies for food stamps for himself and his two children.

Income must be verified.

Mr. Smith is eligible for food stamps because he was financially eligible for benefits as of December 19 (the day before the strike). His income prior to the strike was \$1,083.25 per month. He therefore passed the gross income test for food stamps.

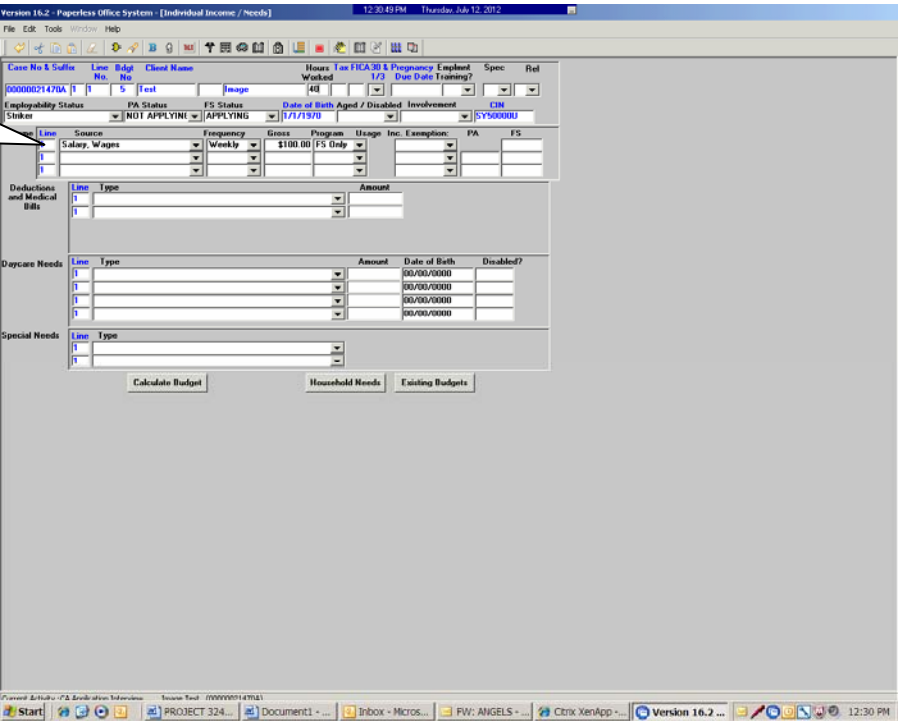


Enter 10 in the **EMP** field

Enter Income Source Code **01** in the **SRC** field.

Enter the number of hours worked prior to the strike in the **HW** field.

### Budgeting pre strike income in POS



Select or enter **Source, Frequency, Gross amount, and Program**

In POS the information is entered on the Individual Needs window by:

- Selecting **Striker** from the **Employment Status** drop down menu
- Selecting **Salary, Wages** from the **Source** drop down menu
- Selecting **Weekly, Bi-weekly, Monthly** as appropriate from the **Frequency** drop down menu
- Entering the gross pre-strike income in the **Gross** field, and entering the number of hours worked (pre-strike hours) in the **hours worked** field, and
- Selecting **FS Only** from the **Program** drop down menu.
- Click **Calculate Budget** when all budget information is entered

Non-strikers

Non-strikers who are eligible for FS include, but are not limited to:

- employees whose workplace is closed by an employer in order to resist demands of employees, such as a lockout; or
- employees who are unable to work as a result of striking employees, such as truck drivers unable to deliver newspapers because striking newspaper press operators prevent newspapers from being printed; or
- employees who are not part of the bargaining unit on strike but who do not want to cross a picket line due to fear of personal injury or death; or
- employees who went on strike but who are exempt from FS work registration requirements the day prior to the strike, other than those who are exempt solely on the grounds that they are employed; or
- employees whose jobs are no longer available because permanent replacements have been hired by the company. Note that the employees will be considered strikers until such time as their jobs are no longer available.

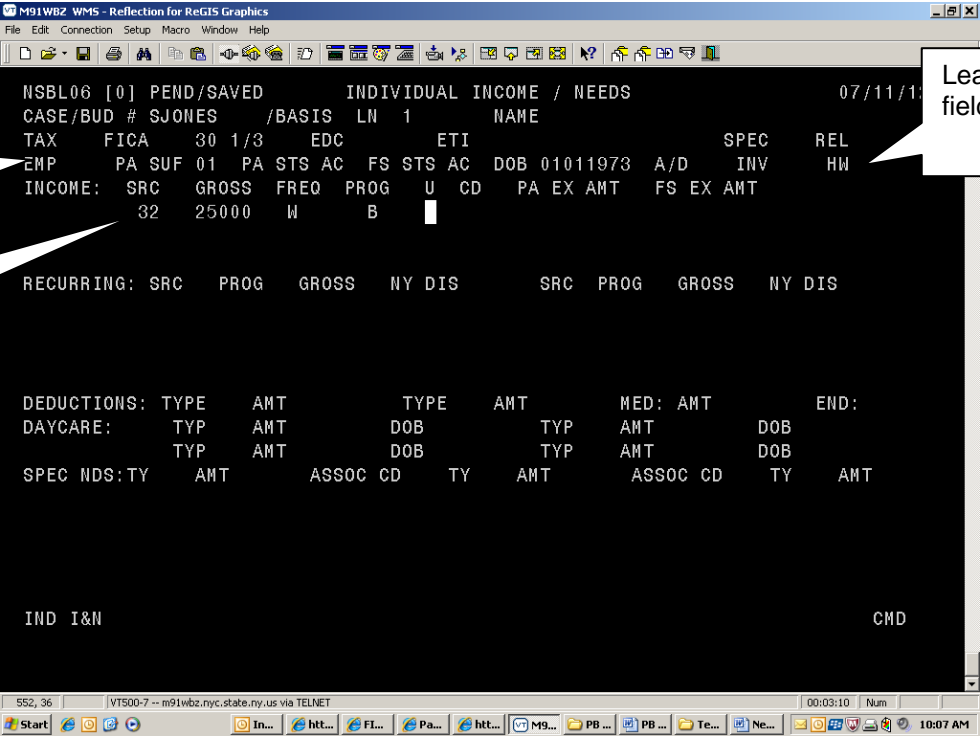
New Information

Budgeting the Income of a Non-striker

Leave the **EMP** field blank.

Enter Income Source Code **32** in the **SRC** field

Leave **HW** field blank.



On the **NSBL06** screen the JOS/Worker must make the following entries:

- In the **SRC** field enter Income Source Code **32** (Union Benefits) if the non-striker is receiving income from his/her union.
- In the **GROSS** field enter the income amount
- In the **FREQ** field enter **W** if the benefits are received weekly, enter **M** if the benefits are received monthly, enter **B** if the benefits are received biweekly
- In the **PROG** field enter **B** if the household is applying for or in receipt of CA/FS and enter **F** if the household is applying for or in receipt of FS only

**Note:** Leave the **EMP** field and the **HW** field blank.

Non-striker receives no income

If the non-striker is not receiving income from his/her union and is not receiving pay from the employer, then there will be no income to budget when determining eligibility for assistance.

## Budgeting the Income of a Non-Striker in POS

Line	Source	Frequency	Gross	Program	Usage	Inc. Exemption	PA	FS
1	Union Benefits	Weekly	\$250.00	PA & FS				

Select or enter **Source, Frequency, Gross amount, and Program**

Entry in the **Employment Status** field and the **Hours Worked** field are not required in this instance.

In POS the information is entered on the Individual Needs window by:

- Selecting **Union Benefits** from the **Source** drop down menu
- Selecting **Weekly, Bi-weekly, Monthly** as appropriate from the **Frequency** drop down menu
- Entering the gross income in the **Gross** field, and
- Selecting from the **Program** drop down menu **FS only** if the household is applying for or in receipt of FS only, or PA & FS if the household is applying for or in receipt of CA.
- Click **Calculate Budget** when all budget information is entered

### Cash Assistance Rules for Budgeting Income of Strikers

This will prevent the household from receiving an increased Food Stamp allotment as a result of the decreased income due to the strike.

If the household is also applying for or in receipt of CA and has income from any source, the current income must be budgeted toward CA and the pre-strike or current income, whichever is highest for FS.

Continuing with example 2 on page 3, Mr. Smith's income for CA is \$100 per week in union benefits, but the budgetable income for FS is \$250 per week. In this example, the JOS/Worker must enter the following:

Income must be verified.

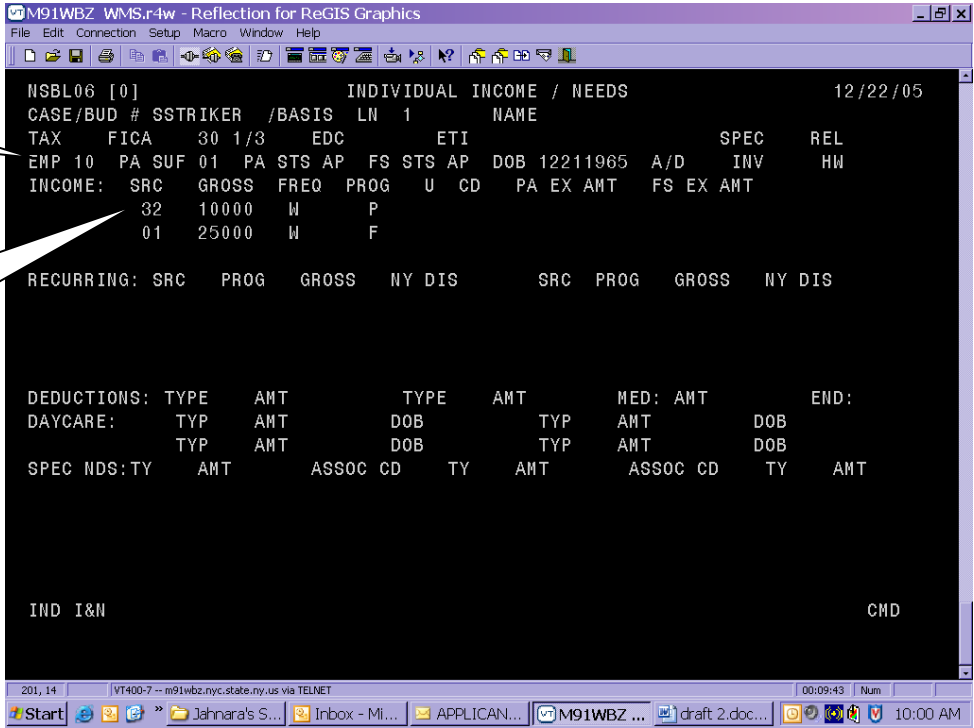
- Income source code **32** (Union Benefits) in the **SRC** field;
- \$250 for gross income in the **GROSS** field;
- **W** (Weekly) in the **FREQ** field;
- Code **P** (PA only) in the **PROG** field to budget the actual income toward the PA grant; then

Revised

- Income source code **01** (Earned Income from Employment) in the **SRC** field;
- The number of hours worked prior to the strike in the **HW** field
- the gross income (pre-strike income) in the **GROSS** field;
- **W** (Weekly) in the **FREQ** field; and
- Code **F** (FS Only) in the **PROG** field.

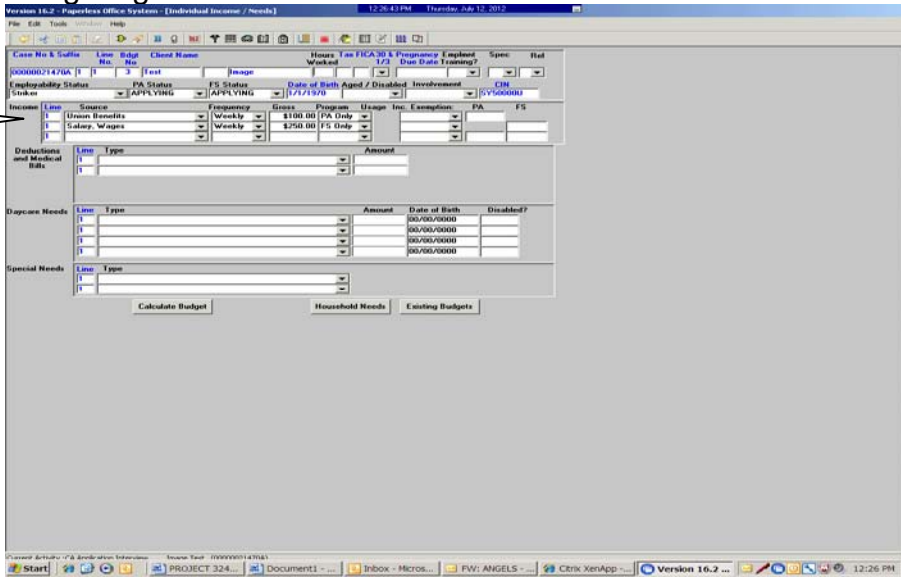
Enter code **10** in the **EMP** field.

Enter income source code **32** for CA and income source code **01** for FS.



### Budgeting Income of Strikers in POS

Two separate entries are required.





Two rows must be entered if the household is applying for or in receipt of CA.

In POS the information is entered on the Individual Needs window by:

- Selecting **Striker** from the **Employment Status** drop down menu
- Selecting **Union Benefits** from the **Source** drop down menu
- Selecting **Weekly, Bi-weekly, Monthly** as appropriate from the **Frequency** drop down menu
- Entering the gross income received from the union benefits in the **Gross** field, and
- Selecting PA only from the Program drop down menu

On the next row:

- Select **Salary, Wages** from the **Source** drop down menu
- Select **Weekly, Bi-weekly, Monthly** as appropriate from the **Frequency** drop down menu
- Enter the gross pre-strike income in the **Gross** field
- Select **FS Only** from the **Program** drop down menu
- Click **Calculate Budget** when all budget information is entered

Non-strikers

To budget the income of a non-striker for CA, follow the instructions on page 6 under "Budgeting the Income of a Non-striker" of this policy bulletin.

#### Treatment of Fines, Penalties and Garnishments Resulting from a Strike

If, after the strike has ended, the striker is subject to economic penalties, such as a loss in pay for the number of days on strike, and s/he is in receipt of or applying for CA and/or FS, the gross income (prior to penalty/garnishment) must be budgeted to determine eligibility for CA and FS in accordance with current procedure.

The reduction in pay due to the penalty/garnishment may cause an economic hardship on the family and may require them to apply for emergency assistance (one-shot deal). The current criteria for emergency assistance must be utilized when determining eligibility for a one-shot deal in these instances.

*Effective Immediately*

#### **References:**

18 NYCRR 387.1, 387.16

[Food Stamp Source Book](#) (FSSB), Section 5, page 130

[Temporary Assistance Source Book](#) (TASB), Chapter 9, Section T