



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 #13-97-EMP

NEW INFRACTION PROCESSES FOR CERTAIN BACK TO WORK (B2W) PROGRAMS

<p>Date: November 4, 2013</p>	<p>Subtopic(s): Employment</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>New Information</p>	<p>The purpose of this policy bulletin is to inform Back to Work (B2W) Representatives (formerly known as Out-Station Workers) of two new processes related to the infraction of participants for failure to comply with certain employment requirements. This policy bulletin will also discuss changes made to the Appointment with Back to Work (B2W) Representative (FIA-1086h) notice. It is informational for all other staff.</p> <p><u>Appointment with Back to Work (B2W) Representative</u></p> <p>When an applicant, who is assigned to B2W, is accepted for Cash Assistance (CA) they must be called in to see the B2W Representative to receive a concurrent Work Experience Program (WEP) assignment.</p> <p>Once the case status changes to active (AC) in WMS, NYCWAY will auto-post Action Code 010Q (Case Accepted – Participating in B2W) placing the case on the BTWAC worklist. After the 010Q posts, NYCWAY will also post the new Action Code 154R (B2W Rep Appointment). The 154R will generate the Appointment with Back to Work (B2W) Representative (FIA-1086h) notice calling the participant in to see the B2W Representative.</p> <p>At the appointment, if it is determined that the participant would be best served by continuing to participate in B2W activities together with a concurrent WEP assignment, the B2W Representative will select both the B2W option and the WEP option in the Employment Plan (EP). The B2W option will auto-post Action Code 15BQ (Undercare Vendor Referral B2W) and the Referral to Back to Work (B2W) Vendor (FIA-1086c) will be generated.</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

The B2W Representative will be presented with one or more appropriate WEP assignment sites. Once s/he has selected a WEP site, Action Code **120A** (ADC Assigned to WEP Site) will post, which generates the Assignment Information Summary (AIS) (**W-500G**). The participant will be assigned to WEP for up to but not more than 21 hours per week unless s/he is engaged in:

- unsubsidized employment;
- subsidized private sector employment;
- subsidized public sector employment.

Note: If the individual does not require a WEP assignment, the B2W Representative must still post Action Code **15BQ** (Undercare Vendor Referral B2W) as well as Action Code **115E** (No Activity Needed: Employed) if the participant is employed part time.

For participants, the number of WEP participation hours will be based on the sum of their monthly CA and Supplemental Nutrition Assistance Program (SNAP) benefit divided by the greater of the State or Federal minimum hourly wage. The system will make this calculation and assign the number of hours. These participants will also be required to engage in B2W job search activities for a minimum of 14 hours weekly.

In most instances the WEP assignment will not begin immediately. Therefore, since the participant is already at the B2W location, the participant will simply remain on location full time until the start of the WEP assignment.

Once the WEP assignment starts, in instances where the grant does not support WEP participation for 21 hours a week, the difference between the WEP hours and the 35 hours of full engagement will be applied to job search activities.

Once the B2W Representative has made the appropriate assignment/referral (**15BQ/120A**) and has completed the EP, it should be printed out and either signed manually or electronically by the participant. He/she will be referred back to the vendor through the posting of Action Code **15BQ**, a copy of the **FIA-1086c** and the **W-500G** assignments must be given to the participant. The B2W Representative should also go into the Daily Timekeeping System (DTS) and print out a WEP concurrent schedule and give this to the participant.

New Information

The **154R** appointment will have a Future Action Date (FAD) of four days after the scheduled appointment. If the participant Fails to Report (FTR) to the **154R** appointment, Action Code **407R** (FTR to B2W Rep Appt) will post after the FAD expiration. If the participant reports to the B2W Representative prior to the FAD, the B2W Representative must assign the individual to WEP. The assignment will post Action Code **120A** (ADC Assigned to WEP Site) which will close out the **154R** activity.

Action Code **407R** will not terminate the B2W assignment and the participant will remain enrolled in their B2W assignment throughout the conciliation process with the expectation of the participant's compliance.

If the participant does not report to the B2W Representative prior to the expiration of the FAD of the **154R**, the conciliation process will be initiated by the **407R** and a Conciliation Notice (**W-532B**) will be generated and mailed to the participant.

New Information

Refer to section XIV of the Employment Process Manual for details on the conciliation process.

Refer to Section XV of the Employment Process Manual for the NOI process.

Conciliation for individuals who FTR to the **154R** appointment will be conducted by the B2W Representative. The Conciliation Notice (**W-532B**) will instruct the participant to report to the B2W Representative to discuss their FTR. The B2W Representative is responsible for determining whether or not the participant willfully and without good cause failed to comply with the **154R** appointment. If good cause is not granted, or if the participant does not report for the conciliation appointment, the Notice of Intent (NOI) process will commence under regular procedural guidelines.

If the B2W Representative determines that good cause should be granted, they must enter Action Code **810B** (Good Cause Granted). A drop-down list will automatically appear on the **Good Cause Infraction Choices** screen. The B2W Representative must select the appropriate reason for granting good cause and ensure that all documentation submitted is scanned and indexed into the electronic case record. After good cause is granted, the participant must be assigned to a concurrent WEP activity.

If the B2W Representative determines that good cause should not be granted, they must enter Action Code **830B** (Good Cause Not Granted) and then select the reason for denying good cause.

Note: In all instances in which good cause is either granted or not granted, the B2W Representative must enter a case note (Action Code **100A**) providing a detailed narrative of the conversation between the participant and the B2W Representative. The note must include an explanation of the reason for the client's infraction, the documentation provided (if any) to support the good cause request and the reason good cause was granted or denied.

Specialized Services Infraction Process

On January 1, 2013, the Back to Work (B2W) program began providing specialized services to the following populations:

- Ex-Felons;
- Individuals whose cases have been converted to Safety Net Non-Cash (SNNC) because of time limits; and
- Individuals with cases in Center 37 (identified as long-term shelter residents).

New Information

In order to best help these individuals reach self-sufficiency, individuals who fail to comply (FTC) or fail to report (FTR) will be provided with an opportunity to resume compliance with the B2W vendor after one of the following infraction codes post:

- **436I** - Failed to comply with your Specialized Services assignment; or
- **407I** Failed to report to your Specialized Services assignment.

Posting of the **436I** or **407I** will generate a conciliation notice (**W-532B**) that is sent to the participant. During the conciliation period, the participant will be expected to continue complying with their Work Experience Program (WEP) assignment, if they have one, and will be allowed to continue in their B2W Specialized Services track.

The B2W Representative is responsible for determining whether or not the participant willfully and without good cause failed to comply or failed to report to their assignment. If good cause is not granted, or if the participant does not report for the conciliation appointment, the Notice of Intent (NOI) process will commence.

New Information

The B2W Representative will also be responsible for conducting the conciliation for any WEP infractions by the B2W Specialized Services participant. To ensure that the conciliations for these participants are scheduled at the correct location, infraction code **435S** (FTR/FTC with WEP) has been created.

When **435S** posts, the **W-532B** is sent to the participant informing them of their conciliation appointment.

If, at the conciliation, the B2W Representative determines that good cause should be granted, they must enter Action Code **810B** (Good Cause Granted). Action Code **810B** will allow the B2W Representative to settle Specialized Service WEP infractions and to reassign the participant to WEP. A drop-down list will automatically appear on the **Good Cause Infraction Choices** screen. The B2W Representative must select the appropriate reason for granting good cause and ensure that all documentation submitted is scanned and indexed into the electronic case record. If the infraction was related to their B2W Specialized Services assignment, the participant should be informed that their assignment remains unchanged and that they are expected to continue within that assignment. If the infraction was WEP related, the B2W Representative must reassign the individual to WEP following standard procedures.

Note: Staff should refer to the Employment Process Manual for additional information on the Employment Process.

Revisions to the **FIA-1086h**

The title of the Appointment with Back to Work (B2W) Representative (**FIA-1086h**) has been revised to reflect the name change from HRA Staff at the B2W Vendor to the new title, Back to Work (B2W) Representative. The form is also being revised to add more detailed language about why the participant is being called in.


Effective Immediately

Related Items:

Employment Process Manual

Attachments:

- FIA-1086h** Appointment with Back to Work (B2W) Representative (Rev. 11/04/13)
- FIA-1086h (S)** Appointment with Back to Work (B2W) Representative (Spanish) (Rev. 11/04/13)

 Please use Print on Demand to obtain copies of forms

Date: _____
Case Number: _____
Case Name: _____
Center: _____
Action Code: _____

Appointment With Back to Work (B2W) Representative

Your case has been accepted while you were participating in the Back to Work (B2W) program. You must now report to the B2W representative to discuss your Employment Plan and to complete your assignment.

Please bring any required documents with you. Your appointment is scheduled for:

Appointment Date: _____ Time: _____ Telephone: _____
Address: _____
City: _____ State: _____ Zip: _____
Travel Directions: _____

SAMPLE

This is a mandatory appointment. If you have an emergency or need to reschedule this appointment, please call the telephone number listed above prior to your reporting time. If you have a physical, mental health, or learning problem that makes it difficult for you to travel to the appointment, you can also call the number above for further assistance. Failure to keep this appointment or to cooperate with employment requirements may result in the reduction or loss of your Cash Assistance benefits.

Fecha: _____
Número del Caso: _____
Nombre del Caso: _____
Centro: _____
Código de Acción: _____

Cita con el Representante de Vuelta al Trabajo (B2W)

Su caso fue aceptado mientras usted participaba en el programa de Vuelta al Trabajo (B2W). Usted ahora tiene que reunirse con el representante de B2W para tratar el tema de su Plan de Empleo y completar su asignación.

Favor de traer consigo cualquier documento necesario. Su cita está programada para:

Fecha de la Cita: _____ Hora: _____ Teléfono: _____
Dirección: _____
Ciudad: _____ Estado: _____ Código Postal: _____
Indicaciones de Viaje: _____

SAMPLE

Esta cita es obligatoria. Si a usted se le presenta una emergencia o si necesita reprogramar esta cita, favor de llamar al número de teléfono más arriba, antes de la hora de su cita. Si usted tiene un problema físico, mental, o de aprendizaje que le dificulte trasladarse a la cita, también puede llamar al número más arriba para más ayuda. El incumplimiento de esta cita o la falta de cooperación con los requisitos de empleo puede resultar en la reducción o pérdida de sus beneficios de Asistencia en Efectivo.