



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #10-84-OPE

### REVISIONS TO FORM W-532A

<b>Date:</b> August 16, 2010	<b>Subtopic:</b> Forms
<p> This procedure can now be accessed on the FIAweb.</p>	<p>This policy bulletin is to inform Job Center and Non Cash Assistance (NCA) Food Stamp (FS) Center staff that the Conciliation Notification (<b>W-532A</b>) form has been revised with new terminology and an updated New York City logo.</p> <p>Additional changes are as follows:</p> <p><b><u>Page 1</u></b></p> <ul style="list-style-type: none"> <li>• The first paragraph, informing participants that failure to respond to the notice may lead to a reduction or discontinuation of the household’s temporary assistance and food stamp benefits, has been added.</li> <li>• The phrase “public assistance benefits” has been replaced with “<i>temporary assistance and food stamp benefits</i>”.</li> <li>• The fourth paragraph was revised to clarify the conciliation process.</li> <li>• New language has been inserted to provide examples of what is acceptable documentation to support a participant’s reason(s) for failing to comply with a work requirement.</li> <li>• Language stating that participants will be notified “in writing” of a decision that may include a reduction of their benefits “for a specific period of time” has been replaced with “<i>we will notify you of our decision</i>”.</li> </ul>

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 phrase “good cause” has been defined and new language has been added advising participants that, if it is determined that they had good cause for not complying with a work requirement, they will be excused for the day(s) that they did not report to their appointment or assigned work activity.
- Examples of good cause reasons for failing to comply with a work requirement have been added.

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- Language advising participants how to file an EEO complaint with the Agency EEO Officer has been modified to read, “*the complaint should be brought to the EEO Officer at your location first*”.
- The sentence, “*You are entitled to a Fair Hearing even if you do not request a conference*” has been added to language informing participants that after receiving a Notice of Intent, they may request a conference within 10 days and/or request a Fair Hearing.

*Effective Immediately*

**Attachments:**

<b>Attachment A</b>	<b>W-532A</b> Snippets
<b>W-532A</b>	Conciliation Notification (Rev. 7/13/10)
<b>W-532A (S)</b>	Conciliation Notification (Spanish) (Rev. 7/13/10)

☞ Please use Print on Demand to obtain copies of forms.

**Attachment A****W-532A Snippets (English)****Action Code:**

452V	Voluntarily quit your job.
434A	failed to report to the Begin Employment Gain Independence Now (BEGIN) Program.
434M	failed to document that you are not required to participate in the Begin Employment Gain Independence Now (BEGIN) Program.
434Y	failed to comply with the attendance policy and/or cooperate with the Begin Employment Gain Independence Now (BEGIN) Managed Program.
434C	failed to cooperate with the assessment outcome at Intake.
434D	failed to comply with the Employment Plan and report to Job Search.
434V	failed to comply with the Temporary Assistance to Needy Families (TANF) Applicant Job Search.
434L	failed to comply with the attendance policy and/or cooperate with the Internship Program.
434P	failed to comply with the attendance policy and/or cooperate with the Work Experience Program (WEP).
434W	failed to comply with the Employment Plan and report to the Back to Work (BTW) vendor.
448S	failed to report to a Safety Net Assistance Back to Work (BTW) vendor's scheduled appointment.
443D	failed to report to the Perfect Opportunity for Individual Skills and Educational Development (POISED) Intake Unit.
436C	failed to report to or cooperate with the mandatory work activity at the Back to Work (BTW) vendor.
436S	failed to report to a Back to Work (BTW) vendor.
436T	failed to report to a Back to Work (BTW) vendor's scheduled appointment.
436H	failed to report to a Back to Work (BTW) vendor's scheduled appointment.
436D	failed to cooperate with a mandatory work activity at the Back to Work (BTW) vendor.
443	failed to report to or cooperate with the Personal Roads for Individual Development and Employment (PRIDE) Intake Section.
443A	failed to report to or cooperate with Personal Roads for Individual Development and Employment (PRIDE) Intake Section.
443B	failed to report to or cooperate with the Personal Roads for Individual Development and Employment (PRIDE) provider after being assigned there.
443C	failed to report to or cooperate with the Personal Roads for Individual Development and Employment (PRIDE) provider after getting an assignment.
434U	failed to report to a job interview or refused a bona fide job offer.
452	failed to report to a job interview and/or accept bona fide job offer.

**Attachment A****W-532A Snippets (English)****Action Code:**

914K	failed to accept a referral to the Job Center.
440X	failed to comply with the Work Experience Program (WEP) assignment as a new start.
448L	failed to report to a Safety Net Assistance/Food Stamp Job Search appointment.
448M	failed to report to a Safety Net Assistance Job Search Scheduled Appointment.
430S	failed to report to a scheduled appointment or failed to cooperate with job or training placement efforts.
230K	failed to report/cooperate with Employment Services Intake.
440Q	failed to accept or complete a Job Placement Program to which you were referred by Employment Services.
468U	failed to report for WeCARE Vocational Rehabilitation Services appointment and did not reschedule the appointment.
469U	failed to report for WeCARE Vocational Rehabilitation Services appointment and did not reschedule the appointment.
436G	Failed to report to a Back to Work (BTW) vendor.
434G	failed to comply with the attendance policy and/or cooperate with the Begin Employment Gain Independence Now (BEGIN) Reassessment.
448G	failed to report to an Applicant Job Search Safety Net Assistance Scheduled Appointment.
405T	Were terminated from your job.
430k	Failed to report or cooperate with an Employment or Work activity appointment.

Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Job Center: \_\_\_\_\_  
Action Code: \_\_\_\_\_  
Infra Date: \_\_\_\_\_

### Conciliation Notification

**This notice may affect your household's temporary assistance and food stamp benefits. We believe you have willfully refused or failed to comply with a work requirement. You must contact the Job Center by the date mentioned below to explain why you did not comply with work requirements. Otherwise, the temporary assistance and/or food stamp benefits for your household may be reduced or discontinued.** We would like to discuss any problems you may have with work activity requirements and the reason(s) why on \_\_\_\_\_ you:

SAMPLE

If we cannot reach an agreement about your participation in a work activity, we will make a determination as to whether or not you did willfully and without good cause fail or refuse to report or cooperate. The following appointment has been scheduled for you to attend an interview with a Conciliation Worker at the address above:

Appointment Date: \_\_\_\_\_ Appointment Time: \_\_\_\_\_

If you cannot keep this appointment, you may come in any day prior to the expiration date above and ask to speak to a Conciliation Worker.

When you come in, you will have the opportunity to explain to a Conciliation Worker why you did not report or cooperate. The Conciliation Worker acts as a mediator and will try to resolve any problems. It is your responsibility to give the reason(s) why you did not report or cooperate and to provide any evidence that will help document what occurred. The Conciliation Worker may require you to provide documentation to support any reason(s) you give for not reporting or complying with work requirements. Examples of suitable documents may be a letter from your doctor, letter from your child's school, letter from the court, or other similar document explaining why you did not attend on the infraction date. You should bring in the document(s) to the meeting with the Conciliation Worker. The Conciliation Worker will use this documentation to determine whether or not you had good cause. Good cause is an event or circumstance beyond your control that prevents you from complying with the work requirements. If it is found you had good cause, you will be excused for the day(s) you did not report to your appointment or your assigned work activity. We will notify you of our decision.

Some examples of good reasons for not complying with a work requirement may include, but are not limited to:

- You or your child was sick on the day of the work activity;
- You had a household emergency;
- You did not have child care for your child who is under the age of 13; or
- You were unable to participate due to a domestic violence situation.

If you have an ongoing physical or mental health limitation that prevents you from participating in a work activity, you will be referred to our medical provider to determine if you should be exempt from the work requirements.

Additionally, if you have an Equal Employment Opportunity (EEO) complaint, the complaint should be brought to the EEO Officer at your location first. If you do not get satisfactory results from this process or you do not want to go to the EEO Officer for some reason, the complaint can be addressed as part of the conciliation/grievance process.

If you do not report to the interview or come in to the Center by the expiration date noted on page 1, you will receive a Notice of Intent advising you that you are not eligible for temporary assistance and/or food stamps, or that your temporary assistance benefits and/or food stamps will be reduced. The notice will give you a 10-day period during which you may request a conference. A conference provides you with the opportunity to resolve the issue of noncompliance. After you receive the Notice of Intent, you are entitled to request a Fair Hearing if you do not agree with our decision. You are entitled to a Fair Hearing even if you do not request a conference.

**Please note: Failure to comply with temporary assistance work requirements has no effect on your Medicaid eligibility. There are no work requirements for Medicaid.**

SAMPLE

Fecha: \_\_\_\_\_  
Número del Caso: \_\_\_\_\_  
Nombre del Caso: \_\_\_\_\_  
Fecha de Vencimiento: \_\_\_\_\_  
Teléfono: \_\_\_\_\_  
Centro de Trabajo: \_\_\_\_\_  
Código de Acción: \_\_\_\_\_  
Fecha Infra: \_\_\_\_\_

### Aviso de Conciliación

**Este aviso puede afectar la asistencia y beneficios de cupones para alimentos temporarios de su hogar. Estimamos que usted ha rehusado cumplir o no cumplir intencionalmente un requisito de trabajo. Usted tiene que comunicarse con el Centro de Trabajo para la fecha mencionada a continuación, para explicar la razón por la cual usted no cumplió con los requisitos de trabajo. De lo contrario, los beneficios de su hogar de asistencia temporaria y/o cupones para alimentos podrían ser reducidos o discontinuados.** Nos gustaría platicar con usted sobre las dificultades que pueda tener con los requisitos de actividad de trabajo y acerca de la(s) razón(es) por la (s) cual(es) el \_\_\_\_\_ usted:



Si no podemos llegar a un acuerdo acerca de su participación en una actividad de trabajo, decidiremos por nuestra parte si usted no se presentó o rehusó cooperar injustificada e intencionalmente. La siguiente cita ha sido programada para que usted asista a una entrevista con un Trabajador de Conciliación en la dirección indicada arriba:

Fecha de la Cita: \_\_\_\_\_ Hora de la Cita: \_\_\_\_\_

Si usted no puede asistir a esta cita, puede venir cualquier día antes de la fecha de vencimiento indicada arriba y solicitar hablar con un Trabajador de Conciliación.

Al presentarse usted tendrá la oportunidad de explicarle al Trabajador de Conciliación por qué no se presentó o no cooperó. El Trabajador de Conciliación actuará de mediador y tratará de resolver cualquier problema. Es responsabilidad suya proporcionar las razones por las cuales usted no se presentó o no cooperó y proporcionar cualquier prueba que sirva para documentar lo sucedido. El Trabajador de Conciliación puede exigirle que usted proporcione documentación para justificar cualquier razón(es) que usted alegue por no presentarse o no cumplir los requisitos de trabajo. Se aceptan los siguientes documentos: carta por parte de su médico, carta por parte de la escuela de su hijo, carta por parte de la corte, u otro documento similar que explique por qué usted no se presentó en la fecha de la infracción. Usted debe traer los documento(s) a la reunión con el Trabajador de Conciliación. El Trabajador de Conciliación utilizará esta documentación para determinar si usted en realidad tuvo causa justificada o no. Se denomina causa justificada a un suceso o circunstancia ajena a su voluntad que le impide cumplir los requisitos de trabajo. Si se determina que sí tuvo causa justificada, usted será excusado(a) por los días que no se presentó a su cita o a su actividad de trabajo asignada. Nosotros le notificaremos de nuestra decisión.

Algunos ejemplos de razón(es) justificada(s) de no cooperar con el requisito de trabajo podrían incluir , pero no se limitan, a las siguientes:

- Usted o su niño estaban enfermos el día de la actividad laboral;
- Usted tuvo una emergencia en el hogar;
- Usted no tenía quien le cuidara a su niño menor de 13 años de edad; o
- Usted no pudo participar debido a una situación de violencia doméstica.

Si usted tiene una limitación física o mental que le impide participar en una actividad de trabajo, usted será enviado(a) a nuestro proveedor médico para determinar si debe ser eximido de los requisitos de trabajo.

Además, si tiene una queja de Igualdad de Oportunidades de Empleo (Equal Employment Opportunity – EEO), debe presentarla primero en su local ante el funcionario de EEO . Si no obtiene resultados satisfactorios de este proceso o si por algún motivo no desea acudir a un funcionario de EEO, la queja puede ser incluida como parte del proceso de conciliación/agravios

Si usted no se presenta a la entrevista, o no se presenta al Centro para la fecha de vencimiento indicada en la página 1, usted recibirá un Aviso de Intención (Notice of Intent) informándole que no es elegible para recibir asistencia temporaria y/o cupones para alimentos, o que sus beneficios de asistencia temporaria y/o cupones para alimentos serán reducidos. El aviso le proporcionará un período de 10 días durante el cual puede solicitar una conferencia que le brindará la oportunidad de resolver la disputa sobre el incumplimiento. Después de recibir el Aviso de Intención usted tiene derecho a solicitar una Audiencia Imparcial si no está de acuerdo con nuestra decisión. Usted tiene derecho a una Audiencia Imparcial aun si no solicita conferencia.

**Favor de notar: El incumplimiento de los requisitos de trabajo de asistencia temporaria no afecta su elegibilidad de Medicaid. No existen requisitos de trabajo para Medicaid.**

SAMPLE