




OFFICE OF POLICY, PROCEDURES, AND TRAINING

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Office of Procedures

POLICY BULLETIN #17-72-EMP

NEW REQUIREMENT FOR LEGALLY EXEMPT (INFORMAL) CHILD CARE PROVIDERS

Date:	Subtopic(s):
<p>August 23, 2017</p> <p> This procedure can now be accessed on the FIAweb.</p>	<p>Pre-Service Health and Safety Training</p> <p>The purpose of this policy bulletin is to inform all staff at the Family Independence Administration (FIA) Job Centers, the Child Care Review Team (CCRT) and Career Services, as well as Customized Assistance Services (CAS) staff involved with child care, of the following:</p> <ul style="list-style-type: none"> ▪ Legally-Exempt (informal) child care providers must complete required training and submit the Legally-Exempt Child Care Training Record Form (OCFS-LDSS-4699.3) ▪ The Child Care Provider Form Desk Guide (M-90G) has been updated to include the OCFS-LDSS-4699.3. ▪ The Notice to Applicants/Participants Regarding Training Requirements for Legally-Exempt Child Care Providers (FIA-1100d) is a one-time notice that was mailed to all parents with active child care enrollment in ACCIS informing them that if they are currently using a legally-exempt/informal child care provider, that provider may be required to comply with the training requirements. ▪ The WHEDCo HUB Offices (Attachment A) and Legally-Exempt Provider Support Unit – Contact Information (Attachment B) have been revised with updated contact information. <p>By September 30, 2017, all legally-exempt group, family and in home care providers and caregivers, employees and volunteers with regular and substantial contact with children must have completed the Pre-Service Health and Safety Training. Verification that the training was completed must be submitted to WhedCo together with the OCFS-LDSS-4699.3.</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

Certain providers will be exempt from this new requirement. If the provider has one of the following familial relationships to the child(ren) in care, the Pre-Service Health and Safety training is not required:

- grandparent,
- great-grandparent,
- sibling (if living in a separate residence),
- aunt or uncle who provides care ONLY for a child or children related to them.

The Notice to Applicants/Participants Regarding Training Requirements for Legally-Exempt Child Care Providers (**FIA-1100d**) was mailed on August 15, 2017 to all parents with active child care enrollment in ACCIS to notify them of the new legally-exempt (informal) child care provider requirements.

Note: Enrolled/known providers were notified of the requirement by the Office of Children and Family Services (OCFS).

Refer to [PD #16-05-EMP](#) for the enrollment process of legally-exempt (informal) child care providers.

Providers who are legally-exempt must first be approved by a provider Enrollment Agency (EA) before payment for child care services can be authorized.

OCFS currently contracts with the Women's Housing and Economic Development Corporation (WHEDCO) to be the citywide EA. **Attachment A** in this policy bulletin has the most recent list of Centers in each borough with stationed WHEDCO enrollment agents as well as information on the WHEDCO Central Offices/Hubs.

WhedCo is responsible for ensuring that the informal providers have submitted proof that the health and safety training was completed and that the Legally-Exempt Child Care Training Record Form (**OCFS-LDSS-4699.3**). For further information on the functions of WhedCo refer to [PD #16-05-EMP](#).

Administration for Children's Services (ACS) Legally-Exempt Provider (LEP) Support Unit

The LEP Support Unit is a unit within ACS/Division of Early Care and Education responsible for:

- conducting child welfare and criminal background checks on child care providers seeking approval as a Legally-Exempt Provider through WHEDCO.

- updating the status of LEPs in ACCIS based on WHEDCO’s determination. This includes:
 - terminating child care enrollments in ACCIS;
 - terminating providers in ACCIS; and
 - reactivating a denied/closed-terminated provider in ACCIS once they have been approved by WHEDCO.

The Legally-Exempt Provider Support Unit is not responsible for making child care enrollments.

The contact information for the LEP Support Unit has been updated. **Attachment B** provides the most current contact information.

Effective Immediately

References:

- 17-OCFS-ADM-04
- 18 NYCRR Part 415.4(f)(7)(vi)

Related Item:

[PD #16-05-EMP](#)

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

Attachments:

- Attachment A** WHEDCo HUB Offices
- Attachment B** Legally-Exempt Provider Support Unit – Contact Information
- FIA-1100d** Notice to Applicants/Participants Regarding Training Requirements for Legally-Exempt Child Care Providers
- FIA-1100d (S)** Notice to Applicants/Participants Regarding Training Requirements for Legally-Exempt Child Care Providers (Spanish)
- M-90G** Child Care Provider Form Desk Guide (Revised 8/23/17)
- OCFS-LDSS-4699.3** Legally-Exempt Child Care Training Record Form (04/2017)

WHEDCO HUB OFFICES

<p><u>Bronx Address</u> WHEDco 1309 Louis Nine Boulevard. Bronx, NY 10459</p> <p><u>Phone</u> (347) 708-7782 (347) 708-7775 (347) 708-7766 (347) 708-7800</p> <p><u>Fax</u> (718) 619-8307</p> <p><u>E-mail Address</u> le@whedco.org</p>	<p><u>Brooklyn & Staten Island Address</u> WHEDco 66 John Street, 7th Floor New York, NY 10038</p> <p><u>Phone</u> (212) 393-5170</p> <p><u>E-mail Address</u> lebrooklyn@whedco.org</p>
<p><u>Manhattan Address</u> WHEDco 66 John Street, 7th Floor New York, NY 10038</p> <p><u>Phone</u> (212) 393-5388 (212) 393-5389</p> <p><u>E-mail Address</u> lemanhattan@whedco.org</p>	<p><u>Queens Address</u> WHEDco 165-08 88th Avenue, 2nd Floor Jamaica, NY 11432</p> <p><u>Phone</u> (718) 523-2832 (718) 523-2833 (718) 523-2834</p> <p><u>Fax</u> (718) 291-6542</p> <p><u>E-mail Address</u> lequeens@whedco.org</p>

LOCATIONS WITH ON-SITE WHEDCO EA STAFF

Borough	Centers with On-Site EA Staff
Bronx	Rider #38 Hunts Point #40 Fordham #44 Crotona #46 Concourse #45
Brooklyn	Coney Island #63 Dekalb #64 Bushwick #66 Clinton Hill #67 Bayridge #70
Manhattan	Waverly #13 East End #23 Dyckman #35 Union Square #39 St. Nicholas #18
Queens	Queens #53 Jamaica #54
Staten Island	Richmond #99

LEGALLY-EXEMPT PROVIDER SUPPORT UNIT – CONTACT INFORMATION

IMPORTANT: The telephone numbers and email addresses listed below are for HRA and ACS staff **only**. This information should **NOT** be given to parents/guardians or providers. Provider payment inquiries should be directed to the Provider Hotline at 212-835-7610.

HRA staff can now call or email anyone of the individuals listed below. Email is preferred and should include all staff members listed below.

When you call or email, have the provider ACCIS number and the provider name available.

Staff Name	Email Address	Telephone Number
Brigitte Grant	Brigitte.grant@acs.nyc.gov	212-393-5075
Olalekan Pedro	Olalekan.pedro@acs.nyc.gov	212-393-5079
Amechi Daniel	Amechi.daniel@acs.nyc.gov	212-393-5074
Anthony Karunwi	Anthony.karunwi@acs.nyc.gov	212-393-5078
Theresa Green	Theresa.green@acs.nyc.gov	212-393-5062
Devon Gayle (Executive Director)	Devon.gayle@acs.nyc.gov	212-393-5060



**** PLEASE READ ****

**NEW INFORMATION FOR PARENTS/GUARDIANS WHO USE
LEGALLY-EXEMPT CHILD CARE PROVIDERS**

**Notice to Applicants/Participants Regarding Training Requirements for
Legally-Exempt Providers**

This notice is to tell you that informal/unlicensed child care providers also called “legally-exempt child care providers” must complete a new Pre-Service Health and Safety Training by **September 30, 2017**.

If you are using or planning to use an informal provider (babysitter) such as a friend or a legally-exempt group child care provider that wants to be paid for their child care services, they must complete a new Pre-Service Health and Safety Training and submit proof to the Enrollment Agency WhedCo.

Who must complete the Pre-Service Health and Safety Training?

- Legally-exempt group, family and in home child care providers
- Caregivers, employees, and volunteers with regular and substantial contact with children.

Who does not have to complete the Pre-Service Health and Safety Training?

Your provider does not need to take the training if the relationship to the child in care is one of the following:

- grandparent
- great-grandparent
- sibling (if living in a separate residence)
- aunt or uncle who provides care for ONLY a child or children related to them.

What happens if the provider does not complete the Pre-Service Health and Safety Training?

HRA will stop child care payments for legally exempt providers who do not complete the training and submit proof to the Enrollment Agency by **September 30, 2017**.

Remind your provider to complete the Pre-Service Health and Safety Training. If your provider fails to complete this training, your child care provider will not be paid. This will cause you to lose your child care provider.

**** FAVOR DE LEER ****

NUEVA INFORMACIÓN PARA PADRES/MADRES/TUTORES QUIENES USEN PROVEEDORES DE CUIDADO INFANTIL LEGALMENTE EXENTOS

Aviso a Solicitantes/Participantes Sobre Requisitos de Capacitación para Proveedores Legalmente Exentos

Por el presente se le informa que los proveedores de cuidado infantil informales/sin licencia, también conocidos como “proveedores de cuidado infantil legalmente exentos” deben participar en una nueva capacitación pre-servicio de salud y seguridad para el **30 de septiembre, 2017**.

Si usted usa o tiene pensado usar proveedor informal (niñera) tal como amigo o proveedor de cuidado infantil en grupo legalmente exento que desee recibir paga por brindar servicios de cuidado infantil, ese proveedor debe participar en una nueva capacitación pre-servicio de salud y seguridad y presentar comprobante a la agencia de inscripción WhedCo.

¿Quién debe participar en la Capacitación Pre-Servicio de Salud y Seguridad?

- Los proveedores de cuidado infantil legalmente-exentos en grupo, de familia y en el hogar.
- Las personas quienes brinden cuidado, los empleados, y los voluntarios que tengan contacto frecuente e importante con niños.

¿Quién está exento de la Capacitación Pre-Servicio de Salud y Seguridad?

No tiene que participar en la capacitación si su proveedor es:






- abuelo(a) del niño
- bisabuelo(a) del niño
- hermano(a) (si vive en residencia aparte)
- tío o tía que cuida SÓLO a sus verdaderos sobrinos.

¿Qué tal si el proveedor no termina la Capacitación Pre-Servicio de Salud y Seguridad?




La HRA dejará de hacer pagos a proveedores legalmente exentos quienes no terminen la capacitación ni presenten comprobante a la agencia de inscripción para el **30 de septiembre, 2017**.

Recuerde al proveedor que termine la Capacitación Pre-Servicio de Salud y Seguridad. Si su proveedor de cuidado infantil no termina dicha capacitación, éste no recibirá paga. Como resultado, usted perderá su proveedor de cuidado infantil.

Child Care Provider Form Desk Guide

Scenario	Provider Type	Form Required	Title	Print
New Provider/ Change in Provider	Licensed/ Regulated	CS-274W/CS-274W (S) FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement How to Report Child Abuse and Neglect Important Information About Child Care	 Print
	Legally-Exempt In-Home Care	CS-274W/CS-274W (S) CS-574EE/CS-574EE (S) CS-574FF/CS-574FF-S OCFS-LDSS-4699/OCFS-LDSS-4699S OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Child Care Fact Sheet and Planner Proof of ID and Residency for Your Child Care Provider or “Babysitter” Enrollment Form For Provider of Legally-Exempt Family Child Care and Legally-Exempt In-Home Child Care Legally Exempt Child Care Training Record Form How to Report Child Abuse and Neglect Important Information About Child Care	 Print
	Legally-Exempt Group Family Care	CS-274W/CS-274W (S) OCFS-LDSS-4700 FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Enrollment Form for Provider of Legally-Exempt Group Child Care How to Report Child Abuse and Neglect Important Information About Child Care	 Print
Employment of Minor as Child Care Provider (minors 14 through 17 years of age)	Legally-Exempt	CS-274W/CS-274W (S) CS-574EE/CS-574EE (S) CS-574FF/CS-574FF-S OCFS-LDSS-4699/OCFS-LDSS-4699S OCFS-LDSS-4699.1/OCFS-LDSS-4699.1S OCFS-LDSS-4699.1A OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Child Care Fact Sheet and Planner Proof of ID and Residency for Your Child Care Provider or “Babysitter” Enrollment Form For Provider of Legally-Exempt Family Child Care and Legally-Exempt In-Home Child Care Employment Of Minors Form Employment Of Minors, Information Legally Exempt Child Care Training Record Form How to Report Child Abuse and Neglect Important Information About Child Care	 Print
Child Care Provided in the Home of the Child (parent must pay minimum wage and taxes for the provider)	Legally-Exempt	CS-274W/CS-274W (S) CS-574FF/CS-574FF-S OCFS-LDSS-4699.2/OCFS-LDSS-4699.2S OCFS-LDSS-4699.2A OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Proof of ID and Residency for Your Child Care Provider or “Babysitter” Legally-Exempt In-Home Child Care Provider Agreement Form Parental Responsibilities When Employing A Legally-Exempt In-Home Child Care Provider Legally Exempt Child Care Training Record Form How to Report Child Abuse and Neglect Important Information About Child Care	 Print

Child Care Provider Form Desk Guide

Scenario	Provider Type	Form Required	Title	Print
Provider with Criminal History (referral to ACS required for crimes against a child)	Legally-Exempt	CS-274W/CS-274W (S) CS-574FF/CS-574FF-S OCFS-LDSS-4699/OCFS-LDSS-4699S OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S OCFS-LDSS-4915 FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Proof of ID and Residency for Your Child Care Provider or “Babysitter” Enrollment Form for Provider of Legally-Exempt Family Child Care and Legally-Exempt In-Home Child Care Legally Exempt Child Care Training Record Form History of Criminal Convictions and Parental Acknowledgment How to Report Child Abuse and Neglect Important Information About Child Care	 Print
Revise Provider Information (same provider includes change in address, contact information, etc.)	Legally-Exempt	CS-274W/CS-274W (S) OCFS-LDSS-4700 OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Enrollment Form for Provider of Legally-Exempt Group Child Care Legally Exempt Child Care Training Record Form How to Report Child Abuse and Neglect Important Information About Child Care	 Print
New Unknown Provider (complete Child Care Packet — all forms provided)	Unknown	CS-274W/CS-274W (S) CS-574EE/CS-574EE (S) CS-574FF/CS-574FF-S OCFS-LDSS-4699/OCFS-LDSS-4699S OCFS-LDSS-4699.1/OCFS-LDSS-4699.1S OCFS-LDSS-4699.1A OCFS-LDSS-4699.2/OCFS-LDSS-4699.2S OCFS-LDSS-4699.2A OCFS-LDSS-4699.3/OCFS-LDSS-4699.3S OCFS-LDSS-4915 OCFS-LDSS-4700 FIA-1132 (E)/FIA-1132 (S) FIA-1144 (E)/FIA-1144 (S)	Child Care Provider Enrollment Supplement Child Care Fact Sheet and Planner Proof of ID and Residency for Your Child Care Provider or “Babysitter” Enrollment Form for Provider of Legally-Exempt Family Child Care and Legally-Exempt In-Home Child Care Employment Of Minors Form Employment Of Minors, Information Legally-Exempt In-Home Child Care Provider Agreement Form Parental Responsibilities When Employing A Legally-Exempt In-Home Child Care Provider Legally Exempt Child Care Training Record Form History of Criminal Convictions and Parental Acknowledgment Enrollment Form For Provider of Legally-Exempt Group Child Care How to Report Child Abuse and Neglect Important Information About Child Care	 Print

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES

LEGALLY-EXEMPT CHILD CARE TRAINING RECORD FORM

See instructions on page 2 for who needs to complete this form and where to submit it.

TRAINING PARTICIPANT NAME

PROVIDER INFORMATION

NAME OF PROVIDER /PROGRAM DIRECTOR		ENROLLMENT (CCFS) ID NUMBER ¹	PHONE NUMBER ()
PROGRAM NAME		PROGRAM DBA	
SITE ADDRESS			
BUILDING NUMBER	STREET		APT.
CITY		STATE	ZIP CODE
MAILING ADDRESS (if different from above)			
BUILDING NUMBER	STREET		APT.
CITY		STATE	ZIP CODE

PROOF OF PRE-SERVICE REQUIREMENT

For further details on qualifying training, see the Instructions on page 2.

PRE-SERVICE	TRAINING <input type="checkbox"/> Foundations in Health and Safety via E-learning OR <input type="checkbox"/> Health and Safety for Legally-Exempt Providers via Classroom Training	DATE COMPLETED / /
	PRESENTING AGENCY/TRAINER NAME	CERTIFICATE IS ATTACHED? <input type="checkbox"/> YES
	VERIFIED (FOR ENROLLMENT AGENCY USE ONLY)	CERTIFICATE ACCEPTABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO

PROOF OF ADDITIONAL TRAINING - FAMILY AND IN-HOME PROVIDERS ONLY

Child care providers who have completed 10 or more hours of approvable training may be eligible to receive an enhanced reimbursement rate. Please list any additional child care training you have taken within the past 12 months and attach the training certificate. For further details on qualifying training, see the instructions on page 2. (NOTE: Not applicable to Legally-Exempt Group Programs)

1	TRAINING TOPIC	DATE COMPLETED / /
	PRESENTING AGENCY/TRAINER NAME	NUMBER OF TRAINING HOURS
	VERIFIED (FOR ENROLLMENT AGENCY USE ONLY)	
2	TRAINING TOPIC	DATE COMPLETED / /
	PRESENTING AGENCY	NUMBER OF TRAINING HOURS
	VERIFIED (FOR ENROLLMENT AGENCY USE ONLY)	

¹ Include Enrollment (CCFS) number if you have one. This number is found on your Notice of Enrollment from the Enrollment Agency. Page 1 of 2

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES

**INSTRUCTIONS TO
LEGALLY-EXEMPT CHILD CARE TRAINING RECORD FORM**

- *Legally-Exempt Family and In-home child care programs must complete and submit this form and the training certificate to the enrollment agency as proof of fulfilling the pre-service requirement in compliance with 18 NYCRR § 415.4(f)(7)(vi).*
- *Legally-Exempt Group directors must complete and submit this form and the training certificate to the enrollment agency as proof of fulfilling the pre-service requirement in compliance with 18 NYCRR § 415.4(f)(7)(vi).*
- *Legally-Exempt Group staff and volunteers may complete and submit this form to the legally-exempt group director with the required training certificate as proof of fulfilling the pre-service requirement. Directors must maintain all staff and volunteers training certificates at the child care site in accordance with 18 NYCRR § 415.4(f)(7)(vi).*
- *Legally-Exempt Family and In-home child care programs may use this form to submit any additional training which may make you eligible for the enhanced rate.*

I. INDIVIDUALS REQUIRED TO COMPLETE PRE-SERVICE TRAINING

OCFS-approved pre-service training is a condition of enrollment to provide subsidized child care.

This applies to every legally-exempt caregiver, employee with a caregiving role, and volunteer with the potential for regular and substantial contact with children in care except for a grandparent, great grandparent, sibling (if living in a separate residence), aunt, or uncle who are providing care only to a child(ren) related to them with this specific relationship.

A. OCFS-APPROVED HEALTH AND SAFETY PRE-SERVICE TRAINING OPTIONS

There are two OCFS-approved training options:

- 1) Online "E-Learning" *Foundations in Health and Safety*. This training is available online and can be found by going to www.ecetp.pdp.albany.edu,

OR

- 2) Classroom Training *Health and Safety Training for Legally-Exempt Providers*: This training may be offered by local enrollment agencies, United Federation of Teachers in the New York City area, and Civil Service Employees Association, Inc. in Upstate New York.

B. PROOF OF PRE-SERVICE

Upon completion, you will receive a certificate indicating you successfully completed the health and safety course. Attach the certificate to this form and submit both to your local enrollment agency to receive credit for completing the pre-service training requirement. You should also keep a copy of this certificate for your own records.

II. PROVIDERS ELIGIBLE TO APPLY FOR ENHANCED RATE

Providers of legally-exempt family child care and in-home child care who have completed 10 or more hours of approved training annually, in the areas set forth in section 390-a(3)(b) of the Social Services Law, may be eligible to receive an enhanced reimbursement rate once completion has been verified by the enrollment agency.²

A. PROOF OF ADDITIONAL TRAINING

To apply for the enhanced rate, submit this form with the training certificate(s) attached. The OCFS-approved pre-service training may count towards the 10 total hours needed for the enhanced rate.

B. ELIGIBILITY PERIOD

Once the enrollment agency determines the provider is eligible for the enhanced reimbursement rate, the local social services district must apply the enhanced market rate for a 12 consecutive month period, starting no later than the beginning of the first full month following the date of the notice.

To receive the enhanced market rate beyond the initial 12-month period, the provider must complete an additional 10 or more hours of approvable training annually and submit documentation to the enrollment agency.

III. QUESTIONS

For questions regarding OCFS-approved training, please contact your local enrollment agency.

² Per regulation 18 NYCRR § 415.9(j)(2)