



**FAMILY INDEPENDENCE ADMINISTRATION**  
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**POLICY DIRECTIVE #05-04-ELI**  
*(This Policy Directive Replaces PD #02-19-ELI)*

**REFUSAL OF A JOB OFFER**

<b>Date:</b> January 28, 2005	<b>Subtopic:</b> Job Refusal Policy
<b>AUDIENCE</b>	The instructions in this policy directive are for all Job Center and NPA Food Stamp Center staff and informational for all others.
<b>POLICY</b>	As a condition of eligibility for Public Assistance (PA), applicants/participants must pursue available resources that will remove or reduce the need for assistance.
<b>REVISIONS TO ORIGINAL POLICY DIRECTIVE</b>	<p>This policy directive is revised to reflect a change in the penalty for refusing to accept a bona fide job offer.</p> <p>Previously, staff was informed that the penalty for refusing a bona fide job offer depended on how the job offer was initiated. That is, if the job offer was made as a result of the applicant/participant's involvement in job search or work activities, the refusal would lead to an individual sanction. If the job offer was made as a result of a Job Center general eligibility call in the refusal would lead to an entire case closing.</p>
Clarified information	The Department of Labor (DOL) and the Office of Temporary and Disability Assistance (OTDA) have recently clarified that <u>any time</u> a bona fide job offer is made and an applicant/participant refuses it without good cause, the entire PA case must be closed regardless of the origin of the job offer (work activity or general eligibility call in).

**HAVE QUESTIONS ABOUT THIS PROCEDURE?**  
 Call 718-557-1313 then press 2 at the prompt followed by 765 or  
 send an e-mail to *FIA Call Center*

**BACKGROUND**

An individual's ability to work is considered a resource for PA. Therefore, when a PA applicant/participant refuses a bona fide job offer, s/he fails to comply with an eligibility requirement.

Revised information

Therefore, in instances when an applicant/participant refuses a bona fide job offer without good cause the following will occur:

- The PA case will be denied or closed for failure to pursue resources.
- A PA Food Stamp (FS) or Non-Public Assistance FS (NPA FS) applicant/participant who refuses a job offer without good cause will be sanctioned according to standard procedure.

When an applicant/participant refuses a bona fide job offer, before taking adverse action on the case the facts and circumstances regarding the refusal (including information provided by the applicant/participant) must be reviewed to determine whether good cause existed for refusing the job.

Reasons for Refusing a Job Offer

**Acceptable Reasons for Refusing a Job Offer (Good Cause):**

- The job offer was not bona fide, or was not made in good faith (the job did not exist, was already taken or promised to someone else or was not a job in which the individual was able to engage).
- The salary or wage offered by the employer was less than the minimum wage required by law, or the conditions of employment were otherwise contrary to law. Minimum wage in New York State is currently \$6.00 per hour.
- A strike, lockout or other public or private industrial controversy was in progress at the place where employment was offered.
- The job would be hazardous to the applicant/participant's life or health, or there was an absence of workers' compensation for unsafe working conditions.
- The applicant/participant has mental and physical limitations that prevent him/her from performing the duties of the job.
- Necessary supportive services are unavailable.
- Travel time from the applicant/participant's home to the workplace would exceed one hour.
- The job involves illegal activity or the conditions are otherwise contrary to law.

- The refusal is caused by circumstances beyond the applicant/participant's control (such as, but not limited to, illness of the applicant/participant or illness of another household member requiring the presence of the applicant/participant, jury duty or court date).
- Accepting a job would result in a net loss of cash income for the household and a supplemental grant will not be issued to prevent a net loss of cash income.
- A personal or family emergency such as accident or illness prevents the applicant/participant from being available to work and the applicant/participant has notified his/her Worker with reasonable promptness.
- The applicant/participant may be excused from accepting a job offer if at the time of the offer appropriate, accessible and affordable child care:
  - Is not available or cannot be arranged during the hours the applicant/participant is required to work.
  - Does not meet the special needs of the child as identified in the case record.
  - Has been temporarily disputed, making it necessary for the applicant/participant to remain at home with the child until child care is restored.
- The working hours or type of employment conflicts with the individual's religious observances, convictions or beliefs.


#### **Unacceptable Reasons for Refusing a Job Offer**

- The individual does not like the job.
- The individual is fearful about entering the working world or changing his/her way of life (the Worker or vendor should counsel the applicant/participant about the issues involved in transitioning to work, including a discussion of work-related benefits).
- The individual feels that the job is too far away from home (unless travel time from home to work exceeds one hour each way).
- The individual on PA with an employability plan entered school in violation of that employability plan, which was approved after an appropriate assessment.
- The participant is afraid that if the job does not last, it will be too difficult to have his/her PA case reopened.

## REQUIRED ACTION

When a work rules required applicant/participant refuses a bona fide job offer that is made at application, recertification or at any eligibility call-in, determine if good cause exists. If the applicant/participant does not have good cause for refusing the job offer, proceed as follows:

### Job Centers

Access NYCWAY to make entries by clicking on the Welfare Management System (WMS) icon  or by minimizing the Paperless Office System (POS) and clicking on the NYCWAY icon on the desktop.

### Applicant

Refer to PB 04-209-ELI

**Mandated Filer** (Individual who must be included in the PA household case count)

New information

- Enter action code **952J** (Failed to Accept Bona Fide Job Offer) in NYCWAY. In the drop-down menu, either select or enter the name of the job/employer that the applicant refused.
- Reject the PA application for the entire household by:
  - Going to the **POS TAD** and in the **Case Level** section change the status for PA to Rejected in the drop-down menu.
  - Select code **250** (Refuses Other Source of Employment Offered) in the **Status Reason** drop-down menu.
- If the applicant is subject to FS work rules required Employment Status (ES) code **WA** (Work Registration Required [FSET], Able-Bodied Adults Without Dependents [ABAWD] exempt or **WR** (Work Registration Required, ABAWD) and refuses to accept a bona fide job offer, take the following actions:
  - Sanction the noncomplying individual by going to the individual level section on the **POS TAD** and on the noncomplying individual's line:
    - Change the FS status to **SN** from the drop-down menu.
    - Select **WE1** (Failure to Comply with Employment Requirements) as the sanction reason in the status reason drop-down menu.
- Prepare a separate FS determination if it is a one-person household where the applicant is not subject to FS work rules or if it is a multiperson household.

**Note:** In multiperson cases eligible for FS, if the infracting individual was determined subject to the FS work rules, ensure that the sanction status and code is carried over to the NPA FS case.

- Prepare a separate determination for Medicaid.
- On the Action Taken on Your Application: Public Assistance Food Stamp Benefits and Medical Assistance Coverage (NYC) (LDSS-4013A NYC) enter the statement "You refused to accept an offer of employment" as the PA denial reason, and the regulations 18 NYCRR 351.1, 351.2.
- On the Action Taken on Your Application: Public Assistance, Food Stamp Benefits and Medical Assistance Coverage (NYC) (LDSS-4013B NYC), check the approved box and fill in the appropriate information and then check the denied box, write the noncomplying individual's name and enter the statement "You refused and/or failed to comply with Food Stamp program work registration or work requirements" as the FS denial reason, and the regulation 12 NYCRR 1300.12.

**Non-Mandated Filer (For example, essential person [EP] on a Temporary Assistance for Needy Families [TANF] case or a non-legally responsible individual on a multi-person Safety Net Assistance case)**

Revised information

- Go to the **POS TAD** and in the individual level section:
  - Change the PA status to **RJ** from the drop-down menu.
  - Select **Y99** (Other Manual Notice Required) in the Status Reason drop-down menu.
- If the individual is subject to FS work rules:
  - Change FS status to **SN** from the drop-down menu.
  - Select **WE1** as the sanction reason in the Status Reason drop-down menu.
- If the individual is not work-rules required for FS, deny only the cash assistance portion of the case as indicated above. Accept the individual for the Food Stamp portion of the case.

**Note:** If the essential person has his/her own suffix/case, follow the instructions listed under Mandatory Filer to reject case/suffix.

Participant**Mandated Filer (Individual who must be included in the PA household and case count)**

Revised information

- Enter action code **452J** (Failed to Accept Bona Fide Job Offer) in NYCWAY. In the drop-down menu, either select or enter the name of the job/employer that the participant refused.
- Initiate a case closing, using closing code **N12** (Failure to Apply for or Use Benefits of Resources) for Safety Net (SN) or closing code **N12** (Failure to Apply for or Use Benefits or Resources) for Family Assistance (FA).
- If the participant is also subject to FS work rules, initiate a FS sanction before closing the case as follows:
  - Day 1 – Process the line using FS sanction code **WE1**.
  - Day 2 – Once the action to sanction is in **04** status in the Welfare Management System (WMS), prepare and submit action to close the case. The date participant refused the job should be the date entered in element **225** Amplification (AMP Date) of the TAD.

**Essential Person on Participant's Suffix/Case (FA/SNFP) or a Non-Legally Responsible Individual in a Multiperson Safety Net Participant Household**

- Close the individual's PA line using code **Y99**.

**Note:** Code **Y99** requires a manual notice.

- If the individual is work rules-required for FS, sanction him/her for FS using code **WE1**.
- If the individual is not work-rules required for FS, s/he will remain as part of the household FS case.

**Note:** If the essential person has his/her own suffix/case, follow the instructions under Mandatory Filer to close the case.



**NPA Food Stamp Households**

When an NPA Food Stamp applicant/participant whose work-rules-required employability status code is **WA** (Work Registration Required [FSET] [Able-Bodied Adults Without Dependents] ABAWD)) or **WR** (Work Registration Required, ABAWD) refuses to accept a bona fide offer of employment without good cause, proceed as follows:

- Single-Person Household (HH=1)  
Close the case using code **WE1**.
- Multiperson Household (HH>1)  
Sanction the individual using code **WE1**.

Revised information

**PROGRAM IMPLICATIONS**

Medicaid Implications

Employment and pursuing a resource is not a requirement for MA. When a public assistance case is closed/denied or a line is sanctioned due to a failure to pursue available resources or for refusal of a job offer without good cause, a separate Medicaid determination is required.

**LIMITED ENGLISH SPEAKING ABILITY (LESA) IMPLICATIONS**

For limited English Speaking Ability (LESA) participants, make sure to obtain appropriate interpreter services in accordance with Policy Directive #02-43-OPE.

**FAIR HEARING IMPLICATIONS**

Avoidance/Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences

Job Centers

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) Associate Job Opportunity Specialist I (AJOS I)/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS I/Supervisor I will listen to and evaluate the applicant/participant's complaint. After reviewing the case file and discussing the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor, s/he will determine if the action taken was correct. If the determination is that the action taken was correct, the FH&C AJOS I/Supervisor I will explain the reason for the determination to the applicant/participant. If the explanation is accepted, no further action is necessary. The AJOS I/Supervisor I must complete a Conference Report (**M-186a**).

If the determination is that the action taken was incorrect or correct but lacking the supporting documentation, the FH&C AJOS I/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the "Pending" (**08**) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**) if the case has been granted aid to continuing (ATC) status to change the **02** to an **01**, or a PA Recoupment Data Entry Form (**LDSS-3573**) to delete a recoupment. The **M-186a** must also be prepared.

#### NPA Food Stamp Centers

If an applicant/participant comes to the NPA Food Stamp Center and requests a conference, the Receptionist must inform the Center Director/Designee that the applicant/participant is to be seen. If the individual calls the Worker, s/he must tell the individual to go to the Receptionist and be referred to the Center Director/Designee.

The Center Director/Designee will listen to, evaluate and review the applicant/participant's complaint regarding the denial, reduction or discontinuance. After reviewing the case record and discussing the issue with the Eligibility Worker/Unit Supervisor, the Center Director/Designee will make a decision.

Remember that the Center Director/Designee is responsible for ensuring that further appeal by the participant through a Fair Hearing request is properly controlled and that appropriate follow-up is taken in all phases of the Fair Hearing process.



Evidence Packets      Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to an already requested Fair Hearing, the FH&C AJOS I/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

All Evidence Packets must contain:

- A detailed history sheet (**W-25**);
  - Copies of relevant WMS screen printouts;
  - Copies of NYCWAY Case Notes screen;
  - Notice of Intent to Close/Reduce (CNS notice); and
  - Any other documentation that is relevant to the action taken on the case.
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## REFERENCES

12 NYCRR 1300.12 (12A-2 through 12B-4)  
18 NYCRR 351.1, 351.2, 351.20, 351.21, 387.1(w)(4)(v)  
18 NYCRR 360-3.3  
SSL 131(5), 332(3), 336-d