



FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner



James K. Whelan, Deputy Commissioner
Policy, Procedures, and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY DIRECTIVE #10-07-EMP

(This Policy Directive Replaces PD #10-02-EMP)

REVISION TO THE GRANT DIVERSION PROGRAM

Date: February 5, 2010	Subtopic(s): Employment, Transitional Food Stamp Benefits
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AUDIENCE

The instructions in this policy directive are for Job Center and GDP staff and outstationed JOS/Workers. They are informational for all other staff.

REVISIONS TO PRIOR DIRECTIVES

This policy directive is being revised to retract the reference to the Mandatory Dispute Resolution (MDR) process provided in the note under the **Failure to Comply with GDP Requirements** section in the prior directive because employment-related issues are not subject to the MDR interview process.


POLICY

As a condition of eligibility for CA benefits, nonexempt participants must be engaged in approved work activities.

📖 See [PD #10-03-ELI](#).

On July 1, 2009, Family Assistance (FA), Safety Net Federally Participating (SNFP), and Converted SNA category households receiving CA/FS benefits and enrolled in work activities, and whose entire CA grant had been diverted (CA household's cash grant equals \$0) became eligible to receive five months of TFSB as part of the Transitional Benefit Alternative (TBA).


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

 See [PD #09-39-SYS](#).

With the software version 2009.3 release on October 19, 2009, Welfare Management System (WMS) was expanded to extend TBA benefits to all SNA category households with children. These households must have a CA closing date of November 30, 2009, or later and include either:

- a child under 18 years of age, or
 - a child under 22 years of age living with a parent(s).
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BACKGROUND

 New York State's Office of Temporary and Disability Assistance (OTDA) refers to the Grant Diversion Program as the Transitional Employment Advance Program (TEAP).

The Grant Diversion Program is a wage-subsidized program designed to encourage and promote the employment of CA participants. GDP is a government program that provides funding to employers to offset the cost of hiring and employing CA participants.

CA participants may volunteer for participation in GDP or may be selected for enrollment in GDP. However, once enrolled, all CA participants must comply with GDP work requirements.

→ Clarification

Employers participating in this program must pay wages that are at least equal to the wages of employees in the same or similar position and not less than minimum wage, in accordance with State and Federal labor laws. In addition, the GDP participant must receive the same benefits and protections as other employees in the same or similar position. The CA grants of GDP participants are diverted to the employers to provide additional funding for the employer to use toward the salary/training of the employee.

Revised language

GDP participants are expected to meet the qualifying criteria of their employer. These criteria may include specific skills (e.g., a participant selected as a typist may need to have a minimum typing speed of 20 words per minute) and are not limited to a participant's physical abilities.

Enrollment in the GDP is available to any CA category of assistance. However, only the CA casehead may participate in the program. Other adults in the household cannot participate in GDP because the GDP participant must be the payee and must agree to divert the CA grant.

Participation in GDP is generally limited to a total of twelve (12) months and subject to each participating agency’s program policy. Participants who successfully complete the GDP are expected to enter into unsubsidized employment at the end of the enrollment period as a direct result of their participation.

Selection of participants

In order to facilitate the selection of public sector GDP participants, NYCWAY is programmed to determine CA participants’ eligibility for referral to public sector grant diversion programs.

New York City’s GDP is divided into two sections, as follows:

- Business Link/Employer Incentives Plus (EIP) has responsibility for GDP participants placed with private sector firms, and
- the Parks Job Training Program (JTP) Unit is responsible for GDP participants selected for public sector jobs. The public sector jobs are currently in place at the following agencies:
 - the Department of Parks Opportunity Program (POP)/Parks Job Training Program,
 - the Department of Sanitation Opportunity Program/Department of Sanitation Job Training Program, and
 - HRA’s Job Training Program (whose participants are selected from active Work Experience Program [WEP] assignments).

For the purposes of this directive, instructions for the participating public sector agencies are the same and appear under JTP.

→ Newly participating agency (See [PD #09-48-EMP](#).)

Clarification

The earned income of individuals enrolled in GDP is budgeted for CA in the same manner as earned income is budgeted for all other CA participants. However, GDP cases without a budget deficit will remain open with a zero (\$0) CA grant. The manner in which the GDP income is treated for FS purposes is dependent upon the presence of children in the household. The CA/FS cases of GDP participants are not to be rebudgeted/closed without authorization from the appropriate GDP Liaison.

Note: CA individuals in these categories, who are hired independently by a participating private sector employer, are eligible for enrollment in GDP.

CA households enrolled in EIP or JTP are identified by unique caseload numbers **00246** or **00444**.

The GDP Liaison maintains all GDP cases. Cases enrolled in GDP are identified by one of the following unique caseload numbers:

- **00246** for EIP cases; or
- **00444** for JTP cases.

The CA case of participants in GDP whose income from the GDP exceeds their household CA needs remains open with a \$0 CA grant until the end of the program with the CA case managed by the GDP Liaison.

FA and SNA households of GDP participants with children whose budget results in \$0 cash grants will receive TFSB. Under TFSB, the household's FS benefits continue at the pre-employment rate (or higher) for a period of up to five (5) months and allow households to adjust financially before FS eligibility is re-determined.

GDP participants whose CA budget results in a CA supplement will not be eligible for TFSB (i.e., CA grant greater than \$0); however, they may be eligible for regular FS benefits after the earnings are budgeted.

GDP participants whose households are not eligible for TFSB and GDP participants' households that have reached the end of their TFSB five-month eligibility period will have their income from the GDP budgeted for FS purposes. This may result in a FS benefit reduction.

Clarification

Individuals who are receiving FS benefits and are subject to Able-Bodied Adult without Dependents (ABAWD) requirements are required to report timely when monthly participation in employment or other work activities falls below 80 hours per month even during the TBA period. Households in receipt of TFSB are not required to report any other changes during the transition period.

GDP participants can voluntarily report changes that will result in an increase in FS benefits.

Note: GDP participants must be advised to contact the GDP Liaison in those instances when the individual has a conflict with an appointment and would otherwise miss work to attend the appointment.

REQUIRED ACTION

To budget the Grant Diversion participant's earned income, the Grant Diversion Liaison will ensure that the following actions are taken:

- Select the **TEAP** option in the **Income Type** field in the **Has Other Income** window in POS.

Response to Question

Who: Perkins Sam | Income Type: TEAP | Amount: | Frequency: Bv | Start Date: 00/00/0000 | Expected End Date: 00/00/0000

Description: | Program Indicator: | Hrs. Worked: |

Income from Trust: In Receipt Not Yet Received | Expected Distribution Date: 00/00/0000

Training Allotment: Full Amount of Allotment or Reimbursement (monthly): | Amount to be budgeted as income: |

Buttons: OK, Cancel

Note: Code **E500** is entered after the calculation indicates there is a \$0 budget deficit.

- Enter code **E500** in the **Routing Number** field in the **Shelter Expense** window in POS.

Response to Question

Shelter Information:

Shelter Type: Undomiciled... | Shelter Code: 23 | Change Shelter type?: Yes No | Actual amount charged for Rent/Mortgage: \$0.00 | Frequency: M | Verified: Yes No

Click to View/Update Details of the Current Shelter Type | Housing Advantage Indicator(HAI): | Rent Charged To Secondary Tenant: .00 | Frequency: |

Landlord Information:

Landlord Type: | SSN/Tax Number: | Name: | Phone: | House/PO Box Number: | Apt/Suite Number: | Street Dir: | Street Name: | Street Type: | City: | State: New York | Zip: |

Restriction Information:

Has The Household Requested A Rent Restriction Exemption?: Yes No | Rent Restriction Type: | PA Shelter Amount: | Is the restriction information the Same As The Landlord Information?: Yes No | Name: | House Number or PO Box: | Apt/Suite: | Street Dir: | Street Name: | Street Type: | City: | State: New York | Zip: |

Excess Rent: Monthly Excess Rent: \$0.00

Routing Number: | Comment: |

Buttons: OK, Cancel

- Review the Turn-Around Document (TAD) and **Current Active Budget** window in POS.
- Calculate a new budget using the POS Budget window as follows:
 - On the **Household Needs** screen, POS will prefill the **Routing Code** field with code **E500** (TEAP).
 - On the **Individual Income Needs** screen:
 - Enter **T** (Training) in the **Employment Training Indicator (ETI)** field;
 - Enter amount of hours worked;

Income Source Code **37** used in conjunction with Program Indicator **P** ensures that an eligible household receives TFSB.

- Enter earnings (POS will translate weekly, semimonthly, etc. amounts into a monthly figure);
- Income Source code **37** (Income from TEAP) will be prefilled by POS from the case data; and
- POS will prefill the **Program Indicator** field with:
 - a value of **P** (PA ONLY) for TFSB **eligible** categories, or
 - a value of **B** (Both PA and FS) for TFSB **ineligible** categories (e.g. Safety Net cases without children).

- Print a current Budget Summary report (**WINR0027**).
- If there is a budget deficit, go back to the **Shelter Expense** window, remove the **E500**, and calculate a new budget using the POS Budget window as previously described.

Remember: Even if there is no budget deficit the case will remain active for administrative purposes.

➔ Important Note:

- Annotate the POS TAD as follows:
 - Enter the new budget number in the **WMS Budget No** field;
 - Enter Caseload **00246** or **00444** in the **Unit Worker** field; and
 - Change the employability status code to **27** (Employed Full-time/Non-Exempt)

Timely Notice

- Ensure that a timely and appropriate Client Notices System (CNS) notice is prepared.

WMS automatically sets the five-month TFSB period end date.

For TFSB eligible households, the date entered in the **Budget Effective Date** on the **Budget Menu Screen** will be the TFSB period start month. WMS will automatically set the five-month TFSB period end date and calculate the benefit amount.

A CNS notice will be sent to these households in the fourth month of their TFSB period requesting updated information.

For TFSB eligible cases already enrolled in TEAP/GDP where the budget is updated to initiate TFSB.

Note: An eligible household currently participating in a GDP that enrolled in the GDP and whose income was budgeted prior to the October 19, 2009 WMS version change, is not retroactively eligible for TFSB. The JOS/Worker must authorize a new GDP budget to initiate the TFSB period that will begin on the budget effective date. If the effective date of the new TEAP/GDP budget misses the FS benefit issuance pull-down date for that month, the JOS/Worker must issue a FS supplement.

At the end of the household's TFBS period, the Program Indicator must be updated to **B**.

A report will be produced monthly to identify cases nearing the end of their TFBS period. If a household is still participating in GDP upon expiration of its TFBS period, a new budget must be calculated to change the Program Indicator from **P** to **B**. This allows the GDP earned income to be budgeted for both CA and FS.

As with any case receiving TFBS, if any member of the FS household begins to receive CA benefits again, the TFBS period must end and the household must be recertified.

Households may be eligible for continued FS benefits while participating in a GDP if they otherwise remain eligible for reduced FS benefits after the TFBS period ends.

Failure to Report to Call-in at the Job Center

Failure to Report to Call-in

In instances when a CA participant selected to participate in a GDP fails to appear at the Job Center appointment for the mandatory employment call-in, the JOS/Worker will enter the appropriate Action Code in NYCWAY:

- **434A** for Family Assistance, or
- **430K** for Safety Net Cash Assistance.

Failure to Comply with Referral to a GDP at the Job Center

Failure to Comply with Referral to a GDP Assignment

In instances when a CA participant referred for GDP enrollment refuses to accept the assignment, the JOS/Worker should:

- ascertain the reason for the participant's refusal,
- review with the participant the good cause reasons for refusing a job as defined in the **W-116G** form,
- inform the participant that willful failure to comply with a job referral without good cause may lead to a sanction, and
- if the participant still refuses to accept the referral, enter Action Code **434U** (FTR Job Interview) for an FA participant or Action Code **452J** (FTR Job Interview) for an SNA participant.

Form **W-116G** has been revised to reflect the current New York City logo and NYS' current minimum wage amount.

Because employment through the GDP is subsidized employment, a CA participant's failure to accept the job offer is considered failure to comply with an employment activity and therefore results in an offer of conciliation.

If the participant fails to avail him/herself of the conciliation process, the Notice of Intent (NOI) process will begin when the conciliation period expires. The NOI process offers the participant an additional 10 days to resolve the infraction issue. If the participant does not avail him/herself of the NOI process, the sanction will be implemented when the NOI notice expires.

Failure to Comply with GDP Requirements after Assignment

Failure to Comply with GDP Requirements

In instances in which the participant is terminated from GDP due to noncompliance with work requirements, the employer will prepare and send a termination letter to the appropriate GDP responsibility area. Upon receipt of the notification, the Grant Diversion Program Worker must proceed as follows:

- Enter one of the following Action Codes in NYCWAY:
 - **491R** (Failed to Accept/Complete On-the-Job Training in TEAP) for SNA cases; or
 - **434J** (FTC with the Attendance Policy at TEAP) for FA cases.

Using Action Code **491R** or Action Code **434J** generates a Conciliation Notice for a noncompliant GDP enrollee.

This generates a Conciliation Notice. Upon generation of the notice, the system posts the following Action Code on the case:

- Action Code **401R** (Conciliation Initiated) for SNA cases; or
- Action Code **401J** (Conciliation Initiated) for FA cases.

Newly revised

Note: The GDP will issue the conciliation appointments.

- Remove the income and rebudget the case.
- Change the caseload back to the original caseload.
- Prepare a folder with copies of the following budget printouts showing that the case has been rebudgeted and the income removed:
 - **WINR0027;**
 - **WINR0146;** and
 - **WINR0154.**
- Complete a grant diversion transmittal and forward it with the folder to the GDP Liaison at the responsible Job Center.

Inappropriate Referral to GDP

If it is determined that the referral to GDP was inappropriate or that the participant is unable to continue in the job through no fault of his/her own (illness/emergency), Grant Diversion staff will:

- enter action code **155X** in NYCWAY; and
- transfer the caseload from **00246/00444** to the original Job Center.

Job Center staff

The Job Center JOS/Worker should be aware of the following rules regarding GDP participants:

- CA cases of GDP participants are not to be rebudgeted/ sanctioned/closed by Job Center staff without authorization from the GDP Liaison.
- GDP participants are excluded from the six-month reporting and eligibility mailings during their participation in the program.
- Every effort must be made to schedule recertification interviews around the participant’s work schedule. If the work schedule cannot be accommodated, the participant must contact the appropriate GDP unit (EIP/JTP) for assistance.

PROGRAM
Implications

Model Center
Implications

There are no Model Center implications.

POS Implications

POS implications are covered in the procedure.

Food Stamp
Implications

If the GDP participant willfully and without good cause fails to comply with work requirements and is terminated from the GDP or voluntarily quits, a FS sanction will be imposed. Reevaluate the remaining household members for continued eligibility for FS.

Participants are not subject to an FS sanction based on voluntary quit or reduction in earning capacity, if at the time of voluntary quit or reduction in earning capacity, they:

- are working *less than* 30 hours per week; or
- are earning *less than* 30 times the federal minimum wage per week; or
- are exempt from food stamp work requirements for reasons *other than* working at least 30 times the federal minimum wage (or earning at least 30 times the federal minimum wage per week in the case of a voluntary quit), or
- resign from the job *at the request* of the employer.

Individuals who are in receipt of FS and are subject to the ABAWD requirements are still required to timely report if their monthly participation in employment or other work activity falls below 80 hours per month, including households in receipt of TFSB. Households in receipt of TFSB are not required to report any other changes during the transition period.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING-IMPAIRED IMPLICATIONS

For Limited English-Speaking Ability (LESA) and hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #09-14-OPE](#) and [PD #08-20-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 participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences at Job Centers

A participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If a 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. In Model Centers, the Receptionist at Main Reception will issue an FH&C ticket to the participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS/Supervisor I will explain the reason for the Agency's action(s) to the participant.

If the determination is that the participant has presented good cause for the infraction or that the outstanding Notice of Intent (NOI) needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will Settle in Conference (SIC), post Action Code **820** (Good Cause Granted), refer the participant back to the JOS/Worker by posting Action Code **10FH**, and enter detailed case notes in New York City Work, Accountability and You (NYCWAY). The AJOS/Supervisor I will forward all verifying documentation submitted by the 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/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to 01 if the case has been granted Aid to Continue (ATC), or prepare and submit a CA Recoupment Data Entry Form –WMS ([LDSS-3573](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([M-186a](#)).

If the participant fails to show good cause for the infraction or if it is determined that the Agency’s action(s) should stand, the AJOS/Supervisor I will explain to the participant why he/she cannot SIC. The AJOS/Supervisor I must complete an **M-186a** form.

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

GDP participants requesting an aid-to-continue Fair Hearing based upon lost CA benefits become ineligible for continuation in the GDP. Their CA grants are to be restored and their enrollment in GDP canceled.

Evidence Packets All Evidence Packets must contain detailed history (e.g., copies of POS “Case Comments” and/or NYCWAY “Case Notes”), copies of relevant WMS screen printouts, notices sent, and other documentation relevant to the action taken.


REFERENCES

[09-ADM-22](#)
[09-ADM-11](#)
[GIS 09 TA/DC016](#)
 Social Services Law §336.e
 Social Services Law §336.f
 18 NYCRR 385.11
 18 NYCRR 385.12
 SPP #2007-00289 (New data field for TEAP/Diversion Transitional Benefits Cases)
[NYS Temporary Assistance and Food Stamp Employment Policy Manual](#), Section 385.9

RELATED ITEMS

[PD #09-39-SYS](#)
[PD #09-48-EMP](#)
[PD #10-03-ELI](#)

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

W-116G

W-116G(S)

Notice of Job Interview (Rev. 01/26/10)

Notice of Job Interview (Rev. 01/26/10) (Spanish)

Date: _____
Case Number: _____
Case Name: _____
Case Type: _____
Caseload: _____

Notice of Job Interview

As part of the Grant Diversion Program, _____ would like to interview you for a temporary position in a government and/or not-for-profit job. You have been determined nonexempt from employment requirements and are being offered an opportunity to gain work experience through a paid, temporary position.

Your interview is for a job with: _____

Appointment Date: _____ Time: _____ Telephone: _____

Location Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Travel Directions:

This is a mandatory engagement appointment. Failure to report to a job interview without good cause may result in your being sanctioned from the cash assistance and/or food stamp case.

If you are unable to keep this appointment, please call the number above on or before the appointment date.

(continued on next page)

If a job offer is made following your interview, only the following reasons are acceptable (good cause) for refusing a job offer:

- The job offer is not bona fide, i.e., is not made in good faith (the job did not exist or is already taken or promised to someone else).
- You do not have appropriate, accessible, affordable, and suitable child care.
- The salary or wage offered by the employer is less than the minimum wage. Minimum wage in New York State is \$7.25 per hour.
- A strike, lockout or other public or private industrial controversy is in progress at the place in which employment is offered.
- Necessary supportive services are unavailable.
- The job is hazardous to your life or health, or there is an absence, if appropriate, of workers' compensation. (Must be supported by a medical evaluation and documentation stating that you are unable to work on a certain task or under certain environmental conditions.)
- The job involves illegal activity.
- The refusal is caused by circumstances beyond your control.
- 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 an accident or illness, prevents you from being available to work and you have promptly notified your JOS/Worker.

If you believe that you have good cause for not attending this job interview, you are responsible for notifying your JOS/Worker of the reasons for failing to comply and for providing evidence to support your claim of good cause.

If you have any questions, please call your JOS/Worker.

SAMPLE

Fecha: _____
Número del Caso: _____
Nombre del Caso: _____
Tipo de Caso: _____
Unidad de Casos: _____

Aviso de Entrevista para Empleo

Como parte del Programa de Reasignación de Concesiones (Grant Diversion Program),

a _____ le gustaría entrevistarle para un empleo temporario en el gobierno y/o una agencia sin fines de lucro. Usted ha sido determinado no exento de requisitos de trabajo y se le está ofreciendo una oportunidad para adquirir experiencia laboral mediante un empleo temporario con paga.

Su entrevista es para un trabajo con: _____

Fecha de la Cita: _____ Hora: _____ Teléfono: _____

Nombre del Local: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Indicaciones de Viaje:

Esta cita de participación es obligatoria. El no presentarse como debido a una entrevista de trabajo sin motivo justificado podría resultar en una sanción que le excluya a usted del caso de asistencia en efectivo y/o cupones para alimentos.

Si no puede asistir a esta cita, favor de llamar al número indicado arriba el día de la cita o antes de la misma.

(continúa en la próxima página)

Si se le ofrece un trabajo tras su entrevista, sólo las razones indicadas a continuación serán aceptadas (como motivo justificado) de no aceptar la oferta de empleo:

- La oferta de trabajo no es genuina, por ejemplo, no se hace de buena fe (el trabajo no existía, o ya está tomado o ha sido prometido a otra persona).
- Usted no tiene cuidado infantil apropiado, accesible, asequible y adecuado.
- El salario o pago ofrecido por el empleador es menos que el salario mínimo. El salario mínimo en el Estado de Nueva York es \$7.25 la hora.
- Una huelga, cierre u otra controversia industrial pública o privada está en curso en el lugar donde se ofrece empleo.
- Los servicios de apoyo necesarios no están disponibles.
- El trabajo es peligroso para su vida o salud o no existe la compensación para trabajadores, si corresponde. (A documentarse por una evaluación y comprobantes médicos que declaren que usted no puede trabajar en ciertos deberes, o bajo ciertas condiciones ambientales).
- El trabajo implica actividad ilegal.
- El rechazo se debe a circunstancias ajenas a su voluntad.
- Aceptar el trabajo resultará en una pérdida neta de ingresos de dinero en efectivo para el hogar y no se emitirá una concesión suplemental para prevenir una pérdida neta de ingresos de dinero en efectivo.
- Una emergencia personal o familiar, tal como un accidente o enfermedad, le impide estar disponible para trabajar, y usted le ha notificado inmediatamente a su JOS/Trabajador.

Si usted cree que tiene motivo justificado de no asistir a esta entrevista de empleo, es su responsabilidad notificarle a su JOS/Trabajador de las razones por su incumplimiento y proporcionar pruebas que respalden su motivo justificado.

Si tiene alguna pregunta, favor de llamar a su JOS/Trabajador.

SAMPLE