



# FAMILY INDEPENDENCE ADMINISTRATION



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## POLICY DIRECTIVE #10-21-OPE

### INTENSIVE SERVICES CENTER

<b>Date:</b> June 1, 2010	<b>Subtopic(s):</b> Employment Sanctions
<b>AUDIENCE</b>	The instructions in this policy directive are for staff at the Intensive Services Center (71). It is informational for all other staff.
<b>REVISIONS TO THE PRIOR DIRECTIVE</b>	This policy directive has been revised to include instructions to Center 71 staff about lifting sanctions for individuals in nondurational or expired sanction status who are willing to comply, but claim a medical or mental health barrier to employment.
<b>POLICY</b>	<p>A pro rata sanction is imposed on active multiple-person cases when a participant fails to comply willfully and without good cause with employment requirements mandated by Federal and State laws and regulations.</p> <p>First time employment sanctions are nondurational for Temporary Assistance for Needy Families (TANF) and Safety Net Assistance (SNA) family cases. First time employment sanctions are durational for SNA cases without dependent children. All subsequent sanctions, regardless of category, are durational and require that the sanction period be served and the individual comply with employment requirements, as applicable before a sanction is lifted.</p> <p>For cases at Center 71, the Family Independence Administration (FIA) policy requires nonexempt participants with nondurational or expired durational sanctions who are willing to comply with employment requirements to complete a 10-business-day Demonstrated Compliance activity</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

**BACKGROUND**

Job Center **71** does not process applications

The Intensive Services Center (ISC) **71** is located at 109 East 16th Street, New York, NY 10003. Center **71** is a nonapplication center that services cases that contain one or more adult participants in sanction status because of a failure to comply with work requirements. Cases are transferred into Center **71** if:

- the durational sanction has expired;
- the durational sanction will expire within 30 days; or
- a non-durational sanction has been in effect for 60 days or more.

Center **71** differs from other Job Centers in the following ways:

- A team from the Bureau of Eligibility Verification (BEV) is on-site and participants with questionable or unverified information or documentation are referred to the BEV unit for a same-day investigative interview.
- Credentialed Alcoholism and Substance Abuse Counselors (CASAC) are also on-site and available for same-day referrals, if appropriate.
- Participants who remain in sanction status because of continued refusal to comply with work requirements are called in approximately every 30 days for a case eligibility review appointment to determine how they are financially managing on a reduced budget.
- Initial demonstrated compliance activities are provided on-site for participants who are willing to comply with HRA work requirements.

Once the sanction is lifted and the participant is actively engaged in concurrent activities for two employment cycles without engagement-related infractions, the case will be transferred out of the ISC.

**REQUIRED ACTION****Determining Willingness to Comply or a Change in Status**

At the eligibility review appointment, JOS/Workers must ask the sanctioned individual how he/she has been managing on a reduced budget. The JOS/Worker must also:

- explain the benefits of compliance and working;
- encourage participation in work activities;
- explore and address any existing employment barriers (as indicated on pages 8 through 10 of this policy directive); and
- ask the participant if he/she is willing to comply.

Participants with nondurational or expired durational sanctions

Employment reported	<p>If a participant with a nondurational or expired sanction reports that he/she is employed, the JOS/Worker must:</p> <ul style="list-style-type: none"> <li>• request verification of income that includes the hours of paid employment (if not provided); and</li> <li>• give the participant a minimum of 10 days to submit the documentation.</li> </ul> <p>If the participant keeps the return appointment after the 10-day period, but:</p>
Participant returns without verification of employment	<ul style="list-style-type: none"> <li>• claims he/she is still employed and fails to provide documentation of employment without good cause, a case closing must be processed using Welfare Management System (WMS) Closing Code <b>V20</b> (failure to return documentation).</li> </ul>
Participant returns, but requests more time to obtain documentation	<ul style="list-style-type: none"> <li>• claims to need more time to obtain documentation of employment, the individual must remain in sanction status and given a 10-day extension to return with documentation.</li> </ul>
Participant claims to no longer be employed	<ul style="list-style-type: none"> <li>• claims to no longer be employed, he/she must be placed in a demonstrated compliance activity. If the participant claims a non-medical or medical barrier to employment, the JOS/Worker must explore and address any existing barriers, as indicated on pages 8 through 10 of this policy directive.</li> </ul>
Participant fails to report to the return appointment	<p>If the participant fails to keep the return appointment and does not call to reschedule, the JOS/Worker must close the case using closing code <b>N17</b> (failure to keep an eligibility-related appointment).</p>
Full-time employment verified	<p>If the employment verification is submitted and confirms that the participant is employed 30 hours per week or more, the JOS/Worker must:</p> <ul style="list-style-type: none"> <li>• lift the sanction;</li> <li>• budget the income by preparing an <b>FIA-3A</b> via the Employment Plan (EP) in NYCWAY in accordance with the budgeting procedures for initial or increased earnings of participants; and</li> <li>• restore benefits from the date the individual indicated a willingness to comply.</li> </ul>

Employment fewer than 30 hours per week

If employment verification confirms that the participant is employed fewer than 30 hours per week, the JOS/Worker must:

- lift the sanction;
- budget the income by preparing an **FIA-3A** via the EP;
- restore benefits from the date the individual indicated a willingness to comply; and
- give the participant an appointment to return within five days (after the Lift Sanction action is processed) to be engaged in additional employment activities.

Return appointment for participants with verified employment for fewer than 30 hours per week

At the return appointment for participants who are employed fewer than 30 hours per week, the JOS/Worker must:

- complete the EP; and
- refer the individual to Begin Employment Gain Independence Now (BEGIN) Employment Plus.

**Note:** The participant must return to Center **71** for the engagement assignment. Failure to keep the return appointment will be considered a separate instance of noncompliance and will result in a referral for conciliation. The individual will be subject to an employment sanction if it is determined that he/she willfully and without good cause failed to comply with employment requirements.

School/training

If the participant reports that he/she is currently in a school/training program, the JOS/Worker must:

- verify that it is an approved program
- ask the participant to submit documentation of enrollment in school/training (e.g., bursar’s receipt, registrar’s receipt, or acceptance letter);
- lift the sanction;
- initiate the EP; and
- refer the participant to the Training Assessment Group (TAG).

Refer to the [Employment Process manual](#), Section 5.2 for the TAG process.

**Demonstrated Compliance Process**

Demonstrated compliance

Sanctioned individuals must demonstrate compliance if they are nonexempt, and:

- are not employed; or
- are not enrolled in an approved training program; and
- are willing to comply with employment requirements.

If there are no barriers to employment (see pages 8 through 10 for instructions concerning barriers) the participant must be assigned to Back To Work (BTW)/ Work Experience Program (WEP). The demonstrated compliance activities will occur for 10 consecutive business days. Five days are on-site with a BTW vendor in a classroom setting and five days are on-site in a WEP activity. If barriers are claimed during the compliance process, the JOS/Worker must address all the barriers and provide the appropriate referrals necessary, such as a referral to Wellness, Comprehensive Assessment, Rehabilitation and Employment (WeCARE) for medical claims.

To initiate the demonstrated compliance process for nonexempt sanctioned participants, the JOS/Worker must:

- update the EP and the system will post Action Code **917S** (vendor intake site appointment) in New York City Work, Accountability And You (NYCWAY). A Referral to (BTW) Vendor form (**W-502**) will be generated and must be given to the sanctioned participant advising him/her that the demonstrated compliance activity will start on the following Monday; and
- explain to the nonexempt sanctioned participant that he/she must report to demonstrated compliance activities for 10 consecutive business days.

**Note:** Failure to comply with the demonstrated compliance process will result in the affected individual's remaining in sanction status.

On the ninth day of the compliance process, the employment vendor will enter Action Code **134H** in NYCWAY. This will place the participant on the **SLIFT** worklist for lifting of his/her sanction on the tenth day. The **SLIFT** worklist should be monitored by the Center Director's designee, who must ensure that the sanction is lifted immediately and the participant is issued benefits from the date he/she indicated a willingness to comply.

Upon completion of the demonstrated compliance period, the participant must report back to the JOS/Worker for completion of the EP and assignment to ongoing work activities. The JOS/Worker must:

- assign the participant to an engagement activity (e.g., Parks, BEGIN, Wage Subsidy, or BTW/WEP);
- complete the EP; and
- give the assignment notice to the participant; or
- refer participants who express an interest in education or training activities to TAG for an assessment.

## Exceptions to Demonstrated Compliance

Exceptions to demonstrated compliance

Participants with durational sanctions that are still in effect who are now willing to comply

If a participant under a durational sanction that has not expired reports employment income, the sanction cannot be lifted until the sanction expiration date, but the JOS/Worker must budget the income for Cash Assistance (CA) and for Food Stamps (FS).

Employment income on a durational sanction

If the sanction is due to expire within 30 days and the participant indicates that he/she is employed (full or part-time), the JOS/Worker must:

- request verification of income, including the hours of paid employment, giving the participant a minimum of 10 days to submit documentation, if not already provided;
- budget the earned income; and
- if the participant is employed less than 30 hours, give him/her a return appointment that coincides with the expiration of the sanction period. Use NYCWAY Action Code **10SR** (Sanction Call In – Employment Return Appointment) to schedule the return appointment.

**Note:** Workers must remember to lift the sanction and budget the full income at the end of the durational sanction period for individuals who are employed.

Unemployed

For participants who are not employed, the JOS/Worker must schedule a return appointment that coincides with the expiration of the participant’s sanction.

**Note:** CA Participants are required to report new or increased employment income within 10 days of receipt of this income.

Overpayments

Overpayments that occur as a result of the participant’s failure to report income on a timely basis must be recouped as concealed income

**Note:** CA Participants are required to report new or increased employment income within 10 days of receipt of this income.

Recoupment of overpayments

When a participant reports new or increased income in a timely manner (within 10 days of receipt), the JOS/Worker must budget the income using the budgeting procedures for initial or increased earnings.

There is no overpayment calculated for the administrative process period, which is until at least a full semi-monthly payment cycle has elapsed following the timely reporting of initial or increased earnings. Overpayments that occur as a result of the participant's failure to report income on a timely basis must be recouped as concealed income.

None of the initial earnings must be budgeted to determine an overpayment during the administrative processing period (the initial payment cycle of the first pay receipt and the following full payment cycle).

For example:

John Smith was sanctioned from the FA case for failing to comply with a work activity. Because this is his second sanction, the sanction period is for 90 days. The sanction is scheduled to end in 30 days (by June 1st). John is called in to see if he is willing to comply on May 12, 2010. At the interview, John reports that he started a job on May 4, 2010 and received his first paycheck on May 9, 2010. The agency rebudgets John's case effective 6A, 2010. No overpayment is calculated for the month of May.

#### School/training

If the participant indicates that he/she is currently in a school/training program, the JOS/Worker must schedule a return appointment to coincide with the expiration of his/her sanction period.

At the return appointment, the JOS/Worker must refer the participant to TAG for assessment and approval as indicated on page 4 of this policy directive under school/training.

If the participant is neither employed nor currently attending an approved school/training program, the JOS/Worker must:

- explain the benefits of compliance and working;
- encourage participation in work activities;
- explore and address any existing employment barriers (as indicated on pages 8 through 10 of this policy directive);
- ask the participant if he/she is willing to comply; and
- if he/she is willing to comply and there are no employment barriers or employment barriers are resolved before the expiration of the sanction period, schedule a return appointment using Action Code **10SR** to coincide with the expiration of the sanction period to assign the participant to an engagement activity.

## Non-Medical Barriers to Employment

If the sanctioned individual is neither employed nor currently attending a school/training program and is willing to comply, the JOS/Worker must initiate the EP and address any barriers to employment.

**Note:** Sanctions for individuals in receipt of CA must not be lifted due to non-medical or medical barriers to employment unless the sanction is nondurational or has expired.

For non-medical barriers to employment, the JOS/Worker must:

- |                   |                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Domestic violence | <ul style="list-style-type: none"> <li>• make an appointment for a Special Assessment for participants claiming domestic violence and Action Code <b>191A</b> will automatically post in NYCWAY.</li> </ul>                                                                                                                                                        |
| Substance abuse   | <ul style="list-style-type: none"> <li>• make a same-day referral for a CASAC assessment if SA is indicated and Action Code <b>193D</b> will automatically post in NYCWAY.</li> </ul>                                                                                                                                                                              |
| Needed at home    | <ul style="list-style-type: none"> <li>• give the participant a Family Care Assessment form (<b>W-582A</b>) and a return appointment if the individual claims he/she is needed at home to care for an incapacitated household member. At the return appointment, the needed-at-home screen in the EP must be completed, depending on the determination.</li> </ul> |
| Child care        | <ul style="list-style-type: none"> <li>• give the participant the names of a minimum of two (2) regulated child care providers and a return appointment, as per current procedure, if the participant requires child care before he/she can be engaged.</li> </ul>                                                                                                 |

### Outcomes of non-medical referrals

#### Outcomes of referrals resulting from non-medical barriers to employment

- |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Domestic violence         | <p>If the special assessment appointment was kept, the JOS/Worker must proceed as indicated by the Domestic Violence (DV) Liaison's recommendation, as follows:</p>                                                                                                                                                                                                                                                                                                                                                                     |
| Full employment waiver    | <ul style="list-style-type: none"> <li>• When a full waiver is granted, if the sanction is nondurational or expired, lift the sanction and issue benefits from the date the participant indicated his/her willingness to comply.</li> </ul>                                                                                                                                                                                                                                                                                             |
| Partial employment waiver | <ul style="list-style-type: none"> <li>• If a partial employment waiver is granted and if all necessary appointments are kept, Action Code <b>134H</b> will autopost on the 13th calendar day and the sanction will be lifted on the 14th day, even if no demonstrated compliance activity has been done.</li> <li>• If the waiver is received before the 13th calendar day, but excludes the individual from mandated employment engagement activities in the borough of Manhattan, no demonstrated compliance is required.</li> </ul> |



Ensure that any other barriers are resolved before the demonstrated compliance assignment is made and that any future assignments are within the parameters of the DV waiver.

Failure to Report (FTR) for a special assessment	If the special assessment appointment is not kept and the sanctioned participant refuses to comply with the work rules, the sanction must remain in place.
CASAC assessment for substance abuse	If the participant is referred to a CASAC for a substance abuse assessment and keeps the appointment, proceed as indicated by the outcome of the CASAC assessment:
Part-time SA treatment	<ul style="list-style-type: none"> <li>• Participants in need of treatment, but deemed to be employable, (Employability Status [ES] <b>64</b>-substance abuse nonexempt) must agree to comply and attend SA treatment before the /sanction can be lifted. Benefits should be restored retroactive to the date the individual indicated a willingness to comply provided that the individual demonstrates compliance with SA treatment. The system will autopost Action Code <b>134H</b> to place the individual on the <b>SLIFT</b> worklist and lift the sanction on the 14th day.</li> </ul>
Intensive SA treatment	<ul style="list-style-type: none"> <li>• For participants who require intensive SA treatment (ES <b>63</b>-substance abuse exempt) an expired or nondurational sanction must be lifted and benefits issued from the date that the participant indicated a willingness to comply. Once the sanction is lifted, the participant's compliance with treatment will be monitored in the Substance Abuse Tracking and Reporting System (STARS) and a compliance report will be generated.</li> </ul>
Not in need of SA treatment	<ul style="list-style-type: none"> <li>• Individuals determined not to be in need of SA treatment, but who continue to refuse to comply with work rules, must not have the sanction lifted.</li> </ul>
FTR to CASAC	In a multi-person household, the individual who FTRs to the CASAC assessment is ineligible for assistance until he/she is willing to comply with such requirement. The remaining members of the household will continue to receive non-cash Safety Net Assistance (SNA).
Return with needed at home documents	If the participant who previously claimed to be needed at home returns with confirming documentation ( <b>W-582A</b> ), and is serving a non durational sanction, the sanction must be lifted. If the participant is in a durational sanction, the duration must be served before lifting the sanction.

If all employment barriers have been resolved and the sanction period has expired, the JOS/Worker must proceed with the demonstrated compliance process unless indicated due to a DV partial waiver that exempts the participant from being engaged in activities in the borough of Manhattan.

In all instances of claimed non-medical barriers, the JOS/Worker must issue the Notification of Temporary Assistance Work Requirements Determination (EXEMPT) (**LDSS- 4005 NYC**) with Part 2 (Other than Medical) to inform the individual about the Agency’s determination. In addition, CA benefits must be restored from the date the individual indicated a willingness to comply. For individuals determined to be nonexempt, the JOS/Worker must issue the Notification of Temporary Assistance Work Requirements Determination (NONEXEMPT) **LDSS-4005 [a] NYC** with Part 3 (Other than Medical).

**Medical Barriers to Employment/WeCARE Referrals**

Revised

If the sanctioned participant claims a physical or mental health barrier to employment, a referral to WeCARE will be generated through the EP. Action Code **16WG** will systemically post in NYCWAY and WeCARE will provide an expedited appointment slot.

Outcome of referrals to WeCARE

Revised: Action Code **134H** will autopost if no FCO is posted within 13 calendar days. The sanction will be lifted on the 14<sup>th</sup> day.

If the individual is complying with all scheduled WeCARE appointments and no WeCARE Functional Capacity Outcome (FCO) is posted within 13 calendar days from the date the individual indicated a willingness to comply, Action Code **134H** will autopost to place the sanctioned WeCARE participant on the **SLIFT** worklist.

FCO posted before the 13-calendar day expiration date.

If the participant is determined to be fully employable before the 13th calendar day, Action Code **134H** will autopost and the sanction will be lifted immediately. The WeCARE vendor will return the participant to Center **71** to be assigned to work activities. A Notice of Temporary Assistance Work Requirements Determination (Nonexempt) (**LDSS-4005a**) must be completed by the WeCARE vendor and given to the individual.

Fully Employable

Employable with limitations

If the participant is determined to be employable with limitations before the 13-calendar-day FAD has expired, and the individual is complying with all scheduled WeCARE appointments, Action Code **134H** will autopost to lift the sanction on the next day and the individual will be referred by the WeCARE vendor for a Diagnostic Vocational Evaluation (DVE).

Unemployable	If the FCO indicates that the participant is unemployable, WeCARE will retain the case and the WeCARE vendor will place the participant in the Wellness or Supplemental Security Income (SSI) track, and lift the sanction even if the 13-calendar-day FAD has not expired.
Determined fully employable <u>after</u> the 13 calendar day expiration date	Individuals determined by WeCARE to be fully employable <u>after</u> the sanction has been lifted will be referred back to the Job Center (Action Code <b>168J</b> ) and placed on the <b>CALLD</b> worklist.
Notices	<p>When a participant claims an exemption to the work requirements, a Notification of Temporary Assistance Work Requirements Determination (Exempt) (<b>LDSS-4005 NYC</b>) form or Notification of Temporary Assistance Work Requirements Determination (Nonexempt) <b>LDSS-4005(a) NYC</b> form must be issued to inform the participant of the outcome of his/her claim. WeCARE will issue these notices to referred individuals.</p> <p><b>Note:</b> The JOS/Worker at Center <b>71</b> must restore benefits to the date the individual indicated a willingness to comply with employment requirements and demonstrates compliance by keeping any scheduled WeCARE appointments within the 13 day period.</p>
FTR to WeCARE	<p>If the participant is the casehead or legally responsible relative and Fails to Report (FTR) to the WeCARE appointment without good cause, the entire CA case must be closed. Other non-legally responsible adult participants in the household who FTR to WeCARE are subject to a line closing. Participants who fail to document a medical claim and do not comply with a medical evaluation are considered employable for FS purposes and require a separate FS determination.</p> <p><u>Evaluating BEV indicators</u></p>
A CA recertification cannot be completed unless a determination from BEV is received.	At the recertification interview or during any participant contact, the Center <b>71</b> JOS/Worker must evaluate the case circumstances and/or documentation provided to determine if an in-person referral to BEV is required based on the indicators listed below:
BEV indicators	<ul style="list-style-type: none"> <li>• Unverified household composition</li> <li>• Questionable sources of income; e.g. loans/gifts from family/ friends</li> <li>• Suspected spouse in the household</li> <li>• Case sanctioned over three (3) times</li> <li>• Employed off-the-books or self-employed</li> <li>• Other</li> </ul>

If the JOS/Worker determines that the sanctioned participant meets any of the indicators, he/she must continue the CA eligibility/recertification interview and referral process (including engagement) and:

- enter Action Code **10SB** in NYCWAY to make a same-day referral to an on-site BEV investigator, selecting the reason for the referral from the drop-down list of indicators;
- enter a case comment indicating the nature of the questionable/discrepant information;
- print out the Appointment Notice (**W-140WW**) form and give it to the participant; and
- instruct the participant to report to the BEV area and wait to be called.

BEV will interview the participant and request that the individual return with any documentation that is required. After the determination, BEV will post an outcome code in NYCWAY.

Participant complies

If the participant complies, the BEV Worker will enter one of the following NYCWAY action codes to indicate the outcome of his/her assessment:

- **10SE** – indicates that the participant is eligible with changes.
- **10SF** – indicates that the participant is not eligible for CA.

The Worker must evaluate and ensure that the BEV recommendation for either of the above two codes is within, and supported by, current regulatory requirements.

- **10SG** – indicates that the participant is eligible with no changes and no further action is necessary. The participant is eligible to proceed with demonstrated compliance assignment.
- **10SI** – indicates that there are issues that require further investigation but the participant can be recertified at this time.

If one of the above two codes is entered, the Worker must complete the recertification and process the case according to BEV's recommendations, if any.

Participant FTR/FTC

If the participant fails to report or comply, BEV will enter one of the following codes:

- **496E** – indicates FTR to office appointment at BEV.
- **496F** – indicates Failure to Comply (FTC) with BEV.

Both the **496E** and the **496F** codes result in a case closing. When code **496F** has been entered, use the appropriate WMS case closing code that identifies the area in which the participant failed to cooperate (based on BEV case comments in NYCWAY). See pages **1.3-49** to **1.3-54** in the WMS Workers' Guide to Codes.

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**PROGRAM IMPLICATIONS**

Paperless Office System (POS) Implications

If the sanctioned individual complies with the work requirements or is no longer work rules required, the POS Turn-Around Document (TAD) must be changed to reflect the change in status from “sanctioned” to “active” status and the employability code updated. If employment verification is received, it must be scanned and indexed into the POS system.

Food Stamp Implications

Individuals receiving FS are not required to report for CA eligibility appointments between FS certification periods.

Sanctioned Individuals claiming an exemption from CA and FS work requirements who fail to document the exemption claim are determined to be work rules required for FS, unless otherwise exempt. CA cases closed for failure to document a claimed medical disability with a separate determination code will continue to receive FS via the automated separate FS determination process.

FS sanction expired and individual is willing to comply

If the individual was sanctioned for FS, the FS sanction may be lifted if the duration of the FS sanction period has expired and the participant is willing to comply. Individuals determined to be exempt from FSET requirements may, if otherwise eligible, reestablish eligibility for FS benefits at any time before the end of the sanction period.

FS sanction has not expired

In instances in which the CA case of a FS sanctioned individual is being closed for FTC with efforts to document a claim of disability, the individual would need to serve the balance of the current FS sanction period, if any, before the sanction should be lifted, or the individual would need to provide documentation to verify that he/she is currently exempt from FS work requirements.

Medicaid Implications

There are no work requirements for Medicaid.

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

For Limited English-Speaking (LESA) participants, make sure to obtain appropriate interpreter services in accordance with [PD #10-12-OPE](#). For hearing-impaired participants, make sure to obtain appropriate interpreter services in accordance with [PD #08-20-OPE](#).

**FAIR HEARING  
IMPLICATIONS**

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date.

Avoidance/  
Resolution

The participant must receive either adequate or timely and adequate notification of all actions taken, depending upon the circumstances of his/her case. Remember to make every reasonable attempt to resolve the issue.

## Conferences

A participant can request and receive a conference with a Fair Hearing & Conference (FH&C) AJOS I/Supervisor I at any time. If the applicant/participant comes to ISC 71 and requests a conference, the Receptionist must notify the FH&C AJOS/Supervisor I. In Model Offices, 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 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 participant has in fact presented good cause for the infraction or shown that the outstanding NOI needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will Settle in Conference (SIC), enter detailed case notes in NYCWAY, and 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 the Welfare management System (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 PA Recoupment Data Entry Form – WMS ([LDSS-3573](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([M-186a](#)).

## Evidence Packets

Should the participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, which has already been requested, the FH&C AJOS/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 include a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken, including the CASAC evaluation, and copies of NYCWAY **Case Notes** screens.


**REFERENCES**

- [05-ADM-08](#)
- [08-ADM-02](#)
- [09-ADM-20](#)
- 18 NYCRR 351.2 (l)(7)
- 18 NYCRR 351.21
- 18 NYCRR 351.28
- 18 NYCRR 385.2 (b)
- 18 NYCRR 385.9
- 18 NYCRR 385.12

**RELATED ITEMS**

- [PD #03-48-ELI](#)

**ATTACHMENTS**

 Please use Print on Demand to obtain copies of forms.

- |                    |                                                               |
|--------------------|---------------------------------------------------------------|
| <b>W-140WW</b>     | Appointment Notice                                            |
| <b>W-140WW (S)</b> | Appointment Notice (Spanish)                                  |
| <b>W-502</b>       | Referral to Back to Work (BTW) Vendor (Rev. 6/1/10)           |
| <b>W-502 (S)</b>   | Referral to Back to Work (BTW) Vendor (Spanish) (Rev. 6/1/10) |



Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Case Name: \_\_\_\_\_

Center: \_\_\_\_\_

Caseload: \_\_\_\_\_

Action Code: \_\_\_\_\_

### Appointment Notice

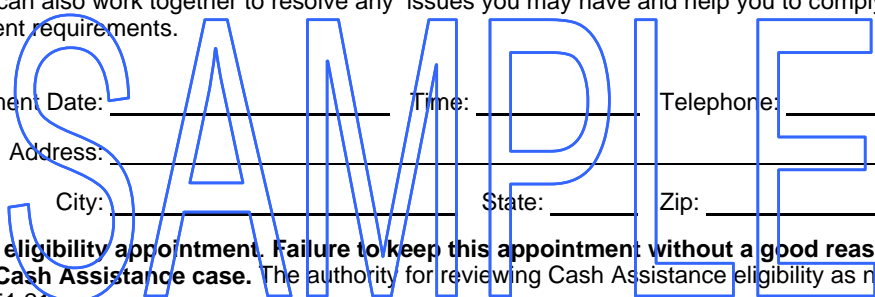
We have scheduled a case eligibility review appointment to discuss how you have been managing on a reduced budget after you were sanctioned from Cash Assistance . At the eligibility review, you will need to explain how your household is meeting its expenses since you were sanctioned. We may also ask other questions regarding your household circumstances, including your income, and resources.

At this meeting we would also like to discuss with you participating in work activities. Your failure to do so in the past resulted in your sanction. We can also work together to resolve any issues you may have and help you to comply with the Cash Assistance employment requirements.

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



**This is a mandatory eligibility appointment. Failure to keep this appointment without a good reason may result in the closing of your Cash Assistance case.** The authority for reviewing Cash Assistance eligibility as necessary is 18 NYCRR 351.2 and 351.21.

If you are working, you must bring proof of your income such as recent pay stubs or a letter from your employer when you report. Other forms of proof can be accepted if these are not readily available.

If you are receiving child care benefits and fail to keep this appointment without a good reason, these benefits could be terminated.

If you are unable to report for this mandatory eligibility appointment, you must provide a good reason why you are unable to report at the time mentioned above. You must be able to provide proof of any reason you give for not reporting for this eligibility appointment.

**Some good cause reasons for not reporting to your case eligibility review appointment:**

- you have a physical or mental condition which prevents compliance;
- your failure to comply is directly attributable to a social services district error; or
- other unexpected circumstances beyond your control exist, which prevent you from being reasonably expected to comply with an eligibility requirement.

**If you are unable to report to your eligibility review appointment, you must contact the telephone number listed above so that appropriate arrangements can be made to accommodate you.**

If you have a physical, mental health or learning problem that makes it difficult for you to travel to our location, or meet other HRA requirements, you have a right to ask HRA for help. This is called a reasonable accommodation. If you need help, you can call \_\_\_\_\_. If you asked for help and think you did not get the help you needed, you can file a complaint. To file a complaint, you can write to: ADA Compliance Officer, Office of Legal Affairs, 180 Water Street, 17th Floor, New York, NY 10038, or fax your complaint to (212) 331-4465.

**You are in sanction status. If you are now willing to comply, you can let your Worker know at this appointment or at any other time.**



Fecha: \_\_\_\_\_  
 Número del Caso: \_\_\_\_\_  
 Nombre del Caso: \_\_\_\_\_  
 Centro: \_\_\_\_\_  
 Unidad de Casos: \_\_\_\_\_

### Aviso de Cita

Hemos programado una cita de revisión de elegibilidad de caso para discutir cómo usted ha logrado administrarse con un presupuesto reducido, después que se sancionó su Asistencia en Efectivo. En la cita de revisión de elegibilidad, usted tendrá que explicar cómo su hogar a reunido lo suficiente para sus gastos desde que usted fue sancionado(a). Además, es posible que le hagamos otras preguntas sobre las circunstancias en su hogar, incluyendo su ingreso y recursos.

Durante esta cita nos gustaría platicar con usted sobre la participación en un programa de actividades. El incumplimiento de esto en el pasado resultó en su sanción. Además, podemos trabajar juntos para resolver cualquier asunto que usted pueda tener y ayudarla cumplir con los requisitos de empleo de Asistencia en Efectivo.

Fecha de la Cita: \_\_\_\_\_ Hora: \_\_\_\_\_ Teléfono: \_\_\_\_\_  
 Dirección: \_\_\_\_\_  
 Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

**Esta cita de elegibilidad es obligatoria. El no cumplir con esta cita sin razón justificada puede resultar en el cierre de su caso de asistencia en efectivo.** La autoridad para la revisión de Elegibilidad para Asistencia en Efectivo como necesario es 18 NYCRR 351.2 y 351.21.

Si usted recibe beneficios de cuidado infantil y no cumple esta cita, estos beneficios podrían terminarse.

Si usted trabaja, tiene que traer comprobante de su ingreso como talones de paga recientes o una carta de parte de su empleador. Otros tipos de comprobante se pueden aceptar si los antedichos no están disponibles.

Si usted no puede presentarse a su cita de revisión de elegibilidad, tiene que dar una razón justificada por no poder presentarse a la hora mencionada más arriba. Tiene que poder proporcionar comprobantes para cualquier razón que usted dé por no presentarse a esta cita de elegibilidad.

**Algunas razones justificadas de no presentarse a su cita de revisión de elegibilidad:**

- el solicitante o participante tiene una condición física o mental que le impide el cumplimiento.
- el incumplimiento del solicitante o participante es directamente atribuible a un error por parte del distrito de servicios sociales; o
- existen otras circunstancias inesperadas, ajenas a la voluntad del solicitante/participante, por las que no resulta razonable esperar que el solicitante/participante cumpla con algún requisito de elegibilidad.

**Si usted no puede presentarse a su cita de revisión de elegibilidad tiene que llamar al número de teléfono listado más arriba para que se hagan los arreglos convenientes para usted.**

Si tiene un problema físico, mental o de aprendizaje que le dificulta transportarse a nuestro local o cumplir otros requisitos de HRA, usted tiene derecho de pedirle ayuda a la HRA. Esto se conoce como arreglo razonable. Si necesita ayuda, puede llamar al \_\_\_\_\_. Si usted pidió ayuda y cree que no la recibió, puede presentar una queja. Para ello puede escribir a: ADA Compliance Officer, Office of Legal Affairs, 180 Water Street, 17th Floor, New York, NY 10038, o faxear su queja al (212) 331-4465.

**Usted esta en estado de sanción. Si usted ahora esta dispuesto a cumplir, puede dejárselo saber a su trabajador en esta cita o en cualquier otro momento**

Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Case Type: \_\_\_\_\_  
Caseload: \_\_\_\_\_

### Referral to Back to Work (BTW) Vendor

State law requires that you participate in continuous job search and other work activities as a condition of eligibility for Cash Assistance.

You must report for your BTW orientation or to your BTW assigned vendor on the date, time and at the location listed below. Please remember that you are not allowed to bring any children with you when you report to the BTW vendor.

**This is a mandatory appointment.** If you do not keep this appointment or do not participate as required, your application for Cash Assistance may be denied or your current Cash Assistance and/or Food Stamp benefits may be reduced for a specific period of time or your Cash Assistance benefits will remain reduced or your Cash Assistance case may be closed. Failure to comply with Cash Assistance work requirements has no effect on your Medicaid eligibility. There are no work requirements for Medicaid. This appointment can only be rescheduled in cases of emergency; all emergencies must be documented. If you are unable to keep this appointment, please call the telephone number listed below prior to your reporting time to arrange another appointment.

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Travel Directions:

Fecha: \_\_\_\_\_  
Número del Caso: \_\_\_\_\_  
Nombre del Caso: \_\_\_\_\_  
Tipo de Caso: \_\_\_\_\_  
Unidad de Casos: \_\_\_\_\_

### Envío al Contratista de Regreso al Trabajo (Back to Work – BTW)

La ley estatal estipula que como condición de elegibilidad de Asistencia en Efectivo usted participe en búsqueda de empleo y otras actividades de trabajo de modo continuo.

Usted tiene que presentarse para su orientación de BTW o a su contratista de BTW asignado, en la fecha, hora y en el local indicados más abajo. Favor de recordar que no se permiten niños en el local del contratista de BTW.

**Esta es una cita obligatoria.** Si usted no cumple esta cita o no participa como se le requiere, su solicitud de Asistencia en Efectivo puede ser rechazada o sus beneficios actuales de Asistencia en Efectivo y/o Cupones para Alimentos pueden ser reducidos por un período de tiempo determinado. Además, sus beneficios de Asistencia en Efectivo podrían permanecer reducidos o su caso podría cerrarse. El no cumplir los requisitos de trabajo de Asistencia en Efectivo no afecta su elegibilidad de Medicaid. No existen requisitos de trabajo para Medicaid. Esta cita sólo puede ser programada de nuevo en caso de emergencia; toda emergencia tiene que ser documentada. Si usted no puede asistir a esta cita, favor de llamar al número de teléfono indicado más abajo antes de la hora de su cita para programar otra.

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

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Indicaciones de Viaje: