



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

Robert Doar
Commissioner

Informational Letter

Section 1

| | |
|--|--|
| Transmittal: | 06-INF-05 |
| To: | Local District Commissioners |
| Issuing Division/Office: | Division of Employment and Transitional Supports |
| Date: | February 1, 2006 |
| Subject: | Welfare-to-Work Regulatory Citation Changes |
| Suggested Distribution: | Employment Coordinators Temporary Assistance Directors Fair Hearing Staff |
| Contact Person(s): | Program Questions: Welfare-To-Work Bureau, Wendy DeMarco (518) 474-1750 Forms Questions: Bob Gullie 1-800-343-8859 Extension 6-1095 Upstate WMS/CNS Questions: Bob Markham 1-800-343-8859 Extension 4-1266 NYC WMS/CNS Questions: Valerie Linabury (212) 961-8176 WTWCMS Questions: email wtwcmshelp@otda.state.ny.us |
| Attachments: | None |
| Attachment Available On – Line: | <input type="checkbox"/> |

Filing References

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|--------------------|--------------------|--------------|--|--|--------------------|
| | | 18 NYCRR 385 | SSL Title 9B; Part C of Chapter 57 of the Laws of 2005 | Welfare-To-Work Employment Policy Manual | 12 NYCRR Part 1300 |

Section 2

I. Purpose

The purpose of this release is to inform local districts that the Welfare-To-Work employment regulations are being transferred from the Department of Labor (12 NYCRR Part 1300) to the Office of Temporary and Disability Assistance (18 NYCRR Part 385) effective 3/15/06.

II. Background

With the transfer of Welfare-To-Work functions from the Department of Labor to the Office of Temporary and Disability Assistance, beginning 3/15/06, the regulations at 12 NYCRR Part 1300 will be repealed, and Part 385 will be added to 18 NYCRR to include employment regulations. The following table describes the section citation changes.

| Content Area | 12 NYCRR citation | 18 NYCRR citation |
|--|--------------------------|--------------------------|
| Scope | 1300.0 | 385.0 |
| Participation and exemptions for applicants and for recipients of public assistance | 1300.2 | 385.2 |
| Work registration exemptions and certain eligibility requirements for FS applicants and recipients | 1300.3 | 385.3 |
| Supportive services | 1300.4 | 385.4 |
| Orientation requirements | 1300.5 | 385.5 |
| Assessments and employability plans for households with dependent children | 1300.6 | 385.6 |
| Assessments and employability plans for households without dependent children | 1300.7 | 385.7 |
| Participation rate requirements | 1300.8 | 385.8 |
| Work activities and work requirements | 1300.9 | 385.9 |
| Local district employment plans | 1300.10 | 385.10 |
| Conciliation | 1300.11 | 385.11 |
| Failure to comply with the requirements of this part | 1300.12 | 385.12 |
| Voluntary termination of employment and voluntary reduction of earning capacity | 1300.13 | 385.13 |

The regulation sub-section citations remain the same except for the following:

- 1300.3(d)(1)(i)(1) and (2) have changed to 385.3(d)(1)(i)(a) and (b)
- 1300.4(b)(2) change: 385.4(b)(2) Reimbursement for dependent care shall not exceed the actual cost of care or the market rate for such care as established by section 415.9(j) of this Title....
- 1300.12(c)(i) and (ii) became 385.12(c)(1) and (2).

Additionally, employment citation references throughout 18 NYCRR have been changed to the new citations.

III. Program Implications

Districts must use the new citations in all applicable notices and documents, including locally developed forms, effective 3/15/06. Amended regulatory citations are scheduled to be available for all electronic notices generated through the Client Notices System (CNS) effective 3/15/06. Welfare-To-Work Caseload Management System (WTWCMS) referral documents with regulation citations are in the process of being changed to the amended citations and will be available sometime in February 2006. WTWCMS Version 3.3 release notes will give further details regarding the date the amended documents will be available. Because the WTWCMS referral documents will include the updated citations before they are formally adopted 3/15, when possible, districts are advised to manually add the Department of Labor Part 1300 citation to the referral notices until the Part 385 regulations are formally adopted 3/15/06.

State Welfare-To-Work manual forms cannot be produced with the amended citations until the regulations are formally adopted, therefore districts should continue to use current stocks and make manual changes to regulatory citations for all manual forms, including those printed off the OTDA Intranet E-Forms website at http://otda.state.nyenet/ldss_eforms/default.htm and Intelligent Auto Fill (IAF), beginning 3/15/06.

The following forms are affected by the citation changes:

- LDSS-4004: Notice of Intent to Change Public Assistance and/or Food Stamp Benefits for Non-Compliance with Employment Related Requirements (Timely and Adequate) and Notice of Effect on Medicaid Benefits;
- LDSS-4005: Notification of Temporary Assistance Work Requirements Determination (Exempt);
- LDSS-4005 NYC: Notification of Temporary Assistance Work Requirements Determination (Exempt) (NYC);
- LDSS-4005(a): Notification of Temporary Assistance Work Requirements Determination (Non-Exempt); and,
- LDSS-4005(a) NYC: Notification of Temporary Assistance Work Requirements Determination (Non-Exempt) (NYC).

We anticipate that the affected notices available on IAF and the OTDA Intranet E-Forms website will be updated with the new regulatory citations in March 2006 and that the revised printed manual notices will be available for ordering sometime in May 2006. The Welfare-To-Work Employment Policy Manual is also being updated to include the new regulatory citations and districts will be notified when the Manual is available through the OTDA website.

Issued By

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Division of Employment and Transitional Supports