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Local Commissioners Memorandum

Section 1

Transmittal:	06-LCM-10
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	September 29, 2006
Subject:	Federal Work Participation Rate Requirements Under the Interim Final TANF Rule
Contact Person(s):	WTW Technical Advisor
Attachments:	Attachment A: Federal Definitions for Countable Work Activities
Attachment Available On – Line:	x

Section 2

Summary

This LCM formalizes in policy new work definitions and countable hours effective under federal law and regulations governing the Temporary Assistance for Needy Families (TANF) block grant as of October 1, 2006. It also provides districts with guidance on proper reporting and with suggested strategies to successfully meet the effectively higher TANF work participation rates.

The Office of Temporary and Disability Assistance has been discussing these effective changes with local districts since the enactment of the Deficit Reduction Act in February 2006, through various venues including a TANF Implementation Local Workgroup initiated by OTDA and the New York Public Welfare Association, which has met via conference call on several occasions to share and discuss implementation procedures, documents and strategies. OTDA has also been providing local districts for the last several months, a monthly management report which measures a local district's performance in relation to meeting federal work participation rates under TANF and provides disaggregated caseload detail by various categories so districts can effectively target their efforts to meet the higher effective work rates which take effect on October 1, 2006. OTDA will continue to provide this monthly report to assist districts to effectively manage their respective temporary assistance caseload.

I. Purpose

The purpose of this memorandum is to inform districts of changes in the federal work participation rate requirements that are in effect as of October 1, 2006, and to identify changes that must be made to comply with the Interim Final Temporary Assistance for Needy Families (TANF) regulations published

June 29, 2006, by the federal Department of Health and Human Services (DHHS) so that the work activities in which temporary assistance applicants and recipients are engaged and the corresponding hours of participation that are reported are consistent with federal requirements. The guidance also provides districts with work activity definitions that shall govern all work activity assignments for temporary assistance applicants and recipients.

II. Background

The DHHS issued the Interim Final TANF rule on June 29, 2006. Districts were provided these regulations and summary information regarding their effect on New York's temporary assistance work programs in a letter transmitted by the Office of Temporary and Disability Assistance (OTDA) on June 30, 2006. OTDA staff has worked in partnership with the TANF Implementation Local Workgroup to develop New York State's response to the federal regulations. This State/local workgroup met over the past two months to develop the enclosed work activity definitions and other aspects necessary to comply with the federal requirements. The workgroup will continue to meet to develop additional guidance and systems support to ensure local needs are adequately considered during the course of program implementation.

Failure to meet new federal work participation rates will result in the State being required to meet an 80% maintenance of effort (MOE) requirement as opposed to the reduced 75%, if the State meets the work participation rate, and would necessitate an increase in MOE-countable State and local expenditures of approximately \$114.6 million. In addition, a potential penalty of up to 5% of the State's adjusted TANF grant (approximately \$95 million) could also be assessed in the first year of failure to achieve the federal participation rate, with increased penalties in subsequent years of failure to achieve the federal participation rate.

III. Program Implications

Districts must ensure that work activities in which temporary assistance applicants and recipients are engaged and the corresponding hours of participation that are reported are consistent with the requirements detailed below:

1. Work Eligible Individuals

The Interim Final TANF rule at 45 CFR §261.22(a)(2), effective October 1, 2006, provides that the federal participation rate is calculated based on the hours of participation of work-eligible individuals. A work eligible individual as defined at 45 CFR §261.2(n) includes adults (or minor child head of household) who may be exempt or nonexempt under State rules and are receiving assistance that is funded with TANF MOE funds in addition to those receiving TANF-funded assistance. Districts have received monthly combined TANF/MOE participation rate data for several months.

Parents of a Disabled Family Member Residing in Household

Districts are reminded that parents of a disabled family member who are currently assigned an employability code of "38" do not fit the federal definition of participation in community service and therefore, will no longer be deemed as participating in community service effective October 1, 2006. However, the Interim Final TANF rule provides that the definition of a work eligible individual excludes a parent providing care for a disabled family member living in the home who does not

attend school on a full-time basis, provided that the need for such care is supported by medical documentation (45 CFR §261.2(n)(2)(i)). Therefore, cases in which the only parent is providing care for a disabled family member who is not attending school full-time will be excluded from the work participation rate calculation (i.e., removed from the denominator) by OTDA as part of the methodology used to establish work participation rates effective October 1, 2006. Districts should be aware that cases in which one parent is caring for a disabled household member who is a work eligible individual will remain in the denominator due to the presence of the work eligible individual.

Federal regulations do not permit parents of a disabled family member who is in school “full time” or caretakers of a family member living outside of the home to be removed from the participation rate calculation. New York State has defined “in school full time” to mean those persons who are in school for more than 30 hours per week; therefore, in these instances the parent should not be assigned an employability code of “38.” One exception is that a parent caring for a disabled family member who is attending school more than 30 hours per week may be assigned an employability code of “38” and excluded from the denominator if verified by the school and a medical professional that the disabled family member is only able to remain in school if the parent is immediately available and is regularly needed to address the needs of the child.

Required Action

Districts must review each temporary assistance case to ensure that cases which include a parent providing care on a full-time basis for a disabled family member residing in the household who is not attending school full-time are properly coded with employability code “38” and that medical documentation supporting the exemption is available and current. Districts should no longer assign a parent caring for a disabled family member in school full-time (as defined above) or caring for a non-household member with an employability code of “38” but instead assign them an employability code of “16 – work limited.” A new employability code will be developed in the future to more discretely identify this category of work-limited individuals.

Districts may, on a case by case basis, determine that a parent caring for a disabled family member who attends school is able to participate due to the fact that the district is able to accommodate special circumstances of the household including the need for appropriate child care and a flexible or reduced work schedule as needed. If the district determines that the parent is able to participate in work activities and the district will require the parent to participate, the individual must be assigned an employability code of “16-work limited” and notified that he or she is no longer exempt from participation in work activities.

2. Federal Definitions for Countable Work Activities

The Interim Final TANF rule defines each of the federal work activities. The definitions, included as Attachment A to this LCM, incorporate the guidance included in the Interim Final TANF rule at 45 CFR §261.2 and the corresponding Preamble discussion. Districts were previously notified that the definitions are much more restrictive effective October 1, 2006, and intended to primarily be mutually exclusive. Therefore, work activity definitions cannot include components of other, distinct activities that are defined separately. For example, while districts were previously permitted to include a job search component as part of a work experience assignment and report the combined hours as work experience, the Interim Final TANF Rule prohibits reporting combined activities as

one activity. Additionally, as districts were previously informed, the definition of Community Service in particular is defined much more narrowly.

Required Action

The work activity definitions in Attachment A are effective October 1, 2006, for all households with dependent children and districts must review each enrollment to ensure consistency with federal standards.

3. Countable Hours of Participation

Actual Hours of Participation

According to the Interim Final TANF rule published by the DHHS only **actual** hours of participation may be reported and can be counted toward the participation rate calculation. Additionally, DHHS has specifically stipulated in 45 CFR §261.60 that it is not acceptable for the State to report scheduled hours of participation and that actual affirmative reporting of hours of participation in the work activity is required (exception reporting is not permitted). DHHS has provided for counting hours of participation in self-employment and projected actual hours of employment in certain instances, as described below.

Required Action

Work Activities other than Paid Employment

Districts must conduct a review of all Welfare-To-Work Caseload Management System (WTWCMS) entries (New York City will need to review NYCWAY entries) for recipients receiving temporary assistance to ensure all participation reported is consistent with the work activity definitions included in Attachment A and must ensure that actual hours are supported by documentation which is maintained, either as part of the case record or if entered by the provider as part of the provider's records. For example:

- Hours of participation reported under a work activity must meet the definition for that work activity.
- Unsupervised study time no longer counts toward the calculation of actual hours of participation for any educational or vocational training activity and **cannot** be included in the hours of participation reported to OTDA. OTDA is in the process of removing the field titled "Study Time" that is on the WTWCMS.
- Federal regulations only permit participation in substance abuse treatment or other treatment to be reported as Job Readiness Training. Hours that an individual is participating in substance abuse or other treatment should be entered on the WTWCMS as "Treatment Plan for Substance Abuse" or "Treatment Plan for Other than Substance Abuse", respectively. Guidance on specific WTWCMS changes that districts who have been reporting individuals in "Treatment Plan for Substance Abuse" or "Treatment Plan for Other than Substance Abuse" as a component of Community Service will need to make in order to modify offerings and report hours of participation related to "Treatment Plan for Substance Abuse" or "Treatment Plan for

Other than Substance Abuse” was issued on Monday, September 18, 2006. The State participation rate reporting logic will also be modified to deem the actual hours of participation in “Treatment Plan for Substance Abuse” or “Treatment Plan for Other than Substance Abuse” as job readiness training and track such participation towards the federal work participation rate, subject to the federal limit of no more than 6 weeks in a federal fiscal year, of which no more than 4 weeks may be consecutive. Districts do not need to remove individuals who require substance abuse treatment beyond the 4 or 6 week limitations permitted for participation rate calculation and may continue to report such enrollments but these enrollments will not count in the work participation numerator beyond the weekly limitations.

Districts must be diligent about collecting actual documented hours of participation for each of the unpaid work activities and recording these hours on the WTWCMS, no later than the 15th of the month following the report month.

Districts are advised that changes to the State participation rate reporting logic will be completed to consider only actual hours of participation entered on the WTWCMS and no longer consider scheduled hours for unpaid work activities as of the October 2006 participation rate report. Districts must ensure that actual hours of participation for the month of October are documented and entered on WTWCMS no later than November 15, 2006. Additionally, NYCWAY must only report actual documented hours of participation effective with the participation occurring on or after October 1, 2006.

Documentation of Hours in Paid Employment

The Interim Final TANF rule permits hours of paid employment, such as unsubsidized or subsidized employment and paid On-The-Job Training (OJT) positions to be based on current documentation and projected for no more than six months, or with updates provided whenever a change in the number of hours worked is reported. Districts should ensure that local procedures are consistent with these federal requirements and that mechanisms are in place for timely information sharing between Temporary Assistance and employment functions. Districts should also confirm that:

- Hours of employment, whether subsidized, unsubsidized or paid OJT, which are reported to OTDA, are consistent with documentation received from the employer and that documentation is maintained by the district. Consistent with current policy, participation reports will use hours of work based upon either the Automated Budgeting and Eligibility Logic (ABEL) or WTWCMS entries, whichever is most recent, based on the effective dates of the temporary assistance budget or WTWCMS schedule, respectively.
- Absent other documentation of the hours of employment for self-employed individuals, districts may document the number of hours of work for a self-employed individual by dividing the individual’s net income after subtracting business expenses (this is the amount budgeted before disregards in the ABEL system by the federal minimum wage. If hours other than the net income divided by the federal minimum wage are reported as hours of work, then alternate documentation other than self-attestation must be maintained to verify the hours of work reported.

4. Excused Absences

The Interim Final TANF rule permits **limited** excused absences to count as actual hours of participation in those instances where the participant was already enrolled in the respective work activity and had been scheduled to participate during the period that the participant was absent.

Holiday Time

In addition to excused absences described below, countable hours in work activities will include holidays regularly observed by a provider or employer and may include all national and State observed holidays.

Hours of Excused Absence

In addition to the number of hours an individual has worked or participated in a countable work activity, the actual hours of participation may include paid leave time for employed recipients, hours missed due to holidays and up to 80 hours of excused absence for unpaid leave or for a countable work activity during any 12 month period, but no more than 16 hours of excused absence during any month as part of the actual hours of participation reported via the WTWCMS or NYCWAY.

Required Action

Districts must review attendance policies for work activities other than unsubsidized or subsidized employment to ensure that mechanisms are in place for identifying and reporting excused absences from work activities in a timely manner. Districts may grant hours of excused absence in those instances where the district determines that the individual's conduct was not willful or the district determines that the individual had good cause for not complying with the assigned work activity. Good cause may include circumstances beyond the individual's control, including, but not necessarily limited to: illness of the individual or another household member requiring care; a household emergency; required meetings with child support and child welfare caseworkers; school, court or medical appointments; or, lack of adequate childcare. Districts are advised that only hours that an individual was scheduled and expected to participate in a countable work activity and the individual's failure to attend was not willful and was with good cause may be reported as an excused absence. For example, excused absence does not include time pending a disability determination review.

Districts must track excused absences to ensure that the number of hours reported towards the participation rate does not exceed the 80 hours in any 12 month period and 16 hours per month as described above until WTWCMS has been modified to track excused absences. Hours of excused absence which exceed the federal limits may not be reported as hours of participation. OTDA intends for systems changes to support accurate tracking and reporting of these excused absences in order to comply with federal requirements to be in place no later than October 1, 2007.

5. Documentation of Participation

The Interim Final TANF rule requires that documentation be maintained to support the hours of participation reported towards the federal work participation rate. Acceptable documentation may vary depending on the type of work activity in which the individual is engaged. For example, documentation for the hours that an individual is participating in paid employment may include pay stubs, employer records or time and attendance records. Documentation for the hours that an

individual is participating in unpaid work activities may include attendance sheets or other documentation developed by the provider to verify attendance.

Required Action

Districts must review local procedures to ensure that documentation to support the hours of participation is collected and entered onto the WTWCMS or NYCWAY, as appropriate, in a timely manner. Documentation to support the hours of participation reported by the district will be subject to review by Federal and State representatives and must be maintained, either as part of the case record or if entered by the provider as part of the provider's records.

6. Other Considerations

The provisions outlined in the Interim Final TANF rules are effective October 1, 2006. These increased federal participation requirements also emphasize the importance of engaging individuals in work activities as soon as possible. In addition to the information provided above, OTDA has also identified the following areas that districts may also want to consider as they evaluate welfare-to-work efforts to ensure compliance with federal requirements:

- Provide information to agencies that serve families that are receiving temporary assistance to inform them of the increase in federal work participation requirements due to changes to the caseload reduction credit and to discuss the programmatic activity changes including those related to substance abuse treatment or other treatment that must be implemented no later than October 1, 2006.
- Engage public and non-profit organizations in a discussion of the potential for developing work experience sites to help individuals who do not secure employment to gain workplace skills that will help them to become employed. Districts may want to consider dedicating a staff member to facilitate the development of worksites in public or not for profit organizations, including those that may not have been interested in developing agreements in the past.
- Confirm that diversion and non-assistance payments instead of countable assistance payments are authorized when appropriate to issue emergency assistance prior to the eligibility determination of ongoing assistance. This will prevent cases that have not been determined eligible for ongoing temporary assistance benefits from appearing in the district's universe and denominator of the work participation rate calculation. (Districts should refer to GIS 06-TA/DC034, released on September 21, 2006, for additional information on non-assistance payments.)
- Review existing procedures to ensure timely and accurate sharing of information between TA and employment functions. For example, districts should confirm that the initial report of employment and any reported changes in employment or the hours worked are distributed to the TA and employment function in a timely manner and that hours of work entered on ABEL are consistent with the documentation received.
- Review local procedures for assessing and engaging individuals in work activities to ensure that individuals are engaged in work activities as early as possible.

- Review local procedures to ensure that clients who are determined to be exempt from work requirements, but who are not appropriate for disability benefit referrals are referred to and engaged in rehabilitative services to help them become employable and that mechanisms are in place to monitor and report attendance and progress.

Issued By

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Division/Office: Division of Employment and Transitional Supports

Federal Definitions for Countable Work Activities

The following definitions are effective October 1, 2006, for all temporary assistance and food stamp work activity enrollments. Districts should review each enrollment to ensure consistency with these standards.

OTDA will be providing information on local plan amendments to adopt these definitions as part of the district's bi-annual local employment plan through a separate policy directive.

OTDA has defined each work activity consistent with federal requirements while providing flexibility where possible.

Districts should refer to 18 NYCRR Part 385.8 for information regarding how each definition counts towards the work participation rate. These standards are not changed by this release or the Interim Final TANF rule (45 CFR Parts 261, 262, 263, 265).

- **Unsubsidized employment:** Full-time or part-time employment in the public or private sector in which an employer is not subsidized by TANF or any other public program. (Positions for which the employer receives a tax credit, but no other public subsidy are considered unsubsidized employment). Unsubsidized employment includes self-employment or paid internships if approved by the district.
 - Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless changes in the number of hours worked are subsequently reported which must be acted upon by the district in a timely manner.
 - The number of hours that may be reported for an individual participating in self-employment may be determined by dividing the individual's net income after subtracting business expenses (this is the amount budgeted before disregards in ABEL) by the federal minimum wage. Districts may secure alternate documentation of self-employment hours including statements from supervisors, business contacts or customers to verify hours of self-employment. For example, districts may document and verify hours of work

by an informal child care provider based upon time records used to authorize child care payments or based upon statements from the parent of the child for whom the client is providing care.

- **Subsidized private sector employment:** Employment in the private sector for which the employer receives a subsidy from TANF or other public funds (excluding tax credits) to offset some or all of the wages and costs of employing and training a recipient in accordance with New York State Social Services Law (SSL) 336-e. Subsidized private sector employment may include positions subsidized through grant diversion, supported employment programs, and paid college work-study programs at private institutions. Districts are reminded that income from paid work study may not be budgeted to determine the family's TA eligibility since the income may be treated as a grant. Individuals participating in subsidized private sector employment are paid wages and receive the same benefits as non-subsidized employees who perform similar work. An employment situation may be subsidized for up to the full amount of wages/benefits provided to the program participant and may be subsidized for the length of time as determined appropriate by the State or district.
 - Subsidized private sector employment does not include OJT programs where employers are subsidized to offset the costs of training.
 - Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless changes in the number of hours worked are subsequently reported which must be acted upon by the district in a timely manner.

- **Subsidized public sector employment:** Employment in the public sector for which the employer receives a subsidy from TANF or other public funds (excluding tax credits) to offset some or all of the wages and costs of employing and training a recipient in accordance with New York State Social Services Law 336-f. Subsidized public sector employment may include positions subsidized through grant diversion, supported employment programs, and paid college work-study programs at public institutions. Districts are reminded that income from paid work study may not be budgeted to determine the family's TA eligibility since the income may be treated as a grant. Individuals participating in subsidized public sector employment are paid wages and receive the same benefits as non-subsidized employees who perform similar work. An employment situation may be subsidized for up to the full amount of wages/benefits provided to the program participant and may be subsidized for the length of time as determined appropriate by the State or district.
 - Subsidized public sector employment does not include OJT programs where employers are subsidized to offset the costs of training.

- Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless changes in the number of hours worked are subsequently reported which must be acted upon by the district in a timely manner.
- **Work Experience:** Unpaid work performed at a public or not for profit organization to enable participants who cannot find unsubsidized employment to improve his or her employability in accordance with New York State Social Services Law 336-c. Work experience provides participants with an opportunity to acquire the general skills, training, knowledge and work habits necessary to obtain and retain employment. Work experience participants must be supervised by a work site sponsor, or other responsible party, on an ongoing basis, no less frequently than daily.
 - As established in SSL 336-c, the maximum hours an individual may be required to participate in work experience is limited to the number of hours derived by dividing the amount of the household's temporary assistance and food stamp benefits by the higher of the federal or State minimum wage.
 - An individual participating in work experience for the maximum number of hours permitted by the above limitation will be considered to have fulfilled the 20 core hours of work participation (or 30 for two-parent households or 50 for two-parent households receiving federally subsidized child care) required for participation rate purposes even if the resulting hours of participation are less than would otherwise be required. If an individual is required to work more hours than the core work hours (i.e., 30, 35 or 55) to count toward the work participation rate, the individual must participate in another countable work activity to fulfill those hours for work participation rate purposes.
 - Districts are authorized to assign individuals to additional work activities that are not limited to the minimum wage calculation for up to 40 hours weekly unless the individual is unable to work such hours due to medical or other work limitations.
 - New York State statute requires that work experience placements are provided workers' compensation coverage.
 - Any work component that is required as part of a treatment program for an individual participating in a residential treatment program and which is consistent with the definition of work experience may be reported as participation in work experience for those actual hours documented by the district or treatment provider that the individual participated in such work component.
- **On-the-Job Training (OJT):** Participation in a public or private sector employment setting during which the paid employee receives work-essential training while he or

she is engaged in productive work that provides participants with the knowledge and skills essential to the full and adequate performance of the job.

- OJT may be subsidized or unsubsidized. If OJT is subsidized, TANF funds or other funds are used to offset up to the full cost of the training provided to the participant.
 - Positions may be subsidized for the length of time determined appropriate by the State or district.
 - OJT is generally distinct from subsidized employment due to the fact that the individual must participate in workplace training to attain full and adequate job performance and the subsidy provided is intended to offset the costs of such training.
 - Includes unpaid internships that are part of a non-graduate student's curriculum (if the internship is approved by the district according to section 3.6(e) of the district's bi-annual Employment Plan), regardless of whether the non-graduate education program is approved. Such positions would be required of all students to fulfill the education requirements and not a requirement due to receipt of temporary assistance. The current federal definition of OJT includes only paid positions; however, because New York has to date included unpaid internships as on-the-job training and districts were previously instructed to report unpaid internships as on-the-job training, districts are instructed to continue to report unpaid internships as OJT.
 - For unpaid internships that are part of a non-graduate student's curriculum, participants must be supervised by a work site sponsor or other responsible party on an ongoing basis, no less frequently than daily. Participation in any unpaid internships reported as OJT must be documented through worksite attendance records or other supporting documentation provided by the worksite and must be collected no less frequently than monthly.
 - Districts may report projected actual hours of employment participation, including any paid OJT employment position, for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless changes in the number of hours worked are subsequently reported which must be acted upon by the district in a timely manner.
- **Community Service:** Structured programs or activities in which participants perform work for the direct benefit of the community under the auspices of public or nonprofit organizations in accordance with paragraph (g) of section 336 of SSL. Community Service placements must be projects that serve a useful community purpose in fields such as health, social services, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community Service programs are designed to improve the employability of participants not otherwise able to obtain unsubsidized employment and must be

supervised on an ongoing basis no less frequently than daily. Districts must take into consideration, to the extent possible, the prior training, experience, and skills of a recipient when making or approving community service assignments.

OTDA will define and report work activity participation in an activity that meets the Work Experience definition as Work Experience and reserve Community Service for the two instances noted below:

- Participation that is truly volunteer in nature including unpaid work performed at a school, Head Start program, religious or faith-based institutions, government or non-profit agency, or as a volunteer in programs such as Americorps or Volunteers in Service to America (VISTA). Community service will also include court ordered activities, when such activities are consistent with the definition of Community Service. These placements would be distinct from Work Experience in that due to the voluntary nature of the participation the hourly participation would not necessarily be limited to the number of hours derived by dividing the amount of the household's temporary assistance and food stamp benefits by the higher of the federal or State minimum wage. However, a social services district cannot mandate that a recipient perform community services for more hours than the number derived by the grant calculation described above. Participation in a voluntary self-initiated community service activity must be evaluated by the district to determine that such participation provides workplace experience and is expected to improve the employability of the participant. This evaluation would be based upon a review by the district of the tasks involved with the placement and the extent to which those tasks and routine attendance can reasonably be expected to improve the participant's employability. In these instances a participant could choose to no longer participate in such activity without penalty, but would then be subject to an alternate assignment by the district; therefore, districts may want to require that these participants verify such participation on a more frequent basis than monthly.
 - Participation otherwise comparable to a work experience placement but categorized as community service to enable the district to use the corresponding federal activity "Providing Child Care to a Community Service participant" for another program participant who is providing child care for the community service participant. In this instance, the placement would need to meet the definition of community service and would not be supported by or system derived to be eligible for the deeming provision. The Welfare Reform Tracking System (WRTS) will not automatically deem an individual as meeting the core work requirement if the individual is participating for the number of hours allowed by grant divided by minimum wage for community service participants when this is less than 20 hours.
- Community service programs must involve structure and supervision.

- Community service programs do not include activities that meet the definition of another allowable TANF work activity (e.g., vocational education, job readiness training (JRT)).
- Community service excludes participation in substance abuse treatment programs, mental health and family violence counseling, life skills classes, job readiness classes and caring for a foster care child or disabled household member.
- **Job search:** The act of seeking or obtaining employment, or preparing to seek or obtain employment, looking for suitable job openings in a group or individual setting, making contact with potential employers, preparing to or applying for and interviewing for jobs and related activities. Participants must be supervised on an ongoing basis no less frequently than daily. For job search, daily supervision may include access to a case manager or district worker for the participant to report on progress or seek additional guidance as needed before the next regularly scheduled contact. In-person contact between the district worker (or program provider) and the participant must be no less frequent than weekly. Job search and job readiness assistance count toward work participation rate requirements for only six weeks every federal fiscal year, four of which may be consecutive. Districts may require that program participants continue to engage in job search beyond the six week limit.

Participation in a job search activity may include time participating in job search that is directly supervised by the program provider as verified through attendance records or other statements from the program provider but may also include a designated amount of time for a job contact of up to two hours.

- **Job readiness training (JRT):** Job readiness training includes participation in programs that include seeking and preparing an individual for work. The definition includes two types of activities:
 - The traditional activities of résumé preparation, training in interviewing skills, and instruction in workplace expectations, training in effective job seeking, including life skills training; and,
 - Activities that improve an individual's employability, such as substance abuse treatment, mental health treatment, or rehabilitation activities. Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.

Participants must be supervised on an ongoing basis no less frequently than daily. Job search and job readiness assistance count toward work participation rate requirements for only six weeks every federal fiscal year, no more than four of which may be consecutive. Districts may require that program participants continue to engage in job readiness beyond the six week limit.

Actual hours spent by a participant in a JRT activity will be reported and may include time participating in JRT under the direct supervision of the program provider as verified through attendance records or other statements from the

program provider. Districts may record individuals in an in-patient substance abuse or other treatment program as participating for up to eight hours per day, not to exceed 40 hours per week, so long as the district documents that the individual was at the facility under the supervision of the treatment provider during the days such participation was reported.

- **Vocational education:** Organized educational programs that directly relate to the preparation of individuals for employment in current or emerging occupations that require training other than a baccalaureate or advanced degree. Such programs shall include, but not be limited to, competency based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence. Vocational education may also include applied technology education. Vocational education does not generally include basic/remedial education or English as a Second Language (ESL) but may include work-focused general education and language instruction that is a regular or necessary part of a vocational education program. Any such remedial education or ESL that is a regular part of the vocational education program must be limited in hours to less than one-half of program participation at any given time.
 - Vocational education programs are limited to activities that give individuals the knowledge and skills to perform a specific occupation.
 - Vocational education must be provided by an education or training organization and must be supervised on an ongoing basis, no less frequently than daily.
 - An individual may not count toward work participation rates due to participating in vocational education for more than 12 months during the individual's lifetime receipt of assistance.
 - Unsupervised participation in vocational education, homework time or study time may not be reported as participation in vocational education; however, monitored study sessions may be included and reported as participation in vocational education.
 - Actual hours of participation in vocational education will count toward the hours reported as work. Hours of participation in a vocational education program must be documented by the provider through attendance rosters or other supporting documentation developed by the provider.

- **Provision of child care for an individual participating in community service:** Providing unpaid child care to enable another temporary assistance or TANF/MOE funded recipient to participate in a community service program.
 - Participants must be supervised on an ongoing basis no less frequently than daily. Supervision may include access to the parent/guardian of the child through a telephone or other mechanism to seek guidance and clarification.
 - Does not include providing child care to a TANF or SN-MOE recipient participating in any activity other than community service.

- **Job skills training directly related to employment:** Training or education in job skills required by an employer or to improve a participant's employability, support job entry and/or to advance or adapt to the changing demands of the workplace. Job skills training may include customized or technical training designed to provide participants with additional workplace skills. Job skills training may also include literacy instruction, language instruction or other basic education for an individual who has already obtained a high school diploma or equivalency when determined from a client assessment that such instruction is needed to improve the participant's employability.
 - Must be supervised on an ongoing basis no less frequently than daily.

- **Education directly related to employment in the case of a recipient who has not received a high school diploma or certificate of high school equivalency:** Education directly related to employment for a recipient who has not received a high school diploma or equivalency. Education directly related to employment must be related to a specific occupation, job or job offer, or otherwise determined based on a client's assessment as necessary to improve the participant's employability to support job entry, retention or advancement. Includes courses designed to provide the knowledge and skills for specific occupations or work settings, including adult basic education and ESL instruction.
 - Where required by an employer or determined necessary to improve the participant's job opportunities with potential occupations, includes education leading to a general educational development (GED) or high school (HS) equivalency diploma.
 - Must be supervised on an ongoing basis no less frequently than daily.
 - Participants must make good or satisfactory progress; includes a standard of progress (qualitative and quantitative measures) developed by the educational program. Districts must assess participant progress in the education program and amend the individual's work activity assignment if determined appropriate based upon the client assessment.
 - Unsupervised participation in an education program, homework time, or study time may not be reported as participation in education related to employment; however, monitored study sessions may be included and reported as participation, under the respective educational activity.

 - Teen parents or minor child head of households making satisfactory progress and participating in this activity for at least 20 hours averaged weekly count fully toward work participation rate requirements.

- **Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate:** Regular attendance, in accordance with the requirements of the secondary school or a course of study at a secondary school, or in a course of study at a secondary school leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received a certificate of general equivalence.

- Must be supervised on an ongoing basis, no less frequently than daily.
 - Unsupervised participation in a secondary school program, homework time, or study time may not be reported as participation in secondary school; however, monitored study sessions may be included and reported as participation under this activity.
 - Does not include adult basic education or ESL unless linked to attending secondary school or leading to a GED.
 - Participants must make good or satisfactory progress; includes a standard of progress (qualitative and quantitative measures) developed by the State or the educational program. Districts must assess participant progress in the education program and amend the individual's work activity assignment if determined appropriate based upon the client assessment.
 - Teen parents or minor child head of households who maintain satisfactory attendance at secondary school or the equivalent count fully toward participation rate requirements.
- **Other work activities:** Districts should ensure that all local activities meet the definitions included above to the extent possible but are permitted to enroll individuals in other work activities that do not count toward work participation rates. These other activities must be outlined in the districts Temporary Assistance and Food Stamp Employment Plan. Districts are reminded that federal regulations do not permit an individual who is a foster care parent to be reported as participating in community service. New York State regulations (18 NYCRR 385.9) permit foster care parents to count as participating in Community Service, but this is no longer permitted as it is now inconsistent with federal regulations. OTDA will be submitting a regulatory change to repeal this regulation. Districts may assign these individuals to work activities as they deem appropriate.