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Governor

**NEW YORK STATE
OFFICE OF CHILDREN & FAMILY SERVICES**
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Commissioner

Local Commissioners Memorandum

Transmittal:	07-OCFS-LCM-08
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	May 24, 2007
Subject:	Purchased Preventive Services Cost of Living Adjustment for State Fiscal Year 2007-08
Contact Person(s):	See Pages 3-4
Attachments:	Yes
Attachment Available Online:	Yes

I. Purpose

The purpose of this Local Commissioner's Memorandum is to advise local departments of social services (LDSSs) of the availability of \$9.6 million appropriated in the State Fiscal Year (SFY) 2007-08 Budget for the purpose of promoting "...the recruitment and retention of staff or to respond to other non-personal costs...." for preventive services agencies, as defined in 18 NYCRR 423.2(a), from which LDSSs purchase preventive services. These state funds are intended to annualize for SFY 2007-08 the 2.5 percent cost of living adjustment (COLA) that 26 LDSSs chose to provide to some or all of the preventive services agencies with which they contract for the period October 1, 2006 through March 31, 2007. In addition, subject to the availability of sufficient funds, these state funds may be used by LDSSs that did not choose to provide the COLA between October 1, 2006, and March 31, 2007 to initiate

a 2.5 percent COLA in SFY 2007-08; and by LDSSs that are annualizing the 2.5 percent COLA that they initiated on October 1, 2006, for the purpose of elevating the COLA amount by an additional 2.5 percent above the annualized 2.5 percent COLA.

II. Background

Last year, for the first time, 100 percent state funding was made available to enable LDSSs to provide a 2.5 percent COLA to preventive services agencies with which they contract. The funds were available only for the period of October 1, 2006, through March 31, 2007. LDSSs were encouraged to take advantage of the 100 percent state funding to provide COLAs to the preventive services agencies with which they contract. Twenty-six LDSSs chose to make use of the funds.

III. Program Implications

Again, LDSSs are encouraged to avail themselves of the opportunity to use this appropriation of 100 percent state funding to provide their contracted preventive services agencies with a COLA. First priority will be given to the 26 LDSSs that provided this COLA between October 1, 2006, and March 31, 2007, in order to annualize the 2.5 percent COLA. It is anticipated that the appropriation level will support all first priority requests. Second priority will be given to LDSSs that request approval to begin providing a 2.5 percent COLA effective April 1, 2007; and to LDSSs that are annualizing the COLA that they initiated on October 1, 2006, and that wish to add an additional 2.5 percent COLA, effective April 1, 2007, above and beyond the annualizing of the initial 2.5 percent COLA.

The allocation of funds to local districts will be subject to the limits of available funding. If there is insufficient 100 percent state funds to fulfill all second priority requests, OCFS anticipates providing all second priority applicants with a prorated amount of their request for 100 percent state dollars. Under such a circumstance, the LDSS could make up the difference between its requested 100 percent state funding and its prorated allocation with uncapped 65 percent state-reimbursed child welfare funding (provided the LDSS meets its child welfare threshold and it has performance or outcome provisions established for preventive services by January 1, 2008, in accordance with regulations to be established by OCFS). Alternatively, an LDSS could choose to forgo its prorated allocation, or reduce the number of providers receiving the COLA, at which point it should notify the appropriate OCFS Division of Development and Prevention Services (DDPS) Regional Office of such decision. OCFS will redistribute such allocation and any

unclaimed allocation amounts to those LDSSs with claims in excess of their allocations.

In order to access these funds, an LDSS must submit a “Plan” to the appropriate DDPS Regional Office by June 21, 2007. The “Plan” is a listing of agencies to receive the COLA, the dollar amount of the 2.5 percent COLA for each agency, and the total dollar amount for all the COLAs. Requested plans for first priority funding (annualizing October 1, 2006-March 31, 2007 COLAs) must be submitted using Attachment A-1. Requested plans for second priority funding must be submitted using Attachment A-2 (**Note:** if an LDSS wishes to both annualize SFY 2006-07 2.5 percent COLA and provide an additional 2.5 percent increase above and beyond annualizing the SFY 2006-07 2.5 percent COLA, it should complete both Attachment A-1 and A-2).

The plan(s) must be approved by the Regional Office. Prior to submission of Attachment A-1 and/or A-2, the LDSS must receive from every preventive services provider that will be receiving a COLA, a written certification in the format set forth in Attachment B as to how such funding will be used.

IV. Claiming Information

LDSSs taking part in the COLA for preventive services providers’ project will claim these expenditures at 100 percent state share up to the limit of the district’s allocation on an LDSS-3922, Reimbursement Claim for Special Projects. The LDSS-3922 should be labeled as Preventive COLA 07-08 and the expenditures should be reported in the Non-Administration column on line 4 “Contractual Costs.” The period of the project is from April 1, 2007, through March 31, 2008. Instructions for completing the LDSS-3922 are found in Chapter 3 of Volume 2 of the Fiscal Reference Manual. LDSSs must sign the certification and submit the LDSS-3922 form by June 30, 2008, to:

New York State Office of Temporary and Disability Assistance
Bureau of Financial Services Claims Unit
40 North Pearl Street, Floor 14C
Albany, NY 12243

V. Contact Information

Programmatic questions should be directed to the appropriate Regional Office, Division of Development and Prevention Services:

BRO – Linda Brown (716) 847-3145
E-mail: Linda.Brown@ocfs.state.ny.us

RRO – Linda Kurtz (585) 238-8201

E-mail: Linda.Kurtz@ocfs.state.ny.us

SRO – Jack Klump (315) 423-1200

E-mail: Jack.Klump@ocfs.state.ny.us

ARO – Glenn Humphreys (518) 486-7078

E-mail – Glenn.Humphreys@ocfs.state.ny.us

YRO – Pat Sheehy (914) 377-2080

E-mail – Patricia.Sheehy@ocfs.state.ny.us

NYCRO – Brenda Smalls (212) 383-1820

E-mail – Brenda.Smalls@ocfs.state.ny.us

Questions pertaining to claiming should be directed to the Office of Temporary and Disability Assistance, Bureau of Financial Services:

Regions I - IV: Carolyn Oleyourryk, 518-474-7549

E-mail: Carolyn.Oleyourryk@otda.state.ny.us

Region V: Michael Borenstein, 631-854-9704

E-mail: Michael.Borenstein@otda.state.ny.us

Region VI: Marian Borenstein, 212-961-8250

E-mail: Marian.Borenstein@otda.state.ny.us

S/S William T. Gettman

Issued By:

Name: William T. Gettman

Title: Deputy Commissioner

Division/Office: Division of Administration

S/S Nancy W. Martinez

Issued By:

Name: Nancy W. Martinez

Title: Director

Division/Office: Office of Strategic Planning and Policy Development

**Attachment A-1: District Plan for Cost of Living Adjustment (COLA) for Contract
Preventive Services Agencies for SFY 2007-08
(Only to be Used by LDSSs Annualizing COLA Initiated in SFY 2006-07)**

To the extent that 100 percent state funding is made available to the district, the district will provide such funds to preventive services agencies under contract with the district to annualize the 2.5 percent COLA for the period beginning on April 1, 2007, and ending on March 31, 2008.

The plan must consist of: 1) a list of all the agencies that will receive this 2.5 percent SFY 2007-08 COLA; and 2) the actual cost of providing the 2.5 percent COLA for each agency.

AGENCY

Annualized SFY 2007-08 COLA Amount

(Note: An Excel spread sheet is available online that can be used for the required plan information; alternatively, you can provide the required information in a different format.)

Attachment A-2: District Plan for Cost of Living Adjustment (COLA) for Contract Preventive Services Agencies for SFY 2007-08

To the extent that 100 percent state funding is made available to the district, the district will provide such funds to preventive services agencies under contract with the district for a new 2.5 percent COLA for the period beginning on April 1, 2007, and ending on March 31, 2008.

The plan must consist of: 1) a list of all the agencies that will receive the 2.5 percent SFY 2007-08 COLA; and 2) the actual cost of providing the 2.5 percent COLA for each agency.

AGENCY

SFY 2007-08 COLA Amount

(Note: An Excel spread sheet is available online that can be used for the required plan information; alternatively, you can provide the required information in a different format)

**Attachment B: Certification by Contract Preventive Services Agency of How the
2.5% Cost of Living Adjustment (COLA) Will Be Used**

The _____ (name of agency) has been notified by the _____ social services district that, to the extent funds are made available to the district, the district will provide the agency with state funds from the State Fiscal Year 2007-08 Budget for a 2.5% COLA to the agency's preventive services contract amount during the period between April 1, 2007, and March 31, 2008, to promote the recruitment and retention of staff and/or to respond to other non-personal services costs.

I, _____ (name of individual authorized to sign on behalf of the agency), hereby certify that all such COLA funds that the agency receives from the social services district will be used to:

- ☐ promote the recruitment and retention of staff; and/or
- ☐ respond to other non-personal service costs.

(Check all that apply to how the agency will spend the funds.)

The agency further agrees to maintain records to document that the funds were distributed for the above-stated purpose(s). Such records shall be made available, upon request, to the Office of Children and Family Services, the Office of the State Comptroller, the federal Department of Health and Human Services or their designees for the purpose of audit. If, as a result of an audit, it is determined that the agency received funds in excess of the amount it spent to promote the recruitment and retention of staff or to respond to other non-personal services costs, the agency agrees to refund any overpayment to the state and/or appropriate social services district.

Signature: _____

Title: _____

Date: _____

District Plan for Preventive COLA SFY 2007-08**[illegible]

**** Only for counties that had instituted the 2.5% preventive COLA between 10/1/06-3/31/07 and are annualizing that amount for SFY 2007-08**

District Plan for Preventive COLA SFY 2007-08**[illegible]

District Plan for Preventive COLA SFY 2007-08**

AGENCY	COLA Amount
(Enter Agency Name Below)	Total = \$0

** For counties that either a) had not instituted the preventive COLA between 10/1/06-3/31/07; or b) had instituted the COLA between 10/1/06-3/31/07 have requested to annualize such COLA for the period between 4/1/07-3/31/08, and wish to provide its purchased preventive programs with an additional 2.5% COLA (on top of the annualized 2.5% COLA that it is providing to its programs)