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TO: Commissioners; Employment Coordinators; TA Directors; WMS Coordinators, WTWCMS Liaisons

FROM: Russell Sykes, Deputy Commissioner, Division of Employment & Transitional Supports

SUBJECT: Reporting Excused Absences from Countable Unpaid Work Activities as Hours of Participation for Households with Dependent Children

EFFECTIVE DATE: September 3, 2007

CONTACT PERSON: WTW Technical Advisor or WTW Bureau at (518) 486-6106

The purpose of this message is to inform districts of a change required by the Federal Department of Health and Human Services (DHHS) regarding the tracking and counting of excused absences from unpaid work activities for households with dependent children.

Districts were informed via 06-ADM-17, that excused absences that count toward work participation hours for unpaid work activities are limited to 80 hours of excused absence during any 12 month period with no more than 16 hours of excused absence during any month. This guidance was based on discussions with representatives from DHHS and was consistent with our proposal within the Work Verification Plan (WVP) submitted to HHS during February 2007.

DHHS has recently directed the Office as part of the Work Verification Plan review and approval process that the basis for tracking excused absences for households with dependent children must be based on days and that excused absences which can be reported as hours of participation in unpaid work activities are limited to no more than 10 days of excused absence during any 12 month period with no more than 2 days of excused absence during any month. Furthermore, DHHS has indicated that any excused absence will constitute a day of excused absence and counted and tracked towards the federal limit.

The Office continues to advocate that the basis for tracking excused absences should be hours in the final TANF regulations and that the number of countable excused absences should be expanded.

Required Action

Districts may continue to grant excused absences in those instances in which the district determines that the individual's conduct was not willful and that the individual had good cause for not complying with the assigned work activity consistent with OTDA regulations (18 NYCRR §385.11, 385.12 and 385.13). Hours of excused absence must

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be entered on the Welfare-To-Work Caseload Management System (WTWCMS) in the “excused absence” field. NYC HRA must ensure that hours of excused absence are reported and tracked in accordance with the federal limits applicable to the number of excused absences that may be reported towards the federal participation rate.

Individuals may have excused absences which exceed the federal limit on the number of excused absences that count towards the federal participation rate. Therefore, such federal limits do not apply to the number of times that an individual may be excused from a work activity assignment for a designated period of time as long as there is good cause. However, excused absences that exceed the federal limits noted above cannot be reported as countable hours of participation.

Districts should ensure that attendance policies for work activities other than the paid work activities (unsubsidized or subsidized employment and OJT) include mechanisms for identifying and reporting excused absences from work activities in a timely manner.

The Office is revising the WTWCMS to track excused absences in accordance with federal requirements and has scheduled a series of WTWCMS NetMeeting/Conference Calls for the weeks of August 6, 2007, and August 13, 2007, to describe the changes to districts. Information regarding these WTWCMS NetMeetings/Conference calls was transmitted to WTWCMS Liaisons on July 17, 2007. It is anticipated that the modification to WTWCMS to track excused absences for countable, unpaid work activities will be completed no later than August 31, 2007, and that tracking of excused absence by WTWCMS will begin on September 3, 2007. Note: Excused absences for the activities of job placement development, post employment services, post secondary education or locally established work activities will not be counted or tracked against the federal limit as hours of participation in such activities whether participating or excused are not reportable towards the federal participation rate. Participation reporting will incorporate the tracked excused hours of participation for countable, unpaid work activities effective with the September 2007 participation rate calculation and thereafter. NYC must ensure that excused absences for households with dependent children which are reported towards the federal participation rate are tracked on the basis of days and that such excused absences do not exceed the federal limitations noted above no later than September 3, 2007.

Unexcused absences should continue to be reported on WTWCMS in the “unexcused absence” field. NYC must ensure that unexcused absences are not included as actual hours of participation as unexcused absences never count toward the work participation rate calculation.

Questions pertaining to hours of participation in countable work activities and other employment related requirements should be directed to the districts WTW Technical Advisor.