



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

David A. Paterson
Governor

Local Commissioners Memorandum

Section 1

Transmittal:	09-LCM-15
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	October 15, 2009
Subject:	2010-2011 Biennial Temporary Assistance and Food Stamp Employment Plan
Contact Person(s):	OTDA Employment Technical Advisor or Employment and Advancement Bureau at (518) 486-6106
Attachments:	Attachment A: Temporary Assistance and Food Stamp Employment Plan Instructions Attachment B: Temporary Assistance and Food Stamps Employment Plan Template
Attachment Available On – Line:	Yes

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to instruct each social services district (district) to develop and submit for review and approval its Biennial 2010-2011 Temporary Assistance and Food Stamp Employment Plan to the Office of Temporary and Disability Assistance (OTDA) no later than December 1, 2009. Planning instructions are attached to support completion of the biennial Plan (see Attachment A). The Temporary Assistance and Food Stamp Employment Plan template (see Attachment B) is available through SharePoint and may be accessed through <http://toss/CEES/default.aspx>.

II. Background

Section 333 of the New York State Social Services Law requires that every two years each district submit for approval to OTDA a plan that describes the district's employment services program. The Plan must include a description of the provision of education, work, training, and support services for all public assistance applicants and recipients along with other information required by OTDA.

State regulations at 18 NYCRR 385 set forth the requirements of public assistance and food stamp employment programs, including the administration of local employment plans.

III. Program Implications

The biennial Plan outlines local policy governing employment programs operated to provide employment services for Family Assistance (FA), Safety Net Assistance (SN), and Food Stamp (FS) recipients as well as optional services for individuals eligible for Temporary Assistance for Needy Families (TANF) services with incomes up to 200% of the federal poverty level. The Plan includes the district's policy and/or procedure for the approval of training programs, disability determinations and work accommodation procedures, available support services and conciliation procedures. The activity definition and other sections are consistent with the requirements included in 08 ADM-07, Implementation of Final TANF Rule.

A few sections of the Plan have been expanded to include more detailed information regarding local district procedures or amended to provide increased flexibility. Local districts are asked to make special note of the following sections:

- Section 3.3 describes the district's assessment and employment planning procedures. Federal and State regulations include specific requirements for completing employment assessments and engaging recipients in appropriate activities and the district assessment processes should address these requirements at a minimum. Districts are encouraged to update assessment and employment plan information as conditions warrant but no less frequently than annually. Families with multiple, and possibly significant, barriers often require an assessment that is more comprehensive than that provided by addressing only the minimum assessment requirements. For these reasons, districts are asked to describe their processes for updating assessments and employment plans and for addressing the needs of families with multiple, and possibly significant, barriers.
- Section 3.6 includes new information regarding the district process for making education activities available to nonexempt recipients who have not attained a high school diploma and district procedures regarding approval of participation in educational activities. Districts must ensure that the employment assessment process fully incorporates the requirements to offer educational opportunities for individuals without a high school diploma as required by regulatory amendments effective October 1, 2009.

Districts must submit their Plan for a 30-day public comment period and to OTDA as a draft no later than December 1, 2009. Districts are asked to submit Plans using Microsoft SharePoint. Training on the use of SharePoint is available via a web-based training (WBT) or through the district's Employment Technical Advisor (TA). If requested, districts may submit Plans in an alternative manner and OTDA will load the document to SharePoint.

A SharePoint site is a Website that provides a central storage and collaboration space for documents, information and ideas. SharePoint enables staff to share information and work together. SharePoint consists of document libraries and allows team members to upload documents in a manner to enable each member of a team to have access. In this instance, the team members will be the local district Employment Coordinator, the OTDA Employment Technical Advisor, and other staff as needed.

OTDA will upload the Plan template to the designated SharePoint Library located on the main Center for Employment and Economic Supports website at <http://toss/CEES/default.aspx>

The name of the SharePoint library is Employment Plans. The local district Employment Coordinator will be assigned permissions to access the library and staff can work on the Plan outside the SharePoint system if desired and upload the Plan to the site when ready for OTDA review. Employment Coordinators should notify their Technical Advisor once the Plan is submitted for OTDA review.

Districts will receive a letter indicating any changes identified by OTDA that must be made prior to Plan approval. Districts must incorporate any OTDA required changes along with any changes necessary as a result of the public comment process and resubmit the final Plan for approval by the due date included in the comment letter. A hard copy of the final Plan including the Commissioner's signature should be submitted, including any applicable attachments, for approval to the address below:

Barbara C. Guinn
Director, Employment and Advancement Services
Office of Temporary and Disability Assistance
40 N. Pearl Street, 11th floor
Albany, NY 12243

The Plan along with all applicable attachments may also be e-mailed to BarbaraC.Guinn@otda.state.ny.us

Each district will be given written notification of Plan approval. Copies of all approved Plans will be provided to the Office of Administrative Fair Hearings to support hearing decisions and will also be made available for public review on the OTDA website.

Issued By

Name: Russell Sykes

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports

Attachment A

Instructions for Completion of Biennial (2010-2011) Temporary Assistance and Food Stamp Employment Plan

These instructions should be used as a guide in completing each section of the Social Services District's Temporary Assistance and Food Stamp Employment Plan. The instructions are divided into sections that correspond to the sections in the local Plan. For further information or clarification concerning any of the contents of this document, please contact your Office of Temporary and Disability (OTDA) Employment Technical Advisor (TA).

Districts must submit their Plan for a 30-day public comment period and to OTDA as a draft no later than December 1, 2009. Districts are asked to submit their Plan using the Microsoft SharePoint. Training on the use of SharePoint is available via a web based training (WBT) or through your TA.

A SharePoint site is a website that provides a central storage and collaboration space for documents, information and ideas. SharePoint enables staff to share information and work together. SharePoint consists of document libraries and allows team members to upload documents in a manner to enable each member of a team to have access.

OTDA will upload the Plan template to the designated SharePoint Library located on the main Center for Employment and Economic Supports website at: <http://toss/CEES/default.aspx>. The name of the library is Employment Plans. The local district Employment Coordinator will be assigned permissions to access the library. Employment Coordinators should notify their Employment Technical Advisor once the Plan is complete, loaded onto SharePoint and ready for OTDA review. If requested, districts may submit Plans in an alternative manner and OTDA will load the document to SharePoint.

Upon completion of OTDA's review, the district Employment Coordinators will receive a letter indicating any changes which must be made, if applicable, prior to Plan approval. Districts will be expected to incorporate any changes required by OTDA as well as any changes necessitated by public comment and to submit a final hard copy of the Plan signed by the district Commissioner along with any attachments to OTDA for approval. Final Plans should be submitted for approval to:

Barbara C. Guinn
Director, Bureau of Employment and Advancement Services
Office of Temporary and Disability Assistance
40 N. Pearl Street, 11th floor
Albany, NY 12243

The Plan along with applicable attachments may also be e-mailed to
BarbaraC.Guinn@otda.state.ny.us

After OTDA has approved the Plan, if a social services district makes any policy or procedural changes, deletions or additions to their employment program that require a Plan amendment, the amended Plan must be submitted to OTDA for approval. Each page of the

document may serve as a modification document. On a blank copy of the page in question, enter the proposed change(s) to the Plan, check the “amendment” box at the bottom of the page, and submit a request for approval.

General Instructions

In accordance with Department Regulation 18 NYCRR 385.10, the local employment Plan must be developed in cooperation with local education institutions, childcare providers, childcare resource and referral agencies (if available in the district), labor unions, libraries, public and private employers, employment and training agencies, Workforce Investment Act (WIA) agencies, and Workforce Investment Boards, as well as any other applicable agencies or institutions. Draft Plans are required to be made available for public comment for a 30-day period.

Most areas of the Plan template are self explanatory but the following instructions should be used to assist in Plan completion.

Section 1 Assurances and Commissioner’s Signature

This section records the district’s commitment to administer an employment program that is in compliance with all applicable federal and State policies, laws, regulations, and provisions outlined in the local Plan. This section includes the signature of the Commissioner of the Department of Social Services (DSS) affirming this assurance.

Section 2 Administration

This section includes a description of internal local district employment administration and contracts with external agencies.

2.1 Administrative Structure

As stated in the Plan document, the district is to include an organizational chart with this section. Include in this section the principal organizations/agencies/staff that provide employment services and specify what services are provided. Employment services include, but are not limited to, employability determinations, orientation, assessment, employment planning, assignment to work activity, monitoring of participation, developing and monitoring treatment plans for exempt individuals engaged in treatment or rehabilitation to restore self sufficiency, coordination and provision of supportive services, and employment placement and retention services. Also include a description of the staff/units that are responsible for conciliation, sanction, and dispute resolution. If applicable, please include the unit’s relationship to other offices in the local department of social services. Indicate in this section if the district contracts with another agency to provide any of the employment services and specify what programs and/or services those contractors provide. In those instances for which the majority of the district’s employment services are provided by another agency such as the county Employment and Training Agency, the Plan should also include an organizational chart and description of the organizational arrangements and staff that provide employment services for the TA and FS population on behalf of the district.

2.2 TA and FSET Provider Agencies

Complete Table 1 with information regarding agencies and providers with which the district contracts to provide employment services for the TA and FS population. In selecting providers, districts are encouraged to take into account such factors as past performance in providing similar services, demonstrated results, fiscal accountability, cost effectiveness and ability to meet other performance standards.

Providers may include, but are not limited to, private education and training providers, community based organizations, WIA agencies, State agencies, school districts, Board of Cooperative Educational Services, post secondary educational institutions, Educational Opportunity Centers, and others. When it is feasible, districts should develop performance-based contracts or agreements with such entities. Standards must include an evaluation procedure to ensure that services offered by a provider are sufficient to substantially enhance a participant's opportunity to secure unsubsidized employment. Contracts entered into by districts must be available for review by OTDA upon request.

In the second column, please enter the annual contract cost.

The district may not contract for a service or activity which is otherwise available at no cost. This section also states that the contracts must include a cost allocation methodology that satisfies Generally Accepted Accounting Principles and the requirements of pertinent U. S. Office of Management and Budget Circulars, unless services are reimbursed on a performance basis.

The categories of clients served may include Family Assistance (FA), Safety Net Assistance for Families (SNF), Safety Net households w/o children (SNA), Food Stamp (FS), and TANF 200% population. Those categories served by the provider should be listed in the column.

The last column of Table 1 may contain the name of the program but it must also contain a description of the program, services, or activities that are provided.

Table 2 Other Service Providers

There may be organizations to which the district refers participants for employment services that do not require a payment from the district. These organizations may be directly funded by OTDA (e.g., Wage Subsidy or Bridge) or some other source such as State and federal education funds. Please list these organizations, the funding source(s) if known, the categories of individuals referred by the district that are served, and the programs, services or activities provided by the organization for those referred by the district.

2.3 OTDA Jobs Staff Agreement

This section is to be completed for those districts currently participating in the OTDA Jobs Program, which provides State staff support for various employment related services. The district should designate which services will be offered and the target group(s) that will be served by placing an "X" in the selected areas. Additional narrative may be included to describe

specific services or duties Jobs staff will be expected to fulfill which are not included in the template.

Any district seeking to amend current Jobs staffing levels should address that request with OTDA's Center for Employment and Economic Supports.

OTDA Jobs staff are currently located at the Department of Labor offices, One Stop Centers and LDSS offices. When OTDA Jobs staff work at local district locations or, by agreement, One Stop Centers locations, OTDA is requesting districts provide logistical support for the Jobs staff. This support may include: work space (desk, chairs and secure files), telephone, local fax access and postage. At the end of this section, please identify the district employee designated as the primary contact for OTDA with respect to OTDA Jobs staff.

Section 3 Engagement and Work Preparation

3.1 Federal "Engaged in Work" Requirement

This section contains the definition of what it means to be "engaged in work" to comply with the federal requirement that all TANF parents and caretakers will be engaged in work prior to receiving 24 months of assistance. An acceptable definition is included in the Plan template but districts may include additional information to reflect local requirements.

3.2 Orientation

All applicants and recipients of Temporary Assistance must receive an orientation regarding employment expectations and other requirements. This orientation should include information regarding time limits and requirements to engage in work, school attendance for teen parents and finding childcare if necessary. A complete explanation of the rights and responsibilities of applicants and recipients and of the benefits and obligations of participation in employment activities will help districts meet participation rate requirements and help recipients understand program expectations and support efforts to achieve financial security.

The complete list of what must be included in orientation is contained in Section 385.5 of the Regulations. If additional elements are covered in the district's orientation, please check the appropriate box and provide a brief description of them.

Also in this section, please describe how the district completes the orientation, including who conducts the orientation (e.g., TA staff, Employment staff, or both), at what point during the application process is it completed and in what type of setting (e.g., group or individual). In addition, please address whether the orientation requirement is completed differently at recertification and, if so, how.

3.3 Assessment and Employment Planning

Assessments and employment plans are required for most Temporary Assistance participants. Assessments must include a review of educational level, including literacy and English language proficiency, basic skills proficiency, childcare and supportive service needs, as well as a review of family circumstances. Indicate by checking the appropriate box in subsection

“a” under Temporary Assistance Assessments if the district assessment contains additional elements and list those elements.

If the district’s assessment includes specific screening tools to identify participants with potential disabilities, please indicate this in subsection “a” and include in subsection “b” what tool is used.

Districts are encouraged to reevaluate a participant’s work status and activity assignment at least annually. It is important to periodically evaluate whether or not any changes to the individual’s assignment or support services are warranted based on any changed circumstances and the extent to which the individual is making progress in the current activity assignment(s).

If the district’s assessment includes specific screening tools to identify participants with potential disabilities, please indicate this in subsection “a” and include in subsection “b” what tool is used.

In subsection “c” districts are asked to describe the local process for the completion of an employment assessment. Please describe district policy that ensures that all adults in households with dependent children and 16- and 17-year-olds not in school receive assessments within 90 days of eligibility. District policy should also ensure that all adults applying for or receiving public assistance and residing in households without dependent children receive assessments within a year following their application. Districts are reminded that individual self assessment alone does not meet the requirements for conducting assessments as outlined in 18 NYCRR 385.6(c) and 385.7(c). Districts must ensure that local assessment procedures are in place that will gather relevant information about an individual’s strengths and barriers as part of a comprehensive strategy to help the individual obtain meaningful employment or otherwise assist the family to become economically secure.

Subsection “d” asks for qualifications of the individuals completing assessments and employment plans. Specifically, please indicate what type of training the individuals receive for these tasks or if there is an experience requirement for the position. Please include the title of the individual if he/she is a DSS employee.

Indicate in subsection “e” if assessments are completed with applicants, for both households with children and households without children.

While not required for the food stamp population, it is advisable to conduct an assessment prior to enrolling participants in an activity. Indicate in the Food Stamp Assessment section if it is district policy to conduct an assessment and, if so, what it involves. A food stamp sanction must not be imposed for failure to comply with an assessment if the district does not require food stamp applicants or recipients to participate in an assessment.

Under Temporary Assistance Employment Plans, indicate by checking the appropriate box if the district includes additional elements in the employment plans and, if so, describe those elements.

Include a copy of the district’s assessment and employment plan forms as attachments to the Plan.

3.4 Participation Rates and Work Activities

Subsection “a” contains questions asking for the district’s plan to meet federal and state participation rates. As part of this description, please include the typical time period between case opening and engagement in activities for nonexempt individuals and the typical time period for engagement in a traditional work activity after an individual’s status changes from exempt to nonexempt. Include how this and other factors regarding participation rate and engagement are monitored. Indicate in this section what the district’s weekly standard participation requirement is for individuals in the different case and household types. For example, is the district’s participation standard 30, 35, or 40 hours per week for households with no children under age six? Is it 20 or more hours per week for a single caretaker of a child under age six? Please explain. Districts should also include a description of how the district uses work participation management reports available through Cognos or other reports and activities to monitor district progress toward meeting work participation requirements and ensuring full engagement by adults in work or work preparation activities.

Subsection “b” describes the work activities in which participants are enrolled. The Final TANF rule defined each countable federal work activity. The work activity definitions established by OTDA incorporate the requirements established in the Final TANF rule at 45 CFR 261.2 and New York’s approved Work Verification Plan. Districts may choose to provide additional detail regarding local activity offerings so long as the activity description for all countable work activities remains consistent with the requirements outlined in 08 ADM-07.

Districts may provide, but are not limited to providing, activities from the list contained in the Plan template. The district must indicate which categories of participants the activities are available for by placing an “X” in the appropriate column(s).

Considerations and requirements for some of the work activities are as follows:

- Districts are encouraged to enroll Temporary Assistance recipients in job skills training or vocational education programs to provide participants with marketable job skills.
- Districts are required to consider enrollment in an educational activity for all participants who do not have a high school diploma or equivalent.
- As stated in Department Regulation 385.9 (d)(3), work experience and community service must meet the requirements prohibiting displacement and other applicable provisions. The number of hours of participation in work experience cannot exceed the Temporary Assistance and Food Stamp grants divided by the federal or State minimum wage, whichever is higher.
- According to Department Regulation 385.9(b), a non-graduate degree student who is participating in work study, internships, externships, or other work placement that is part of that student’s curriculum cannot be unreasonably denied the opportunity to participate in that placement as a work activity assignment. The regulation states that participation in such a program is to be considered unsubsidized employment, subsidized private or public sector employment or on-the-job training. Subsidized employment may be more appropriate for federal work study programs, while

participation in internships or externships would probably be more appropriately considered on-the-job training.

- At a minimum, districts are required to make available Job Search as an FSET activity for Food Stamp applicants and recipients. Where ABAWD requirements are followed, districts must provide ABAWD qualifying activities to all food stamp recipients who require such enrollments to maintain eligibility.

Following the work activities, districts are asked to provide a description of the local policy for Applicant Job Search and Recipient Job Search. Please indicate the number of employer contacts and hourly participation generally required for applicant and recipient job search and the local districts procedures for monitoring the job search. Participation in a job search activity will include time directly supervised by the program provider as verified through attendance records or other statements from the program provider. As required by the federal Department of Health and Human Services, individuals participating in self-directed job search will be required to maintain and submit a log detailing the amount of time spent participating in independent job search activities. This job search log will be reviewed by the responsible staff person providing supervision of the activity to assess the extent to which a reasonable number of contacts were made during the time reported given the amount of time required to identify, apply and interview for a job as well as time spent preparing and sending follow-up materials to an employer. Districts are strongly encouraged to support each individual's search for work through actions such as helping participants identify job openings that are consistent with his or her work abilities and interests.

3.5 Job Development

This subsection is for districts to describe job development activity, if any, in which the district is involved. Job development includes active efforts by the district to identify potential job openings for which participants are qualified to apply through outreach to area employers, employer associations and other methods. Please check the box next to "Yes" or "No" to indicate whether or not job development activities are conducted. If yes, check the appropriate box(es) that follow to indicate who is involved in job development and describe number of staff, frequency of contact with employers and any other pertinent information. Districts are encouraged to coordinate job development activities with local workforce agencies.

3.6 Training Approval and Activity Enrollment Policies

Districts should ensure that education and job training services are available to individuals whose assessment indicates a need for adult basic education or English Language Instruction and districts should also strive to provide opportunities for job skill training for individual's whose job placement efforts would benefit from these services.

Federal participation rate requirements limit the types of educational activities that will count towards meeting work participation rates. Districts are reminded that all hours in a vocational education placement count toward federal TANF/MOE work participation rates for up to 12 months in a lifetime for any individual. Job skills training counts toward the federal TANF/MOE work participation requirement, so long as combined with at least 20 hours weekly in a "core" work activity such as employment or work experience. (Work experience may be less than 20 hours weekly if "deemed" to meet the 20-hour standard due to the hourly

participation being equivalent to the number of hours resulting from dividing the households TA and FS grants by the minimum wage).

In subsections “a” and “b”, each district is asked to describe how it identifies and provides appropriate education or job skills services for individual’s whose assessment indicates that such services would be an appropriate work activity assignment. This section should include what arrangements the district has in place with education and training providers, including contracted services, to provide such services. This information is requested to ensure that each district’s planning process includes an active effort to ensure such services are available for individuals whose assessment indicates that education or training is appropriate.

Subsections “c and d” ask each district to describe the process for making educational activities available to participants and for determining when individuals without a high school diploma or equivalent is enrolled in educational activities. Regulations effective October 1, 2009, require districts to offer individuals who have not attained a high school diploma or equivalent the opportunity to participate in educational activities including adult basic education and activities intended to prepare them to attain a high school diploma or its equivalent.

In subsection “e” districts are asked to describe what steps the district will take to increase or maintain a high number of enrollments in vocational education or job skills training programs. Districts are strongly encouraged to make job skills training and vocational education programs available to program participants and to establish a job placement strategy for individuals who complete training.

Districts are reminded that vocational education counts fully toward federal work participation requirements for an individual for up to 12 months in the individual’s lifetime. Job skills training counts without a time limit so long as combined with 20 hours of core work activity (and vocational education beyond the 12 months may be reported as job skills training, again requiring the 20 hours of core work activity). (Reference 08 ADM-07)

Each social services district is responsible for the approval of work activities including training and education. In this section, describe the district’s standards for approving training providers including the determination that the training is for positions that are “in demand” in the area or, if the training is general, that it provides the base that is needed by some individuals in order to progress to or in competitive employment. An evaluation procedure must be incorporated into the approval determination standards of each social services district. Each social services official must maintain a list of programs which have been approved by the district. Also in this section, set forth the procedure for advising applicants/recipients of approved activities and providers as well as the procedures for notifying applicants/recipients whether enrollment in a work activity is approved and the requirements participants must meet to maintain their enrollment in those activities. These items are to be completed in subsections “f” through “i.”

For subsection “j”, unless a valid reason exists, districts must approve as an activity, work study, internships, externships, etc. that are associated with a non-graduate educational program, whether or not they have approved the educational program. The reasons for withholding such approval must be included in the Plan. All of the reasons listed in the regulation are listed in the Plan and the district may check only those that are conditions under which the district would deny approval of the activity. The district may check all or any of the

conditions listed in this subsection and may include additional conditions. At least one condition must be included unless the district would never deny such an activity.

The procedure for monitoring teen school enrollment to determine the individual's exempt status is to be entered in subsection "k." If normal periodic monitoring procedures cause the verification to be due during a summer month when students are not normally in school, some type of tickler must be established so the enrollment can be verified when school reconvenes.

Subsection "l" asks districts to identify how it ensures that individual's health limitations are accommodated when making an assignment to a work activity. Districts are reminded that a participant's limitations must be provided, in writing, to the provider should it appear that the limitation would impact on the individual's ability to participate in the particular activity. Privacy laws prohibit disclosure of a medical condition but restrictions or limitations resulting from the medical condition must be shared with the supervisor at the participant's work assignment.

Section 3.7 Work Verification

This section of the Plan describes the district's procedure for monitoring attendance in work activities and also includes the controls in place to ensure that exemptions which may result in the federal exclusions from the work participation rate calculation are accurately made, work eligible individuals are correctly identified, hours of attendance reported by providers is accurate and documented, data entry is accurate and that district and providers adhere to approved district and State policy in terms of work activity definitions and determination of excused absence and holiday reporting. Districts must validate attendance reporting by monitoring visits to providers and viewing attendance rosters for training. The district must describe the frequency of attendance monitoring visits, which may vary based on the number of participants served by the provider.

Section 3.8 Requirements for Exempt Temporary Assistance Participants

In this section of the Plan, outline the district's procedures for assisting participants who are exempt, but who have the potential to be restored to self-sufficiency (18 NYCRR 385.2(e)). In subsection "a" the district may refer to their disability process outlined in Section 6, but there is no need to repeat that information here. The purpose of this subsection is to describe how the information obtained, as described in Section 6, is interpreted for the purpose of determining if some type of treatment or rehabilitation would improve the individual's employability. Include who (e.g., title, unit, etc.) makes the determination and what information is used to assist in the determination. If the district has a special unit or has contracted with a provider that assists with this process, please include that information.

Subsection "b" is to include what factors/considerations the district includes in developing a participant's treatment plan and referring for appropriate treatment. (This section is **not** to include the district's procedures for mandatory substance abuse screening and treatment, which are covered by separate OTDA regulations.)

Subsection "c" is to contain the district's process for monitoring compliance with the treatment plan, including the frequency and manner in which attendance verification is obtained

or how compliance is otherwise assured and documented. Monthly attendance verification is required for the activity to possibly count toward the district's participation rate.

Section 3.9 Strategies/Procedures for Increasing Program Attendance

Federal work participation rate requirements significantly limit the number of days that may be reported toward the work participation rate based on excused absence from attending a program activity. Additionally, it is important that program participants adopt strategies to balance work and other needs to reduce time missed from work so they are better prepared to enter and retain employment. Districts are asked to describe district policies and procedures in place to reduce the amount of time participants fail to participate in work activities, including time missed with good cause. These practices may include strategies to motivate client participation, counseling clients on the importance of having back up childcare arrangements and strategies to reduce the extent to which personal needs conflict with work schedules. Additionally, districts should take steps to reduce the extent to which agency requirements conflict with work activity schedules and employ strategies such as immediate outreach to ensure attendance is quickly resumed.

Section 3.10 Strategies/Procedures for Engaging Sanctioned Temporary Assistance Participants

In this section, please check the appropriate box regarding whether the district uses specific strategies to try to engage sanctioned participants and, if so, at what point during the sanction period. Also include the procedures the district uses to try to reengage sanctioned participants.

Section 3.11 Diversion Strategies

Indicate in this section if the district uses strategies to divert applicants from needing/applying for continued Temporary Assistance. If yes, describe those strategies. This is not to include applicant assessment since it is an eligibility requirement and does not provide an alternate source of income or meet an immediate need. Districts may indicate in this section that supportive services are provided as a diversion, but need not list those services since they are to be listed in Section 4.1 "d." Specific criteria for providing those services should be listed here (e.g. verified employment, promise of employment).

Section 4 Support Services

Support services may include, but are not necessarily limited to, childcare assistance, transportation assistance, nonrecurring payments to meet employment related needs such as car repairs or clothing and placement and retention services including job coaches and other methods of case management.

It is important to remember that the families who have received 60 months of TANF assistance and who are now receiving Safety Net assistance remain eligible to receive TANF funded nonassistance support services. The exception is transportation assistance provided to families that are not employed. Transportation assistance for these families should be provided but must be funded with Safety Net funds.

4.1 For Temporary Assistance Applicants and Recipients in Work Activities

Each social services district must provide, when resources are available and when the district determines they are necessary, transportation, work related expenses, case management and medical assistance. Childcare shall be guaranteed, if appropriate, to individuals who need such care to participate in orientation, assessment, employment planning and assigned work activities.

Describe in subsection “a” the services the district will provide or for which the district will provide reimbursement to individuals to participate in employment related activities or to assist participants to improve their opportunities for sustained employment or advancement. Include maximum amounts for items if applicable.

Describe in subsection “b” the transportation services the district provides. Districts must continue to make diligent efforts to assist a person in obtaining transportation to get to and from a work activity site. Where lack of transportation is a direct barrier to participation in a work activity the local district must make a reasonable effort to assign the individual to an appropriate work activity at a site as close as possible to the individual’s home. If there is a specific mileage reimbursement rate, please indicate that here along with information regarding the method used to establish the reimbursement rate.

Describe in subsection “c” the district’s approach for work activity assignments for clients who reside in an area without public transportation and for whom a lack of transportation is a major barrier to self sufficiency. OTDA policy establishes a distance not to exceed 2 miles as the maximum distance that the district can require a participant to walk to a work activity assignment. Please identify the maximum distance, if any, that a participant may be expected to walk, but no greater than 2 miles.

Describe in subsection “d” the support services which the district will provide to assist individuals at risk of needing Temporary Assistance to improve their opportunities for employment or to maintain their employment.

Subsection “e” is to include a description of how the district accommodates the needs of non English speaking participants in accessing employment services. Please be specific regarding how the district provides equal access to employment services for the participant who has a language barrier and how the district helps the individual understand (e.g., bilingual staff, access to interpreters, etc.) his/her rights and responsibilities. If the district never or very seldom has such a participant, they may check the box stating that it is not applicable.

4.2 Transitional Support Services

In this section describe the supportive services provided for up to 90 days after individuals have lost their Temporary Assistance due to employment.

4.3 Extended Supportive Services

Describe in this section the supportive services the district will provide for individuals who are eligible under the 200% of poverty eligibility guidelines, as long as funding is available.

4.4 Supportive Services for Food Stamp Employment & Training (FSET) Participants

Districts are required to provide or reimburse, as needed, Food Stamp Employment and Training (FSET) participants costs associated with engaging in FSET programs. The district must provide or reimburse as appropriate the costs of dependent care expenses for individuals assigned to participate in FSET programs. However NYS policy prohibits use of FSET funds for childcare if the family would be eligible for child care services under the Childcare Block Grant (CCBG).

List the district's policy for providing transportation services in subsection "a." If there is a specific mileage reimbursement rate, please indicate that here. If supportive services other than transportation and childcare are provided, list them in subsection "b."

Section 5 Temporary Assistance Conciliation and Dispute Resolution Procedures; Food Stamp "Good Cause" Determination Procedures

District Plans must include a description of the conciliation process they use to afford a temporary assistance client the opportunity to explain a refusal or failure to comply with an assignment or to dispute an activity assignment. The Plan must also include the procedure used by the district to determine if good cause exists for a client's failure to comply with a food stamp employment requirement.

5.1 Conciliation

Conciliation must be conducted in accordance with Dept. Reg. 385.11(a). Check the appropriate boxes of Section 5.1 that indicate how conciliations are conducted (more than one may be checked) and what staff person or other entity makes the determination that noncompliance was willful and without good cause. Please include additional information where requested, and the steps an individual must take if any, to lead to a positive resolution.

5.2 Sanctions

Describe the districts procedures for "ending" a durational sanction for the first such failure or refusal to comply with employment requirements and describe the districts procedures for an individual to show compliance at the end of the durational period.

5.3 Dispute Resolution

Dispute resolution must be conducted in accordance with Dept. Reg. 385.11(b). Dispute Resolution must be available to clients who wish to dispute a work activity assignment. This process is also used for participants who dispute the district's response to their request for health related accommodations. Please check the appropriate box in this section to describe the district's dispute resolution procedure.

5.4 Food Stamp Good Cause Determination

When an applicant or recipient has failed to comply with Food Stamp program work requirements or assignment to work activities, the district must determine whether the noncompliance was without good cause before a sanction may be imposed. In determining whether good cause exists, the district must consider the facts and circumstances, including information submitted by the client. The applicant or recipient is responsible for notifying the district of the reasons for the noncompliance and for furnishing evidence to support any claim of good cause. The district has no obligation to send a separate notice requesting good cause information to the individual at the time of noncompliance but may do so if they wish. Check the appropriate box in Section 5.4 to describe the district's good cause determination for Food Stamp. Conciliation for FSET failures to comply is not required, but districts have the option to use that procedure. Check the appropriate box in this section to indicate the procedure the district uses and include additional information if appropriate.

Section 6 Disability Determinations

In this section describe the process by which determinations of disabilities are made. A participant has ten calendar days from the date of the request by the district to provide documentation of a medical impairment in order for the district to determine disability and/or work limitations of the individual. The district can decide if the individual's medical documentation is sufficient to make a determination.

Alternatively or in conjunction with the request for documentation, the district may refer the individual to a health care practitioner for a determination of his/her ability to work. If the district refers the individual to its practitioner, the individual may submit his/her own medical documentation to the district's practitioner for consideration in the evaluation within prescribed time frames in Dept. Reg. 385.2(d).

Please describe in this section, by checking the appropriate box and including additional information as required, how the district obtains medical documentation and who makes the disability determination once the documentation is received.