



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

**David A. Paterson**  
*Governor*

**Informational Letter**

**Section 1**

<b>Transmittal:</b>	10-INF-17
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports
<b>Date:</b>	August 20, 2010
<b>Subject:</b>	Revised LDSS-4958: "TA Sanction & Denial Policy/Participation Rate Impact Guide"
<b>Suggested Distribution:</b>	Employment Coordinators and Temporary Assistance Directors
<b>Contact Person(s):</b>	Policy Questions: Employment Services Advisor or Employment and Advancement Services Bureau at (518) 486-6106 Forms Questions: Kelly Whitney @ 1-800-343-8859, ext. 3-7991
<b>Attachments:</b>	<a href="#">Attachment 1: LDSS-4958: "TA Sanction &amp; Denial Policy/Participation Rate Impact Guide"</a>
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

**Filing References**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
09-INF-07 08-ADM-07		351.1 351.2 352.30 369.2 385.2 385.6 385.7 385.9 385.12 385.13	153 332 333 334 335 336 370.2	Temporary Assistance and Food Stamp Employment Manual Sections 385.2 385.6 385.7 385.9 385.12 and 385.13 TASB Chapter 25 351.2	

## Section 2

### I. Purpose

The purpose of this Informational Letter (INF) is to inform districts of a revision to the LDSS-4958: “*TA Sanction and Denial Policy/Participation Rate Impact Guide*” which is available on-line.

- Regulatory citations for assessment related infractions have been updated consistent with regulatory changes that took effect October 1, 2009.
- CNS reason codes for Failure to Take Part in Drug/Alcohol Rehab-Recipient (Employability code 63-Substance Abuser, Exempt) 1<sup>st</sup> Occurrence, 2<sup>nd</sup> Occurrence, and 3<sup>rd</sup> Occurrence have changed to codes PX1, PX2, and PX3.
- CNS reason code for Failure to Comply with Drug/Alcohol Screening-Applicant or Recipient has changed to code P44.
- CNS reason code for Failure to Comply with Drug/Alcohol Assessment-Applicant or Recipient has changed to code P45.
- CNS reason code for Failure to Comply with Drug/Alcohol Release of Information-Applicant or Recipient has changed to code P46.
- Update Rate Impact Note 1 to reflect correct Individual Disposition Status code definition of code 10.

### II. Background

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) authorized the Temporary Assistance for Needy Families (TANF) Block Grant program. Under PRWORA, states were granted significant flexibility to design programs to meet families’ basic needs and help individuals enter the workforce. In 2005, Congress passed the Deficit Reduction Act of 2005, reauthorizing the TANF program and giving the federal Department of Health and Human Services regulatory authority in certain areas. Largely, New York State sanction policies were not directly impacted but it was determined that there was a need to develop a comprehensive desk guide highlighting the correct usage of sanction “reason codes”, the appropriate individual disposition “status codes” to be applied when imposing sanctions for noncompliance with work requirements, and the impact of such sanctions on the participation rate calculation.

### III. Program Implications

District staff should begin using the revised LDSS-4958 immediately. The revised form will enable district staff to properly monitor and report sanctions in a manner consistent with federal and State regulations.

### IV. Forms Ordering Information

- The English version of the LDSS-4958: “*TA Sanction & Denial Policy/Participation Rate Impact Guide*” is **not** State printed but is available to local districts in both PDF format and as master camera ready copies. The procedures for ordering PDFs or master camera ready copies are listed below.

- The LDSS-4958: “*TA Sanction & Denial Policy/Participation Rate Impact Guide*” has been posted on the OTDA Intranet website at [http://otda.state.nyenet/ldss\\_eforms/default.htm](http://otda.state.nyenet/ldss_eforms/default.htm) and is available for downloading by local districts for reproduction locally.
- Any future written requests for master camera ready copies of the English version should be submitted on OTDA-876: “*Request for Forms or Publications*”, and should be sent to:

Office of Temporary and Disability Assistance  
 BMS Document Services and Operational Support  
 PO Box 1990  
 Albany, NY 12201

- Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.
- Master camera ready copies of the documents may also be ordered through Outlook. To order a master camera ready copy you must obtain an OTDA-876 electronically by going to the OTDA Intranet Website at <http://otda.state.nyenet/> then under Program Areas go to the Division of Operations and Program Support page, then to OPS E-forms page (this page contains the electronic OTDA-876).
- For those who do not have Outlook but who have Internet access for sending and receiving e-mail, the Internet e-mail address is: [gg7359@dfa.state.ny.us](mailto:gg7359@dfa.state.ny.us) . For a complete list of available forms, please refer to the OTDA Intranet site: [http://otda.state.nyenet/ldss\\_eforms/default.htm](http://otda.state.nyenet/ldss_eforms/default.htm) .

**Issued By**

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Center for Employment and Economic Supports

## Notes:

- 1 Rate Impact:** Cases which include an adult with an individual disposition status code of 07 Active (Includes individuals Sanctioned Prorata), or 10 Inactive/Non-Applying Sanctioned Incremental remain in the denominator of the participation rate calculation unless the adult has been sanctioned (grant reduction) and the case has not been excluded, due to sanction, for more than 3 months during the preceding 12 month period.
- 2 Rate Impact:** Individuals who have been sanctioned for failure to comply with Child Support Enforcement requirements (IV D) remain active TA recipients and remain subject to work requirements. Such individuals should be assigned to an appropriate work activity and are subject to conciliation/sanction for noncompliance with work requirements.
- 3 Rate Impact:** Cases in which there is no adult with an individual disposition status code 07 or 10, at any point during the month, are not included in the participation rate calculation.
- 4 Intentional Program Violations (IPV) sanctions (Reason Code M78, WP1-WP8 and WS1-WS8) do not require conciliation and result in the individual being disqualified from receiving Temporary Assistance for the period of time associated with the infraction as per 18 NYCRR 359.9. These individuals should be assigned Individual Disposition Status code 10 which results in such cases being included in the participation rate calculation. Therefore, any countable participation known to the district should be documented and reported on WTWCMS.**

Noncompliance Issue	Reason Codes	Conciliation Required? Yes or No	Case Action	Denial/Sanction Results	Regulatory Citation	Individual Disposition Status Codes (WMS)/Rate Impact (Footnote)
Failed to keep Employment Assessment Appointment – <b>Applicant</b>	N21	No	Application denial (Family Level)	Entire application is denied	with dependent children 18 NYCRR 385.6(a)(7)(i)  without dependent children 18 NYCRR 385.7(a)(7)(i)	11 Note 3
Failure to comply with Requirement to Look for Work/Job Search – <b>Applicant</b>	N19	No	Application denial (Family Level)	Entire application is denied	18 NYCRR 385.9(e)(5)(i)	11 Note 3
Failure to submit requested documentation to verify a claimed exemption from work activities – <b>Applicant or Recipient</b> <i>Failure to provide requested documentation of a claimed exemption from work requirements is an eligibility requirement for the household and the entire case would be denied or closed. (i.e. failure to provide a medical statement)</i>	V21 Applicant  V20 Recipient	No	Application denial (Family Level)  Case closure (Family Level)	Entire application is denied  Entire case is closed until requested documentation is submitted	18 NYCRR 351.1(b)(2)	11 Note 3  20 Note 3
Failure to Comply with Employment Requirements - 1 <sup>st</sup> occurrence <i>An <b>applicant</b> failing to comply with assigned employment activities <u>other than</u> Assessment or Job Search or a <b>recipient</b> failing to participate in employment assessment, job search, job interview, JRT, educational training or other assigned work activity (including Drug/Alcohol Rehab for recipient with employability code 64—Substance Abuser nonexempt)</i>	WE1	Yes	Individual durational sanction (prorata)	Sanction until compliance for families with dependent children  Sanction 90 days <b>and</b> until compliance for households without dependent children	with dependent children Assessment- 18 NYCRR 385.6(a)(7)(ii) E&T. - 18 NYCRR 385.12(d)(1) Job Search - 18 NYCRR 385.9(e)(5)(ii)  without dependent children Assessment - 18 NYCRR 385.7(a)(7)(ii) E&T. 18 NYCRR 385.12(d)(2)	07 Note 1

Noncompliance Issue	Reason Codes	Conciliation Required? Yes or No	Case Action	Denial/Sanction Results	Regulatory Citation	Individual Disposition Status Codes (WMS)/Rate Impact (Footnote)
Failure to Comply with Employment Requirements - 2 <sup>nd</sup> occurrence <i>An <b>applicant</b> failing to comply with assigned employment activities other than Assessment or Job Search or a <b>recipient</b> failing to participate in employment assessment, job search, job interview, JRT, educational training or other assigned work activity (including Drug/Alcohol Rehab for recipient with employability code 64—Substance Abuser nonexempt)</i>	WE2	Yes	Individual durational sanction (prorata)	Sanction 3 months (90 days) <b>and</b> until compliance for families with dependent children  Sanction 150 days <b>and</b> until compliance for households without dependent children	Job Search - 18NYCRR385.9(e) with dependent children Assessment - 18 NYCRR 385.6(a)(7)(ii) E&T. - 18 NYCRR 385.12(d)(1) Job Search - 18 NYCRR 385.9(e)(5)  without dependent children Assessment - 18 NYCRR 385.7(a)(7)(ii) E&T. - 18 NYCRR 385.12(d)(2)(ii) Job Search- 18 NYCRR 385.9(e)(5)	07 Note 1
Failure to Comply with Employment Requirements - 3 <sup>rd</sup> and all subsequent occurrences <i>An <b>applicant</b> failing to comply with assigned employment activities other than Assessment or Job Search or a <b>recipient</b> failing to participate in employment assessment, job search, job interview, JRT, educational training or other assigned work activity (including Drug/Alcohol Rehab for recipient with employability code 64—Substance Abuser nonexempt)</i>	WE3	Yes	Individual durational sanction (prorata)	Sanction 6 months (180 days) <b>and</b> until compliance for families with dependent children  Sanction 180 days <b>and</b> until compliance for household without dependent children	with dependent children Assessment - 18 NYCRR 385.6(a)(7)(ii) E&T. - 18 NYCRR 385.12(d)(1) Job Search - 18 NYCRR 385.9(e)(5)  without dependent children Assessment - 18 NYCRR 385.7(a)(7)(ii) E&T. - 18 NYCRR 385.12(d)(2)(iii) Job Search - 18 NYCRR 385.9(e)	07 Note 1
Voluntary Quit or Reduced Earnings - <b>Applicant</b> <i>An <b>applicant</b> who voluntarily quits his/her job or reduced his/her earnings or caused his/her own termination from employment or reduction in work hours by provoking his/her own discharge in order to qualify for initial or increased temporary assistance</i>	N31	No	Individual Ineligible (incremental)	Individual is disqualified from receiving assistance for 90 days from the date of the quit or reduced earnings.	18 NYCRR 385.13(a)(8)(i)	10 Note1
Voluntary Quit or Reduced Earnings - 1 <sup>st</sup> occurrence <i>A <b>recipient</b> who voluntarily quit his/her job or reduced his/her earnings or caused his/her own termination from employment or reduction in work hours by provoking his/her own discharge</i>	N41	Yes	Individual durational sanction (prorata)	Sanction until compliance for households with dependent children  Sanction 90 days <b>and</b> until compliance for households without dependent children	with dependent children 18 NYCRR 385.12(d)(1)(i); 385.13(a)(8)(ii)  without dependent children 18 NYCRR 385.12(d)(2)(i); 385.13(a)(8)(ii)	07 Note 1
Voluntary Quit or Reduced Earnings - 2 <sup>nd</sup> occurrence <i>A <b>recipient</b> who voluntarily quits his/her job or reduced his/her earnings or caused his/her own termination from</i>	N42	Yes	Individual durational sanction	Sanction 3 months (90 days) <b>and</b> until compliance for households with dependent	with dependent children 18 NYCRR 385.12(d)(1)(ii); 385.13(a)(8)(ii)	07 Note 1

Noncompliance Issue	Reason Codes	Conciliation Required? Yes or No	Case Action	Denial/Sanction Results	Regulatory Citation	Individual Disposition Status Codes (WMS)/Rate Impact (Footnote)
<i>employment or reduction in work hours by provoking his/her own discharge</i>			(prorata)	children  Sanction 150 days <b>and</b> until compliance for households without dependent children	without dependent children 18 NYCRR 385.12(d)(2)(ii); 385.13(a)(8)(ii)	
Voluntary Quit or Reduced Earnings - 3 <sup>rd</sup> and subsequent occurrences <i>A recipient who voluntarily quits his/her job or reduced his/her earnings or caused his/her own termination from employment or reduction in work hours by provoking his/her own discharge</i>	N43	Yes	Individual durational sanction (prorata)	Sanction 6 months (180 days) <b>and</b> until compliance for households with dependent children  Sanction 180 days <b>and</b> until compliance for households without dependent children	with dependent children 18 NYCRR 385.12(d)(1)(iii); 385.13(a)(8)(ii)  without dependent children 18 NYCRR 385.12(d)(2)(iii); 385.13(a)(8)(ii)	07 Note 1
Continue <b>Applicant</b> Voluntary Quit Sanction <i>Continuation of N31</i>	M71	No	Individual Ineligible (incremental)	Individual was disqualified from receiving assistance and disqualification continues for 90 days from the date of the quit or reduced earnings.	18 NYCRR 385.13	10 Note 1
Continue <b>Recipient</b> Voluntary Quit Sanction <i>Continuation of N41, N42 or N43</i>	M72	No	Individual durational sanction (prorata)	Individual continues to refuse to work or participate in employment activities as required	18 NYCRR 385.13	07 Note 1
Continue Employment Requirement Sanction <b>Recipient</b> continuation of WE1, WE2 and WE3	M74	No	Individual durational sanction (prorata)	Individual continues to refuse to participate in employment activities as required	18 NYCRR 385.12	07 Note 1
Continue Drug/Alcohol Sanction <b>Applicant</b> continuation of MX1, MX2 and MX3 <b>Recipient</b> continuation of GX1, GX2, GX3,	M77	No	Individual durational sanction (prorata)	Individual continues to refuse to participate in substance abuse treatment as required	351.2(i)(2)(iii)	07 Note 1
Failure to Comply with IV-D (Child Support Enforcement)	V30	No	25% Reduction on budget	Individual continues to be subject to work requirements.	18 NYCRR 369.2(b)	07 Note 2
Intentional Misrepresentation of a Disability - 1 <sup>st</sup> occurrence <i>An individual who intentionally misrepresented his/her medical condition and based on clear medical evidence there is no medical basis to support his/her claim</i>	BE1	No	Individual durational sanction (prorata)	90 Days and until willing to comply with employment requirements	18 NYCRR 385.2(d)	07 Note 1
Intentional Misrepresentation of a Disability - 2 <sup>nd</sup> occurrence <i>An individual who intentionally misrepresented his/her medical condition and based on clear medical evidence there is no medical basis to support his/her claim</i>	BE2	No	Individual durational sanction (prorata)	150 Days and until willing to comply with employment requirements	18 NYCRR 385.2(d)(8); 385.12(d)(2)	07 Note 1
Intentional Misrepresentation of a Disability - 3 <sup>rd</sup> occurrence <i>An individual who intentionally misrepresented his/her medical condition and based on clear medical evidence there is no medical basis to support his/her claim</i>	BE3	No	Individual durational sanction (prorata)	180 Days and until willing to comply with employment requirements	18 NYCRR 385.2(d)(8); 385.12(d)(2)	07 Note 1
Failure/Refusal to Become Employable -	W40	No	Individual	Client remains ineligible for	Applicant - 18 NYCRR	10

Noncompliance Issue	Reason Codes	Conciliation Required? Yes or No	Case Action	Denial/Sanction Results	Regulatory Citation	Individual Disposition Status Codes (WMS)/Rate Impact (Footnote)
<i>An exempt Applicant or Recipient who fails to participate in reasonable medical care, vocational rehabilitation or treatment necessary to improve his/her ability to work</i>			ineligible (incremental)	assistance until he/she is willing to comply with recommended treatment program	385.12(a)(1)(i) Recipient - 18 NYCRR 385.12(a)(1)(ii)	Note 1
Failure to take part in Drug/Alcohol Rehab - <b>Recipient</b> 1 <sup>st</sup> occurrence Employability code 63 - Substance Abuser, Exempt	PX1	No	Individual durational sanction (prorata)	45 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 45 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(a)	07 Note 1
Failure to take part in Drug/Alcohol Rehab- <b>Recipient</b> 2 <sup>nd</sup> occurrence Employability code 63 - Substance Abuser, Exempt	PX2	No	Individual durational sanction (prorata)	120 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 120 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(b)	07 Note 1
Failure to take part in Drug/Alcohol Rehab- <b>Recipient</b> 3 <sup>rd</sup> occurrence Employability code 63 - Substance Abuser, Exempt	PX3	No	Individual durational sanction (prorata)	180 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 180 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(c)	07 Note 1
Failure to take part in Drug/Alcohol Rehab- <b>Applicant</b> 1 <sup>st</sup> occurrence Employability code 63—Substance Abuser, Exempt	MX1	No	Individual durational sanction (prorata)	45 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 45 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(a)	07 Note 1
Failure to take part in Drug/Alcohol Rehab - <b>Applicant</b> 2 <sup>nd</sup> occurrence Employability code 63—Substance Abuser, Exempt	MX2	No	Individual durational sanction (prorata)	120 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 120 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(b)	07 Note 1
Failure to take part in Drug/Alcohol Rehab - <b>Applicant</b> 3 <sup>rd</sup> occurrence Employability code 63 - Substance Abuser, Exempt	MX3	No	Individual durational sanction (prorata)	180 Days <b>and</b> until compliance (until the failure to seek treatment ceases or for 180 days whichever is longer)	18 NYCRR 351.2(i)(2)(iii)(c)	07 Note 1
Failure to Comply with Drug/Alcohol Screening - <b>Applicant or Recipient</b>	P44	No	Individual non-durational sanction (prorata)	Ineligible until compliance, other members of household, if otherwise eligible, receive assistance only through non-cash Safety Net	18 NYCRR 351.2(i)(1)	07 Note 1
Failure to Comply with Drug/Alcohol Assessment - <b>Applicant or Recipient</b>	P45	No	Individual non-durational sanction (prorata)	Ineligible until compliance, other members of household, if otherwise eligible, receive assistance only through non-cash Safety Net	18 NYCRR 351.2(i)(1)	07 Note 1
Failure to Comply with Drug/Alcohol Release of Information - <b>Applicant or Recipient</b>	P46	No	Individual non-durational sanction (prorata)	Ineligible until compliance, other members of household, if otherwise eligible, receive assistance only through non-cash Safety Net	18 NYCRR 351.2(i)	07 Note 1