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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 92 ADM-16

TO: Commissioners of  
 Social Services

DIVISION: Income  
 Maintenance

DATE: April 7, 1992

SUBJECT: Satisfactory Participation and Progress Requirements,  
 Under the Job Opportunities and Basic Skills Training  
 (JOBS) Program

SUGGESTED  
 DISTRIBUTION:

Directors of Income Maintenance  
 Employment Coordinators  
 WMS Coordinators  
 Staff Development Coordinators

CONTACT  
 PERSON:

Local District Technical Advisor for Employment  
 Programs at 1-800-342-3715, extension 3-8744

ATTACHMENTS:

Attachment A - Summer Program Participation -  
 available on-line  
 Attachment B - Standards for Satisfactory Progress -  
 Qualitative Measures - available  
 on-line  
 Attachment C - Standards for Satisfactory Progress -  
 Quantitative Measures - available  
 on-line  
 Attachment D - Job Opportunities and Basic Skills  
 Program (JOBS) Participant Training  
 Progress Report - available on-line  
 Attachment E - Satisfactory Participation  
 Verification Model Procedure - Upstate  
 Districts - available on-line  
 Attachment F - Satisfactory Progress Evaluation  
 Timeframes - available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-27		385.2(h)	SSL 20	EM C-111 to 114, v. 64-66	90 LCM-109

I. PURPOSE

The purpose of this directive is to provide social services districts with the policies and procedures for recipients' participation in employment and training activities under the Job Opportunities and Basic Skills Training (JOBS) Program and for the verification of their "satisfactory participation". The requirements for specific progress standards for selected JOBS activities are also addressed.

II. BACKGROUND

New York State began operating JOBS on October 1, 1990. The JOBS program is designed to assist applicants for and recipients of Aid to Dependent Children (ADC) and Home Relief (HR) to become self-sufficient by providing needed employment-related activities and supportive services.

JOBS establishes standards for recipients' participation and progress in education, training and employment activities. The purpose of these standards is to insure that recipients' attendance is sufficient and the assigned activities appropriate for them to benefit and ultimately obtain unsubsidized employment.

III. PROGRAM IMPLICATIONS

Prior to JOBS, there were no participation or verification of "satisfactory participation" requirements for recipients assigned to education, training and employment activities. Federal and State JOBS regulations now require at least a monthly verification of attendance for all ADC and HR recipients enrolled in JOBS activities. Federal rules also impose minimum activity schedule requirements in order for ADC recipients to be considered JOBS participants. Additionally, districts must, at regular intervals, evaluate the progress of ADC and HR recipients enrolled in certain JOBS training activities.

A. JOBS Participation Rates

In order to qualify for enhanced federal financial participation, federal JOBS regulations mandate ADC participation rates that states must meet for Federal Fiscal Years (FFY) 1991 through 1995. The required participation rate for ADC employables began at a relatively modest 7% in FFY 1991 and steadily increases to 20% in FFY 1995. Under State law, a district's failure to meet the required rate for any given fiscal year could reduce its JOBS IV-F reimbursement rate from 60% to 50% in the succeeding fiscal year. The specific required participation rate for each fiscal year and the computation methodology is contained in 90 ADM-27 (Page 12), and EM Section C-3-6.

B. ADC JOBS "Participants"

Only an ADC recipient who meets the federal definition of a "JOBS participant" can be included in the calculation of a district's participation rate. The Department of Health and Human Services (HHS) defines a JOBS participant as an ADC recipient who is scheduled to participate in JOBS activities for an average of 20 hours or more per week during any given month. A recipient's actual weekly attendance must be verified at least on a monthly basis.

The 20 hour or more weekly average activity schedule requirement is primarily directed at ADC recipients who are enrolled in education training, jobs skills training, post-secondary education, work supplementation and on-the-job training. It is the federal contention that under past training programs ADC recipients did not spend enough time in education and training activities for them to acquire sufficient skills to leave public assistance. The 20 hour requirement is seen as a means to improve the success of JOBS over past programs.

All JOBS activities, except job development/job placement and case management, may be used to meet the 20 hour schedule requirement. Recipients may be concurrently enrolled in two or more JOBS activities to make a 20 hour weekly schedule. A recipient's activity hours must be scheduled, structured and supervised to count for JOBS participation. Homework, independent study, library time and other such unstructured activities cannot be included as part of a 20 hour weekly schedule. Examples of activities that can be used for participation include:

- o scheduled tutoring sessions;
- o formal counseling sessions;
- o work study activities;
- o work sampling or try-out employment.

Individuals are counted as participants when they are on scheduled breaks during a school year. However, only high school students who plan to return to school in the fall may be considered JOBS participants during the summer recess. Individuals enrolled in post-secondary education or other training and employment activities that break for the summer would have to be enrolled in an alternative activity(ies) to be considered a JOBS participant during the summer months. Updates to these individuals' Employment Subsystem Records are required (See Attachment A).

A 20 hour weekly schedule is not suitable for every ADC employable. Districts are not required, or expected, to have all ADC employables participating in JOBS activities at or more than 20 hours a week. The individual recipient's service needs, employment goal and potential for success should dictate who

participates in 20 or more hours of weekly activities. These specific individual factors should determine a recipient's weekly hours of participation. Basing a 20 hour schedule on individual needs makes it programmatically meaningful, contributing to the ultimate success of the participant.

A 20 hour weekly activity schedule can be effectively accomplished by enhancing education and training activities with a modular approach. Generic modules (e.g., life skills, world of work orientation) and individual specific modules (e.g., academic counseling, tutoring, work study) could be added, as necessary, depending upon the needs of the individual. Using a variety of add-on modules will give districts the flexibility to enhance training activities to meet both the 20 hour participation requirement and an individual's needs. This approach should also enable districts to readily meet the federally required participation rates.

C. HR JOBS "Participants"

State Law does not impose a 20 hour weekly schedule requirement for HR recipients. They do not have to participate in JOBS activities at any minimum hourly weekly schedule to be considered JOBS participants as there are no mandatory JOBS participation rates for HR recipients. HR recipients enrolled in any JOBS activities, except job development/job placement and case management, may be considered JOBS participants.

D. Satisfactory Participation - ADC and HR Recipients

Under federal rules, an ADC recipient who attends 75% of an average 20 hour or more weekly schedule over the course of a month is considered to be "satisfactorily participating" and is counted as a JOBS participant.

State rules expand the concept of "satisfactory participation" to include ADC and HR recipients participating in JOBS activities regardless of the number of weekly hours they are scheduled. All JOBS activity assignments must include a minimum acceptable attendance requirement. Activity attendance requirements should be set so that there is some quality assurance that the individual would benefit from the activity assignment. Attendance requirements should be included in the Employability Plan (EP).

Satisfactory participation for State purposes means that all recipients enrolled in JOBS activities must meet a standard of attendance set by the district. Seventy five percent attendance of scheduled hours is the minimum level for a recipient to be considered satisfactorily participating.

Districts have to verify the attendance of all recipients participating in activities. When recipients do not meet the 75% or higher district attendance standard, they are not

satisfactorily participating and may be in non-compliance with employment activities. Districts will have to investigate the circumstances of a recipient's unsatisfactory participation and determine if a Conciliation Notification (DSS-4230) is warranted.

The goal of "satisfactory participation" is to ensure a uniform standard on what a minimum acceptable level of participation would be for each program activity. This could help the recipient more readily meet or attain his/her employment goal. Participation standards need to be explained to the client as a positive measure, one that will assist recipients in developing a daily schedule, improving their overall life skills, and enhancing their prospects for success.

E. Satisfactory Progress

Federal and state regulations require districts to periodically review whether an ADC or HR JOBS participant who is enrolled in educational training, post-secondary education, job skills training or on-the-job training is making satisfactory progress in those training activities. This includes recipients who initiated the training themselves rather than being assigned. Satisfactory progress standards may also be applied to job readiness training and work experience.

Satisfactory progress for JOBS participants enrolled in Post Secondary Education and who are receiving loans and/or grants under the Higher Education Act must be governed by Higher Education Act satisfactory progress standards for continued receipt of the loans and grants. A student must have a cumulative C average or its equivalent at the end of each academic year or equivalent as determined by the institution to be considered making satisfactory progress for the purposes of the Higher Education Act.

Districts will have to develop, with each of their training providers, a written policy which describes the minimum standard of progress a trainee or student must achieve to demonstrate satisfactory progress. This standard should include both a qualitative measure of progress, such as a numerical grade average, a letter grade, job competencies or cumulative grade point average, and quantitative measure of progress such as an established amount of time it should take the student to complete the training.

Many educational and job training providers already have policies in place describing the standards of progress which a student/trainee must achieve to be considered progressing satisfactorily. Districts will have to review these policies to insure that they are consistent with the goals and objectives that a district would have for training programs. For those providers without existing policies, the district will have to work with the local providers to develop such a policy.

The qualitative and quantitative measures of progress which can be used to determine satisfactory progress will vary with the type of training in which the trainee is enrolled. Attachments B and C provide typical measures which might be used by providers to develop standards of satisfactory progress.

Districts may wish to consider a higher attendance requirement than 75% of scheduled hours as part of their satisfactory progress standards. Activities such as work experience, OJT and work supplementation should have higher attendance standards for them to be meaningful activities. A specific training program may also need a higher attendance standard for any benefit to be gained.

When setting a higher attendance requirement than 75% of scheduled hours as part of a satisfactory progress standard, districts must advise the client what is expected for him or her to be in compliance and good standing with their activity assignment(s). A satisfactory progress standard that includes an attendance requirement higher than 75% should be clearly stated in the individual's employability plan.

IV. REQUIRED ACTION

A. ADC 20 Hour Participation Requirement

Social services districts must consider the federal 20 hour schedule requirement when assigning ADC recipients to education, training and employment activities. Districts need to insure that at least the minimum federally mandated percentage of ADC employables is appropriately scheduled. Negotiations with service providers will most likely be needed to develop activities or groups of inter-related activities that would provide selected ADC recipients with purposeful 20 hour schedules.

B. Satisfactory Participation Verification

Social services districts must track and verify the actual attendance in activities of all ADC and HR recipients. Districts, working with their provider agencies, must develop a mechanism for tracking actual weekly hours of activity attendance. This would entail either a manual or microcomputer system operated by the district or provider agencies to record, by activity and provider, a recipient's actual hours of participation. Hours of participation must be verified through monthly attendance reports, submitted by service providers, detailing each recipient's actual weekly attendance for the preceding month. (Attachment D is a sample attendance report. Districts may use this format or a local equivalent.) Service providers must send recipient attendance reports to the district at least on a monthly basis.

In lieu of receiving monthly attendance reports, a district may choose to receive a monthly summary report on whether each recipient's participation was satisfactory or non-satisfactory. However, service providers must then maintain individual recipient monthly attendance reports and have them available for federal and State review. (Attachment E provides a model satisfactory participation verification process for upstate districts.)

C. Satisfactory Participation - Noncompliance

Recipients who, by district standards, fail to satisfactorily participate in program components may have willfully failed to comply with employment requirements.

When district staff are informed of a recipient's non-satisfactory participation, they must investigate the circumstances to determine if a Conciliation Notification (DSS-4230) is warranted. Districts are encouraged to contact the recipient and determine if the reason(s) for non-satisfactory participation is acceptable (e.g., sickness, failure of child care or transportation arrangements, etc.). Recipients with a pattern of non-satisfactory participation should have their employability plan re-evaluated.

If the district determines that there does not appear to be a good cause reason for the recipient's failure to achieve satisfactory participation, the district must send the recipient a Conciliation Notification (DSS-4230).

D. Satisfactory Progress

Social services districts must periodically request a statement from the education/training provider to document whether or not a JOBS participant is demonstrating satisfactory progress. This must be based on the provider's and district's mutually agreed upon standard of progress. The interval at which this information will be required may vary with the type and length of the training program. (See Attachment F for minimum intervals for validating satisfactory progress).

E. Probationary Period

In some instances a student or trainee who failed to make satisfactory progress may be reported to the district as making satisfactory progress but placed in a probationary period. In such cases, the provider and district should designate a period of time during which the trainee can sufficiently improve performance to be considered satisfactory at the next reporting interval. If the trainee/student fails to meet the standard of satisfactory progress following the probationary period, the provider should then report the student/trainee as demonstrating unsatisfactory progress.

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F. Mitigating Circumstances

A participant may fail to demonstrate satisfactory progress because of some temporary mitigating circumstance, such as child care problems, illness, transportation problems, etc. In this case, the district may consider the participant's progress as satisfactory because of mitigating circumstances. However, the social services district must take steps to help the participant resolve the issue(s) which may be interfering with the individual's ability to make good progress. This action could take the form of assigning a case manager to the participant's case or of establishing frequent contacts with the participant to provide some direction and support. Such action must be taken on a timely basis, well before completion of the next progress report period.

G. Failing to Make Satisfactory Progress

Satisfactory progress is largely dependent upon an individual's ability, skill and educational level. An individual's attendance can also be a major determining factor for him or her to make satisfactory progress. When someone fails to make satisfactory progress the district must investigate the circumstance. If reason for a failure to make satisfactory progress is due to lack of activity attendance, it may be a case of non-compliance with employment activities. In this situation the district must decide if a conciliation notice is warranted.

When an individual's attendance has met the district's standard for satisfactory progress and satisfactory progress has not been made, it is possible that the assigned education or training program may be beyond the capability of the participant. In this situation, the social services district must re-evaluate the participant's suitability for the particular activity. This would take the form of a reassessment of the individual's capabilities to complete the activity. Based on this reassessment, the district may reassign the participant to a more appropriate JOBS component. An individual can not be sanctioned for failing to make satisfactory progress, when it is an issue of ability. If the individual has complied with activity requirements (i.e., attended all required sessions) and still was unable to make satisfactory progress, there has been no non-compliance with employment activities.

18 or 19 Year Old Custodial Parents:

If an 18 or 19 year old custodial parent fails to make satisfactory progress in an educational component, the district must require the recipient to enroll in a more suitable educational activity, or a more appropriate work or training program instead of continuing in the current educational component.

V. WMS IMPLICATIONS

A. Upstate

WMS updates for satisfactory participation and progress are limited to the Employment Subsystem. Updates to the subsystem for satisfactory participation are based on the monthly attendance reports submitted by service providers. Subsystem updates for satisfactory progress are based on the periodic progress reports. Potential subsystem record updates include:

1. Scheduled Hours, the subsystem weekly hour field is limited to scheduled hours - if there is an increase or decrease in the client's scheduled hours for an activity(ies), the weekly scheduled hours for an activity must be updated on Update Screen 2.

No updates to weekly hours are to be made for an individual's actual hours of participation in an activity(ies).

Subsystem updates for individuals whose actual hours of activity participation is not satisfactory are accomplished through new status codes that indicate whether these individuals are in conciliation (Status Code 50), referred for noncompliance (Status Code 34), or assigned to another activity (Status code 04).

2. If a conciliation notice is sent to a client for failure to satisfactorily participate in an assigned activity, updates to his or her subsystem record are required. The specific conciliation reporting instructions are contained in the April, 1991 Employment Coordinator letter from Reinaldo Cardona.
3. Completions/Terminations - Provider attendance reports that indicate a client has completed or dropped out of an activity require subsystem updates. Completions are reported by posting Status Code 07 (Completed) to the completed activity(ies). Drop-outs are reported by posting Status Code 19 (All Other Activity Terminations) to the appropriate activity(ies).
4. Failure to Make Satisfactory Progress - Recipients who are terminated from an activity for failure to make satisfactory progress are reported on the subsystem by posting Status Code 40 (Terminated Due to Failure to Make Satisfactory Progress) with the Activity Code for the activity from which they are being terminated.

B. New York City

Individuals who are determined through the Office of Employment Services (OES) verification procedure to be not satisfactorily participating in an assigned JOBS activity must be removed from the appropriate JOBS component in OES systems environment. This data should then be passed to WMS and reflected on the WMS OES screen.

VI. EFFECTIVE DATE

This directive is effective May 1, 1992.

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Oscar R. Best, Jr.  
Deputy Commissioner  
Division of Income Maintenance

Summer Program Participation

Under federal rules, those ADC recipients enrolled in education and training activities that recess for the summer cannot be counted as JOBS participants during the recess. The only exception is for high school students who will be returning to school in the fall.

Districts must review all ADC individuals enrolled in Educational Training, Job Skills Training and Post Secondary Education. Upstate districts must make appropriate updates to an ADC individual's Employment Subsystem record to accurately report his/her summer participation. An ADC individual, whose assigned education and training activities recess during the summer, must have his/her Subsystem Record updated by posting status code 3 (Pending Participation for all non-Medical Reasons) with the appropriate Activity(ies) Code. The date the individual is expected to return to the activity should be used as the anticipated completion date. At the beginning of the fall training session, the individual should be instated by posting Status Code 6 (Reenrolled) with those Activity Codes that had been pended. If the individual will continue to participate in education and training activities during the summer, but at increased or decreased weekly scheduled hours, updates must be made to the Hours-Per-Week Field on Subsystem Update Screen 2 (Site Participation) by using the Subsystem's change mechanism. Any time an individual's scheduled activity hours change, a Subsystem Screen 2 update is needed.

No Employment Subsystem record changes are needed for high school students who will be returning to school in the fall. Federal rules allow states to consider them JOBS participants for the summer months.

STANDARDS FOR SATISFACTORY PROGRESS - QUALITATIVE MEASURES

Educational Training	Postsecondary	Classroom Training	On-the-Job Training
+-----+ !Qualitative! +-----+	+-----+ !Qualitative! +-----+	+-----+ !Qualitative! +-----+	+-----+ !Qualitative! +-----+
<u>H.S.</u> A numerical or letter grade average.	Cumulative grade point average.	A numerical or letter grade average. May be based upon instructor evaluation of a hands-	on practicum. st
<u>Adult Basic Ed/Literacy</u> Reading grade level as measured by a standardized reading test.			
<u>GED</u> Diagnostic test score compared to score on same pre-test.			
<u>ESL</u> Diagnostic test score compared to score on same pre-test.			

STANDARDS FOR SATISFACTORY PROGRESS - QUANTITATIVE MEASURES

Educational Training +-----+ !Quantitative! +-----+	Postsecondary +-----+ !Quantitative! +-----+	Classroom Training +-----+ !Quantitative! +-----+	On-the-Job Training +-----+ !Quantitative! +-----+
<p><u>H.S.</u> The student can be expected to complete high school and obtain a diploma by the targeted graduation date, if the student continues at the current level of effort.</p>	<p>The student can be expected to complete the required coursework within the agreed upon period of time if he/she continues at the current level of effort.</p>	<p>The student can be expected to successfully complete the training (receive a passing grade, receive a certificate, gain the required job competencies) by the end of the course if the individual continues at the current level of effort.</p>	

Adult Basic Ed/Literacy

The student can be expected to achieve a basic literacy level (8.9 grade level) within the prescribed number of instructional hours (to be established by SED).

GED

The student can be expected to pass the equivalency test after the prescribed number of study hours.

ESL

The student can be expected to demonstrate a language competency in English after the prescribed number of study hours (to be established by SED).

JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM  
 PARTICIPANT TRAINING PROGRESS REPORT

Name of Participant: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

Local District: \_\_\_\_\_

Name of Training Facility: \_\_\_\_\_

Date: \_\_\_\_\_

Next Report Date: \_\_\_\_\_

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TO BE COMPLETED BY INSTRUCTOR:

Name of Activity: \_\_\_\_\_

<u>Report</u>	<u>Week</u>	<u>Day of Week</u>	<u>Date</u>	<u>Number of Class Hours Attended</u>
Month _____	1	_____	_____	_____
	2	_____	_____	_____
	3	_____	_____	_____
	4	_____	_____	_____
	5	_____	_____	_____

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FOR THIS REPORTING PERIOD:

<u>TOTAL HOURS SCHEDULED</u>	<u>HOURS ATTENDED</u>	<u>HOURS ABSENT</u>	<u>PERCENT OF SCHEDULED HOURS ATTENDED</u>

I certify that the above named participant attended the activity for the number of hours on the day(s) and date(s) specified. The participant's progress is (check one)  Satisfactory  Unsatisfactory

Comments (final report should include recommendations for follow-up):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 INSTRUCTOR'S SIGNATURE

\_\_\_\_\_  
 TELEPHONE NUMBER

SATISFACTORY PARTICIPATION VERIFICATION  
MODEL PROCEDURE - UPSTATE DISTRICTS

- Step 1: Review the WINR 9413 (End of Month Active Enrollments by Activity Designation) or local records for names of clients active in JOBS activities as of the end of preceding month.
- Step 2: Identify service providers through local data sources or Employment Subsystem.
- Step 3: Mail client attendance reports to service providers by the 15th of the month.
- Step 4: Service providers complete the attendance reports and return to the district by the 1st of the following month.
- Step 5: District reviews attendance reports and records clients' actual attendance on local system by the 10th of the month.
- Step 6: Clients who have not satisfactorily participated and have not identified mitigating circumstances, have a potential instance of noncompliance. They should be sent a conciliation notice.
- Step 7: A letter of inquiry on their attendance should be sent to all clients for whom no attendance reports are received.
- Step 8: Supportive services should not be authorized for clients until their activity attendance has been verified.
- Step 9: A determination should be made on whether there have been supportive services overpayments as result of a client's failure to satisfactorily participate.
- Step 10: Client does not respond to conciliation notice. Districts must follow the conciliation procedure as outlined in 90 ADM-27. The Employment Subsystem is updated as stated in the conciliation reporting instructions.
- Step 11: Client responds to conciliation notice - Employment Subsystem must be updated as outlined in the conciliation reporting instructions.
- Step 12: Conciliation Conference Results:  
  
The Employment Subsystem is updated as outlined in the conciliation reporting instructions.

Job Opportunities and Basic Skills Training (JOBS) Program  
Satisfactory Progress  
Evaluation Timeframes

<u>Program</u>	<u>Satisfactory Progress Review</u>
HIGH SCHOOL	Quarterly
ABE/GED PREPARATION/ESL	Quarterly
POST SECONDARY	Semester or trimester basis
OCCUPATIONAL CLASSROOM TRAINING	
o 1-6 months duration	At the midpoint
o More than 6 mos. duration	At least 2 Progress Reports should be received prior to completion of the training. The interval may be developed locally, but in no case should the first report exceed the initial 4 months of training.
OJT	
o 6 months or less	At the midpoint
o More than 6 months	At least 2 Progress Reports should be received prior to completion of the training. The interval may be developed locally, but in no case should the first report exceed the initial 4 months of training.

For an individual enrolled in self-initiated training, the local district should seek information on the participant's progress from the provider at the time of and as part of the district's efforts to determine approval/disapproval of the training. An individual's satisfactory progress to-date should be a definite consideration in a district's general policy on approving/disapproving self-initiated training. After this initial progress review, subsequent reviews should be made as close to the above prescribed schedule as possible.