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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-7

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: March 9, 1993

SUBJECT: PA and MA Eligibility: Changes in ADC-U Eligibility
 Requirements

SUGGESTED

DISTRIBUTION: Directors of Income Maintenance
 Directors of Medical Assistance
 Employment Coordinators
 Staff Development Coordinators

CONTACT

PERSON: Call 1-800-342-3715 and ask for:
Public Assistance
 Greg Nolan ext. 4-9313
Food Stamps
 County Representative ext. 4-9225
Medical Assistance
 County Representative ext. 3-7581, or
 MA New York City Representative -
 (212) 417-4853

ATTACHMENTS: Attachment (not available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
81 ADM-55		369.2	349,	<u>PASB</u>	GIS 92
90 ADM-27		387.13	P.L. 100 - 485	II-C VIII-L-7.1 thru VIII-L-7.5 and IX-A <u>FSSB</u> IX-E	IM/DC024 DSS-2502, "ADC-U Screening Checklist"

I. PURPOSE

This directive advises districts of changes in eligibility requirements for the Aid to Dependent Children of Unemployed (ADC-U) parents program.

II. BACKGROUND

The Family Support Act of 1988 (P.L. 100-485) changed eligibility and employability requirements for ADC-U.

In April of 1992 the Department filed an amendment to Department regulation 369.2(g)(7) to implement the changes. Districts were advised of these changes and of the filing of 369.2(g)(7) in GIS message 92 IM/DC024.

III. PROGRAM IMPLICATIONS

Social services districts will be required to follow new rules when determining eligibility for ADC-U. These new rules will increase the number of applicants/recipients who receive ADC-U rather than PG-ADC benefits in two ways. First of all, the type of employment/training that can be used as a qualifying quarter for attachment to the labor force has been expanded. Second, the entire family is no longer ineligible for ADC-U when the principal earner or the principal earner and the second parent are sanctioned. This will result in some financial savings to the State and social services districts.

IV. REQUIRED ACTION

A. Public Assistance

1. Determining ADC-U Eligibility

The new requirements that must be followed when determining eligibility for ADC-U are:

- a. The principal earner is no longer required to register with the New York State Employment Service as a condition of eligibility for ADC-U, unless the principal earner is exempt from JOBS because he/she resides in a location which is so remote that effective participation in JOBS is precluded.

- b. Participation in JOBS, including HR JOBS, during any calendar quarter now counts as a qualifying quarter in determining whether a principal earner is attached to the labor force for ADC-U eligibility.
- c. Up to four of the six calendar quarters used to determine attachment to the labor force can be calendar quarters in which the principal earner:
 - (1) attended an elementary or secondary school on a full-time basis; and/or
 - (2) attended a vocational or technical course designed to prepare the individual for gainful employment; and/or
 - (3) participated in an educational or training program under the Job Training Partnership Act (JTPA).

These new requirements must be considered when determining the eligibility of applicants for ADC-U and when reconsidering the eligibility of PG-ADC recipients for ADC-U at recertification or any other time.

Revisions have been made to the "ADC-U Screening Checklist" (DSS-2052) to reflect these changes. A copy of the revised form is attached. Districts are reminded that a completed copy of the ADC-U checklist must still be filed in each two parent household PA case to show that eligibility for ADC-U was reviewed.

2. ADC-U Sanctions

The entire family will no longer be ineligible for ADC-U when the principal earner:

- o fails to participate in JOBS,
- o refuses to accept employment/training, or
- o refuses to register with the New York State Employment Services (NYSES), if exempt from JOBS because of remoteness.

In these instances the principal earner will be sanctioned. The second parent, unless exempt from JOBS, must then agree to participate in JOBS or register with NYSES, if exempt from JOBS because of remoteness or the second parent will be also ineligible. Previously, failure of the principal earner to comply with employment requirements resulted in ineligibility of the entire family for ADC-U.

When a social services district sanctions a principal earner, it must notify the non-exempt second parent that participation in JOBS or registration with NYSES, if exempt from JOBS because of remoteness, is required for the second parent to continue to receive public assistance. Note that when the principal earner is sanctioned, the second parent may no longer receive a JOBS exemption for providing care to a child under age three or providing care to an incapacitated adult. Book I (DSS-4148A), "What You Should Know About Your Rights and Responsibilities", is being revised to inform recipients of these requirements.

Refusal of the second parent to participate in JOBS or register with NYSES, if exempt from JOBS because of remoteness, will result in that parent also being deleted from the ADC-U case. Please note that requiring a second parent to participate in JOBS is an eligibility requirement. Failure of the second parent to participate in JOBS will result in ineligibility of the parent until compliance. When this occurs the second parent's needs must also be removed from the ADC-U grant until compliance.

Normal conciliation and notice procedures apply when a second parent refuses to participate (see 90 ADM-27). Districts should use the same local "call-in" letter for cases in which a second parent is required to participate in JOBS. However, for these cases, the letter must also state that the second parent is being required to participate because the other parent is being sanctioned and that the second parent cannot claim an exemption from JOBS because they are taking care of a young child or sick person residing in the same home. A "Notification of Employability and the Right to Contest" (DSS-4005) must also be sent to the second parent along with the call-in letter. The call-in letter must be sent at the same time the sanction letter is sent to the principal earner.

B. Food Stamps

The treatment of employable PA/FS recipients, and procedures for failure to comply with employment requirements, are addressed in FSSB IX-E. These procedures are not impacted by this change in public assistance policy.

C. Employment

When the principal earner is being sanctioned for non-compliance with JOBS and the second parent must participate, the second parent must be recorded with the employability code "20 - Mandatory Employable." This applies to all second parents who are coded:

- 31 - Caretaker of Child Under 3 in Same PA Case
- 33 - ADC-U Non-Principal Wage Earner
- 34 - Caretaker of Child Under 3 Not in Same PA Case
- 38 - Needed in Home to Care for Incapacitated Household Member.

This is especially important for these second parents coded 31, 34 and 38, since these codes do not allow the creation of an employment subsystem record.

D. Medical Assistance

The new ADC-U requirements to follow when determining eligibility as described in this ADM apply to Medical Assistance (MA) - only applicants/recipients (A/Rs), except that MA - only A/R's are not required to participate in JOBS. A/R's eligible for ADC-U who do not receive UIB must register with NYSES.

Generally, an ADC-U principal earner or second parent who is sanctioned from public assistance for failure to participate in JOBS or refusal to accept employment or training is ineligible for MA. However, if the individual is under age 21, a separate MA determination must be done.

V. ADDITIONAL INFORMATION

The DSS-2502, "ADC-U Screening Checklist", has been revised to reflect the above changes. A copy of this form is included as Attachment A.

Delivery of the forms to the Albany and NYC HRA warehouses should be in March 1993. Your district will automatically receive copies. Attachment A should be photocopied and used until your district has received the revised (01/93) version.

The existing (7/90) version of the DSS-2502 is made obsolete by this Administrative Directive. All existing copies of the DSS-2502, other than the 01/93 version, should be destroyed.

Request for the revised DSS-2502 should be submitted on Form WMS-47 (Rev. 9/89): "WMS Order Form" and should be sent to:

New York State Department of Social Services
Welfare Management System
P.O. Box 1990
Albany, New York 12201
Attention: Office of Systems Development (OSD)

Questions concerning ordering the forms should be directed to the Office of System Development by calling 1-800-342-3715, extension 6-6223.

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VI. EFFECTIVE DATE

This directive is effective March 1, 1993 retroactive to April 1, 1992.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security