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DIVISION: Temporary Assistance

February 9, 2005

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TO: Commissioners; TA, MA and FS Directors; HEAP and Employment Coordinators

FROM: Russell Sykes, Deputy Commissioner, Division of Temporary Assistance

SUBJECT: Exclusion of Disaster Relief Earnings

EFFECTIVE DATE: February 9, 2005

CONTACT PERSON: Food Stamp Bureau at 1-800-343-8859, ext. 3-1469; Cash Assistance Bureau at ext. 4-9344; HEAP Bureau at ext. 3-0322; DOL/WIA questions – (518)-457-0380; Medicaid - Contact Local District Liaison: Upstate (518) 474-8216 or New York City (212) 268-6855

This is to provide information regarding treatment of disaster relief employment income received under the National Emergency Grants (NEG) program. NEG employment is authorized under Section 181(a) (2) of the Workforce Investment Act (WIA) and is limited to 6 months for any individual's employment related to a specific natural disaster.

Allowances, earnings, and payments to individuals participating in NEG programs under Title I of WIA must not be considered as income for purposes of determining eligibility for or the amount of benefits or in-kind aid furnished under any federal or federally- assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.). Districts should explore whether WIA/NEG is the source of an applicant's or recipient's income if the client suffered a job loss or was unemployed due to a recent disaster, if the employment is deemed temporary (less than six months), and if the type of work is disaster-related.

If a local district cannot identify whether the source of the income is from a WIA/NEG, the local district should contact one of the New York State Labor Department's Workforce Development and Training Division at (518)-457-0380 or any of the certified "Workforce New York" "One-Stop" agencies by accessing the website at www.workforcenewyork.org

Food Stamp Implications

Disaster relief employment income received under the NEG is excluded as income for purposes of determining food stamp eligibility and benefit amount.

Temporary Assistance Implications

In accordance with 20 CFR 667.272, allowances, earnings and payments to individuals participating in programs under Title I of the Workforce Investment Act (WIA) are not considered as income for purposes of determining eligibility for federal or federally funded assistance programs including programs funded through the Temporary Assistance to Needy Families (TANF) block grant. In New York State, this means that all allowances, earnings and payments provided by NEG programs to participating individuals must be exempted when determining eligibility and amount of assistance for Family Assistance (FA) and the federally funded component of Safety Net Assistance (SNA-FP). When determining whether to exempt allowances, earnings and payments under the NEG, Office Regulation 18 NYCRR 352.16 (a) requires districts to consider the legislative intent of a government benefit. Therefore, in

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accordance with the provisions of the NEG, to promote the use of the NEG funds in times of need and for administrative ease, this exemption is also extended to those individuals applying for, or in receipt of, assistance under the State/locally funded components of the Safety Net Assistance Program (SNA-FNP).

Medicaid Implications

In accordance with 20 CFR 667.272, allowances, earnings, and payments to individuals participating in programs under Title I of Workforce Investment Act (WIA) are not considered income for purposes of determining eligibility for all Medicaid aid categories. All allowances, earnings and payments provided by National Emergency Grants (NEG) program are exempted in accordance with federal regulation 20 CFR 667.272.

HEAP Implications

This income is exempt for HEAP purposes.