

# Section 385.10 - Local District Employment Plans

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## Part A - The Regulations

### (a) General requirements

The social services official shall submit a biennial plan to the office which includes all of the elements specified in this section. The commissioner shall establish a beginning and ending date which shall constitute the effective dates for which such plan is in force.

- 1) The plan shall describe the provision of education, work training and the supportive services which are related to the operation of work activity programs for public assistance and food stamp programs by the local district.
- 2) The plan shall be developed in cooperation and coordination with:
  - i) public and private education institutions;
  - ii) child care providers;
  - iii) child care resource and referral agencies if available in the district;
  - iv) labor unions;
  - v) libraries;
  - vi) public and private employers;
  - vii) employment and training agencies and organizations; and
  - viii) private industry councils.
- 3) The plan shall be available for review and comment by the public at the offices of the social services district for a period not less than 30 days prior to the date that the plan must be submitted to the commissioner.
- 4) No later than 90 days prior to the date on which the biennial plan must be submitted to the Office (or 60 days if the date of submission of the plan to the Office and for public comment are the same), the commissioner shall transmit planning instructions to each social services official which shall include, but not be limited to:
  - i) the date of plan submission to the office;
  - ii) instructions for completing the plan and for submitting amendments thereto.
- 5) The plan shall include, but not be limited to:
  - i) estimates of the number of participants to be served;
  - ii) a description of the supportive services which the social services district will provide individuals assigned to work activities;
  - iii) a description of the work activities which will be available in the social services district;
  - iv) a description of the social services district's plan to meet Federal and State participation rate requirements;
  - v) a description of the process to be used by the social services district in meeting the requirements of the disability program described in section 385.2 of this Part;

- vi) a list of the education and training and other work activity providers with which the social services district expects to enter into agreements or contracts, along with a description of the contracts;
  - vii) a description of orientation provided in accordance with the requirements of section 385.5 of this Part;
  - viii) a description of the assessment tools, qualification requirements for employees providing assessments, the social services district's administrative unit responsible for providing assessments or the entity contracted by the social services district to provide assessments and employability plans;
  - ix) a description of conciliation procedures established in accordance with the requirements of section 385.11 of this Part; and
  - x) a description of the approval of training policy.
- 6) The plan shall also include any additional information which the commissioner deems necessary to comply with Federal and State reporting requirements or for office planning and program analysis.
- 7) The plan shall be amendable upon notice and comment as directed by the commissioner.

## Part B - Department Policy

The biennial Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) Employment Plan (Plan) outlines local policy governing programs operated to provide employment services for TA and SNAP applicants and recipients as well as optional non-assistance services for individuals eligible for Temporary Assistance for Needy Families (TANF) services with incomes up to 200% of the federal poverty level. The Plan covers many aspects of district employment services such as the district's policy and/or procedure for participant assessments and employment plans, approval of training programs, disability determinations and work accommodation procedures, available support services, work activities offered, program partners, work verification procedures and conciliation procedures. The activity definition and other sections are consistent with the requirements included in 08 ADM-07, Implementation of Final TANF Rule.

Section 333 of the New York State Social Services Law requires that every two years each district submit for approval to the Office of Temporary and Disability Assistance (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 TA and SNAP applicants and recipients along with other information required by OTDA.

In accordance with Department Regulation 18 NYCRR 385.10, a social services district's TA and SNAP Employment Plan must be developed in cooperation with local education institutions, childcare providers, childcare resource and referral agencies, labor unions, libraries, public and private employers, employment and training agencies, Workforce Innovation and Opportunity Act partners, and Workforce Development 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. The 30-day public comment period should begin at the time the draft plan is submitted to the Office of Temporary and Disability Assistance for initial review.

## Part C - Questions and Answers

Q.1 Can a district make changes to its local plan?

A.1 Districts may amend their approved plan at any time. A thirty-day comment period may be necessary depending on the extent of the amendment. The district's Employment Services Advisor should be consulted when the district wishes to amend their approved plan.

Q.2 How will the Office of Administrative Fair Hearings be apprised of how a district's work activities and other plan elements are defined?

A.2 The Office of Administrative Fair Hearings will have access to each district's plan. The local plan, once finalized, will become the district's policy manual and the document by which district actions will be judged when fair hearings are held.