

## Section 385.4 - Supportive Services

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## Part A - The Regulations

### a) Public assistance.

- 1) To the extent Federal and State resources are available and consistent with a local plan submitted pursuant to this Part, the social services official must provide to applicants and recipients transportation, work-related expenses, child care for children up to age 13, case management and medical assistance in a manner which is consistent with the social services district's local plan prepared in accordance with the requirements of section 385.10 of this Part.
  - i) To the extent local resources permit, case management shall be provided for pregnant adolescents, adolescent parents and at risk youth under 18 years of age, persons with limited English proficiency and individuals whose employability plans indicate the need for two or more concurrent work activities.
  - ii) Child care shall be guaranteed to individuals who need such care to participate in activities assigned in accordance with the provisions of this Part and Part 415 of this Title.
- 2) The social services official may provide supportive services for up to 90 days to individuals who have lost eligibility for public assistance due to employment.
- 3) The social services official may provide any other supportive services which he/she deems necessary to allow individuals to participate in work activities, assist individuals at risk of needing public assistance to improve their opportunities for employment or to maintain their employment, or to assist employed public assistance recipients to improve their opportunities for employment which will move them to self-sufficiency.
- 4) The social services official shall make diligent efforts to assist a person who needs transportation to get to and from a work activity site assigned in accordance with section 385.9 of this Part to obtain such transportation. Where lack of transportation is a direct barrier to participation in an assigned work activity the social services official shall make a reasonable effort to assign the individual to an appropriate work activity at a site in closest proximity to such individual's residence.

### b) Food stamps.

The social services official shall provide, as appropriate, transportation, or reimburse the costs of transportation and provide for dependent care, or reimburse the costs of dependent care expenses for individuals participating in food stamp employment and training programs identified in local plans developed pursuant to section 385.10 of this Part.

- 1) Reimbursement for transportation costs shall not exceed a total of \$25 per month per individual.
- 2) Reimbursement for dependent care shall not exceed the actual cost of care or the market rate for such care as established by section 415.9(j) of this Title. Individuals cannot be required to participate in food stamp employment and training programs if the cost of dependent care exceeds the allowable amounts, provided, however, that food stamp applicants and recipients participating in combined food stamp and public assistance employment and training activities for which the requirements of subdivision (a) of this section apply shall be required to participate if dependent care costs in excess of the maximum allowed by this paragraph are made available if appropriate and in accordance with the provisions of such subdivision.

## Part B - Department Policy

Supportive services are a critical tool to assist individuals with successfully participating in work activities. Supportive services are provided to applicants and recipients subject to the availability of federal and state funds and are offered to individuals assigned to work activities or to satisfy other employment requirements such as attending orientation or an assessment in accordance with the requirements of section 332-A of the SSL. The types of supportive services provided by each district are detailed in district biennial Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) Employment Plans.

### Temporary Assistance Applicants and Recipients

Districts are required to provide individuals with the supportive services needed to engage in work activity assignments including childcare, transportation and other supportive services for all TA recipients who are age 18 or older (including individuals who are 16 or 17 years old and not satisfactorily attending secondary school and have not completed high school or high school equivalency program).

Transportation can be one of the most significant barriers to employment that individuals may face. Taking the time to review each individual's transportation situation and needs while engaging in work/job placement activities will provide a realistic picture of the array of job opportunities available to them and possibly lead to higher job retention rates. It will likely also minimize some of the employment stops and starts individuals experience such as:

- receiving a job offer but being unable to take the position because the job is not on the bus line;
- not being able to afford the on-going cost of transportation to get to the position;
- the transportation options do not operate during all of their scheduled work hours; or
- the transportation does not meet other ancillary needs such as allowing for drop off and/or pick up of children at day care.

By exploring transportation needs up front, ideally at the initial assessment, individuals will have a higher chance of overcoming their transportation barriers and achieving their employment goals.

The selection of the correct payment type for each supportive service that is issued is important. Each supportive service is identified as an assistance payment type or a non-assistance type. The distinction between assistance and non-assistance payments has implications for families, districts, and the State. The federal regulations at 45 CFR 260.31 make a distinction between an "assistance" payment and a "non-assistance" payment. The term "assistance" includes cash payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care

items, and general incidental expenses). The term “assistance” also generally includes supportive services, such as transportation provided to families who are not employed. The term “assistance” does not include nonrecurrent, short term benefits that are designed to deal with a specific crisis situation or episode of need; are not intended to meet recurrent or ongoing needs; and, will not extend beyond four months. There are six types of employment-related supportive service payment types:

- 1.) Upstate WMS payment type R7-Transportation: Includes bus tokens/passes, gas card, mileage reimbursement, vehicle insurance, vehicle repair, driver’s license fees and vehicle registration and are available to Family Assistance (FA), Safety Net Assistance (SNA) Maintenance of Effort (MOE), and SNA non-MOE applicants and recipients;
- 2.) Upstate WMS payment type R9- Employment and Training Essential Needs: Includes work related clothing expenses, license fees, and tools needed to complete job assignments and are available to FA, SNA MOE, and SNA non-MOE applicants and recipients. This supportive service payment does not include assistance payments, fines or penalties;
- 3.) Upstate WMS payment type T2 – Extended Supportive Services: Includes transportation employment related expenses for FA, SNA MOE, and SNA non-MOE recipients whose case closed due to employment for up to 90 days. Also, this includes payments made for two-parent families that are subject to the federal Two-Parent rate (where neither parent is disabled) and assigned a WMS parent indicator of “2” (06-LCM-09);
- 4.) Upstate WMS payment Type T3 – Training Tuitions and Fees: Includes tuition or other training related expenses necessary to participate in employment related training, (when not otherwise available) and are available to FA, SNA MOE, and SNA MOE individual applicants and recipients;
- 5.) Dependent Care Upstate WMS payment type varies based on type of care and services/non-services case. This supportive service is distributed based on the following:
  - a.) Guaranteed to TA applicants or recipients, with a child under 13 years of age, if required to participate in an approved work or other required activity including working individuals who receive “in-lieu of TA” and sanctioned TA recipients who are assigned to activities to demonstrate compliance. Also, included under the guarantee are families whose case closed due to income who received TA in three out of the six months preceding the month of closing and have income up to 200% of the applicable State income standard for up to 12 months after the month of TA case closing;
  - b.) Child care funds are available but not guaranteed for the following:
    - TA applicant/recipient with an eligible child 13 years old or older who has special needs or is under court supervision to allow for parent to participate in work or other required activities;
    - Teen parent to attend HS or equivalent;

- TA recipient with a child who needs protection because parent/caretaker is physically or mentally incapacitated or has family duties requiring his/her absence from home;
  - A parent/caretaker who is at risk of becoming dependent on TA to be engaged in work;
  - A family experiencing homelessness to seek housing and seek employment, be engaged in work, attend educational/vocational activities, or participate in counseling services programs.
- c.) District option, if included in Child and Family Services Plan and funds are available, to a family receiving TA or one that has income of up to 200% of the State income standard and needs childcare for a child under 13, or a child 13 years old or older who has special needs or is under court supervision, for the following reasons (the district's selected options can be viewed at <https://ocfs.ny.gov/programs/childcare/plans>, see 18 NYCRR 415.2 for complete list):
- Parent/caretaker to attend substance abuse treatment program(s);
  - TA recipient to participate in a work activity in addition to another required activity;
  - TA family when child care services are necessary for a sanctioned parent or caretaker relative to participate in unsubsidized employment;
  - In an emergency situation of short duration;
  - Family with income up to 200% of the State income standard is seeking employment or participating in educational or vocational activities (no more than 4-year post-secondary).

Note: While this section of the regulations authorizes dependent care as a supportive service, dependent care payments are funded through the Child Care Development Block Grant. Please refer to Office of Children and Family Services regulations at 18 NYCRR section 415 for policy on provision of dependent care. Contact the Division of Child Care Services at 518-474-9454 for information and guidance.

## Diversion Payments

Diversion is the actions that a district takes to assist an applicant in finding ways to meet their needs without receiving ongoing TA benefits. Districts screen applicants to see if they can be diverted from receiving ongoing cash assistance by helping them identify other services and resources that might be available. Available services and resources include programs, such as, SNAP, Medicaid, HEAP, Women's, Infants and Children (WIC), Child Care Assistance and State and local employment services. In addition, districts can utilize community resources such as food pantries, charitable organizations, family and friends. When community resources are used, the district must confirm that these resources are actually available to meet the applicant's need.

If necessary, non-recurring payments may be authorized to divert a household from needing ongoing TA if the applicant is eligible for Emergency Assistance to Needy Families (EAF) or Emergency Safety Net Assistance (ESNA), and the payment will resolve a crisis and enable the applicant to obtain or maintain self-sufficiency. Districts are reminded that payments made to divert a household from needing ongoing TA must not be used to circumvent normal ongoing TA eligibility requirements such as work rules.

It is not mandatory that applicants for TA who are eligible to receive ongoing benefits accept a payment to divert the household. If the applicant agrees to accept a payment to divert a household from needing ongoing assistance, the applicant must withdraw in writing their application for ongoing assistance and the district must follow separate determination procedures. If the applicant refuses to accept the diversion payment instead of ongoing assistance, and the applicant is eligible for ongoing TA, the district must issue ongoing TA benefits.

The purpose of the following WMS diversion payment types is to collect accurate data for federal reporting requirements. Therefore, these payment types must not be used under any other circumstance other than defined below:

Upstate WMS payment type D9-Diversion Transportation Payment: This payment type must be used to authorize a nonrecurring diversion payment for employment related transportation expenses such as the cost of public transportation, car insurance or car repairs. This diversion payment type can be issued to employed applicants who have a transportation need that must be met to maintain employment and, if not met, may result in the opening of an ongoing TA case. This payment type may also be used to provide transportation for applicant job search activities while TA eligibility is being determined or for applicants with a bona fide job offer. To receive this benefit, the household must be categorically eligible for EAF and meet all income and resource requirements of EAF.

Payment type "D9 - Diversion Transportation Payment" is allowed with TA case types 11,12 and 19 with transaction type 09 - Open/Close. This payment type is also allowed with TA case types 11, 12, 16, and 17 with transaction type 03 - Denial, and on active case types 20, 22, 24 and 31, with a required special claiming code of F. Payment type D9 must be authorized as a single issue payment and can be authorized as either a restricted or unrestricted payment.

Upstate WMS payment type F5 – Shelter Related Expenses and Mortgage/Tax Arrears: This payment type is used to authorize a nonrecurring short-term diversion payment for expenses directly associated with resolving a housing related crisis or episode of immediate need for homeowners. These include mortgage or mortgage arrears, moving expenses, storage fees or household structural or equipment repairs. This diversion payment type can be issued only to applicants who have an emergency or immediate need that if resolved would enable the family to avoid the need for ongoing assistance. To receive this benefit the household must be categorically eligible for EAF and meet all income and resource requirements of EAF.

This payment type is allowed with TA case types 11, 12 and 19 with transaction type is 09 - Open/Close. This payment type is also allowed with TA case type 11, 12, 16 and 17 with transaction type 03- Denial, and on active case types 20, 22, 24 and 31, with a required special claiming code of F. This payment type must be authorized as a single-issue payment and can be authorized as either a restricted or unrestricted payment.

This payment type must not be used to authorize payments for rent, transportation expenses, child care expenses, costs related to applicant job search or payments for work related items, utility shutoffs, or brokers'/finders' fees.

Upstate WMS payment type F6 - Diversion Rental Payment: This payment type is used to authorize a non-recurring short-term diversion payment for rent or rental arrears. This diversion payment type can be issued only to applicants who have an immediate shelter need (rent) that if resolved will enable the family to avoid the need for ongoing TA. To receive this benefit the household must be categorically eligible for EAF and meet all income and resource requirements of EAF.

This payment type is allowed with TA case types 11, 12 and 19 with transaction type is 09 - Open/Close. This payment type is also allowed with TA case type 11, 12, 16 and 17 with transaction type 03- Denial, and on active case types 20, 22, 24 and 31, with a required special claiming code of F. This payment type must be authorized as a single-issue payment and can be authorized as either a restricted or unrestricted payment.

This payment type must not be used to authorize payments for mortgage expenses, property taxes, moving expenses, storage fees, household structural or equipment repairs, security deposits, utility shutoffs, or brokers'/finders' fees.

Upstate WMS payment type D7-Transitional Services Payments: This payment type is used to authorize non-recurring employment related expenditure such as a uniforms allowance, tools, license fees, or other items needed to enable an individual to maintain employment. The households for which these payments are made are no longer in receipt of ongoing FA, or non-cash SNA/FP because of employment and they have an employment-related expense that if not met will result in the continuation of an ongoing TA case. This is the only WMS diversion payment code that will allow a payment to be issued at the time of a TA case closing. All other WMS diversion payment type codes are used exclusively for applicant families.

Payment type "D7 - Transitional Services Payments" is allowable with TA case types 11, 12, 16, 17 and 19. This pay type will only be allowed with Transaction Types 07 (Closing), 08 (Recert/Closing) and 09 (Open/ Close). For Case Types 16 and 17 a State/Federal Charge Code of 63 (TANF Individual Exceeding 5 Year Limit) or 64 (TANF Native American on NYS Reservation Exceeding 5 Year Limit) must be present on Screen 3 of the APTAD or LDSS-3209. This payment type is also allowed with TA case types 11, 12, 16, and 17 with transaction type 03 - Denial, and on active case types 20, 22, 24 and 31, with a required special claiming code of F.



Payment type D7 must be authorized as a single-issue payment and can be authorized as either a restricted or unrestricted payment.

Transportation related expenses such as car insurance, auto repairs or similar transportation costs must not be authorized with this payment type (see payment type D9).

### **Utilizing EAF Payments To Divert A Family From Needing Ongoing TA**

District staff must use their judgment to evaluate if there is a reasonable chance that the authorization of a non-recurring EAF payment will resolve a crisis and enable the applicant family to obtain or maintain self-sufficiency and avoid ongoing TA. If it is believed that authorizing an EAF payment will divert a family from needing ongoing assistance, the family must be categorically and financially eligible for EAF. Eligibility is based upon the same criteria and scope of assistance as specified in 18 NYCRR 372, except for the criteria that the emergency must be one that was sudden, could not have been foreseen, and was beyond the applicant's control.

EAF payments to divert a family from needing ongoing TA are limited to the scope of assistance as specified in 18 NYCRR Parts 352 and 372. If a particular item of need is not found in 18 NYCRR 352 the need may be covered under 18 NYCRR 372.4(d) which provides payments for services necessary to cope with an emergency, such as, car insurance payments, car repairs, etc., Districts retain the ability to pursue the recovery of or recoup assistance, per 18 NYCRR 352.7(g)(3).

Utility shut offs under 18 NYCRR 352.5 (e), brokers/finders fees and security deposits cannot be authorized to divert a household from needing ongoing assistance.

### **Utilizing ESNA Payments To Divert A Family From Needing Ongoing TA**

ESNA is intended for individuals who are not eligible for ongoing TA including ongoing SNA and have a short-term emergency situation (expected to last 3 months or less) such as, expenses resulting from a fire or other emergency. If necessary, non-recurring ESNA payments may be authorized to divert a household from needing ongoing TA if the applicant is eligible for ESNA, and the payment will resolve a crisis and enable the applicant to obtain or maintain self-sufficiency. ESNA may also be authorized to applicants who are eligible for ongoing SNA but have agreed to accept a non-recurring payment to assist the applicant in obtaining or maintaining self-sufficiency and prevent the need for ongoing TA.

Districts may authorize ESNA to divert applicants of TA. To authorize ESNA to divert an applicant from needing ongoing TA the household must be eligible to receive ESNA (Eligibility is based upon the same criteria and scope of assistance as specified in 18 NYCRR 370.3), there must be an immediate need or crisis that, if not met, will jeopardize an individual's ability to obtain or maintain self-sufficiency, and there is a reasonable chance that the payment will divert the applicant from needing ongoing TA.

ESNA payments to divert applicants from needing ongoing TA are limited to the scope of assistance as specified in 18 NYCRR 352. Services payments such as car insurance payments or car repairs cannot be paid for applicants, who are not eligible for EAF, therefore these services payments may not be authorized to household eligible for ESNA. WTW employment related supportive services payment should be explored if the identified need is employment related.

## SNAP Employment and Training Participants, including ABAWDs

Federal regulations require districts to inform each SNAP E&T participant that allowable expenses are available for reimbursement upon presentation of appropriate documentation. Districts must provide supportive service payments to mandatory and voluntary SNAP E&T participants engaged in SNAP E&T work assignments and ABAWD qualifying work activities for expenses that are reasonably necessary and directly related to participation in the SNAP E&T and/or ABAWD activity. SNAP E&T funds, including participant reimbursements **cannot** be used for TANF applicants or recipients. Costs must be directly related to participation in SNAP E&T allowable work activities. Use of SNAP E&T funds for dependent care costs is subject to a plan approved by OTDA, OCFS and Division of Budget.

Supportive services should be reasonably necessary and directly related to participation in employment and training activities.

Reimbursable costs may include, but are not limited to:

- Dependent care costs
- Transportation
- Other work, training or education related expenses such as uniforms, personal safety items or necessary equipment and books or training materials.

The job retention component of SNAP E&T is meant to provide supportive services for a minimum of 30 days, and not more than 90 days, to individuals who have secured employment. Only individuals who have received other employment/training services under the SNAP E&T program within 90 days prior to placement in unsubsidized employment are eligible for job retention services. Job retention reimbursements must be reasonable and necessary and can include:

- Clothing required for a job
- Equipment or tools required for a job
- Relocation expenses
- Transportation
- Dependent care costs

Payment type F2 (participant reimbursement) is the payment type for authorizing SNAP E&T supportive service payments. F2 payments may only be authorized for case types 16 (Safety Net Cash Assistance), 17 (Safety Net Non-Cash Assistance), 31 (NTA/SNAP), and 32 (SNAP-MIX) provided the household is not applying for or receiving TANF funded assistance (case types 11 or 12). SNAP E&T funded supportive services are funded by 50% federal reimbursement and 50% local share.

**Note:** While this section of the regulations authorizes dependent care as a supportive service, dependent care payments are funded through the Child Care Development Block Grant. Please refer to Office of Children and Family Services regulations at 18 NYCRR section 415 for policy on provision of dependent care. Contact the Division of Child Care Services at 518-474-9454 for information and guidance.

## Part C - Questions and Answers

Q.1 Can the district pay to repair an applicant's car in order to enable the TA applicant to continue working?

A.1 Yes. Supportive services can be used as a diversion in a front door program. You may use the assessment process as a front door activity and determine that repairing the car enables the applicant to continue in his/her employment and prevents the applicant from needing public assistance.

Q.2 Can I pay child care for TA applicants who are doing job search?

A.2 Yes. Individuals with a child under thirteen who require child care in order to participate should be provided it. In instances where the district requires an applicant to participate and the individual does not have child care, the district must make at least two referrals for child care, one of which must be to a regulated child care provider. (If an individual is unable to find a child care provider on their own, the worker must provide the individual with two choices of child care providers. At least one of these choices must be a child care provider who is licensed or registered with the State of New York or with New York City Department of Health and Mental Hygiene.)

Child care for individuals eligible for services under the Child Care Development Block Grant should be funded with Child Care Development Block Grant funds.

Q.3 Which cases receive case management?

A.3 For TA recipients, if local funds are available, pregnant adolescents, adolescent parents, at risk youth under eighteen, and individuals with limited English proficiency are case managed. However, the local district plan may offer case management to other groups. For SNAP, all TA/SNAP and NTA/SNAP recipients assigned to a SNAP employment and training work activity must receive case management.

Q.4 Can supportive services be issued to a client after a TA case is closed?

A.4 Yes, for up to 90 days after the TA case is closed due to obtaining employment. Also, based on the availability of local district funds and/or appropriate programs, supportive services may be continued beyond 90 days post-employment if the individual qualifies for TANF funded services under the 200% of poverty guidelines.

Q.5 Can a client be required to move to an area with better job opportunities?

A.5 No, but remoteness is no longer an allowable reason for failing to comply with work activity assignments. If the district determines that jobs exist outside of the individual's community for which the individual is capable of engaging, then the district may refer the individual to

these jobs even if no public transportation exists between the community in which the individual lives and the one in which the job opportunity exists. The regulations require districts to make diligent efforts to assist individuals in overcoming transportation problems, including the provision of supportive services if the district determines them necessary. Districts can even provide the supportive services necessary to help an individual move and set up housekeeping in another community if it determines such services appropriate.

Q.6 Are the costs of SNAP E & T participation reimbursement payments eligible for Federal funding?

A.6 Effective May 13, 2002, the entire portion of a SNAP E & T participant reimbursement payment is federally reimbursable at a rate of 50%. SNAP E & T participant reimbursement payments are eligible for 50% federal and 50% local share.

Q.7 What supportive services are available to individuals participating in the SNAP E&T program?

A.7 Districts must provide supportive service payments to individuals participating in the SNAP E&T program, including applicants and volunteers, for expenses that are reasonably necessary and directly related to participation in the E&T program. Individuals who are subject to the ABAWD requirements and are participating in an ABAWD qualifying work activity that is a SNAP E&T work activity (either as a mandatory assignment or volunteer) are eligible to receive supportive service payments for expenses that are reasonably necessary and directly related to participation in the SNAP E&T and/or ABAWD activity. Examples of services include bus tokens/passes, gas cards, mileage reimbursement, vehicle repairs and other participation related expenses such as work-related clothing and tools.

Q.8 Can districts request reimbursement for dependent care funds relating to supportive services for individuals participating in a SNAP E & T program?

A.8 Districts may request reimbursement for expenditures relating to dependent care funds. SNAP E&T dependent care funds may be used to support eligible child care costs incurred for dependents under the age of 13. SNAP E&T dependent care funds may also be used to support eligible dependent care costs for a child with special needs or under court supervision who is under 18 years of age or under 19 years of age and a full-time student in a secondary school or in an equivalent level vocational or technical training program. Documentation is required for children who have been identified as having special needs or are under court supervision, as described above.

Q.9 Can districts and/or E&T contracted providers use SNAP E & T funds to purchase computers for SNAP E&T participants to use?

A.9 SNAP E&T administrative funds (50 percent SNAP E&T administrative funds and or 100

percent SNAP E&T administrative funds) may be used to purchase laptops or other computer equipment that may be loaned to E&T participants who need such equipment to participate in SNAP E&T activities. In accordance with federal cost principles, the cost must be reasonably necessary and directly related to the operation of or participation in the SNAP E&T program. District's expenditures to maintain a laptop loaner program for participants' use while engaged in E&T activities, are considered operational costs of the SNAP E&T program. Laptops or other computer equipment purchased with 100% or 50% SNAP E&T administrative funds may only be loaned to SNAP E&T participants and upon completion of the SNAP E&T program, all loaned equipment must be returned to the district or the E&T provider who loaned the laptop and/or equipment. Additionally, districts may use SNAP E&T participant reimbursement funds that are not included in the 100% or 50% SNAP E&T administrative allocations to reimburse participants for technology-related expenses such as materials or tools reasonably necessary for participation in a SNAP E&T activity component including Wi-Fi access, laptops, and tablets. Districts that have established a cap for participant reimbursements are reminded that if the amount the participant needs to participate in an E&T program exceeds the cap, the individual must be exempt from mandatory SNAP E&T.