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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 91 INF-22

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: March 26, 1991

SUBJECT: Job Opportunities and Basic Skills Training (JOBS)
 Program Questions and Answers

SUGGESTED

DISTRIBUTION: Directors of Income Maintenance
 Directors of Children Services
 Employment Coordinators
 WMS Coordinators
 Food Stamp Supervisors
 Staff Development Coordinators

CONTACT PERSON: Employment Programs:
 Local District Technical Advisor at 1-800-342-3715,
 extension 3-8744
Public Assistance:
 John McCarthy at 1-800-342-3715, extension 4-9346

ATTACHMENTS: Questions and Answers - available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.

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This letter provides answers to questions raised at the initial JOBS training sessions and during the first few months of JOBS implementation.

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

SUPPORTIVE SERVICES

1. QUESTION: Is payment of supportive services mandatory for two-year part-time college? For self-initiated part-time college?

 ANSWER: If the district approves the participant for training, support services must be provided, unless funds from other resources are available to cover the costs.

2. QUESTION: Does DSS have to pay for two-year part-time education and supportive services if the student is not eligible for PELL or TAP?

 ANSWER: DSS must pay only if the district approves the participant to attend training as an approved JOBS activity. In the case of approved self-initiated training, however, the district cannot pay the cost of tuition, books and supplies, but must provide other supportive services as needed.

3. QUESTION: What is the maximum distance you can make a participant travel to and from a child care provider?

 ANSWER: There is no maximum distance, but guaranteed child care must be a reasonable distance from home and work or training. (NOTE: not applicable for New York City).

4. QUESTION: When are participants responsible for securing their own child care?

 ANSWER: Participants are always responsible for choosing their own child care. However, when participants need assistance in locating child care the district is responsible for providing them with a choice of two regulated providers. In addition, the district must assist clients in the selection of care by providing them with information to: a) help them recognize quality care; and, b) help them evaluate potential child care arrangements.

5. QUESTION: How frequently should districts review participants who lack child care?

 ANSWER: Subject to district resources, a review should be done no less often than every six months.

6. QUESTION: Is payment of transportation to and from child care providers a IV-F or IV-A payment?

 ANSWER: It is a IV-F payment.

7. QUESTION: Does a recipient have to be a JOBS participant to qualify for supportive services, which could include drug/alcohol counseling?
- ANSWER: Yes, to qualify for JOBS supportive services.
8. QUESTION: Can case management be provided to a JOBS participant by workers outside of the employment unit (i.e., caseworkers, CAP program workers)?
- ANSWER: Yes.
9. QUESTION: If a person volunteers, must he/she be provided service?
- ANSWER: Volunteers have priority for available activities and services, unless they have previously terminated their participation in JOBS without good cause. While there is no absolute requirement that service be provided, e.g., resources may not be available which meet the individual's needs, the local district should make every effort to facilitate a volunteer's participation.
10. QUESTION: Regarding assistance with housing as a JOBS supportive service: Can IV-F dollars be used to pay rent?
- ANSWER: No. This supportive service is only for referrals to providers of housing assistance.
11. QUESTION: Are one time work related expenses available only to JOBS participants?
- ANSWER: Yes. For these expenses, participants are: (1) ADC/HR clients who have had an individual assessment and employability plan, (2) ADC clients in the three week initial job search and (3) HR clients who have been assigned to JOBS activities, including Home Relief Job Search (HRJS), whether or not they have had an individual assessment and employability plan.

EMPLOYMENT PROGRAM ACTIVITIES

12. QUESTION: Is the maximum job search participation in a 12 month period 16 weeks?
- ANSWER: Yes. If an ADC client begins job search as an applicant, he/she may be required to participate for a total of 16 weeks in a 12 month period. If the initial job search is not assigned, an individual may only be required to participate for 8 weeks in a 12 month period.

13. QUESTION: Is there still a requirement for Job Service registration as a condition of eligibility?
- ANSWER: There is no longer an eligibility requirement for applicants or recipients to report to the Job Service. Referral to DOL for employment services is treated like any other JOBS activity and those recipients who willfully fail to comply without good cause can be sanctioned.
14. QUESTION: Has JOBS changed Home Relief Job Search (HRJS)?
- ANSWER: Yes. HRJS participants are now eligible for all necessary supportive services. The conciliation and non-compliance processes now apply.
15. QUESTION: Is CWEP limited to a six-month assignment at each worksite or for the life of the case?
- ANSWER: An ADC recipient may be enrolled in CWEP for only six months during any consecutive period of eligibility. If a case closes and reopens, a recipient can be enrolled in a new six-month assignment. If a CWEP participant is re-assigned to a different worksite during the six-month period, a reassessment must be done and the need for continued enrollment documented. However, a change in worksite does not start a new six month CWEP period.
16. QUESTION: Can districts conduct assessments and employability plans for applicants as well as recipients?
- ANSWER: Yes, but these activities can only be reported on the subsystem when the participant becomes a recipient.
17. QUESTION: If, after all appropriate JOBS activities have been provided, the recipient is still on PA, what do we do for the next number of years?
- ANSWER: If it is clear that further enrollment in employment programs will not result in placement, and the client cooperated throughout the process, the district is not required to maintain the client's participation. The EP should indicate this.
18. QUESTION: Can we make clients walk to a JOBS activity assignment? How far?
- ANSWER: There are no federal or State laws or regulations which specify the distance a participant may be required to walk to an activity or a job.

Districts must use discretion, on a case by case basis, as to whether walking distance to an assignment or job is reasonable. The district must take into consideration such factors as health, location, and environmental conditions.

19. QUESTION: How can Job Opportunity (JO) be a grant diversion program when a case is closed for JOBS participants?

ANSWER: A JO payment (Payment Type E-4-Job Opportunity Diversion Payment) can be authorized on WMS on an existing MA case. (NOTE: Not applicable for New York City).

20. QUESTION: What is the policy for "mandatory" volunteers?

ANSWER: Mandatory volunteers, just as exempt volunteers, are a priority group for JOBS services. However, mandatory volunteers are subject to a sanction for non-compliance with JOBS activities, just as they would be if they had not volunteered.

21. QUESTION: What are the assessment requirements for participants who go on and off assistance?

ANSWER: A new individual assessment must be done for each period of new eligibility for PA. If little time had passed, this would, in all practicality, be an update to the previous individual assessment because only changed information would have to be collected.

PARTICIPATION REQUIREMENTS

22. QUESTION: Does the 20-hour per week requirement apply to Home Relief?

ANSWER: The 20-hour requirement is a federal mandate and has no impact on Home Relief.

EMPLOYABILITY CODES/EMPLOYMENT SUBSYSTEM-UPSTATE DISTRICTS

23. QUESTION: What code would you use for an otherwise employable client with no public transportation?

ANSWER: Employability Code 26 - Remoteness should be used if the district judges the client to be exempt from JOBS participation due to remoteness. (NOTE: Not applicable for New York City).

24. QUESTION: How do you count Job Development and Placement on the Subsystem?

ANSWER: Job Development and Placement is counted by inputting Activity Code 32 - Job Placement/Development. (NOTE: Not applicable for New York City).

25. QUESTION: Clarify the procedure for reporting ADC Job Search for the initial three-weeks and the additional five-weeks.

ANSWER: Only ADC applicants who become ADC recipients are reported on the Employment Subsystem for the three-week job search. (NOTE: Not applicable for New York City).

ADC Job Search Reporting

For ADC applicants who become ADC recipients and who do not continue beyond the first three-weeks of initial job search, the worker should report an enrollment in supervised job search (Activity Code 05) with an effective date being the date the recipient began job search as an applicant. A completion (Status Code 07) should be posted for the date the three-week job search ends.

THREE WEEK ADC APPLICANT JOB SEARCH

CHANGE /DELETE	LN	ACTIVITY	STATUS	SOURCE	SNCT /INEL	EFFECTIVE DATE	ANTIC COMP DATE	CASE TYPE	STORAGE DATE
^	^^	^^	^^	^	^^	^^^^^^	^^^^^^		
	06	02	07			012391		11	012591
	05	01	49			012391		11	012591
	04	01	53			012391		11	012591
	03	01	07			012391		11	012591
	02	05	07			012291		11	012591
	01	05	04			010291	012291	11	012591
									XMT^

Line 01 - Records for a recipient the three-week enrollment in ADC applicant job search.

Line 02 - Records the completion of the three week ADC applicant job search for recipients who will continue in job applicant beyond the initial weeks.

Line 03 - Records the Initial Assessment.

Line 04 - Records Target Group Status.

Line 05 - Records Child Status.

Line 06 - Completion of Employability Plan.

If a recipient has completed three-weeks of initial job search and is continuing for an additional five-weeks, the worker should report an enrollment in supervised job search (Activity Code 05) with an effective date being the date the recipient began the initial three-week job search. The anticipated completion date posted should be eight-weeks after the beginning of the initial job search.

ADC APPLICANT JOB SEARCH
CONTINUING FOR TOTAL OF 8 WEEKS

CHANGE /DELETE	LN	ACTIVITY	STATUS	SOURCE	SNCT /INEL	EFFECTIVE DATE	ANTIC COMP DATE	CASE TYPE	STORAGE DATE
^	^^	^^	^^	^	^^	^^^^^^	^^^^^^		
	05	05	04			010291	030391	11	012591
	04	02	07			012391		11	012591
	03	01	49			012391		11	012591
	02	01	51			012391		11	012591
	01	01	07			012391		11	012591

XMT^

- Line 01 - Records Initial Assessment
- Line 02 - Records Target Status
- Line 03 - Records Child Care Status
- Line 04 - Records Completion the EP
- Line 05 - Records the enrollment in supervised job search. The effective date is date the recipient began job search in applicant status. The anticipated completion is 8 weeks from the effective date.

26. QUESTION: How do we now code clients who had been coded as "employed to capacity"?

ANSWER: The State's JOBS enabling legislation eliminated the employment exemption for individuals who are employed to capacity but working under 30 hours a week. Employability Code 27 - Employed Full-Time 30 Hours Per Week or More is only for individuals who are working at least 30 hours a week. Individuals with limitations and who are employed to the extent their limitations allow are to be coded with Employability Code 36 - Incapacitated. (NOTE: Not applicable for New York City).

27. QUESTION: What Employability Code should be used for the parent of a 3-5 year old with no child care?

ANSWER: Employability Code 20 (Mandatory) with an entry on the Employment Subsystem of Status Code 48 (Child Care Unavailable). Associated with the Activity Code 01 (Individual Assessment). (NOTE Not applicable for New York City).

28. QUESTION: Formerly, it was possible to access an employment record for an individual with Employability Code 26; why is it no longer possible?

ANSWER: Before the conversion of Employability Codes, Employability Code 26 was defined as "Work Rules Eligible - Transportation Hardship", and its presence would allow the creation of an employment record because the client was not exempt. Since conversion, Code 26 is re-defined as "Remoteness", an employability exemption, and therefore does not allow the creation of a record.

NOTE: Currently the creation of an Employment Subsystem record is allowed only with the following employability codes for Upstate:

- 17 Teen Parent Age 16-19 Without HS Diploma
- 20 Mandatory Employable
- 21 Voluntary Employable
- 33 ADC-U Non-Principal Wage Earner
- 63 Substance Abuser - In Rehabilitation
- 73 OVESID Participant

(NOTE: Not applicable for New York City).

Once an employment record has been created, however, it can subsequently be accessed regardless of any change to the client's employability.

29. QUESTION: If a client has an Employability Code of 26 (Remoteness) as a result of the code conversion, but is receiving services, how can JOBS participation be documented on the Employment Subsystem?

ANSWER: If the individual has a current Subsystem record, updates may be done in the normal manner. If the individual does not have a Subsystem record his/her employability code must be changed to Code 20 (Mandatory Employable) or Code 21 (Voluntary Employable). The district must determine if the individual who could be Code 26 (Remoteness) and exempt from JOBS participation will be a mandatory or voluntary employable. Subsystem records may not be created on exempt individuals.

30. QUESTION: Prior to October 1, 1990, recurring payments were authorized for program participants utilizing WMS payment types, such as Code "80 - Work Experience Reimbursement", which were phased out on October 1, 1990. Are these prior authorized payments still valid?

ANSWER: Yes, however when and if these payments are reauthorized after October 1, 1990, the new supportive service payment types such as "R7 - Lunch/Transportation" must be used. A listing of new payment types implemented on October 1, 1990 is contained in the WMS Coordinator Letter dated September 7, 1990. (NOTE: Not applicable for New York City).

31. QUESTION: Is more information required on UP2 (Participation Site) with JOBS?

ANSWER: Status Codes 04 (Enrolled), 05 (Extended Enrollment) and 06 (Reenrolled) require the data entry on UP2 of the activity site and the number of scheduled hours per week for all activities except Individual Assessment (Activity Code 01), Employability Plan (Activity Code 02), Opportunity Contract (Activity Code 30) and Job Placement/Development (Activity Code 32). (NOTE: Not applicable for New York City).

PARTICIPATION RATE AND TARGET GROUPS

32. QUESTION: During the first year, may districts limit the groups with whom they work?

ANSWER: Yes, as long as district meets the participation rate and target groups expenditure requirements.

33. QUESTION: Are there any reporting requirements for HRs? Are they considered JOBS enrollees if they are participating in JOBS activities?

ANSWER: Reporting requirements for HRs have not changed. Yes, HRs are considered JOBS enrollees for local district purposes but not for federal reporting purposes.

34. QUESTION: Are there any exceptions to the regulation that a district must offer a client two regulated child care providers?

ANSWER: No, but if the client has her own child care arrangement and does not request assistance in securing child care, the district need not offer additional options.

NET LOSS OF CASH INCOME

35. QUESTION: To whom do the "Net Loss" provisions apply?

ANSWER: The "Net Loss" provisions apply only to those public assistance recipients who are also JOBS participants and who have obtained employment as a direct result of their participation in JOBS. To be eligible, a recipient must have gone through JOBS orientation, been assessed, had an employability plan developed and mutually agreed to, and as a direct result of the plan, has obtained employment (e.g., a recipient who has received computer training through JOBS and has obtained a job as a data entry operator). The participant must request supplementation.

36. QUESTION: When is the "Net Loss" calculation done?

ANSWER: The "Net Loss" calculations are done when requested by the recipient after the client has worked for a month and is able to present documentation that will provide a comparison of net income with income prior to taking the new job. If determined eligible, the calculations continue each month until supplementation is no longer required.

37. QUESTION: Does "Net Loss" have fair hearing and aid-to-continue rights?

ANSWER: "Net Loss" has a right to a fair hearing but not aid-to-continue.

38. QUESTION: Are "Net Loss" supplements considered IV-A or IV-F funding?

ANSWER: "Net Loss" supplements are IV-A funded and are considered ADC payments although they do not confer ADC eligibility after a case is closed.

39. QUESTION: When a JOBS participant secures employment and is expected to be initially paid during the latter part of a month, what month's needs are used in the "Net Loss" calculations?

ANSWER: In order to do the "Net Loss" calculations, the next month's public assistance needs and gross income must be used. For example, as a direct result of JOBS participation, a recipient secures employment on November 10th and is expected to receive his first pay on November 17th. The recipient's December public assistance needs should be used and compared to December's gross income to determine "Net Loss" eligibility.

40. QUESTION: Will the State provide tax tables for "Net Loss" calculations?
- ANSWER: Yes, a worksheet is being developed which will include tax tables.
41. QUESTION: Are taxes to be computed based on the number of exemptions that the wage earner may legally claim rather than on whatever number he may actually be claiming?
- ANSWER: Yes.
42. QUESTION: Is there a particular WMS payment type to use when authorizing "Net Loss" supplements?
- ANSWER: It is recommended that WMS Payment Type "06" Partial Allowance be used.
43. QUESTION: How is a "Net Loss" payment to be made on a closed PA case?
- ANSWER: An open close transaction must take place.
44. QUESTION: Is the "Net Loss" supplement withheld if the earned income disregards are withheld due to a late report of earnings?
- ANSWER: No. However, when calculating the "Net Loss" supplement, the cash assistance received for the month in which a "Net Loss" calculation is being made must reflect cash assistance as if the income disregards were actually received. This is necessary to avoid supplementing the loss of the earned income disregards.

CHILD CARE SUPPLEMENTATION

45. QUESTION: Does Child Care Supplementation apply only to JOBS participants who have secured employment?
- ANSWER: Child Care Supplementation applies to all employed recipients who use legal child care arrangements.
46. QUESTION: Is the child care supplement calculated for all program categories: ADC, ADC-U and HR?
- ANSWER: Yes.

47. QUESTION: Are suspended cases entitled to a child care supplement?
- ANSWER: If otherwise eligible for a child care supplement, a suspended case is entitled to a supplement. The supplement is the difference between the appropriate disregard which would otherwise have been granted if not for the suspension and the actual cost or market rate, whichever is lower. ABEL does not calculate a supplement for suspended (surplus) cases.
48. QUESTION: Must a recipient request the child care supplement in order to be entitled to it?
- ANSWER: No. A recipient need not make a formal request for a child care supplement. A child care supplement is automatically calculated, provided that the recipient has documented legal arrangements and is otherwise entitled to one.
49. QUESTION: Are recipients using other than legal child care arrangements who have documentation of actual costs entitled to the child care disregards?
- ANSWER: Yes. A recipient would be entitled to the child care disregards but not a child care supplement.
50. QUESTION: If the child care deduction is withheld due to a late report of earnings, is the child care supplement also withheld?
- ANSWER: No. However, the child care supplement should only be the difference between the disregard that would have been applied and the actual cost or market rates, whichever is lower. ABEL assumes that a full disregard of \$200/\$175 would have been applied when calculating the child care supplement on these cases.
51. QUESTION: If the normal PA deficit is less than \$10 monthly, is the normal PA deficit to be issued along with the supplement or should only the supplement be granted?
- ANSWER: Only the supplement should be granted. In these cases, the child care supplement only will be shown as the cash grant on ABEL.
52. QUESTION: If child care is provided in a county other than the one maintaining the case, which county's market rate should be used?
- ANSWER: The rate for the county in which the child care is being provided should be used. However, this is not the amount calculated by ABEL.

53. QUESTION: If the child care supplement for a case is less than \$10, should it be issued?

ANSWER: Yes. There is no language in legislation to impose a minimum. Payments of less than \$10 should still be authorized.