

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

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MICHAEL J. DOWLING
Commissioner



INFORMATIONAL LETTER

TRANSMITTAL: 94 INF-52

TO: Commissioners of
Social Services

DIVISION: Office of
Employment
Programs

DATE: November 9, 1994

SUBJECT: Questions and Answers From the March 31, 1994
Jobs FIRST Teleconference

SUGGESTED
DISTRIBUTION: Local District Commissioners
Public Assistance Staff
Employment Staff
Food Stamp Staff
Medical Assistance Staff
Services Staff
Staff Development Coordinators

CONTACT PERSON: State Employment Program Technical Advisor
at 1-800-343-8859, extension 3-8377

ATTACHMENTS: Teleconference Questions and Answers (available
on-line)

FILING REFERENCES

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

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Last Spring, State Department of Social Services Commissioner, Michael J. Dowling, and Allegany County Commissioner, Joan D. Sinclair took part in a statewide teleconference on welfare reform, highlighting the Jobs FIRST program. During the conference, participants were encouraged to submit questions on aspects of Jobs FIRST and its impact on local district operations. Due to time constraints, not all questions could be addressed during the teleconference itself.

Attached to this Informational Letter are the responses to these questions, which were submitted by the live audience in Albany as well as the participants at the satellite downlink sites across the State.

Should you have additional questions, or need further clarification on the issues discussed, please feel free to contact your Office of Employment Programs (OEP) Technical Advisor.



Jack Ryan
Assistant Commissioner
Office of Employment Programs

Questions and Answers

1. Q. "Preventing entry" and "diverting entry" sound like efforts to deny, prevent or preclude needy people from getting the assistance they need. Why not use terms such as expanding options or increasing options for needy people? Such terminology might be less threatening to clients when talking about what will happen at the "front door".
- A. Jobs FIRST and its front door diversion strategies are not about denying needy individuals and families the assistance they need. Rather these strategies are designed to connect individuals to the most appropriate programs and services they need as soon as possible after they walk through the front door. This is part of an attempt to prevent these individuals from slipping into long-term dependency on public assistance. "Connections" might include an appropriate referral to an employment opportunity, a drug rehabilitation program, the Social Security Administration, or Veteran's Administration.

"Softer" terms than "preventing entry" and "diverting entry" could have been used. However, since Jobs FIRST and the front door model represent significant change, the message needs to be clear - all alternatives to going on welfare must be explored and, if possible, the applicant's needs met without engaging the formal welfare system.

2. Q. There hasn't been any mention of sanctions and what happens if you don't comply. Wouldn't it be better to place emphasis on having clients volunteer using a volunteers first format, and counsel those who do volunteer rather than use sanctions?
- A. It is true that mandatory JOBS participants are subject to sanctions for failing to comply without good cause in JOBS activities. The Federal government has established target groups for participation in JOBS. In determining priority for services from among these target groups, first consideration is given to individuals from within those target groups that volunteer to participate. Volunteers from non-target groups must also be given priority consideration for JOBS services. Consequently, the program already recognizes that volunteers tend to have the inherent motivation to move towards self-sufficiency.

The message we wish to convey is that everyone has a responsibility to work toward self-sufficiency and that there are consequences for those who do not meet their responsibilities.

3. Q. Given the environmental circumstances of poor people and the energy required to cope, is work always a good option for a single parent family?
- A. Although there are certainly circumstances where work is not the best option for single parents, the fact remains that single parents from all walks of life are returning to or entering the labor force. Part of the stress and feeling of powerlessness often exhibited by low income families stems, in part, from living at or below the poverty level with no end in sight, i.e., no real future and no control over their future.

Whether or not single parents have the strength to believe in themselves, Jobs FIRST believes in them. They can engage in productive work. They can raise themselves and their children out of poverty. They can become good role models for their children. They can have hope again. While no one is promising it will be easy, clearly we cannot continue with business as usual.

4. Q. What will the new emphasis on Jobs FIRST do for those who are unable to work due to mental or physical limitations or substance abuse?
- A. Such individuals are not inherently unemployable. While the thrust of Jobs FIRST is to connect employable welfare applicants/recipients to the labor market as quickly as possible, it is also recognized that there are individuals who are not job ready for a variety of reasons. Just as employable individuals have the responsibility to cooperate with activities leading to employment, those with barriers to employment have the responsibility to cooperate with appropriate evaluations, treatments and therapies and accept referral to special programs, which will improve their capacity for employment. Those with severe limitations are also expected to cooperate with physical exams and other assessments that would document their disabilities, in order to access the most appropriate program.
5. Q. What is the Department doing to ensure the Fair Hearing decisions issued by State adjudicators are consistent with the Jobs FIRST philosophy?
- A. An analysis of fair hearing decisions recently completed by the Department indicates that the percentages of employment related fair hearings that are affirmed and reversed are, in fact, better than the percentages for all program issues. We will continue to monitor the decisions. All Department staff, including Fair Hearings staff, have been made aware of the Department's Jobs FIRST strategy.

6. Q. Can we streamline the present conciliation system on our own or must we wait for waivers to be approved, and if we can move ahead, will this cause problems with Fair Hearing adjudicators should the conciliation results go to a Fair Hearing?

A. The present conciliation process is required by section 341 of the Social Services Law and consequently may not be modified without an amendment to State law.

Last year the Department participated in a task force charged by the Legislature to make recommendations on methods to expedite the conciliation process. The task force was chaired by Executive Deputy Commissioner Karen Schimke, and included representatives of the Legislature, legal advocates and local departments of social services. The task force recommended changing State law to simplify the process for all recipients by shortening the time period for requesting conciliation from 14 days to 10 days; beginning the 30 day conciliation period with the date of the conciliation notice; and allowing conciliations to be performed by trained supervisory staff or, in the absence of such staff, other staff trained in dispute mediation. Unfortunately, the proposed legislation was not enacted and we cannot waive the statutory requirements. The Department will continue to advocate for a change in State law.

7. Q. Can we count JOBS participants working part-time in unsubsidized employment in the Jobs participation rate?

A. Aid to Dependent Children (ADC) unemployed parent cases with unsubsidized employment that equals or exceeds an average of 16 hours per week in a month, or when combined with work activities (work supplementation, community work experience, or on-the-job training) average 16 hours per week in a month, count toward meeting the ADC-U participation rate.

For purposes of Home Relief (HR) and Veterans Assistance (VA), individuals in unsubsidized employment of at least 12 hours per week will be counted toward participation rates.

At this time, unsubsidized employment can be used in computing hours of participation in the ADC program only for the month in which the job entry occurs and the following month for individuals who were participating in JOBS.

8. Q. Will the Department be implementing mandatory finger imaging?

A. Current legislation provides 100% State reimbursement to selected social services districts to implement projects to test the cost effectiveness of finger imaging HR recipients. The legislation does not preclude this Department from authorizing finger imaging for HR recipients in other districts. Districts not covered by the current legislation will be eligible for partial reimbursement under existing administrative procedures.

Regulations are being promulgated to ensure uniformity among districts conducting finger imaging projects. Neither the regulations nor the legislation authorize finger imaging for recipients of ADC.

9. Q. Currently, a single parent with a child under 3 years of age is work exempt. Can this exemption be lowered to an adult parent with a child under 1 year of age? Also, pregnant adults become work exempt after the 4th month of pregnancy. Can this be changed to be more in line with the real world, i.e., closer to delivery date when there are no medical complications?
- A. There are no plans at this time to change the exemption criteria under JOBS. The Department is focusing its efforts on providing better services to those groups who are currently required to participate.
10. Q. You commented that the applicant should be doing something during the eligibility determination period. Will there be some mandates that will allow agencies to require applicants to engage in employment related activities so if they refuse we can provide motivation?
- A. Department regulations currently require that applicants and recipients, as a condition of eligibility for assistance, cooperate with the agency in investigating resources immediately or potentially available to reduce or eliminate the need for public assistance. Such resources include employability.

Under the JOBS program, job ready ADC applicants can be assigned to supervised job search activities, which must include counseling, job-seeking skills training and dissemination of employment information, and may include other job readiness activities. Not only do these activities improve the employment prospects for applicants, but they also identify the individuals' skills and interests and they can be an important part of the individual's assessment. Job search for ADC applicants is limited to three weeks unless a written assessment of the individual's employability is completed and no sanction may be imposed for failure to comply with job search requirements prior to assessment.

Job ready HR applicants may be assigned to job search activities which include employer contacts and other activities designed to assist the individual in the job seeking process. These other activities could include all the activities described for ADC applicants. Since job search is a JOBS activity, appropriate sanctions would apply to HR applicants and to ADC applicants once the written assessment requirement is met.

11. Q. Is the 6 month limitation going to be removed from the Community Work Experience (CWE) program?
- A. Legislation was proposed to eliminate the 6 month limitation on CWE currently contained in State law but was not enacted by the Legislature.
12. Q. As a training agency, I would be willing to help clients find part-time jobs (2 to 3 hrs./day) within the areas they are being trained in. This could benefit them in several ways - gives clients something to put on a resume, improve self-esteem, etc.. How would this affect their grants?
- A. The earned income would have to be budgeted in the usual manner and would tend to decrease the amount of public assistance required. However, the Department is pursuing ways to make work pay for employed recipients through legislative changes and the expansion of the Child Assistance Program (CAP).
13. Q. There was an assumption that all in the audience know about the CAP program. This is not the case. Briefly, what is that program?
- A. CAP is an innovative NYSDSS pilot program designed as an alternative to the AFDC program, the nation's primary public assistance program for poor families with children.

CAP is distinctive in its reliance on positive economic incentives and case management practices in encouraging recipients to enter the work force, obtain child support orders and reduce/end their dependency on public assistance.

Although nearly all single AFDC families are eligible to enroll, none are required to do so. The program is strictly voluntary. The program is designed to be attractive to AFDC recipients on the basis of four principle features:

- o **Lower implicit tax rate.** CAP's implicit tax rate - the rate at which benefits are reduced when a recipient has earnings - is dramatically lower than that under AFDC. CAP benefits are reduced by 10 per cent of earnings up to the poverty level and 67 per cent thereafter; AFDC benefits are reduced by nearly 100 per cent. As a result, CAP offers clients the promise of higher total incomes while in receipt of assistance. Clients are also covered by Medicaid and receive help in locating and paying for child care.
- o **Fewer constraints on household budgeting.** CAP clients retain greater control over their finances than do AFDC clients. Food stamp benefits are paid in cash, not coupons; and the strict assets limits mandated under AFDC are completely eliminated.

- o Better case management services. CAP case managers carry significantly smaller caseloads than do their AFDC counterparts. Consequently, CAP clients receive more intensive and more personalized services.
- o Non welfare image. CAP is presented as an economically superior and more dignified alternative to welfare for clients willing to take on the necessary responsibilities. That image is supported by the program features mentioned above and reinforced through such mechanisms as professional looking office space for CAP operations, separate from welfare offices.

With these "carrots", CAP hopes to induce AFDC recipients to take the steps necessary to enroll in the program, i.e., obtain employment and/or child support orders.

14. Q. If a mother with three children has only one child with a court support order is she still eligible for CAP? And if only herself and the one child are eligible, how do you budget the grant?

- A. Yes, she would be eligible for CAP. The case would include only the mother and the one child for whom she has a support order. CAP budgeting is based on the number of children who are covered by orders of support. Assistance would be provided to the mother to establish support orders for the remaining children.

CAP and ADC are mutually exclusive programs, therefore, this family could not receive CAP benefits for certain individuals and ADC benefits for others. She must choose the program in which she wishes to participate. If CAP is chosen, the non-CAP eligible dependent relatives can receive MA and FS as part of the CAP case.

15. Q. What are you doing or going to do with the two parent household? Example: Two parent household - father working- mother not - one common child unmarried - how will CAP provide services for this group? What kind of support services will be available?

- A. CAP can not currently serve two-parent households. Proposed State legislation extends CAP services to these families. If passed by the Legislature the Department would then seek federal waiver approval to include these households under CAP.

16. Q. How does planned implementation and expansion of the CAP program impact on the Examiner position and function? Are you developing new or amended job titles and/or job descriptions?

- A. Social Services districts have utilized existing civil service titles to staff CAP offices. Typically, Sr. Welfare Examiners are assigned to the case manager position. There is currently no plan on the state level to develop new job titles for CAP.

17. Q. How much training and support for training will be allowable under Jobs FIRST?
- A. There have been no specific limits placed on necessary and appropriate training for JOBS participants. Rather, Jobs FIRST will require closer screening of both the participant and the training provider to assure that the training is truly needed, effectively provided and linked to and focused on the primary outcome of obtaining employment.
18. Q. What are the legal constraints, vis-a-vis client rights, in implementing a front door model?
- A. The Front Door model is not intended to infringe in any way on the rights of clients. Clients will have the ability to contest any decision or assignment with which they do not agree through the conciliation or fair hearing process.
19. Q. How do you anticipate Jobs FIRST will ultimately affect the States fiscal situation, and is this a primary factor in the governmental campaign?
- A. It is not anticipated that Jobs FIRST will produce any significant initial or short-term savings. Longer term, as welfare cultural change takes hold and families and individuals assume their responsibility for pro-actively moving towards self-sufficiency, savings could be significant.
20. Q. Significant numbers of employable welfare recipients want jobs but experience continued failure in getting or retaining jobs. This often has a very negative psychological effect. Will Jobs FIRST contribute to this feeling of defeat?
- A. No. We believe that one of the surest indicators of success is a positive work experience as a means of moving toward self-sufficiency. JOBS program components, such as job readiness training, can prepare individuals to get and retain jobs by helping them to learn appropriate workplace behavior and attitude. We will also try to help clients view any job, regardless of retention, as a step on the ladder of success.
21. Q. How important is child care in New York's Welfare Reform efforts?
- A. Child care is an integral and critical component of welfare reform in general and Jobs FIRST in particular. Low income families must be able to access subsidized quality child care in order to engage in and maintain employment.

22. Q. When a client agrees to accept a job, will it be at minimum wage or will there be an incentive above minimum wage? Will DSS advocate for jobs that will provide wages and benefits to support individuals and families above the poverty level?

A. Ideally, the Department would like to see clients placed into jobs that pay above the minimum wage and that offer advancement. However, there is nothing wrong with accepting a minimum wage job, even if it's initially insufficient to close the public assistance case. A minimum wage job represents a starting point from which to build an employment history. Also, the enactment of the State Earned Income Tax Credit to supplement the federal credit provides low-income workers with a real opportunity to improve their standard of living.

We will advocate for clients to get jobs commensurate with their skill level. If clients have the skills and ability to get and maintain employment with good wages and benefits, they will be encouraged to do so. If, however, clients have been out of the job market for a while, or are not able to secure such employment, they will be encouraged to get a job, any job, that will enable them to work, gain valuable work experience and eventually earn a wage sufficient to eliminate their need for assistance.

Regarding benefits, certain clients who become employed may qualify for transitional child care and medical assistance for up to one year, when their cases are closed due to earnings. We will continue to pursue methods of providing these services to all individuals who are struggling to obtain self-sufficiency.

23. Q. What do you see as the impact of Jobs FIRST on the multi-problem family/individual who are chronically dependent on welfare?

A. Jobs FIRST emphasizes the importance and benefits of work in moving families toward self-sufficiency. However, the term self-sufficiency includes not only financial independence, but also improving the level of family or individual functioning through the provision of necessary services. While the chronically dependent multi-problem family presents our greatest challenge, holistic assessment of family needs when a family first applies for assistance, will diminish the likelihood of long-term dependence.

24. Q. Is there any effort being made to develop a long-term (1 year, 3 year, 5 year) commitment to communities planning coalitions between the public and private sectors, training and educational institutions and service agencies, which would assist in guiding individuals through employment changes toward economic self-sufficiency?

A. In 1990 Governor Cuomo introduced GATEWAY, the workforce preparation system. In a Gateway community, individuals looking for a job, a better job, or to improve their skills, have easy access to a full continuum of services to enable them to achieve

their worklife goals. In GATEWAY, customers (clients) can contact any affiliate agency (public or private) to get direct services or be referred to the best agency that can serve their needs. These services may include job training, education, job listings or support services such as child care, through any GATEWAY affiliate.

Although GATEWAY and Jobs FIRST are separate entities, the goals and objectives are similar - economic self-sufficiency for those able to work. Through the GATEWAY network, of which the Department of Social Services is a major participant, the business community has been encouraged to join as a full partner and, in most cases, they have done so. The GATEWAY concept is a good one and State DSS will continue to support its efforts.

25. Q. We have heard you say how important working together among local and state agencies is - what part does Gateway have in Jobs FIRST?
- A. The Gateway model is a prime example of the Jobs FIRST philosophy. In order for Jobs FIRST to achieve its stated goals of moving people from welfare to work, it is imperative that all relevant segments of the community collaborate. A one-step collaborative effort among not only state and local staff, but business, unions, education and other supportive services is the essence of Jobs FIRST. As the predecessor to Jobs FIRST, Gateway has effectively demonstrated that a full continuum of high quality services can assist employable public assistance recipients in achieving their worklife goals.
26. Q. If jobs are to come first, what is the State doing to retain our public and private labor market in New York State? In addition, what efforts are being made to expand this market with real, not make-work, employment programs?
- A. Under the Jobs FIRST initiative, the New York State Department of Social Services is working very closely with other State agencies, such as the Departments of Labor and Economic Development, as well as with local Chambers of Commerce, the Private Industry Councils, unions and other relevant organizations for the expansion of the State's economic base. This is an on-going effort that is crucial to the success of Jobs FIRST, and to the economic well-being of the State as a whole.

One of the main premises of Jobs FIRST is that employment - any employment - is good. The work ethic that is developed by going to a job, any job, on a regular basis is a major factor in moving people off of welfare. Ideally, we would like people to be compensated as handsomely as their skills will demand and be able to perform jobs that are mentally stimulating, satisfying and long term. Realistically though, for an individual who has been absent from the workforce for an extended period of time, to expect to embark on a career path immediately, is unlikely. Through Jobs

FIRST, it is our intent to help individuals develop good work habits and skills which we hope will lead to meaningful, gainful employment.

27. Q. Have you obtained input from the general public in formulating these plans?
- A. The Department has established a Welfare Reform Task Force to help shape the implementation of welfare reform statewide. The Task Force has been conducting a series of roundtable discussions with clients, employment and training providers, advocates, employers and local district commissioners to obtain information and advice on putting the Jobs FIRST program into effect, and to solicit recommendations on how the State can best allocate its welfare, employment and training funds under the JOBS program.
28. Q. Will the DSS office hours be expanded to accommodate working welfare clients?
- A. The actual implementation of Jobs FIRST will be the responsibility of the local departments of social services. They have been empowered to make the necessary changes to adequately address the needs of the clients, such as expanding office hours.
29. Q. Will welfare clients replace traditional workers in the workforce (to work off check or get federal subsidy)?
- A. The goal of Jobs FIRST is not to increase or maintain the current State unemployment rate; the goal is to categorically decrease the State unemployment rate by moving individuals from welfare to work, hence adding more people to the State work force, not replacing traditional workers with public assistance recipients.
30. Q. Even though I agree that teens should live at home, what will be the legal advocates' position?
- A. Although the legal advocates have not taken an official position on this issue, we intend to take their opinions and comments into consideration in the drafting of this policy. The purpose of this policy is not punitive in nature. In fact, we are attempting to strengthen the family unit by requiring a teenage mother to remain in an environment which could conceivably assist with the rearing of children and provide other means of support.
31. Q. Is there going to be anything in place to educate the Hunger Action or advocacy groups on Jobs FIRST?
- A. Forums, such as town meetings, teleconferences and focus groups are

being conducted as opportunities for advocates to offer input and actively participate in the development and implementation of Jobs FIRST.

32. Q. In regard to streamlining paperwork, is there a procedure to follow or a number to call to update or change State forms?

A. So far, there have been only minor alterations to State forms regarding Jobs FIRST. Forms DSS-4148A and 4148B are being reformatted to put more emphasis on employment. However, if you have any suggestions or specific questions, you should contact Michael McNaughton, Office of Field Operations, at (518) 473-6369.

33. Q. Coordination of services and support is good, but is it practical in terms of space and time?

A. The coordination of services and support is crucial to the success of Jobs FIRST. Essentially each district is being requested to analyze their operation and reappropriate their present resources, giving employment top priority.

34. Q. We don't hear much about mobilizing our education system to meet the Jobs FIRST goals. How do you feel about proposing a shift from general education to vocational education at the high school level?

A. Just as we are in the process of reforming welfare, our education system is also being reshaped and refocused. Numerous studies have been and are currently being conducted on the quality of our present educational system. While our present system is meeting the needs of many students in this State, there are clear indications that there are some young people in our schools who could be better served through an alternative educational system.

President Clinton has launched a full-scale effort to reform education under the Goals 2000: Educate America Act. One of the principle pieces of legislation under the Act is the School-To-Work Opportunities Act which is being promulgated with the Department of Labor. The School-To-Work Opportunities Act incorporates worked-based learning and workplace mentoring as part of high school offerings, connecting students with employers and work.

This Act is consistent with the Jobs FIRST philosophy. It is designed to prepare young people for the job market and divert them from behavior that leads to welfare.

35. Q. What role will clients/consumers have in welfare reform?

- A. The clients role in welfare reform will be to avail themselves of every opportunity to become gainfully employed and to ultimately attain self-sufficiency. Welfare reform is an ambitious yet necessary endeavor. For it to become a reality will require everyone associated with the system to do their part to make employment their business.

Clients will be expected to follow their employment plan, to make every effort to find employment and to develop the skills and attitude to retain a job.

36. Q. Is private industry aware of welfare reform? What will be their role?

- A. Yes, private industry is aware of welfare reform. We have already conducted two employer focus groups in conjunction with the Private Industry Council, the Chamber of Commerce, the Business Council and the National Business Alliance. We will continue to work with these organizations and others to explore entry level employment opportunities for public assistance recipients throughout the State.

37. Q. What efforts are being made to move the technological capacity of local districts to a level where network, CD-Rom and other modern tools will be available. What is the time line for implementation?

- A. The Department is proposing a PC based system for Jobs FIRST support using modern graphical interface technology. The system will be adaptable to standalone and network PC environments. A prototype system is expected to be available for piloting in selected districts by the end of the year. It will lay the foundation for a Employment Subsystem replacement.

38. Q. What software applications are being developed to make the workflow of data more efficient and data analysis for decision making more informative?

- A. The PC Jobs FIRST system will support the initial referral of individuals to appropriate services both within and outside the local department of social services. Enrollments of public assistance applicants in employment activities will also be fully supported. Staff will be able to track activity referrals and the resulting enrollments. A variety of on screen messages will remind staff of pending actions and action needed. Pre-programmed on-line sorts of information will assist program analysis and management decisions. Locally produced custom management reports will be possible through the system's ad hoc reporting capability.

39. Q. Can the employment subsystem be adapted to make data available to local districts as needs change/increase, as the local districts deem necessary?
- A. As of August 1, 1994, local districts can receive the last 24 months of the Employment Subsystem data in a PC readable format. A weekly file can be transmitted electronically via the Department's Lanlink process. Lanlink allows the information to be processed for local needs using dBase software. Districts interested in receiving their Subsystem data in this format should contact their WMS coordinator.