



NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NEW YORK 12243-0001

David A. Paterson  
*Governor*

## Administrative Directive

### Section 1

<b>Transmittal:</b>	09-ADM-14
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports/ Bureau of Employment and Advancement Services
<b>Date:</b>	August 24, 2009
<b>Subject:</b>	Employment Assessments for Exempt Public Assistance Applicants and Recipients in Households Without Dependent Children
<b>Suggested Distribution:</b>	Employment Coordinator Temporary Assistance Director
<b>Contact Person(s):</b>	Employment Technical Advisor or Employment and Advancement Services Bureau at (518) 486-6106
<b>Attachments:</b>	none

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		385.2 385.6 385.7 385.11 385.12	335 335-a 335-b	Temporary Assistance and Food Stamp Employment Manual, Section 2	GIS 05 TA/DC 032

## Section 2

### I. Summary

This Administrative Directive (ADM) is to inform social services districts (districts) that all adults applying for or receiving public assistance and residing in households without dependent children (Safety Net non-MOE) may be required to comply with the employment assessment requirements set forth at Social Services Law (SSL) § 335-a[4]. Previous policy issued by the Office of Temporary and Disability Assistance (OTDA) required only nonexempt adults (including those adults determined to be work limited) residing in such households to comply with employment assessment requirements.

### II. Purpose

The purpose of this Administrative Directive (ADM) is to inform districts that all adult individuals applying for, or receiving public assistance, residing in households without dependent children may be required to comply with an employment assessment, regardless of their exempt or nonexempt status.

### III. Background

Section 335-b of the SSL provides that districts must engage all adult public assistance recipients in work activities as soon as practicable (see 18 NYCRR 385.2[a]).

Nonexempt applicants for and recipients of public assistance (including those determined to be work limited) are required to participate in work activities to improve their workplace skills and obtain employment (see 18 NYCRR § 385.2 [a]). Assigned work activities must be consistent with the individual's assessment and employment plan and consistent with the individual's documented medical limitations, as applicable.

Public assistance applicants and recipients may be determined by the district to be exempt from the requirement to participate in work activities under certain circumstances, as set forth in 18 NYCRR § 385.2 (b). 18 NYCRR § 385.2 (e) requires that an applicant for, or recipient of, public assistance who has been determined by the district to be exempt from the requirement to participate in work activities, but nonetheless in the judgment of the district has the potential to improve his/her ability to work, to:

- provide information from the individual's medical practitioner or to submit to an examination by the district's medical practitioner to determine whether or not the individual can recover from a mental or physical impairment;
- accept referral to and participate in reasonable medical care, vocational rehabilitation or treatment which a medical professional determines necessary to permit the individual to recover from a mental or physical impairment and/or improve the individual's ability to work; and

- provide evidence, as requested by the district, that he/she is participating in reasonable medical care, vocational rehabilitation or treatment as assigned by the district.

Prior OTDA policy limited the requirement that an adult public assistance applicant or recipient residing in a household without dependent children comply with an employment assessment to nonexempt adults. However, an employment assessment is a critical tool for all adults, including those exempt from work participation, to determine what the district and the individual should do to improve employability and/or overcome the need for public assistance. The assessment helps districts to identify strengths and barriers, identify needed support services, establish goals and make decisions about appropriate assignments to work-preparation or rehabilitation activities. Furthermore, the employment assessment will help districts gather information related to an individual's exemption from work requirements and help districts identify appropriate services.

OTDA has revised the policy outlined in Section 2 of the *Temporary Assistance and Food Stamp Employment Policy Manual* to provide that districts may require that all adult individuals receiving public assistance and residing in households without dependent children comply with an employment assessment in accordance with SSL § 335-a.

#### **IV. Program Implications**

This change will permit districts to require all adults applying for, or receiving public assistance, residing in households without dependent children to comply with employment assessment requirements in accordance with SSL § 335-a. For purposes of this requirement an “adult” is defined as an individual who is:

- age 18 or older, or
- age 16 or 17 who is not attending secondary school or the equivalent and who is the head of household.

Existing regulation provides that all individuals who are age 18 or above (and individuals who are 16 or 17 years old who are not attending secondary school and do not have a high school diploma or its equivalent), who reside in a household with dependent children are required to comply with an employment assessment in accordance with 18 NYCRR § 385.6.

Failure to comply with applicant assessment requirements, regardless of whether the individual is determined by the district to be nonexempt, work limited or exempt, will continue to result in denial (without the necessity of offering conciliation) of the public assistance application for the household.

A public assistance recipient (regardless of whether the individual is determined by the district to be nonexempt, work-limited or exempt) who fails to comply with employment

assessment requirements must be offered conciliation, as required by 18 NYCRR § 385.11, and would be subject to an employment sanction (see SSL § 335-a; 18 NYCRR § 385.12) if it is determined that the failure to comply was willful and without good cause.

**V. Required Action**

Districts are encouraged to assess all adult individuals applying for or receiving public assistance residing in households without dependent children to obtain information to help identify and address barriers; identify and build upon strengths; and to identify appropriate work, work-preparation or rehabilitation activities. Districts that amend local policy to assess exempt adults in households without children should adjust local procedures accordingly. *Districts are encouraged to review 08 ADM-05, which provides guidance and resources on appropriately identifying and referring individuals with physical or mental impairments that impede their ability to work long-term to Supplemental Security Income (SSI).*

Districts are reminded that an employment assessment **must** still be completed for all nonexempt adult individuals receiving public assistance residing in a household without dependent children. This includes individuals determined by the district to be work limited. For such nonexempt adults, the employment assessment must be completed as soon as practicable, but no later than one year following a recipient's application for safety net assistance, pursuant to 18 NYCRR § 385.7(a) (2).

**VI. Systems Implications**

No system changes are necessary in order to implement this change. Districts are encouraged to use the Welfare-To-Work Caseload Management System (WTWCMS) information obtained during the employment assessment. Districts should note that there will be no systemic documentation of the assessment having been completed unless the information collected during the assessment is entered onto the WTWCMS. The New York City Human Resources Administration should continue to use the Work, Accountability and You (NYCWAY) system to record information obtained during the employment assessment.

**VII. Effective Date**

This change is effective immediately.

---

**Issued by:**

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Center for Employment and Economic Services