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DIVISION: Center for Employment & Economic Supports

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TO: Commissioners, TA Directors

FROM: Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: TA Policy and District of Fiscal Responsibility (DFR) Procedures, Mediation and Intervention Services

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859; ext. 4-9344

The purpose of this GIS is to reiterate to districts the policy procedures outlined in 00 INF-19 "District of Fiscal Responsibility (DFR) Procedures" for DFR situations involving temporary assistance (TA) policy. The Center for Employment and Economic Supports (CEES) offers a process when a DFR issue arises and all involved districts consent to participate in the process that reviews the facts involved in the dispute by a representative from CEES, and the districts have first attempted to resolve the issue before contacting CEES. In addition to this mediation process, providers of services, such as residential domestic violence providers, drug/alcohol treatment providers, property owners, utility and fuel companies, often ask CEES to help with DFR and other reimbursement issues that impact their daily operations. For mediation or intervention with respect to TA applications or if you have questions on fiscal responsibility questions related to TA applications or cases, please call (518) 474-9344.

Many of the issues surrounding requests for either mediation or intervention received by the TA Bureau relate to how an individual district or districts process applications when the DFR is not the where-found district for TA. The following suggested procedures, if used, can help mitigate the amount of time a district spends trying to resolve such issues, as well as reducing unnecessary delays in vendors receiving payments due to them.

The where-found district must accept the application from any individual seeking to file an application, and arrange an interview with the assumption that it will be the DFR.

The where-found district should obtain relevant documentation including releases to cover the districts involved. It should also register the application and complete finger imaging.

The where-found district should contact the assumed DFR and explain that it has an application involving a question of DFR. The where-found district then will complete and

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fax, as soon as possible but within five (5) business days, LDSS-4732-A and B, the “DFR Cover Letter and Response Form” and the “DFR Worksheet” along with a completed LDSS-2642, “Documentation Requirements” form (or approved local equivalent).

The assumed DFR will assess which district it believes is the DFR and complete its section of the LDSS-4732-A, the “DFR Cover Letter and Response Form”, either accepting or rejecting fiscal responsibility. The assumed DFR must ensure that if it denies DFR responsibility, the “DFR Cover Letter and Response Form” clearly indicates the reason for the denial. The assumed DFR must make the decision to accept or deny responsibility for the applicant as soon as possible, but no later than five (5) business days from the receipt of the “DFR Cover Letter and Response Form” and the DFR worksheet.

If the where-found district receives no response from the assumed DFR within five (5) business days, or if the assumed DFR rejects responsibility, the where-found district must proceed as the responsible district. The where-found district must decide whether to bring the dispute to mediation (if both districts have agreed) and/or whether to proceed with an inter-district jurisdictional dispute (IDD) in accordance with 18 NYCRR §311.3(c). Please note that if the where-found district proceeds with an IDD, 18 NYCRR §311.3(c) requires that the where-found district notify the other district that it is filing an IDD.

If the district of assumed responsibility accepts that it is the DFR, then the where-found district will withdraw the application and forward a completed application packet to the DFR. The packet must contain, in addition to the completed application, the completed certification guide, available documentation, the results of finger imaging, the DSS-4571 "Alcohol/Substance Abuse Screening Instrument", and other forms as needed. These additional forms may include the Safety Net Repayment (LDSS-4529) and the Safety Net Assignment of Future Earnings (LDSS-4530), as well as information, where appropriate, about the applicant's child support status. The DFR is responsible for providing the applicant with the notice of acceptance or denial of the application.

The DFR process does not change TA application processing timeframes. 18 NYCRR §351.8(c)(2) provides that the initial grant of regularly recurring financial assistance for Family Assistance (FA) must be computed starting with the date of establishment of eligibility or the 30th day after the date of application, whichever is earlier.

In the absence of providing assistance to meet specific immediate needs during the application period, districts must compute the amount of the initial grant of regularly recurring financial assistance for Safety Net Assistance (SNA) starting with the 45th day after the date of application. The date that the application is filed is day one. When the district issues the application acceptance notice to a SNA applicant prior to the 45th day, the SNA household becomes a recipient household from the date that the district issues the application acceptance notice (notice date) even though ongoing SNA is authorized beginning on the 45th day.