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TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, Temporary Assistance Directors
SNAP Directors, Employment Coordinators
Staff Development Coordinators

FROM: Jeffrey Gaskell, Assistant Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter

EFFECTIVE DATE: Immediately

CONTACT PERSON: Employment & Advancement Services Bureau at: (518) 486-6106

The purpose of this General Information System (GIS) release is to provide social services districts (districts) with interim instructions regarding the policies and procedures associated with the implementation of federal requirements for Able Bodied Adults Without Dependents (ABAWDs) and the required commitment to offer and provide a qualifying work or training opportunity to all ABAWDs who are subject to the ABAWD requirements to maintain or re-establish eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits.

The New York State Office of Temporary and Disability Assistance (OTDA) has developed the [LDSS-5127 Able-Bodied Adults Without Dependents \(ABAWDs\) Work Activity Letter](#). This form provides ABAWDs with a scheduled appointment to meet with a district staff member or contracted employment vendor for the purpose of offering the ABAWD the opportunity to engage in a qualifying work activity assignment. The LDSS-5127 *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* does not replace the LDSS-5072 *Informational Letter Regarding Able-Bodied Adults Without Dependents (ABAWD) Requirements*. Districts are strongly encouraged to continue to issue the LDSS-5072 in addition to the mandatory LDSS-5127 to reinforce ABAWD requirements and the offer of assistance with meeting the requirements.

An Administrative Directive Memorandum (ADM) providing policy and additional guidance will be forthcoming.

Background

Federal statute and regulations limit an ABAWD's eligibility for SNAP benefits to three months in a 36-month period, unless the individual resides in an area that has an approved ABAWD waiver; the ABAWD is granted an exclusion from the ABAWD requirement for the calendar month consistent with the exclusion policy established by the district; or, is meeting the ABAWD requirement each month. The current 36-month period for New York State is a fixed period that started on January 1, 2016.

New York State has committed, or “pledged” to offer a qualifying work activity to every “at-risk” ABAWD applicant and recipient and has been allocated 100% ABAWD Employment and Training (E&T) funding for this purpose. New York State allocates its ABAWD pledge funds to each district, without an approved full county waiver, based on the percentage of total ABAWDs statewide who reside in that district. Pledge funds are allocated to assist districts with the requirement to provide an ABAWD qualifying activity to all ABAWDs who are at risk of losing their SNAP eligibility due to the time limit.

Program Implications

All districts, including those that qualify for a waiver of the federal ABAWD requirement, must evaluate each SNAP applicant or recipient’s employability and ABAWD status and enter the appropriate SNAP employability and ABAWD codes on the Welfare Management System (WMS). Districts that do not have an approved ABAWD waiver for all residents of the district are required to **offer and provide** an ABAWD qualifying work or training opportunity to all ABAWDs who are subject to the ABAWD requirements. New York State has committed to offer a qualifying work activity to every “at-risk” ABAWD applicant and recipient. New York considers all ABAWDs to be at-risk beginning with the first full month SNAP benefits are received. Therefore, districts are required to offer and provide an ABAWD qualifying work or training opportunity to all ABAWDs at certification, recertification, and anytime during the certification period when an individual’s status changes and the individual becomes subject to the ABAWD time limit.

Districts that do not have an approved ABAWD waiver for all residents of the district must monitor each ABAWD’s compliance with the ABAWD requirement on a monthly basis, offer and provide an ABAWD qualifying work activity for an ABAWD to maintain SNAP eligibility, and issue a Notice of Adverse Action (NOAA) in a timely manner to a SNAP household to prevent the issuance of a fourth month of benefits for any ABAWD not eligible for the benefits due to not meeting the ABAWD work requirements.

Districts who receive an ABAWD pledge fund allocation and do not have a full county ABAWD waiver must provide the [LDSS-5127](#) *Able-Bodied Adults Without Dependent (ABAWD) Work Activity Letter* (or locally developed equivalent approved by OTDA) to each ABAWD who resides in a SNAP applicant or recipient household to offer the ABAWD the opportunity to meet with a district staff member or contracted employment vendor for assistance in obtaining a qualifying work activity assignment so that the ABAWD might continue to retain eligibility for SNAP benefits beyond the three-month federal time limit.

Required Action

Districts are responsible for identifying existing and potential ABAWD households at certification, periodic report, and recertification and for informing them of the time limit, exemption criteria, and how to fulfill the ABAWD work requirement. Eligibility workers in districts who do not have a full county ABAWD waiver must provide the LDSS- 5127 *Able-Bodied Adults Without Dependent (ABAWD) Work Activity Letter* (or locally developed equivalent approved by OTDA), to each ABAWD residing in a SNAP household in the following situations:

- At the time of application/certification and/or at recertification.

- Anytime during the certification period when an individual's status changes and the individual becomes subject to the ABAWD time limit. For example: an individual is exempt from the ABAWD time limit solely because of a child under the age of 18 in the SNAP household, and during the certification period the youngest child turns 18.
- When an ABAWD previously engaged in work or a work activity and meeting the ABAWD requirement is no longer engaged at least 20 hours weekly/80 hours monthly.

The [LDSS-5127](#) *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* provides the ABAWD with an opportunity to receive assistance from the district in obtaining a qualifying ABAWD work activity assignment. Districts may provide the ABAWD qualifying work activity or training opportunity through a SNAP Employment and Training (E&T) program such as SNAP Venture, or other local work, educational, or training program for which the individual is eligible that will meet the ABAWD requirement.

A copy of the completed LDSS-5127 *Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter* must be retained in the case record, along with an entry in case record notes, to document that the agency offered the ABAWD the opportunity for the district to provide an ABAWD qualifying work activity. The ABAWD's compliance with the work activity appointment is not mandatory as a matter of eligibility, and failure to appear will not result in the offer of conciliation or imposition of a SNAP sanction. The appointment for the offer of engagement in an ABAWD qualifying work activity is separate and apart from any other mandatory work activity appointments or assignments given as part of the individual's Temporary Assistance (TA) work assignment or SNAP E&T work assignment.

When an ABAWD responds to the work activity appointment and requests the district's assistance with providing an ABAWD qualifying work activity, staff from the district's employment unit or contracted employment vendor must meet with the ABAWD to assign an appropriate activity that will meet the ABAWD work requirements. An ABAWD may meet the ABAWD work requirement for a calendar month through any one of the following methods:

- Working (including "in-kind" work and volunteer work) for at least 80 hours per month;
- Participating in a qualifying work/training program approved by the district for at least 80 hours per month;
- Complying with a Work Experience Program (WEP) assignment for the number of hours per month equal to the SNAP benefit, divided by the higher of the federal or State minimum wage;
- Participating in a program under the Workforce Innovation and Opportunity Act (WIOA), which may include job search, job readiness, occupational skills training, and education activities or the Trade Act for at least 80 hours per month; or
- Participation in a combination of work or qualifying work programs for at least 80 hours per month.

Note: According to federal rules, participation in stand-alone job search or job readiness training provided under TA or SNAP E&T does not meet the ABAWD work requirement. In order for the ABAWD to participate in job search or job readiness **and** meet the ABAWD work requirement, the job search or job readiness training must be a secondary component and equal less than half of the total monthly hours. For example, in order to meet the 80 hours per month ABAWD work requirement, an ABAWD would be able to participate in 39 hours of job search or job readiness training as long as they also participated in at least 41 hours of paid employment or volunteer work.

Districts must establish procedures for obtaining documentation to verify an ABAWD's participation in work activities each month. Districts are required to monitor compliance with the ABAWD requirement on a monthly basis and take timely action in those instances where the district has determined that the ABAWD has received SNAP benefits for 3 months in a 36-month period, is otherwise subject to the ABAWD requirement and, based on the information available to the district at the time that the case record is reviewed is not meeting the ABAWD requirement.

Additional information on ABAWD work requirement can be found in [17-ADM-01](#).

Systems Implications

Districts must report activity assignments in the Welfare to Work Caseload Management System (WTWCMS) and/or New York City Human Resource Administration (NYC HRA) systems in a timely manner. Districts must obtain information necessary to document the actual hours of participation in unpaid activities each month. Documentation to verify hours of paid work is required at application, recertification, and whenever an ABAWD's hours of work fall below 80 hours per month. (An ABAWD must tell the district if their work hours go below 20 hours weekly/80 hours monthly within 10 days after the end of that month). Documentation of paid work hours must be maintained in the case record and should be entered on the Automated Budgeting Eligibility Logic (ABEL) and WTWCMS/NYC HRA systems on a timely basis.

Additional Information

- The [LDSS-5127](#) "*Able-Bodied Adult Without Dependents (ABAWD) Work Activity Letter*" is a Web Only form. The form is currently available on the OTDA Intranet website in English only. Other LEP languages will follow as soon as they are ready. The LEP languages will be available before or by the release of the ADM.
- To access the English and other than English languages go to the OTDA Intranet website at: http://otda.state.nyenet/ldss_eforms/default.htm.
- The above referenced document has been posted on the OTDA Intranet website at: http://otda.state.nyenet/ldss_eforms/default.htm and is available for downloading by local districts for reproduction locally.
- This document is a Web posted only form, therefore, it is only available online and is not available in hard copy from the New York State Office of Temporary and Disability Assistance (OTDA).

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- Questions concerning Web posted only forms should be directed to BMS Document Services at: (518) 474-9522.
 - Requests for a Local Equivalent of this form should be submitted to the email or mailing address below for review and approval.

Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
PO Box 1990
Albany, NY 12201

otda.sm.Local.Equivalent.Requests@otda.ny.gov

Date: _____

Client Name: _____

Case Number: _____

Able-Bodied Adults Without Dependents (ABAWD) Work Activity Letter

You are receiving this letter because you are applying for or receiving Supplemental Nutrition Assistance Program (SNAP) benefits either individually or as a part of a household, and you are an Able-Bodied Adult Without Dependents (ABAWD) as defined by federal SNAP rules.

ABAWDs are only eligible to receive SNAP benefits for three (3) months in a 3-year period unless they meet certain special work requirements, or are excused. In New York State, this 3-year period began January 1, 2016. For each month that you receive a full month of SNAP benefits and do not meet your ABAWD work requirement, without a good reason, you will use up a countable month. Your SNAP eligibility worker keeps track of your countable months. Unless you are satisfying your ABAWD work requirement, you will be ineligible to receive SNAP benefits after your third countable month.

To assist you in meeting the ABAWD work requirements so that you might continue to receive your SNAP benefit without interruption, we have scheduled the following appointment for you. During this appointment, you will be offered a qualifying work activity that will enable you to meet the ABAWD work requirement, should you not be otherwise already engaged in a qualifying ABAWD work activity for a minimum of 80 hours a month.

Appointment Date: _____ Time: _____ Telephone: _____

Contact Name: _____

Appointment Address: _____

City: _____ State: _____ Zip Code: _____

If you are unable to keep the appointment, please contact us at the above number before your reporting time to arrange for a new appointment.

More information regarding ABAWD work requirements and qualifying exemptions is included on the next page.

If you believe you are exempt from the ABAWD work requirements for any reason; live in an area of the State covered by a full or partial federal ABAWD waiver; or, if you believe you are already meeting the ABAWD work requirements by working or participating in an ABAWD qualifying work activity, please contact us immediately and we will explain how you can verify your status.

FAILURE TO MEET THE ABAWD WORK REQUIREMENTS WITHOUT GOOD CAUSE FOR MORE THAN THREE MONTHS IN A 3 YEAR PERIOD WILL RESULT IN THE REDUCTION OR TERMINATION OF YOUR SNAP BENEFITS.

ABAWD Work Requirements

To maintain eligibility for SNAP benefits for more than three (3) months in the 3-year period starting January 1, 2016, each ABAWD must complete and document one of the following each month:

- Work (including “in-kind” work and volunteer work) for at least 20 hours weekly/80 hours monthly;
- Participate in a qualifying work/training program approved by the social services district for at least 80 hours per month;
- Comply with a Work Experience Program (WEP) assignment for the number of hours per month equal to your household’s SNAP benefit divided by the higher of the federal or State minimum wage;
- Participate in a program under the Workforce Innovation and Opportunity Act or Trade Act (WIOA) which may include job search, job readiness, occupational skills training and education activities for at least 80 hours per month; or
- Participate in a combination of work or qualifying work programs for at least 80 hours per month.

If you believe that you are meeting the ABAWD work requirements by working or participating in one of the above ABAWD qualifying work activities for at least 80 hours per month, please contact us at the above number to discuss this information and the documentation/verification necessary to show you are meeting the ABAWD work requirements.

ABAWD Exemptions

The ABAWD time limit may not apply to you if you are:

- Under 18 or 50 years of age or older
- Physically or mentally unable to work at least 80 hours a month
- A member of a SNAP household with someone under the age of 18
- Pregnant
- A recipient of Veterans Affairs (VA) disability compensation
- Excused from the General work requirements. Some examples are:
 - You comply with work requirements for another program
 - You are responsible for the care of a child under 6 or an incapacitated person
 - You regularly participate in an alcohol or drug treatment program
 - You are applying for or receiving unemployment compensation
 - You are receiving a disability benefit from a public or private source, such as Social Security Disability Insurance (SSDI) or NYS disability benefit
 - You already work at least 30 hours a week
 - You are a student in school at least half-time (although students may be subject to other work rules)

If you believe that you are exempt from the ABAWD work requirements, please contact us at the above number to discuss this information and the documentation/verification necessary to show that you qualify for an ABAWD exemption.