

DATE: September 20, 2019

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors, Staff Development Coordinators, Financial Directors, Adult Services Directors, Employment Coordinators

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

SUBJECT: Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) Policy Reminder Regarding Strikers

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau: (518) 474-9344 or:
otda.sm.cees.tabureau@otda.ny.gov

SNAP Questions – SNAP Bureau (518) 473-1469

Recent strikes involving statewide workforces have resulted in several questions being posed to the Office of Temporary and Disability Assistance (OTDA) policy staff regarding the impact upon applicants and recipients of Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP). This General Information System (GIS) communication contains no new policy. Its sole purpose is as a reference tool that assembles and reminds districts of already existing TA and SNAP policy in this area.

TA Policy Implications

TA policy, including key definitions, regarding strikers is located in Chapter 9 Section T of the *Temporary Assistance Source Book (TASB)*. Participation in a strike does not in and of itself render an individual or family ineligible for TA. However, there are important categorical, financial claiming and welfare-to-work considerations that must be evaluated.

TA Categorical Implications

No family is categorically eligible for Family Assistance (FA) for any month in which the caretaker relative with whom the child is living is, on the last day of such month, participating in a strike. If otherwise eligible for assistance, benefits for the household must be provided as Safety Net Assistance (SNA).

If an FA recipient, other than a caretaker relative, is participating in a strike on the last day of a month, such individual is ineligible for FA benefits for such month. If otherwise eligible for assistance, benefits for the individual must be provided as SNA.

This means that for categorical purposes the striking individual or caretaker relative status as a striker is defined on the last calendar day of a month. For example, an individual not on strike from May 1st through May 30th but whom begins to participate in a strike on May 31st is considered to be on strike for all of May. Conversely, an individual on strike from May 1 through

May 30th but whom is no longer participating in a strike on May 31st is not considered to be on strike for any of May.

A strike does not impact categorical eligibility for SNA. When FA cannot be provided to a family or individual because of participation in a strike, if otherwise eligible for assistance, benefits must be provided as SNA.

Families applying for and otherwise eligible for FA except for application of the strike status rule must be opened and eligibility determined using FA rules. If case category is required to be adjusted in a month because of strike status as of the last calendar day of the month retroactive adjustments to claiming are required to be made.

TA Financial Claiming Implications

SNA CLAIMS ADJUSTMENT

The change of a family or individual to SNA based on participation in a strike on the last day of the month is accomplished by claims adjustment, not case type change.

For a family, the claim for the month's FA benefit would be adjusted and claimed to SNA.

For an ineligible individual, the district must manually determine the amount to be adjusted out of FA to SNA by using incremental budgeting as proscribed in [01 INF-12 "Temporary Assistance Sanctions"](#).

Performing BICS adjustments are explained in the BICS (PICS/IPPS/BSPP) manuals which are on the Office of Budget and Financial Data Management (OBFDM) intranet web site.

The fiscal processing manuals are located at the following link:
<http://otda.state.nyenet/bfdm/finance/>.

Examples:

1. Caretaker relative participates in a strike

Mr. Smith and his family are in receipt of FA when on May 31 Mr. Smith participated in a strike. The household is ineligible for FA for the entire month of May. SNA must be considered for the month of May because a strike does not impact categorical eligibility for SNA. There is no SNA

45 day wait because there is no break in TA assistance there is only a break in the category of assistance. TA provided to the household for the month of May must be claimed to SNA.

2. FA recipient, other than a caretaker relative, participates in a strike

Mr. Smith, his wife and 17-year old son Robert are in receipt of FA. Mr. and Mrs. Smith are not employed. Robert has graduated from high school and is employed part time at the local hospital. On May 31st, the hospital staff including Robert participated in a one-day strike. Robert is ineligible for FA for the entire month of May.

SNA must be considered for Robert in the month of May because a strike does not impact categorical eligibility for SNA. There is no SNA 45 day wait because there is no break in TA assistance there is only a break in the category of assistance. The amount of TA allocated to Robert and claimed to SNA must be manually calculated using incremental budgeting as proscribed in [01-INF-12](#). The amount of the FA assistance to be claimed to SNA due to the participation in a strike is calculated by subtracting the amount of the budget deficit found in the incremental budget (change household count and case count from 03 to 02) from the original budget deficit (household count and case count 03); the difference is the amount of FA to be claimed to SNA.

TA Employment and Offer of a Job considerations

When determining TA eligibility, strikers are not considered to have reduced or terminated employment **solely** for the purpose of qualifying for TA or increased TA benefits. Accordingly, TA benefits must not be denied under voluntary quit guidelines. Likewise, an individual who does not accept a job at an employer site where there is a strike, lockout or other public or private industrial controversy in progress must not be denied TA under offer of a job guidelines.

TA applicants and recipients who are participating in a strike, lockout or other public or private industrial controversy are subject to and would be required to participate in work activities as assigned by the social services district, unless the individual has been determined to be exempt from the requirement to participate in TA work activities consistent with 18 NYCRR §385.2.

Other TA Policy Implications

TA applicants/recipients that have participated in a strike within the previous 30 days are not entitled to receive earned income disregards (i.e., \$90 work disregard, percentage earned income disregard) as a deduction from their earnings.

Please see the TASB as noted above for additional information including definitions and exceptions.

SNAP Policy Implications

Households with striking members shall be ineligible to participate in SNAP unless the household was eligible for benefits the day prior to the strike, and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household. Pre-strike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

Eligibility at time of application shall be determined by comparing the striking member's income the day prior to the strike to the striker's current income and adding the higher of the two to the current income of non-striking members during the month of application. Eligibility and benefit level shall then be calculated for the month of application as for any other household.

For further information, see Section 5, page 131 of the *SNAP Source Book*:
<https://otda.state.ny.net/dta/Manuals/FSSB.pdf>

SNAP Employment Policy

A household member who is an employee of any federal, state or local government and is dismissed from his/her job due to participating in a strike is deemed to have voluntarily quit his/her job without good cause. The social services official must evaluate such a job quit in accordance with the requirements of 18 NYCRR § 385.13. Otherwise, an individual who is unable to work because the work is at a site that is involved in a strike or lockout is not subject to a voluntary quit sanction.