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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 92 ADM-28

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: July 9, 1992

SUBJECT: Revisions to Home Relief (HR) Employment Program Requirements

 SUGGESTED
 DISTRIBUTION: Directors of Income Maintenance
 Employment Coordinators
 WMS Coordinators
 Food Stamp Supervisors
 Staff Development Coordinators

 CONTACT
 PERSON: HR Job Search and Sanctions Issues: Michael
 Leonard, 1-800-342-3715, ex. 4-9281
HR Employment Program Participation Rate: John
 Healey, 1-800-342-3715, ex. 4-9299

 ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-27		18 NYCRR sections 385.2, 385.8 385.19	Chapter 41, Laws of 1992	EM C-3-6 C-70-73.1 C-105-106 PASB XI-F-3.2- 3.5 XI-J-all FSSB IX-A-2	

I. PURPOSE

The purpose of this directive is to provide social services districts (SSDs) with policy changes resulting from revisions to Part 385 of 18 NYCRR regarding employment and training programs.

II. BACKGROUND

Chapter 41 of the Laws of 1992 amended Section 158-b of the Social Services Law, lengthening the Home Relief Job Search Program from two 60 day periods to two 90 day periods. It also requires a second job readiness review, a supervised job search period, and increased sanctions for participant noncompliance.

Chapter 41 also requires districts to meet specific employment program participation rates for HR employables or lose a portion of their State administrative reimbursement for income maintenance, medical assistance (MA), food stamp and child support programs.

In addition, the Department is increasing the length of sanction periods for participant noncompliance with HR employment requirements other than HR Job Search. Authority to make such a change is granted by Chapter 41 and the Department believes that the increases are commensurate with those made specifically by the Legislature for the HR Job Search Program.

III. PROGRAM IMPLICATIONS

A. HR/PG-ADC

All requirements described in this administrative directive apply to employable HR and PG-ADC applicants and recipients.

SSDs will need to redesign their HR Job Search Program to include a second job readiness review at the end of 60 days, and to provide for a 30 day supervised job search for those who are still job ready after the 60 day period. Districts will be able to assign participants to an additional 90-day job search which mirrors the first 90-day activity. Unlike the original 60 day HR Job Search Program, an Individual Assessment and Employment Plan are not required prior to assigning an individual to the second 90 day job search period. The longer job search assignments should result in increased participant entries into unsubsidized employment, resulting in additional grant savings.

Districts must implement new sanction periods for HR Job Search and other HR employment programs. Only the lengths of the sanction periods have changed. No other aspects of the sanction process have changed.

Employment program participation rates for HR employables must be met or districts will face reductions in State reimbursement for all administration of income maintenance, food stamps, medical assistance and child support. Failure to meet participation rates will result in a loss of 1/2 of one per cent of State reimbursement for each per cent a district is below the required participation rate, up to a maximum loss of 2.5 per cent of State reimbursement.

The Division of Income Maintenance, Bureaus of Field Operations and Employment Programs, will be providing technical assistance to SSDs that request help in finding ways to increase their participation rate. SSDs that would like assistance should contact their IM Field Representative from the Bureau of Field Operations at 1-800-342-3715, extension 3-0332.

In general, districts which have not taken advantage of the second allowable job search period (now for 90 days) should seriously consider this assignment for those who continue to be job ready. In addition, districts might find it useful to review their caseload for potential long term employable recipients who are unassigned and consider them for assignment to public work projects (PWP). These two programs are relatively inexpensive to administer, and all individuals assigned to job search and those assigned to PWP for the number of hours required to "work off" their grant would count as participants.

B. Food Stamps

The provisions of this directive only apply to HR program requirements. The requirements for FSET participation and sanction periods for failure to comply remain unchanged. No food stamp sanction can result from failure to comply with job search requirements that exceed the comparable eight (8) week duration or the minimum number of contacts specified in the SSD's State approved FSET plan.

Please note that the 60 day concurrent enrollment period for FSET/HR Job Search is unaffected by the changes to the HR Job Search program.

C. Medical Assistance

The Chapter 41 revisions to HR job search, sanction and employment participation requirements do not pertain to Medical Assistance Only applicants/recipients.

HR-related individuals over age 21 and under age 65 who are sanctioned from public assistance for failure to comply with employment requirements are ineligible for Medical Assistance. Individuals under age 21 sanctioned from public assistance for failure to comply with these requirements must be referred to Medical Assistance for a separate determination of eligibility.

IV. REQUIRED ACTION

A. HR Job Search

1. New program requirements. Current requirements for initial job readiness review and assignment to 60 days of job search still apply. Under the new requirements, however, SSDs must conduct a second job readiness review after the 60-day job search period (a JOBS assessment is no longer required at this point) and conduct a 30-day supervised job search for those who are still job ready. The supervised job search must include, at a minimum, at least one of the following:
 - a. job clubs;
 - b. job placement activities, including referral to TEAP or to on-the-job-training opportunities;
 - c. job readiness instruction; or
 - d. other structured job search activities that require a minimum of two meetings with social services employment staff or the SSD's employment and training provider.

The SSD may conduct a second 90-day job search (which would include a second job readiness review at the end of 60 days, and a 30-day supervised job search).

Beginning with the effective date of this directive, SSDs may require participants already enrolled in 60-day HR Job Search to extend enrollment to 90 days. Participants who have completed one 60-day job search period can be required to complete a 30-day supervised job search and, if appropriate, a second 90-day job search activity. Participants who have completed two 60-day job search periods can be required to participate in one 30-day supervised job search if they continue to be job ready.

2. New sanction requirements. SSDs must revise HR Job Search sanction periods as follows:
 - a. for the first instance of willful noncompliance without good cause, 75 days instead of 45 days;
 - b. for the second instance, 150 days instead of 120 days; and
 - c. for the third and all subsequent instances, the sanction continues to be 180 days.

These new sanction periods will apply to individuals whose willful noncompliance with employment requirements occurred on or after the effective date of this Administrative Directive. This is true for subsequent as well as initial instances of willful noncompliance. For example, a participant who had received a 45 day sanction for his or

her first instance of willful noncompliance which occurred prior to the effective date of this Administrative Directive will be sanctioned 150 days for the second instance of willful noncompliance if it occurred on or after the effective date of this Administrative Directive.

B. Sanctions for Noncompliance with HR Employment Requirements Other Than HR Job Search

SSDs must revise HR employment program sanction periods (other than for HR Job Search) as follows:

1. for the first instance of willful noncompliance without good cause, 60 days instead of 30 days;
2. for the second instance, 120 days instead of 60 days; and
3. for the third and all subsequent instances, 180 instead of 90 days.

As with HR Job Search sanctions, periods cannot be changed for participants whose noncompliance preceded the effective date of this directive, and the new periods would be effective for all progressive sanctions which apply to instances of willful noncompliance occurring on or after the effective date of this directive.

C. Employment Program Participation Rate Requirements for Home Relief

SSDs must maintain a quarterly employment program participation rate of HR employables that is equivalent to two times the prevailing federal JOBS participation requirement. The current federal rate is 11%, so the HR participation rate is now 22%. This rate will remain in effect until September 30, 1993. Effective October 1, 1993, the HR participation rate will increase to 30% as the federal JOBS rate increases to 15%.

The participation rate will be determined in the following manner.

1. Denominator

All mandatory HR employables (Employability code 20), minus the number of HR recipients in sanction status and those who can not participate in employment activities due to lack of child care, will constitute the participation denominator.

2. Numerator

Home Relief recipients (mandatory and voluntary) participating in any HR JOBS or Food Stamp Employment and

Training (FSET) program activity (except Individual Assessment and Employment Plan) will be counted as a participant, if they meet one of the following enrollment criteria:

- a. they are enrolled in FSET or Supervised Job Search without regard to scheduled hours if the enrollment is still valid as of the end of the report month. Since Job Search is limited by law to 180 days, an enrollment effective date can not be earlier than 210 days (180 days plus 30 days for operational and reporting purposes) prior to the end of the report month. As FSET Independent Job Search is limited to 8 weeks, enrollment effective dates of no earlier than 3 months (2 months job search plus one month for operational and reporting purposes) prior to the end of the report month will be allowed in counting HR participants; or
- b. they are enrolled in a public work project (PWP) assignment for the number of hours required to "work off" their grant and the enrollment is still valid as of the end of the report month; or
- c. they are enrolled in any other FSET or JOBS activity with an enrollment effective date equal to or greater than 10/1/90 and scheduled weekly for 12 hours or more of participation; or
- d. they have entered employment with an effective date during the report month. Employment must be at least 12 hours per week.

The source of data necessary to calculate the HR Employment Programs participation rate for upstate districts will be the WMS Employment Subsystem. Reports are being developed that will capture all data necessary to calculate each district's rates. These reports will not be available until sometime after the implementation of participation rates. During the interim, existing WMS Employment Subsystem reports will be reviewed to determine both the numerator and denominator for the participation calculation.

Local systems reports will be used to determine participation rates for New York City.

3. Interim Procedures

a. Denominator

The DSS-2238, Monthly Statistical Report on Employability, will be used to determine the denominator. Employability code 20 only will be

counted. There is currently no way of estimating the number of employable HR recipients that will be deducted from each county's denominator due to sanction status and lack of child care.

b. Numerator

The WINR 9413, End of Month Active Enrollments by Activity Designation, will be the basis of determining the numerator for upstate districts while a system generated local equivalent will be used for New York City. These reports will be reviewed to determine the number of individuals listed that are acceptable as participants subject to the conditions described above (#1, #2).

c. Rate Calculation - Fiscal Penalties

Participation rates will be calculated on a monthly basis. The monthly rates will be averaged to determine a quarterly rate. The first quarterly participation rate will be the average of the July, August, and September 1992 monthly rates.

Fiscal penalties will be imposed on a quarterly basis. Reduction of State reimbursement for administration of income maintenance, medical assistance, food stamps and the child support program (.5% reduction for each 1% of shortfall up to a maximum reduction of 2.5%) will be applied to claims received for the quarter in which the participation rate falls short of the required rate.

At the end of each state fiscal year, an SSD's quarterly rates will be averaged to achieve a yearly rate. Final penalty calculations will be based on the district's State share of the claimed amounts for Income Maintenance, Medicaid and Food Stamps or the district's administrative cap amount whichever is less plus the State share amount claimed for Child Support.

Fiscal penalties levied on districts that fail to meet the 22% rate as calculated by the interim manual process will be reimbursed to districts if system generated reports result in that district achieving the minimum standard. The converse will also be the case, i.e., a district which met the 22% rate as calculated by the interim manual process will be penalized if system generated reports indicate that the district did not achieve the minimum standard.

V. SYSTEMS IMPLICATIONS

A. WMS Upstate

The Employment Subsystem will be modified to add a new status code to support the sanction requirements of this ADM as indicated in section IV.A.2. For the first instance of Job Search noncompliance without good cause enter status code "14 - PA Sanction - 75 Days". A new status code will be added to support the requirement of 150 days for the second instance of noncompliance. For the third and all subsequent instances enter code "16 - PA Sanction - 180 Days". You will be notified under separate cover when the new code is available.

B. WMS Downstate

WMS changes will be necessary to change the sanction periods for HR Job Search sanction codes. When these changes are made, you will be advised through a separate transmittal.

VI. EFFECTIVE DATE

This directive is effective immediately.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance