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TRANSMITTAL: 94 INF-52

TO: Commissioners of
 Social Services

DIVISION: Office of
 Employment
 Programs

DATE: November 9, 1994

SUBJECT: Questions and Answers From the March 31, 1994
 Jobs FIRST Teleconference

SUGGESTED

DISTRIBUTION: Local District Commissioners
 Public Assistance Staff
 Employment Staff
 Food Stamp Staff
 Medical Assistance Staff
 Services Staff
 Staff Development Coordinators

CONTACT PERSON: State Employment Program Technical Advisor
 at 1-800-343-8859, extension 3-8377

ATTACHMENTS: Teleconference Questions and Answers (available
 on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.

Last Spring, State Department of Social Services Commissioner, Michael J. Dowling, and Allegany County Commissioner, Joan D. Sinclair took part in a statewide teleconference on welfare reform, highlighting the Jobs FIRST program. During the conference, participants were encouraged to submit questions on aspects of Jobs FIRST and its impact on local district operations. Due to time constraints, not all questions could be addressed during the teleconference itself.

Attached to this Informational Letter are the responses to these questions, which were submitted by the live audience in Albany as well as the participants at the satellite downlink sites across the State.

Should you have additional questions, or need further clarification on the issues discussed, please feel free to contact your Office of Employment Programs (OEP) Technical Advisor.

Jack Ryan
Assistant Commissioner
Office of Employment Programs

Questions and Answers

1. Q. "Preventing entry" and "diverting entry" sound like efforts to deny, prevent or preclude needy people from getting the assistance they need. Why not use terms such as expanding options or increasing options for needy people? Such terminology might be less threatening to clients when talking about what will happen at the "front door".

A. Jobs FIRST and its front door diversion strategies are not about denying needy individuals and families the assistance they need. Rather these strategies are designed to connect individuals to the most appropriate programs and services they need as soon as possible after they walk through the front door. This is part of an attempt to prevent these individuals from slipping into long-term dependency on public assistance. "Connections" might include an appropriate referral to an employment opportunity, a drug rehabilitation program, the Social Security Administration, or Veteran's Administration.

"Softer" terms than "preventing entry" and "diverting entry" could have been used. However, since Jobs FIRST and the front door model represent significant change, the message needs to be clear - all alternatives to going on welfare must be explored and, if possible, the applicant's needs met without engaging the formal welfare system.

2. Q. There hasn't been any mention of sanctions and what happens if you don't comply. Wouldn't it be better to place emphasis on having clients volunteer using a volunteers first format, and counsel those who do volunteer rather than use sanctions?

A. It is true that mandatory JOBS participants are subject to sanctions for failing to comply without good cause in JOBS activities. The Federal government has established target groups for participation in JOBS. In determining priority for services from among these target groups, first consideration is given to individuals from within those target groups that volunteer to participate. Volunteers from non-target groups must also be given priority consideration for JOBS services. Consequently, the program already recognizes that volunteers tend to have the inherent motivation to move towards self-sufficiency.

The message we wish to convey is that everyone has a responsibility to work toward self-sufficiency and that there are consequences for those who do not meet their responsibilities.

3. Q. Given the environmental circumstances of poor people and the energy required to cope, is work always a good option for a single parent family?

A. Although there are certainly circumstances where work is not the best option for single parents, the fact remains that single parents from all walks of life are returning to or entering the labor force. Part of the stress and feeling of powerlessness often exhibited by low income families stems, in part, from living at or below the poverty level with no end in sight, i.e., no real future and no control over their future.

Whether or not single parents have the strength to believe in themselves, Jobs FIRST believes in them. They can engage in productive work. They can raise themselves and their children out of poverty. They can become good role models for their children. They can have hope again. While no one is promising it will be easy, clearly we cannot continue with business as usual.

4. Q. What will the new emphasis on Jobs FIRST do for those who are unable to work due to mental or physical limitations or substance abuse?

A. Such individuals are not inherently unemployable. While the thrust of Jobs FIRST is to connect employable welfare applicants/recipients to the labor market as quickly as possible, it is also recognized that there are individuals who are not job ready for a variety of reasons. Just as employable individuals have the responsibility to cooperate with activities leading to employment, those with barriers to employment have the responsibility to cooperate with appropriate evaluations, treatments and therapies and accept referral to special programs, which will improve their capacity for employment. Those with severe limitations are also expected to cooperate with physical exams and other assessments that would document their disabilities, in order to access the most appropriate program.

5. Q. What is the Department doing to ensure the Fair Hearing decisions issued by State adjudicators are consistent with the Jobs FIRST philosophy?

A. An analysis of fair hearing decisions recently completed by the Department indicates that the percentages of employment related fair hearings that are affirmed and reversed are, in fact, better than the percentages for all program issues. We will continue to monitor the decisions. All Department staff, including Fair Hearings staff, have been made aware of the Department's Jobs FIRST strategy.

6. Q. Can we streamline the present conciliation system on our own or must we wait for waivers to be approved, and if we can move ahead, will this cause problems with Fair Hearing adjudicators should the conciliation results go to a Fair Hearing?

A. The present conciliation process is required by section 341 of the Social Services Law and consequently may not be modified without an amendment to State law.

Last year the Department participated in a task force charged by the Legislature to make recommendations on methods to expedite the conciliation process. The task force was chaired by Executive Deputy Commissioner Karen Schimke, and included representatives of the Legislature, legal advocates and local departments of social services. The task force recommended changing State law to simplify the process for all recipients by shortening the time period for requesting conciliation from 14 days to 10 days; beginning the 30 day conciliation period with the date of the conciliation notice; and allowing conciliations to be performed by trained supervisory staff or, in the absence of such staff, other staff trained in dispute mediation. Unfortunately, the proposed legislation was not enacted and we cannot waive the statutory requirements. The Department will continue to advocate for a change in State law.

7. Q. Can we count JOBS participants working part-time in unsubsidized employment in the Jobs participation rate?

A. Aid to Dependent Children (ADC) unemployed parent cases with unsubsidized employment that equals or exceeds an average of 16 hours per week in a month, or when combined with work activities (work supplementation, community work experience, or on-the-job training) average 16 hours per week in a month, count toward meeting the ADC-U participation rate.

For purposes of Home Relief (HR) and Veterans Assistance (VA), individuals in unsubsidized employment of at least 12 hours per week will be counted toward participation rates.

At this time, unsubsidized employment can be used in computing hours of participation in the ADC program only for the month in which the job entry occurs and the following month for individuals who were participating in JOBS.

8. Q. Will the Department be implementing mandatory finger imaging?

A. Current legislation provides 100% State reimbursement to selected social services districts to implement projects to test the cost effectiveness of finger imaging HR recipients. The legislation does not preclude this Department from authorizing finger imaging for HR recipients in other districts. Districts not covered by the current legislation will be eligible for partial reimbursement under existing administrative procedures.

Regulations are being promulgated to ensure uniformity among districts conducting finger imaging projects. Neither the regulations nor the legislation authorize finger imaging for recipients of ADC.

9. Q. Currently, a single parent with a child under 3 years of age is work exempt. Can this exemption be lowered to an adult parent with a child under 1 year of age? Also, pregnant adults become work exempt after the 4th month of pregnancy. Can this be changed to be more in line with the real world, i.e., closer to delivery date when there are no medical complications?

A. There are no plans at this time to change the exemption criteria under JOBS. The Department is focusing its efforts on providing better services to those groups who are currently required to participate.

10. Q. You commented that the applicant should be doing something during the eligibility determination period. Will there be some mandates that will allow agencies to require applicants to engage in employment related activities so if they refuse we can provide motivation?

A. Department regulations currently require that applicants and recipients, as a condition of eligibility for assistance, cooperate with the agency in investigating resources immediately or potentially available to reduce or eliminate the need for public assistance. Such resources include employability.

Under the JOBS program, job ready ADC applicants can be assigned to supervised job search activities, which must include counseling, job-seeking skills training and dissemination of employment information, and may include other job readiness activities. Not only do these activities improve the employment prospects for applicants, but they also identify the individuals' skills and interests and they can be an important part of the individual's assessment. Job search for ADC applicants is limited to three weeks unless a written assessment of the individual's employability is completed and no sanction may be imposed for failure to comply with job search requirements prior to assessment.

Job ready HR applicants may be assigned to job search activities which include employer contacts and other activities designed to assist the individual in the job seeking process. These other activities could include all the activities described for ADC applicants. Since job search is a JOBS activity, appropriate sanctions would apply to HR applicants and to ADC applicants once the written assessment requirement is met.

11. Q. Is the 6 month limitation going to be removed from the Community Work Experience (CWEP) program?

A. Legislation was proposed to eliminate the 6 month limitation on CWEP currently contained in State law but was not enacted by the Legislature.

12. Q. As a training agency, I would be willing to help clients find part-time jobs (2 to 3 hrs./day) within the areas they are being trained in. This could benefit them in several ways - gives clients something to put on a resume, improve self-esteem, etc.. How would this affect their grants?

A. The earned income would have to be budgeted in the usual manner and would tend to decrease the amount of public assistance required. However, the Department is pursuing ways to make work pay for employed recipients through legislative changes and the expansion of the Child Assistance Program (CAP).

13. Q. There was an assumption that all in the audience know about the CAP program. This is not the case. Briefly, what is that program?

A. CAP is an innovative NYSDSS pilot program designed as an alternative to the AFDC program, the nation's primary public assistance program for poor families with children.

CAP is distinctive in its reliance on positive economic incentives and case management practices in encouraging recipients to enter the work force, obtain child support orders and reduce/end their dependency on public assistance.

Although nearly all single AFDC families are eligible to enroll, none are required to do so. The program is strictly voluntary. The program is designed to be attractive to AFDC recipients on the basis of four principle features:

- o Lower implicit tax rate. CAP's implicit tax rate - the rate at which benefits are reduced when a recipient has earnings - is dramatically lower than that under AFDC. CAP benefits are reduced by 10 per cent of earnings up to the poverty level and 67 per cent thereafter; AFDC benefits are reduced by nearly 100 per cent. As a result, CAP offers clients the promise of higher total incomes while in receipt of assistance. Clients are also covered by Medicaid and receive help in locating and paying for child care.
- o Fewer constraints on household budgeting. CAP clients retain greater control over their finances than do AFDC clients. Food stamp benefits are paid in cash, not coupons; and the strict assets limits mandated under AFDC are completely eliminated.

