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Informational Letter

Section 1

Transmittal:	04-INF-19
To:	Local District Commissioners
Issuing Division/Office:	Division of Temporary Assistance
Date:	September 16, 2004
Subject:	Offer of a Job as an Available Resource
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Employment Coordinators TOP Coordinators Staff Development Coordinators Department of Labor Technical Advisors
Contact Person(s):	Contact the Central Team at 1-800-343-8859, extension 4-9344
Attachments:	None-
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 ADM-17		351.2(e) 351.20(a) 351.21	131		

Section 2

I. Purpose

The purpose of this is to clarify the circumstances under which an offer of a job can be considered an available resource. Whenever the opportunity arises, districts should arrange valid job offers for applicants and recipients as a strategy to move them toward self-sufficiency.

II. Background

Districts were reminded in 01 ADM-17 (Safety Net Assistance Applications for Able-bodied Adults at the State Sixty-Month Time Limit) of their long-standing authority under 18 NYCRR

351.2(a), 351.20(a), and 351.21 to require applicants and recipients to accept a bona fide job offer, which might be a resource that would eliminate or reduce need, as a condition of eligibility for Family Assistance and Safety Net Assistance households. It has come to OTDA's attention that some districts are uncertain when an offer of a job can be considered an available resource and therefore a condition of eligibility for Temporary Assistance.

III. Program Implications

An offer of a job can be only viewed as a resource when it is a valid offer of employment. A valid offer of employment exists when an employer or social services official advises an applicant or recipient that he or she will be able to start work at a specific job. The essential details of the job must be provided, including the employer's name, the job title for the offered job, the general duties, hours, rate of pay and approximate start date.

Jobs offers that meet these criteria and are offered at initial eligibility determination, recertification, or through a specific call-in for the job offer are an available resource. A refusal to accept a valid job offer is a refusal to utilize an available resource, a condition of eligibility that results in the application being denied or the entire case being closed.

During the first five (5) days in which the applicant/recipient holds the job, a voluntary job quit or client caused discharge is treated as an eligibility requirement and the application must be denied or the case closed. If the applicant/recipient voluntarily quits the job after the fifth day the job quit is treated as an incident of employment non-compliance under Department of Labor (DOL) Regulation 18 NYCCR 1300.13.

Districts must ensure that staff do not confuse a job referral with a valid offer of employment. Employment staff routinely makes job referrals to employers where no definite job opportunity exists for the person being referred. For example, there may be an actual job opening, but the employer will interview applicants before hiring. The employer could also be taking applications or doing interviews for a possible future job opening. A job referral is only an opportunity to apply for a job and cannot be considered a viable resource for the individual being referred. An applicant's or recipient's failure to accept a job referral or report for a job interview is an issue of employment non-compliance and subject to Department of Labor Regulations.

A valid offer of a job does not exist if the applicant/recipient has a good cause reason for refusing the job. Good cause reasons for refusing a job include:

- The job offer was not bona fide because it was not made in good faith (the job did not exist, or was already taken or promised to someone else).
- The individual did not have the required skills to be able to do the job.
- The salary or wages offered by the employer were below the New York State minimum wage.
- The job involves illegal activity or the conditions of employment are otherwise contrary to law.
- A strike, lockout or other public or private industrial controversy was in progress at the place in which employment was offered.

- The job would be hazardous to the individual’s life or health, or there was absence, if applicable, of worker’s compensation.
- Necessary supportive services are unavailable as of the start date of the job.
- The refusal is caused by circumstances beyond the applicant’s/recipient’s control such as, but not limited to illness of the individual; or illness of another household member; or the individual is required for jury duty, or court appearances.
- Accepting the job would result in a net loss of cash income for the household and a supplemental grant is not issued pursuant to 12 NYCRR 352.7(m) to prevent a net loss of cash income.
- A personal or family emergency of substantial nature prevents the participant from being available to work and the participant has notified his/her worker with reasonable promptness.
- The individual may be excused from accepting a valid job offer if, at the time of the offer, appropriate, accessible and affordable childcare:
 - is not available or cannot be arranged during the hours the individual is required to work;
 - does not meet the special needs of the child as identified in the case record;
 - is not within a distance that meets the district’s definition of reasonable distance in their Consolidated Services Plan or Integrated County Plan;
 - has been temporarily disrupted making it necessary for the participant to remain at home with the child until childcare is restored.

Issued By _____
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