

## Attachment A

### **Work Activity Definitions for Households with Dependent Children**

The following definitions are effective October 1, 2008, for all temporary assistance and food stamp work activity enrollments for households with dependent children. These definitions include changes authorized within the Final TANF regulations issued by the United States Department of Health and Human Services (DHHS) on February 5, 2008. Districts must ensure that work activity enrollments are consistent with these standards.

Except for the changes described in Section 2.I (Summary) of 08-ADM-XX, the standards described in 18 NYCRR § 385.8 for counting hours of participation in each work activity towards the federal participation rate are not changed by this release or the Final TANF rule (45 CFR Parts 261, 262, 263 and 265).

Supervision of recipients in paid employment including unsubsidized employment, subsidized employment and On-The-Job Training should be provided in a manner determined appropriate by the employer. Unless otherwise noted, participants engaged in unpaid work activities must be supervised by a work site sponsor or other responsible party on an ongoing basis, no less frequently than daily and participation in any unpaid activity must be documented through worksite attendance records or other supporting documentation provided by the worksite and must be collected no less frequently than monthly.

- **Unsubsidized employment:** Full-time or part-time employment in the public or private sector in which an employer is not subsidized by TANF or any other public program. (Positions for which the employer receives a tax credit, but no other public subsidy are considered unsubsidized employment). Unsubsidized employment includes self-employment or paid internships if approved by the district. Such paid internships would be of the type required of all students to fulfill the education requirements and not a requirement due to the receipt of temporary assistance. Supervision of recipients in unsubsidized employment will be provided in a manner determined appropriate by the employer.
  - Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless a change in the number of hours worked which is expected to continue is subsequently reported which must be acted upon by the district in a timely manner.
  - The number of hours that may be reported for an individual participating in self-employment may be determined by dividing the individual's net income after subtracting business expenses (this is the amount budgeted before disregards in ABEL) by the federal minimum wage. Districts may secure alternate documentation of self-employment hours including statements from supervisors, business contacts or customers to verify hours of self-employment. For example, districts may document and verify hours of work by an informal child care provider based upon time records used to authorize child care payments or based upon statements from the parent of the child for whom the client is providing care.

- Hours of unsubsidized employment may include the hours that the individual is paid by his/her employer to attend a training program or to participate in supportive activities, such as substance abuse treatment, mental health treatment, and rehabilitation activities.
- **Subsidized private sector employment:** Employment in the private sector for which the employer receives a subsidy from TANF or other public funds (excluding tax credits) to offset some or all of the wages and costs of employing and training a recipient in accordance with New York State Social Services Law (SSL) 336-f. Subsidized private sector employment may include positions subsidized through grant diversion, supported employment programs, and paid college work-study programs at private institutions. Districts are reminded that income from paid work study may not be budgeted to determine the family's TA eligibility since the income may be treated as a grant. Individuals participating in subsidized private sector employment are paid wages and receive the same benefits as non-subsidized employees who perform similar work. An employment situation may be subsidized for up to the full amount of wages/benefits provided to the program participant and may be subsidized for the length of time as determined appropriate by the State or district. Supervision of recipients in subsidized private sector employment will be provided in a manner determined appropriate by the employer.
  - Subsidized private sector employment does not include OJT programs where employers are subsidized to offset the costs of training.
  - Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless a change in the number of hours worked which is expected to continue is subsequently reported which must be acted upon by the district in a timely manner.
  - Hours of subsidized private sector employment may include the hours that the individual is paid by his/her employer to attend a training program or to participate in supportive activities, such as substance abuse treatment, mental health treatment, and rehabilitation activities.
- **Subsidized public sector employment:** Employment in the public sector for which the employer receives a subsidy from TANF or other public funds (excluding tax credits) to offset some or all of the wages and costs of employing and training a recipient in accordance with New York State Social Services Law 336-e. Subsidized public sector employment may include positions subsidized through grant diversion, supported employment programs, and paid college work-study programs at public institutions. Districts are reminded that income from paid work study may not be budgeted to determine the family's TA eligibility since the income may be treated as a grant. Individuals participating in subsidized public sector employment are paid wages and receive the same benefits as non-subsidized employees who perform similar work. An employment situation may be subsidized for up to the full amount of wages/benefits provided to the program participant and may be subsidized for the length of time as determined appropriate by the State or district. Supervision of recipients in subsidized public sector employment will be provided in a manner determined appropriate by the employer.

- Subsidized public sector employment does not include OJT programs where employers are subsidized to offset the costs of training.
  - Districts may report projected actual hours of employment participation for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless a change in the number of hours worked which is expected to continue is subsequently reported which must be acted upon by the district in a timely manner.
  - Hours of subsidized public sector employment may include the hours that the individual is paid by his/her employer to attend a training program or to participate in supportive activities, such as substance abuse treatment, mental health treatment, and rehabilitation activities.
- **Work Experience:** Unpaid work performed at a public or not for profit organization to enable participants who cannot find unsubsidized employment to improve his or her employability in accordance with New York State Social Services Law 336-c. Work experience provides participants with an opportunity to acquire the general skills, training, knowledge and work habits necessary to obtain and retain employment. Work experience includes unpaid internships that are part of a non-graduate student's curriculum (if the internship is approved by the district according to section 3.6(e) of the district's bi-annual Employment Plan), regardless of whether the non-graduate education program is approved. Such positions would be required of all students to fulfill the education requirements and not a requirement due to the receipt of temporary assistance. Work experience participants must be supervised by a work site sponsor, or other responsible party, on an ongoing basis, no less frequently than daily.
    - As established in SSL 336-c, the maximum hours an individual may be required to participate in work experience is limited to the number of hours derived by dividing the household's temporary assistance deficit amount (from the temporary assistance budget) and food stamp allotment amount for the respective month by the higher of the federal or State minimum wage. To calculate the maximum number of hours weekly the monthly from the calculation described above would be further divided by 4.333 and rounded down to the nearest whole number to calculate the number of hours weekly.
    - An individual participating in work experience for the maximum number of hours permitted by the above limitation will be considered to have fulfilled the 20 core hours of work participation (or 30 for two-parent households or 50 for two-parent households receiving federally subsidized child care) required for participation rate purposes even if the resulting hours of participation are less than would otherwise be required. If an individual is required to work more hours than the core work hours (i.e., 30, 35 or 55) to count toward the work participation rate, the individual must participate in another countable work activity to fulfill those hours for work participation rate purposes.
    - Districts are authorized to assign individuals to additional work activities that are not limited to the minimum wage calculation for up to 40 hours weekly unless the individual is unable to work such hours due to medical or other work limitations.
    - New York State statute requires that work experience placements are provided workers' compensation coverage.

- Hours of participation in work experience may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular work experience assignment.
  - Any work component that is required as part of a treatment program for an individual participating in a residential treatment program and which is consistent with the definition of work experience may be reported as participation in work experience for those actual hours documented by the district or treatment provider that the individual participated in such work component.
- **On-the-Job Training (OJT):** Participation in a public or private sector employment setting during which the paid employee receives work-essential training while he or she is engaged in productive work that provides participants with the knowledge and skills essential to the full and adequate performance of the job. Supervision of recipients in OJT will be provided in a manner determined appropriate by the employer.
- OJT may be subsidized or unsubsidized. If OJT is subsidized, TANF funds or other funds are used to offset up to the full cost of the training provided to the participant.
  - Positions may be subsidized for the length of time determined appropriate by the State or district.
  - OJT is generally distinct from other forms of employment due to the fact that the individual must participate in workplace training to attain full and adequate job performance and any subsidy provided is intended to offset the costs of such training.
  - Districts may report projected actual hours of employment participation, including any paid OJT employment position, for up to six months based on current, documented actual hours of work. Any time the district receives information that the participant's actual hours of work have changed, or no later than the end of any six month period, the district must re-verify the participant's current, actual average hours of work and may report these projected actual hours of work for the succeeding six month period, unless a change in the number of hours worked which is expected to continue is subsequently reported which must be acted upon by the district in a timely manner.
  - Hours of OJT may include the hours that the individual is paid by his/her employer to attend a training program or to participate in supportive activities, such as substance abuse treatment, mental health treatment, and rehabilitation activities.
- **Community Service:** Structured programs or activities in which participants perform work for the direct benefit of the community under the auspices of public or nonprofit organizations in accordance with paragraph (g) of section 336 of SSL. Community Service placements must be projects that serve a useful community purpose in fields such as health, social services, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community Service programs are designed to improve the employability of participants not otherwise able to obtain unsubsidized employment and must be supervised on an ongoing basis no less frequently than daily. Districts must take into consideration, to the extent possible, the prior training, experience, and skills of a recipient when making or approving community service assignments.

Districts must report work activity participation in an activity that meets the Work Experience definition as Work Experience and reserve Community Service for the two instances noted below:

- Participation that is truly volunteer in nature including unpaid work performed at a school, Head Start program, religious or faith-based institutions, government or non-profit agency, or as a volunteer in programs such as Americorps or Volunteers in Service to America (VISTA). These placements would be distinct from Work Experience in that due to the voluntary nature of the participation the hourly participation would not necessarily be limited to the number of hours derived by dividing the amount of the household's temporary assistance and food stamp benefits by the higher of the federal or State minimum wage. However, a social services district cannot mandate that a recipient perform community services for more hours than the number derived by the grant calculation described above. Participation in a voluntary self-initiated community service activity must be evaluated by the district to determine that such participation provides workplace experience and is expected to improve the employability of the participant. This evaluation would be based upon a review by the district of the tasks involved with the placement and the extent to which those tasks and routine attendance can reasonably be expected to improve the participant's employability. In these instances a participant could choose to no longer participate in such activity without penalty, but would then be subject to an alternate assignment by the district; therefore, districts may want to require that these participants verify such participation on a more frequent basis than monthly.
- Participation otherwise comparable to a work experience placement but categorized as community service to enable the district to use the corresponding federal activity "Providing Child Care to a Community Service participant" for another program participant who is providing child care for the community service participant. In this instance, the placement would need to meet the definition of community service and would not be supported by or system derived to be eligible for the deeming provision. The Welfare Reform Tracking System (WRTS) will not automatically deem an individual as meeting the core work requirement if the individual is participating for the number of hours allowed by grant divided by minimum wage for community service participants when this is less than 20 hours.
- Community service programs must involve structure and supervision by a work site sponsor, or other responsible party, on an ongoing basis, no less frequently than daily.
- Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular community service program.
- Community service programs do not include activities that meet the definition of another allowable TANF work activity (e.g., vocational education, job readiness training assistance (JRT)).
- Community service excludes participation in substance abuse treatment programs, mental health and family violence counseling, life skills classes, job readiness training assistance classes and caring for a foster care child or disabled household member.

Note: Districts are reminded that federal regulations do not permit an individual who is caring for a disabled family member or a foster care parent to be reported as participating in community service. New York State regulations (18 NYCRR § 385.9) permit foster care parents to count as participating in Community Service, but this is no longer permitted as it is now inconsistent with federal regulations. OTDA will be submitting a regulatory change to repeal this regulation. Individuals who are determined by the district to be needed in the home full-time to care for a disabled family member residing in the household are exempt and cannot be required, but may voluntarily agree to participate in work activities. Districts

may assign foster care parents, who are not otherwise determined exempt in accordance with 18 NYCRR § 385.2 to work activities as they deem appropriate.

- **Job search:** The act of seeking or obtaining employment, or preparing to seek or obtain employment, looking for suitable job openings in a group or individual setting, making contact with potential employers, preparing to or applying for and interviewing for jobs and related activities. Participants must be supervised on an ongoing basis no less frequently than daily. For job search, daily supervision may include access to a case manager or district worker for the participant to report on progress or seek additional guidance as needed before the next regularly scheduled contact. In-person contact between the district worker (or program provider) and the participant must be no less frequent than weekly. Actual hours of participation in job search will be reported and may include time participating in job search activities under the direct supervision of the program provider as verified through attendance records or other statements from the program provider and/or based on client logs of the time required to complete such activities.
  - Actual hours of participation in job search may include travel time between job interviews, but not the time associated with travel from home to the first employer or from the last employer to home.
  - Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular job search assignment.
  - Districts and program providers must contact a sample of employers periodically to verify that the participant actually contacted the employer about a job. Such a review is not required in those instances when the district determines that conducting such direct employer contact for documentation would jeopardize current or future job entry efforts by other temporary assistance clients. This determination may be made based upon an assessment of specific employers or as a district policy for all employers.

Job search and job readiness training assistance count toward work participation rate requirements for only 120 hours for single parent households with a child under the age of 6/180 hours for all other households in the preceding 12 month period, with no more than four weeks of which may be consecutive. Districts may require that program participants continue to engage in job search beyond the six week limit. Note: Upstate WRTS tracking of participation in job search/job readiness training assistance will continue to be based on the previous federal limits of no more than six weeks per federal fiscal year and no more than four consecutive weeks until the change to track hours of participation in such activities is completed (the anticipated completion of this change is the first quarter of 2010);

- **Job readiness training assistance (JRT):** Job readiness training assistance includes participation in programs that include seeking and preparing an individual for work. The definition includes two types of activities:
  - The traditional activities of résumé preparation, training in interviewing skills, and instruction in workplace expectations, training in effective job seeking, including life skills training; and
  - Activities that improve an individual's employability, such as substance abuse treatment, mental health treatment, or rehabilitation activities. Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.

- Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular job readiness training assistance assignment.

Participants must be supervised on an ongoing basis no less frequently than daily. Job search and job readiness training assistance count toward work participation rate requirements for only 120 hours for single parent households with a child under the age of 6/180 hours for all other households in the preceding 12 month period, with no more than four weeks of which may be consecutive. Districts may require that program participants continue to engage in job readiness training assistance beyond the six week limit. Note: Upstate WRTS tracking of participation in job search/job readiness training assistance will continue to be based on the previous federal limits of no more than six weeks per federal fiscal year and no more than four consecutive weeks until the change to track hours of participation in such activities is completed (the anticipated completion of this change is the first quarter of 2010);

Actual hours spent by a participant in a JRT activity will be reported and may include time participating in JRT under the direct supervision of the program provider as verified through attendance records or other statements from the program provider. Districts may record individuals in an "intensive residential rehabilitation services" program, as defined in 14 NYCRR §819.2, as participating for up to eight hours per day, not to exceed 40 hours per week, so long as the district documents that the individual was at the facility under the supervision of the treatment provider during the days such participation was reported.

- **Vocational education:** Organized educational programs that directly relate to the preparation of individuals for employment in current or emerging occupations that require training other than a baccalaureate or advanced degree. Such programs shall include, but not be limited to, competency based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills (e.g., Certified Nurses Aide training), work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence. Vocational education may also include applied technology education. Vocational education does not generally include basic/remedial education or English as a Second Language (ESL) but may include work-focused general education and language instruction that is a regular or necessary part of a vocational education program. Any such remedial education or ESL that is a regular part of the vocational education program must be limited in hours to less than one-half of program participation at any given time.
  - Vocational education programs may include no more than a total of two years of post-secondary education (or the part-time equivalent if full-time study would constitute an undue hardship).
  - Vocational education programs are limited to activities that give individuals the knowledge and skills to perform a specific occupation.
  - Vocational education must be provided by an education or training organization and must be supervised on an ongoing basis, no less frequently than daily.
  - An individual cannot count toward work participation rates due to participating in vocational education for more than 12 months during the individual's lifetime receipt of assistance.
  - Actual hours of participation in vocational education will count toward the hours reported as work, not to exceed the federal limit. Hours of participation in a vocational education program must be documented by the provider through

attendance rosters or other supporting documentation developed by the district or the provider.

- Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular vocational education assignment.
  - Actual hours of participation in vocational education may include supervised homework/study time and up to one hour of unsupervised homework/study time for each hour of class time, provided that the total number of hours of homework/study time does not exceed the documented hours expected by the educational provider.
- **Provision of child care for an individual participating in community service:** Providing unpaid child care to enable another temporary assistance or TANF/MOE funded recipient to participate in a community service program.
- Participants must be supervised on an ongoing basis no less frequently than daily. Supervision may include access to the parent/guardian of the child through a telephone or other mechanism to seek guidance and clarification.
  - Does not include providing child care to a TANF or SN-MOE recipient participating in any activity other than community service.
- **Job skills training directly related to employment:** Training or education in job skills required by an employer or to improve a participant's employability, support job entry and/or to advance or adapt to the changing demands of the workplace. Job skills training may include customized or technical training designed to provide participants with additional workplace skills and post secondary education courses or other training included under the definition of vocational education training. Job skills training may also include literacy instruction, language instruction or other basic education for an individual who has already obtained a high school diploma or equivalency when determined from a client assessment that such instruction is needed to improve the participant's employability.
- Must be supervised on an ongoing basis no less frequently than daily.
  - Actual hours of participation in job skills training will count toward the hours reported as work for hours above the core work requirement. Hours of participation in a job skills training program must be documented by the provider through attendance rosters or other supporting documentation developed by the provider.
  - Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular job skills training assignment.
  - Actual hours of participation in an educational activity which meets the definition of job skills training may include supervised homework/study time and up to one hour of unsupervised homework/study time for each hour of class time, provided that the total number of hours of homework/study time does not exceed the documented hours expected by the educational provider.

- **Education directly related to employment in the case of a recipient who has not received a high school diploma or certificate of high school equivalency:** Education directly related to employment for a recipient who has not received a high school diploma or equivalency must be related to a specific occupation, job or job offer, or otherwise determined based on a client's assessment as necessary to improve the participant's employability to support job entry, retention or advancement. Includes courses designed to provide the knowledge and skills for specific occupations or work settings, including adult basic education and ESL instruction.

  - Where required by an employer or determined necessary to improve the participant's job opportunities with potential occupations, includes education leading to a general educational development (GED) or high school (HS) equivalency diploma.
  - Must be supervised on an ongoing basis no less frequently than daily.
  - Actual hours of participation in education directly related to employment, except as noted below, will count toward the hours reported as work for hours above the core work requirement. Hours of participation in education directly related to employment must be documented by the provider through attendance rosters or other supporting documentation developed by the provider.
  - Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular educational activity that meets this work activity.
  - Actual hours of participation in an educational activity which meets the definition of education directly related to employment may include supervised homework/study time and up to one hour of unsupervised homework/study time for each hour of class time, provided that the total number of hours of homework/study time does not exceed the documented hours expected by the educational provider.
  - Teen parents or minor child head of households participating in this activity for at least 20 hours averaged weekly count fully toward work participation rate requirements.
  
- **Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate:** Regular attendance, in accordance with the requirements of the secondary school or a course of study at a secondary school, or in a course of study at a secondary school leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received a certificate of general equivalence.

  - Must be supervised on an ongoing basis, no less frequently than daily.
  - Does not include adult basic education or ESL unless linked to attending secondary school or leading to a GED.
  - Actual hours of participation in such activities, except as noted below, will count toward the hours reported as work for hours above the core work requirement. Hours of participation in such activities must be documented by the provider through attendance rosters or other supporting documentation developed by the provider.
  - Hours of participation may include the actual hours that an individual is engaged in an on-site background check or assessment to determine an individual's suitability for a particular secondary school or equivalent program assignment.

- Actual hours of participation in an educational activity which meets the definition of satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate may include supervised homework/study time and up to one hour of unsupervised homework/study time for each hour of class time, provided that the total number of hours of homework/study time does not exceed the documented hours expected by the educational provider.
  - Teen parents or minor child head of households who maintain satisfactory attendance at secondary school or the equivalent count fully toward participation rate requirements.
- **Other work activities:** Districts should ensure that all local activities meet the definitions included above to the extent possible but are permitted to enroll individuals in other work activities that do not count toward work participation rates. These other work activities must be outlined in the district's Temporary Assistance and Food Stamp Employment Plan.