



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
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Governor

Informational Letter

Section 1

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To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	June 14, 2011
Subject:	District Policy Options
Suggested Distribution:	Temporary Assistance Directors, Food Stamp Directors, Medical Assistance Directors, Transitional Opportunities Program Coordinators, Child Assistance Program Coordinators, Employment Services Advisors
Contact Person(s):	TA Bureau at 1-800-343-8859, extension 4-9344 FS Bureau at 1-800-343-8859, extension 3-1469 HEAP Bureau at 1-800-343-8859, extension 3-0332 EAS Bureau at 1-800-343-8859, extension 6-6106 MA: ROS Regional Representative at (518) 474-8216 NYC Representative at (212) 268-6855
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.
09 ADM-10 07 ADM-10 03 ADM-8 03 ADM-7 01 ADM-8 99 ADM-4 97 ADM-13 92 ADM-37 09 INF-21 06 INF-10 05 INF-24		300.6 300.11 350.3 351.7 351.21 (a), (b) & (c) 352.3(a)(3) 352.5(e) 352.20(f) 381.3(c) 385.11	SSL 131-s; 7CFR: 272.4(g) 273.2 273.10 273.14	FRM Vol. 1, Chapt. 3 and Vol. 2, Chapt. 1	

03 INF-35		387.7			
04 LCM-11		387.9(c)			
		387.17			

Section 2

I. Purpose

The purpose of this release is to provide districts with a brief summary of several policy options available to assist districts in the local administration of New York’s social services programs.

II. Background

In the past, districts have requested and received waivers to certain regulations in order to conduct innovative research and demonstration projects to simplify local operations or to explore alternative policies and procedures. The basis for many statutory and regulatory changes providing administrative relief emanated from these projects and sometimes resulted in revisions to regulations. Districts may take advantage of these changes to tailor practices relevant to their caseload characteristics and staffing structures. In addition to the processes described in this release, districts continue to have the ability to develop and implement projects which demonstrate innovations and efficiencies to aid Temporary Assistance (TA) recipients in attaining self-sufficiency and to achieve local cost savings.

Districts may continue to request approval from this Office to conduct research and demonstration projects. OTDA does not have the authority to waive statutory law such as Social Services Law because statutory law supersedes Office regulations. However, under Office regulation, 18 NYCRR § 300.11, OTDA may consider requests to approve a research and demonstration project that may otherwise conflict with existing regulations not otherwise required by law.

Additionally, districts may request approval from this Office for a local rule, in accordance with Office regulation, 18 NYCRR § 300.6. A local rule must be consistent with the Social Services Law and Office regulation.

III. Program Implications

GENERAL

Case Supervisory Review (CSR)

Office regulation, 18 NYCRR § 351.7 amended June 9, 1999, allows districts the option of implementing a district specific supervisory review process on all, a targeted, or a random sampling of TA cases. This process is also permissible for Food Stamp (FS) and the Home Energy Assistance Program (HEAP). The CSR process permits districts to develop a CSR plan tailored to their caseload characteristics and staffing structure to review a statistically valid random sample of their cases to meet the supervisory review approval requirement. The emphasis of CSR is to identify deficient areas in case processing and to develop corrective action

measures which address identified deficiencies. This Office must approve such a plan prior to its implementation.

Guidelines for plan development, implementation and approval for TA and FS cases are set forth in 99 ADM-4. Contact the HEAP bureau for plan development, implementation and approval for HEAP cases.

Direct Data Entry (DDE)

DDE is a practice which allows district workers to directly data enter undercare transactions into the Welfare Management System (WMS) without the use of the WMS Authorization Change Form (LDSS-3209). DDE may improve case processing, increase worker control and free data entry staff for other priorities. Security and document control measures must be in place to ensure prescribed security and fiscal integrity.

Note: DDE is not analogous to Direct Reauthorization (DRA).

DDE is allowed for use in processing TA, FS and HEAP cases. Contact the applicable program area for further information and guidance.

E-Interviews for Select Populations of the Caseload

Office regulations, 18 NYCRR § 350.3 and 387.7, require that a personal interview with the applicant be conducted to establish eligibility for TA and FS. In certain situations, this face-to-face interview may be conducted by electronic means through a secure network, such as video conferencing. For example, a district may request the use of electronic means, through a secure server, to e-interview incarcerated or homebound individuals as an alternative to making a field visit to fulfill the face-to-face interview requirement. This process is permissible for TA, FS and HEAP. The e-interview process does not diminish the compliance requirements with additional program eligibility requirements, such as Automated Finger Imaging System (AFIS) requirements.

Districts that are interested in conducting e-interviews, must submit a request and plan for approval. The plan must detail the target population and the electronic method to be used. This Office, which includes the Information Security Office, must approve such a plan prior to its implementation.

Contact the applicable OTDA program area for further information and guidance.

TEMPORARY ASSISTANCE

Mail-in Recertification Process

Office regulation, 18 NYCRR § 351.21(c) amended July 2, 2008, allows districts to substitute an approved mail-in recertification form for one of the two mandatory semi-annual TA face-to-face recertification eligibility interviews. A number of districts have received approval from OTDA to do so. Those districts have found this mail-in process to be an effective administrative tool in targeting select segments of the TA caseload that do not need to be seen for recertification semi-annually, thus freeing district staff to focus on more error prone areas of the TA caseload and

case management. The WMS provides system support for this process, including the option of using WMS to generate a model mail-in recertification form as an attached form to a CNS mail-in recertification notice

Guidelines for plan development, limitations on allowable populations served, implementation and approval are set forth in 06 INF-10 and 09 INF-21.

Non-parent Caregiver (NPC) Case Recertifications

Districts have the option to request a waiver to Office regulation, 18 NYCRR § 351.21, that would allow one face-to-face TA recertification every 24-months for NPC cases. This waiver would require a recertification mailer sent in the 11th month of the certification period and processed by the end of the 12th month.

This Office strongly recommends the use of this option for the NPC caseload.

Guidelines for plan development, implementation and approval are set forth in 05 INF-24.

Emergency Utility Payments for Defaulted Utility Repayment Agreements

Office regulation, 18 NYCRR § 352.5(e), prescribes that, under certain circumstances, an applicant for utility energy assistance must sign a repayment agreement. The regulation also provides that: *“Subsequent assistance to continue or restore utility service must not be provided unless any prior utility arrearage payments have been repaid or are being repaid in accordance with the schedule of payments contained in each prior repayment agreement as of the date of application for such subsequent assistance, or unless the enforcement of such prior repayment agreement(s) is suspended by the local social services district during a period of cold weather, defined, for these purposes, as the time period from November 1st of each year and ending April 15th of the following year.”* Districts may request a waiver to this portion of the regulation, in conjunction with a demonstration project in accordance with Office regulation, 18 NYCRR § 300.11. The demonstration project would allow districts to provide an emergency utility payment to otherwise eligible households to alleviate the utility emergency, and avoid significant temporary housing costs that could occur if not for the payment.

Contact the Temporary Assistance Bureau for further information and guidance.

Shelter Allowance Supplement

Office regulation, 18 NYCRR § 352.3(a)(3) amended July 22, 2003, allows districts to request approval from this Office to provide shelter allowance supplements. These supplements provide an additional shelter payment in excess of the shelter allowance maxima to pay for shelter in high cost areas or special situations. These shelter supplements are not included in a recipient's standard of need and, therefore, would not be considered (by ABEL) when computing financial eligibility (i.e., the supplement is not used for calculating TA eligibility when computing an applicant's needs, or applying gross income tests). The shelter allowance supplement is potentially available for all TA households.

Guidelines for plan development, implementation and approval are set forth in 03 ADM-7 and 09 ADM-10.

Restricted Payments for Family Assistance (FA) Cases

Office regulation, 18 NYCRR § 381.3(c) amended July 22, 2003, allows districts to make restricted payments to vendors on behalf of FA cases, for the administrative ease of districts. Prior to the amended regulation, restricted payments to vendors were only allowed for FA cases when the recipient demonstrated mismanagement or requested such vendor payment. This regulatory change conformed FA with the Safety Net Assistance (SNA) program by allowing districts to restrict payments for administrative ease when the restriction is not required by statute, as in the case of non-cash SNA recipients. Districts have long sought this option as a way of reducing arrears payments for nonpayment of shelter costs and preventing homelessness, by assuring that the clients' benefits are going toward the costs of shelter, utilities and heat.

See 03 ADM-7 for more information.

Safety Net Assistance Plan of Self-support

Office regulation, 18 NYCRR § 352.20(f), allows districts to establish a SNA Plan of Self-Support for cases in the SNA category (case types 12, 16 and 17). The SNA plan of self-support permits districts to disregard all or part of an individual's earned income and/or resources for up to one year, keeping the case TA active and eligible to receive benefits in conjunction with the TA active status (i.e. HEAP auto-pay, MA, etc.). The SNA plan of self-support provides an incentive for individuals to attain employment and continues Medical Assistance (MA) for employed individuals with minimal or no health insurance, which may be needed to enable their continued employment. For example, a district may chose to exclude only a portion of the SNA recipient's income so that the remaining countable income produces a zero grant but retains the client's status as TA active allowing them to remain eligible for MA benefits.

See 92 ADM-37 for more information.

Alternatives to the WMS Authorization Change Form (LDSS-3209)

Districts may request an alternative authorizing document for use in issuing TA benefits. An alternative authorizing document in lieu of the LDSS-3209 may save significant staff time and paper/printing costs associated with the data entry, production and distribution of the LDSS-3209.

To request the substitution of an alternative to the LDSS-3209 contact:

Ms. Jacqueline Brace
Office of Temporary and Disability Assistance
Division of Operations and Program Support
Bureau of Management Services
40 N. Pearl Street
Albany, New York 12243

For information related to the authorization document flow and signature process, districts can refer to Fiscal Reference Manual Volume 1 Chapter 3 and Volume 2 Chapter 1.

Vendor Start/Termination Letters

Districts have the option to have vendor start and/or termination letters produced when a TA case is opened and/or closed. Currently, this option allows letters to shelter and fuel/utility vendors to be produced and mailed concurrent with TA case approval, and closing CNS notices for shelter payment types: A6, D8, Q1, Q2, Q4, Q6, 10, 40, 46, 47, 48, 49, 50, 62 and fuel/utility payment types: E6, E7, 11, 12, 23, 28, 58, 59, 63.

Please contact Bob Markham, WMS Bureau, at (518)474-2166 for further information.

Issuing Emergency and Diversion Payments on TA, FS and MA Cases

Districts, outside of NYC (ROS), may submit a plan for approval to issue specific TA payments on active NTA-FS and MA cases and at the time of a TA application denial (03 ADM-8). Prior to this option, districts routinely opened TA cases and then subsequently closed the cases or processed open/close transactions to issue emergency and diversion payments. This required a significant investment of time, since one-time only emergency TA payments are becoming more commonplace, in a large part due to the utilization of diversion strategies. Since initially allowing this process and the release of 03 ADM-8, subsequent enhancements have provided districts with greater flexibility and efficiencies when utilizing this process, by expanding allowable payment types. WMS error reference table 1910, found at <http://otda.state.ny.net/dta/wmserror/WMSerror.pdf>, provides a listing of allowable payments on the qualifying case types supporting this process.

Guidelines for plan development, implementation and approval are in 03 ADM-8.

Guidelines for the utilization of diversion strategies are found in 03 INF-35.

Call-Ins

Office regulation, 18 NYCRR § 351.21(a), allows districts to make contact, including a face-to-face appointment, more often than the required contacts as prescribed by Office regulation, 18 NYCRR § 351.21(b). Districts may utilize these additional contacts in conjunction with intense case management strategies to enhance program compliance and work better with individuals in their efforts to become self-sufficient.

Contact the Temporary Assistance Bureau for further information and guidance.

FOOD STAMPS

12-Month Certification Period

Due to the growth in FS caseloads in recent years, an increasing number of districts have opted to change from using a six-month certification period to a 12-month certification period pursuant to Office regulation, 18 NYCRR § 387.17, for FS households subject to “simplified” (six-month) reporting rules. Use of a longer certification period, while requiring the filing and processing of a periodic report (LDSS-4310), allows districts more flexibility and reduces the number of recertifications.

Note: Districts that want to implement extended certification periods for households subject to simplified (six-month) reporting rules must notify OTDA and describe their plan of implementation and process for handling periodic reports prior to implementation.

See 01 ADM-08 for more information

Interview Practices

The United States Department of Agriculture (USDA) has approved a waiver for New York, which allows districts to conduct telephone interviews in lieu of face-to-face interviews at both initial application and at recertification. As districts are aware, all non-TA/FS households are eligible and scheduled for a phone interview at recertification. This waiver also permits districts to waive the face-to-face interview requirement at application in favor of a phone interview for all applicants for whom the districts determine a face-to-face interview would be an undue hardship. It also eliminates the requirement to document hardship on a case-by-case basis. Telephone interviewing has proven to be an effective method for reducing both the time required for case processing and the traffic into district offices which benefits both agency staff and applicant households, especially those households with working, elderly or disabled members.

The quality of the application process must not be compromised: the same information must be requested during the interview and the same verification processes are utilized regardless of the type of interview provided.

See 07 ADM-10 for more information on this process.

AFIS Plan / Exemptions for FS Finger Imaging

OTDA urges districts to review their local AFIS plan to explore any available, allowable AFIS-FS exemptions that would assist in reducing the workload burden. If a district would like to amend its AFIS plan, the proposed change should be incorporated into the existing AFIS Plan of Operation for compliance with the AFIS program and submitted to the OTDA Division of Program Support and Quality Improvement, Bureau of Audit and Quality Improvement. Please note individuals also may be exempted from the AFIS requirement on a case-by-case basis for “good cause.”

See 04 LCM-11 for more information.

EMPLOYMENT

Food Stamp Employment and Training (FSET) Requirements

Districts may choose whether to assign FS work registrants to FSET activities as there is no USDA mandated minimum engagement rate. For FSET purposes, districts are required, at a minimum, to offer job search to all FSET work registrants. Job search assistance may be determined by the district and may include, but is not limited to, referrals to providers, offers of help with résumé preparation and direct job leads.

The districts can consider participation in the job search activity to be voluntary in nature by offering job search enrollment to all FS work registrants rather than mandating such

participation. By doing so, no negative action may be imposed for the failure to comply with job search.

OTDA does allow, at district option, mandating participation in the job search activity for FS work registrants. Should a district choose to require a mandatory job search for FS work registrants, the district must provide any necessary support services and would be expected to impose a sanction should the client fail to comply with the job search activity without good cause.

Contact the district Employment and Advancement Services (EAS) advisor for further information and guidance.

Procedures for Offering Conciliation

Office regulation, 18 NYCRR § 385.11, requires districts to offer conciliation and issue the conciliation notification (via WTWCMS, a manual LDSS-4230, or an approved local equivalent) to TA recipients (and applicants who are assigned to employment activities other than assessment and job search) who have refused or failed to comply with employment requirements.

The conciliation notice issued by the district informs the individual of the opportunity to explain the reasons for the non-compliance and provide any required documentation to support any claim of good cause or exemption from work requirements. The district must review the facts and circumstances available on a case by case basis to determine whether the individual's refusal or failure to comply with the assigned employment requirement was willful and without good cause.

Conciliation is an opportunity for a TA recipient to provide the district with reasons for non-compliance. The conciliation may be conducted through a face-to-face meeting, by telephone, or through written communications, including documented evidence or reasons for the non-compliance.

There is no requirement for districts to schedule a face-to-face meeting for conciliation. Districts may choose to require a face-to-face meeting for the conciliation, but also may elect to conduct conciliation by telephone or by including a written conciliation statement along with the original conciliation notice that the client may complete and return to the agency along with any supporting documentation, and within the timeframe required on the conciliation notice.

Contact the district EAS advisor for further information and guidance.

Issued By:

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Division/Office: Center for Employment and Economic Supports