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Administrative Directive

Section 1

Transmittal:	14-ADM-05-T
To:	Local District Commissioners
Issuing Division/Office :	Center for Employment and Economic Supports (CEES) Audit and Quality Improvement (A&QI) Office of Legal Affairs (OLA)
Date:	January 22, 2015
Subject:	Automated Information Exchange Agreement between OTDA, OCFS, DOH and DOL – Unemployment Insurance Benefit Information
Suggested Distribution:	Temporary Assistance (TA) Directors Supplemental Needs Assistance Program (SNAP) Directors Medicaid Directors HEAP Coordinators Fraud Directors Director of Services Staff Development Coordinators
Contact Person(s):	TA Policy Issues (CEES) 518-474-9344 Audit & Quality Improvement (A&QI) 518-473-6035 Office of Legal Affairs (OLA) 518-474-9502
Attachments:	Attachment 1: STARS HSLC: Online Training Instructions for Social Service Districts Attachment 2: How to Access the DOL UI Confidentiality Module I - 2015 Course in SLMS
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.
10-LCM-17-T		18 NYCRR Parts 351, 352.12 and 357	SSL §132, §136; §1137 of the Social Security Act; NYS Labor Law §537;		TASB Chapter 19



			20 CFR §603.21; §42 USC §1320-b- 7		
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Section 2

I. Summary

A Memorandum of Understanding (MOU) was signed by the New York State Office of Temporary and Disability Assistance (OTDA), the New York State Department of Health (DOH), the New York State Office of Children and Family Services (OCFS) and the New York State Department of Labor (DOL) (hereafter “the Agencies”) in August 2012. This MOU agreed to continue an automated information exchange of Unemployment Insurance (UI) claim information in order to verify eligibility for benefits, conduct fraud investigations, and for the purposes of maintaining program integrity and quality control in the following covered programs: Temporary Assistance to Needy Families (TANF), Safety Net Assistance (SNA), Medicaid, Home Energy Assistance Program (HEAP), Supplemental Nutrition Assistance Program (SNAP) (formally Food Stamps) and the Child Care Subsidy Program (CCSP).

Under the MOU, the DOL agreed to continue to provide direct access to UI claim information maintained in DOL’s benefit claimant inquiry system (BCIQ) and conduct real-time automated and batch file information exchange through the OTDA eligibility systems, including the Welfare Management System (WMS) and myWorkspace, for the purposes of verifying eligibility, conducting fraud investigations, and maintaining program integrity and quality control for the covered programs. All agencies agreed to comply with any and all applicable confidentiality, use and disclosure requirements in State and Federal statutes and regulations pertaining to the UI and covered data.

As required in the MOU, the Agencies also agreed to provide this Administrative Directive to the Social Services Districts (SSDs) as direction to their employees and contractors regarding the proper access and use of UI information, appropriate remedial action for unauthorized access and use, monitoring the safeguarding of disclosed confidential UI information and required staff training.

II. Purpose

This Administrative Directive is to provide an overview on the Agencies and the SSDs’ responsibilities in regard to the legally authorized usage of DOL’s UI data. The Agencies are required to monitor and protect the confidentiality and security of the UI data accessed by their respective staff and to only allow access to UI data to verify eligibility for benefits for the covered programs and to prevent fraud.

III. Background

OTDA is the State office responsible for the oversight and supervision of the SSDs in their administration of Temporary Assistance to Needy Family (TANF), Supplemental Nutrition Assistance Program (SNAP), the Home Energy Assistance Program (HEAP) and the Safety Net Assistance (SNA) Programs. DOH is the State office responsible for the administration and overall supervision of the Medicaid program. OCFS is the State office responsible for the administration and overall supervision of the Child Care Subsidy Program (CCSP). SSD officials are required by Social Services Law §132 to include in their investigation of each

application for public assistance and care a written request to the Commissioner of the Department of Labor for information as to the applicant's status in respect to unemployment insurance benefits, unless the social services official is in possession of positive proof that the applicant is receiving or eligible to receive unemployment insurance benefits and the amount thereof. OTDA, DOH and OCFS staff are also required by state and federal statutes, regulations, and policies to utilize all available income and resource data, such as the unemployment insurance (UI) information in their oversight and supervisory roles for purposes such as audit, fraud investigations, and case reviews. The Social Security Act requires State agencies administering federally assisted benefit programs to have in effect an Income and Eligibility Verification System (IEVS) under which information is requested and exchanged for the purpose of verifying eligibility for, and the amount of, benefits available under several federally assisted programs, including TANF, Medicaid, and SNAP programs. New York State law authorizes OTDA to provide UI claim information to the SSDs so that they are able to make timely and accurate determinations of eligibility for benefits under the covered programs.

DOL is the State agency charged with the responsibility for administering the State Unemployment Insurance program and the payment of UI benefits, including any UI benefits payable under State law, Federal unemployment compensation law, or allowances administered by DOL under an agreement with the U.S. Department of Labor. New York State Labor Law authorizes DOL to provide UI claim information maintained by DOL to certain State agencies which are entitled to receive such information for performing certain functions under Federal law and its implementing regulations, subject to a number of restrictions to require the security of such information.

DOL has agreed to provide the Agencies and the SSDs an automated information exchange for the purposes of obtaining unemployment insurance claim information required by IEVS in order to verify eligibility for benefits and prevent fraud in the covered programs. DOL has agreed to provide direct access to unemployment insurance claim information maintained in DOL's benefit claimant inquiry system (BCIQ) to employees and contractors of State and local agencies, working in the SSD, for the purpose of verifying eligibility and preventing fraud under the covered programs. The real-time automated information exchange available through myWorkspace and the batch-file information contained in the WMS Resource File Integration (RFI) system is for the purposes of obtaining pending, active, suspended, terminated, expired and denied UI claim information in order to verify eligibility, facilitate fraud investigations, and for the purposes of maintaining program integrity and quality control for the covered programs.

IV. Program Implications

The Agencies and the SSDs are required to comply with the confidentiality requirements in federal and state law, regulations and policy to safeguard UI information against unauthorized access or re-disclosure. The Agencies and the SSDs shall utilize and have access to UI data only for the purposes of verification of eligibility for the covered programs and the prevention of fraud. The Agencies shall only utilize and have access to UI information for the eligibility or fraud related activities relative to individuals who are applicants and/or recipients or household members for the covered programs (TANF, SNA, HEAP, Medicaid, SNAP and CCSP). However, it should be noted that certain UI information may be utilized in a fair hearing context to support a program eligibility decision made by the SSD or the UI information could be scanned into the Imaging Electronic Document Retrieval (IEDR) for retention in the assistance case record. In addition to administrative hearings, re-disclosure is also permitted in the following instances: (1) when there is a notarized release by the applicant/recipient that specifically references UI information, (2) when presented by the State Attorney General's office in court, or (3) when to federal, state or local law enforcement agency in accordance with a proper judicial order or grand jury subpoena.

V. Required Action

The Agencies are required to monitor their respective employees and contractors' access and usage of UI information. The SSDs are required to establish and document processes and procedures to monitor their employees and contractors access and use of UI information. The processes and procedures established by the SSDs to monitor the safeguarding of disclosed confidential UI information are the following:

- i) only authorized personnel are given access to UI information stored in computer systems for the purpose of performing their assigned duties, and that access is terminated immediately upon changes in job functions or leaving the position that required such access;
- ii) employees and contractors are using the disclosed information only for purposes authorized by law and consistent with the purpose outlined in this ADM;
- iii) employees and contractors access and process the disclosed information in a place physically secure from access by unauthorized persons, and adequate controls are established to prevent unauthorized persons from viewing, accessing or examining UI information in either paper or electronic format;
- iv) documents and other material containing UI information are secured in locked drawers or cabinets when not in use;
- v) employees and contractors are properly disposing of disclosed information after the purpose for which the information is disclosed is served;
- vi) incidents involving unauthorized access or use of UI information are reported immediately to the SSD's management and respective state agency's Information Security Officer and then the agency shall notify DOL of any such breach of the security of their system immediately following discovery of such breach;
- vii) employees and contractors will make best efforts to notify DOL Counsel's Office of any request for records or information that includes UI Information, including FOIL requests and subpoenas.

Additionally, any employee or contractor of the Agencies or the SSD who has access to UI information through the DOL UI direct access system, the Welfare Management System (WMS) Resource File Integration (RFI) system, or myWorkspace is required to complete the DOL UI Confidentiality Training Module I. The SSD must document that all employees and contract staff who have been granted access to UI have completed the online UI training and be prepared to produce this documentation upon the periodic monitoring review by the respective State Agency.

State OTDA staff will access the UI Confidentiality Module I - 2015 online training in the Statewide Learning Management System (SLMS). Social Services District (SDSS) staff and their contractors will access the UI Confidentiality Module I online training in the STARS/HSLC (Human Services Learning Center). Refer to the attachments for instructions.

VI. Systems Implications

None

VII. Additional Information

OTDA A&QI is responsible for monitoring the SSDs' safeguarding of UI information as it pertains to OTDA program areas. OCFS' Bureau of Audit and Quality Control (A&QC) will be responsible for monitoring the SSD's use of UI information with regard to the Child Care Subsidy Program. DOH will be responsible for monitoring its staff and the SSD's use of UI information as it pertains to the DOH program areas. This monitoring will consist of periodic on-site reviews of select districts to ascertain that adequate processes and procedures have been established and documented to comply with the access, usage and storage requirements outlined in this ADM. Additionally, the MOU requires that each district complete an annual Self-Assessment survey designed to assess and report compliance with these requirements. OTDA will conduct and administer the survey for its respective program areas and on behalf of OCFS for the Child Care Subsidy Program. DOH will conduct and administer the survey for their respective program area. OTDA, DOH and OCFS will provide separate guidance on monitoring in their respective program areas.

VIII. Effective Date

Immediately

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