



# Office of Temporary and Disability Assistance

**ANDREW M. CUOMO**  
Governor

**SAMUEL D. ROBERTS**  
Commissioner

**BARBARA C. GUINN**  
Executive Deputy Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	18-ADM-08
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	December 26, 2018
<b>Subject:</b>	Change to the Minimum Durational Sanction Periods for Supplemental Nutrition Assistance Program (SNAP) Employment Sanctions
<b>Suggested Distribution:</b>	Employment Coordinators Temporary Assistance Directors SNAP Directors Staff Development Coordinators WMS Coordinators
<b>Contact Person(s):</b>	Employment Services Advisor or Employment and Advancement Services Bureau (518) 486-6106
<b>Attachments:</b>	<a href="#">Attachment 1: LDSS-5122 SNAP Employment &amp; Training Sanction Desk Guide</a>
<b>Attachment Available Online:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
14-ADM-06		18 NYCRR 385.12 385.13		TA and SNAP Employment Policy Manual Section 385.12 and 385.13	7 CFR 273.7

### Section 2

#### I. Summary

This Administrative Directive (ADM) is to inform social services districts (districts) of a change to the minimum durational sanction periods for Supplemental Nutrition Assistance Program (SNAP) employment sanctions. Included as Attachment 1 is the LDSS-5122 *SNAP Employment & Training Sanction Desk Guide* outlining the new sanction durational time periods along with the action the district should take for each sanction type.

## II. Purpose

This ADM advises districts about a change made to the minimum durational sanction periods for the first and second SNAP sanctions for non-exempt SNAP recipients who willfully and without good cause refuse or fail to comply with work requirements as assigned by the district or who have voluntarily quit employment or reduced their earnings/work effort willfully and without good cause as described in 18 NYCRR 385.12.

These changes will also modify the minimum durational periods imposed for SNAP applicant voluntary quit or reduction in earnings/work effort. Information regarding SNAP applicant noncompliance **other** than voluntary quit or reduction in earnings/work effort will be released separately.

## III. Background

Federal regulation allows states to determine SNAP durational sanction periods within specified timeframes. New York State has elected to change the SNAP durational sanction periods for the first and second instances of non-compliance to help recipients resume participation in SNAP earlier than is currently possible, provided that the individual complies with SNAP work requirements. A SNAP employment sanction can also be ended before the end of the durational sanction period, if the individual documents that he/she has become exempt from SNAP work requirements consistent with 18 NYCRR 385.3.

Districts must continue to conduct conciliation for SNAP recipient noncompliance with SNAP work requirements, including recipient voluntary job quit or reduced earnings/work effort as outlined in [14-ADM-06](#).

## IV. Program Implications

The SNAP durational sanction periods imposed when a non-exempt SNAP **recipient** has failed without good cause to comply with work requirements, has voluntarily quit employment, or has voluntarily reduced earnings/work effort as described in 18 NYCRR 385.12(e)(2) have been changed. The previous sanction durations **were** as follows:

- For the first instance of failure to comply without good cause, a period of two months and thereafter until the individual complies with SNAP work requirements as determined by the district.
- For the second instance of failure to comply without good cause, a period of four months and thereafter until the individual complies with SNAP work requirements as determined by the district.
- For the third and subsequent instance of failure to comply without good cause, a period of six months and thereafter until the individual complies with SNAP work requirements as determined by the district.

**Effective January 15, 2019**, the following SNAP durational sanction periods will be imposed for a non-exempt SNAP **recipient** who has refused or failed willfully and without good cause to comply with work requirements, including voluntary job quit or reduced earnings/ work effort:

- For the first instance of failure to comply willfully and without good cause, a period of **one month** and thereafter until the individual complies with SNAP work requirements as determined by the district.

- For the second instance of failure to comply willfully and without good cause, a period of **three months** and thereafter until the individual complies with SNAP work requirements as determined by the district.
- For the third and subsequent instance of failure to comply willfully and without good cause, a period of six months and thereafter until the individual complies with SNAP work requirements as determined by the district.

Additionally, the SNAP minimum durational sanction periods imposed for a non-exempt SNAP **applicant** who has voluntarily quit employment, or reduced earnings/work effort have been changed. The previous sanction durations were as follows:

- The first instance of voluntary quit or reduction in work effort without good cause, a period of 60 days and thereafter until the individual complies with the requirements of this section as determined by the district.
- For the second instance of voluntary quit or reduction in work effort without good cause, a period of 120 days and thereafter until the individual complies with the requirements of this section as determined by the district.
- For the third and all subsequent instances of voluntary quit or reduction in work effort without good cause, a period of 180 days and thereafter until the individual complies with the requirements of this section as determined by the district.

**Effective January 15, 2019**, the following SNAP durational sanction periods will be imposed for a non-exempt SNAP **applicant** who without good cause has voluntarily quit employment, or has voluntarily reduced earnings/work effort as described in 18 NYCRR 385.13:

- The first instance of voluntary quit or reduction in work effort without good cause, a period of 30 days and thereafter until the individual complies with SNAP requirements as determined by the district.
- For the second instance of voluntary quit or reduction in work effort without good cause, a period of 90 days and thereafter until the individual complies with SNAP requirements as determined by the district.
- For the third and all subsequent instances of voluntary quit or reduction in work effort without good cause, a period of 180 days and thereafter until the individual complies with SNAP requirements as determined by the district.

For applicants, the durational period for voluntary job quit or voluntary reduction in earnings/work effort as described in 18 NYCRR 385.13 is counted in days, and is effective as of the date of application for SNAP benefits, whether the remaining household members are certified, or the application is denied.

The SNAP employment sanction progression reason codes for employment incremental sanctions for SNAP recipients are outlined in Attachment 1: LDSS-5122 *SNAP Employment & Training Sanction Desk Guide*.

**Districts must not consider SNAP sanctions imposed between August 3, 2009 and December 14, 2012, when determining the progression of any future SNAP sanction (see [14-ADM-06](#) for further clarification).** Additionally, districts must continue to suspend SNAP E&T sanctions for SNAP applicants who do not comply with work requirements (other than applicant voluntary quit) and did not receive expedited SNAP benefits until notified by OTDA.

An individual may be eligible for SNAP benefits before the end of the durational period if the individual documents that he/she is exempt from SNAP work requirements and is otherwise eligible for SNAP benefits.

## V. Required Action

Sanctions imposed on or after the Effective date must be processed in accordance with the new minimum durational sanction periods identified above. Clients with existing durational sanctions (sanctions initiated prior to the effective date) that extend beyond the revised durational timeframes **will not** have a change in the length of their durational sanction.

The [LDSS-4148A](#) *What You Should Know About Your Rights and Responsibilities When Applying For or Receiving Benefits* will be updated to include the minimum SNAP sanction duration periods permitted under federal regulations as identified above. Until these changes have been made, OTDA has developed an insert to the LDSS-4148A that districts must include in the SNAP application packages that they distribute to applicants. A General Information System Message (GIS) on the availability of the insert will be forthcoming.

## VI. Systems Implications

The Client Notices System (CNS) language has been modified to reflect the new SNAP durational sanction periods of one month, three months, and six months for a WE1 or N41, WE2 or N42, and WE3 or N43 sanction, respectively. The CNS language has also been updated to reflect the new SNAP disqualification period of 30 days, 90 days or 180 days for a N31, N32 or N33 sanction respectively. Workers should continue to identify the appropriate sanction progression and enter it on WMS.

## VII. Effective Date

The changes outlined above will be effective **January 15, 2019**.

### Issued By

**Name:** Barbara C. Guinn  
**Title:** Executive Deputy Commissioner  
**Division/Office:** Office of Temporary and Disability Assistance