



# Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

MICHAEL P. HEIN  
Commissioner

BARBARA C. GUINN  
Executive Deputy Commissioner

## Local Commissioners Memorandum

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### Section 1

<b>Transmittal:</b>	20-LCM-05
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	July 2, 2020
<b>Subject:</b>	2020 New York State Summer Youth Employment Program Allocations
<b>Contact Person(s):</b>	Iwona Ostrowska-Sheedy (518) 473-2500 <a href="mailto:Iwona.Ostrowska-Sheedy@otda.ny.gov">Iwona.Ostrowska-Sheedy@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment A – 2020 SYEP Allocation</a> <a href="#">Attachment B – 2020 NYS SYEP District Designation Form</a> <a href="#">Attachment C – 2020 District Performance Goal Form</a>

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### Section 2

#### I. Purpose

The New York State Fiscal Year 2020-2021 Budget appropriates \$45 million in Temporary Assistance for Needy Families (TANF) funds to support the 2020 New York State Summer Youth Employment Program (SYEP). The purpose of this Local Commissioners Memorandum (LCM) is to notify social services districts (districts) of their 2020 SYEP allocation, to provide general program guidance, and to request that each district inform the Office of Temporary and Disability Assistance (OTDA) of their decision concerning the administration of this summer's program and the use of their allocation by no later than July 9, 2020. Each district is expected to ensure its 2020 SYEP adheres to the guidelines established in this LCM as expenditures for placements deviating from these guidelines will not be reimbursed.

#### II. Background

The SYEP is an important platform to introduce youth into the workforce and help them acquire skills that can be used to improve school performance and become responsible adults. Since many low-income youth face the prospect of a challenging transition to work or college, constructive workforce experiences can provide great benefits. In addition to the income it provides, experience in the workforce and interaction with working adults can help youth recognize the importance of educational achievement and expand their education and career goals.

On March 7, 2020 Governor Cuomo declared a State disaster emergency to enable New York to more quickly and effectively contain the spread of COVID-19. As a result of the public health emergency, several statewide measures have been instituted to reduce the spread of COVID-19 including the closure of schools and the reduction of in-office workforce operations for non-essential businesses. Additionally, businesses have been required to implement new protocols for in-person

work to mitigate the spread of COVID-19 among employees and business patrons. Businesses throughout the State have recently started a phased re-opening. As a result, employment opportunities for youth this summer will likely be somewhat limited.

SYEP allocations to each district are available to provide summer employment opportunities for eligible youth throughout the State. Districts may opt to retain their allocation and use district mechanisms (i.e., direct administration, district contracts, transfer of funds between county agencies) to operate the program, or they may assign funds to their Local Workforce Development Board (WDB) to operate the program. Districts are also allowed to transfer up to 11 percent of their 2020 SYEP allocation to support their Flexible Fund for Family Services (FFFS) plan for non-SYEP purposes.

### III. Program Implications

#### A. Program Activities and Services

The SYEP provides youth from low income households with employment opportunities during the summer months. Paid employment is an integral component of the SYEP program. To augment the work component of the SYEP, providers may include limited educational and/or career exploration activities, which will better prepare youth as they continue their education and transition to the world of work. Allowable activities and services for the SYEP include: work subsidies for youth (payment to employer or third party); education and training; and supportive services such as transportation, counseling, and incentive payments.

- **Providers electing to offer education and/or career exploration components must limit these non-employment activities to no more than 20% of each provider's total 2020 enrollments.** In addition, these placements should be reserved for younger youth (e.g., 14 and 15 year-old) or those who would otherwise be more difficult to place in traditional employment opportunities.
- **The remaining program participants, at least 80%, must be engaged in traditional paid employment activities with no more than 30% of hourly participation for these SYEP participants in non-employment activities such as career exploration, mentoring outside the workplace, financial literacy, or education.** Paid employment may include remote work so long as the position is consistent with work the employer would typically engage in but is being conducted remotely due to COVID-19 business requirements or precautions.

The safety of SYEP participants is essential. All workplaces and education/training settings must comply with health and safety regulations and adhere to State and federal guidance related to COVID-19, including sector specific business re-opening guidance <https://forward.ny.gov/>. Additional steps required include those related to social distancing, facility cleaning and disinfecting, the wearing of face coverings and practicing of proper hygiene. All 2020 SYEP placements must be in compliance with current Center for Disease Control <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html> and New York State Department of Health COVID-19 guidelines <https://coronavirus.health.ny.gov/home> to ensure a safe work environment for participants.

In accordance with Chapter 421 of the Laws of 2014, providers are required to include a financial literacy education program for teenagers and young adults as part of the 2020 SYEP. To comply with this statutory requirement, a financial literacy component must be in place for all SYEP participants. In addition, every employer in New York State is required to adopt a sexual harassment prevention training. All employees must complete the model training, or a comparable training that meets the minimum standards developed by the Department of Labor (DOL) and Division of Human Rights, on an annual basis. Model sexual harassment policy

language and training materials are available on the DOL website at:  
<https://www.ny.gov/combating-sexual-harassment-workplace/employers/>.

To the extent possible, and consistent with current public health guidelines, districts are encouraged to conduct outreach events to SYEP participant families to help them access the range of programs and services available in New York State to assist low-income families. Such programs include Temporary Assistance, tax credits and the Supplemental Nutrition Assistance Program (SNAP). More information regarding these programs and other resources for working families may be found on OTDA's website. Districts may also order myBenefits.ny.gov palm cards and Earned Income Tax Credit (EITC) brochures for dissemination to youth and their families. These and other helpful publications may be ordered on OTDA's website at: <http://otda.ny.gov/programs/publications/>.

Districts may want to consider coordinating with SNAP outreach providers and health insurance facilitated enrollers in their area to ensure comprehensive service delivery. If the district opts to assign all or a portion of their 2020 SYEP allocation to their WDB, they should assist program operators with providing this information to SYEP participants and their families. Districts are also encouraged to share information with youth and their families regarding the New York State Department of Health's (DOH) Prevention Agenda. Through this Agenda, DOH has established statewide public health priority areas to improve the overall health of New Yorkers and to reduce health disparities among racial, ethnic, disability and socioeconomic groups. Focus areas for intervention include chronic disease, mental health, substance abuse, and infectious diseases. More information regarding the Agenda may be found on DOH's website at: [https://www.health.ny.gov/prevention/prevention\\_agenda/2019-2024/](https://www.health.ny.gov/prevention/prevention_agenda/2019-2024/).

Agencies should make a concentrated effort to maximize the number of youth employed by this allocation and limit administrative and program staffing expenditures to those essential to program delivery.

## B. Participant Eligibility

Eligible participants are youth ages 14 to 20 who are:

- Family Assistance (FA) recipients,
- Former FA recipients who have reached their 60-month limit on TANF and have transitioned to Safety Net Assistance (SNA), or
- Eligible under the TANF 200% of federal poverty guidelines in accordance with [00-LCM-20](#).

Districts are encouraged to continue to make special efforts to ensure participation of at-risk and vulnerable youth including, but not limited to, disabled youth, youth in foster care, runaway, and homeless youth. SYEP providers are encouraged to use the TANF Youth Services Application and Review Form ([LDSS-4770](#)) to document eligibility determinations for the SYEP participants eligible under TANF 200% of federal poverty guidelines. A modified application may be used by providers if it captures all the information included on the TANF Youth Services Application. Modified applications must be approved by OTDA. The 2020 SYEP Guidelines and Reporting Requirements released under separate cover contain additional information regarding eligibility requirements.

## C. Allocations

A total of \$45 million is available to support the 2020 SYEP. Districts will receive a base allocation equivalent to what they received in 2019. The increased funding of \$1 million will be distributed based on each district's share of 12 to 17-year-olds residing in households with income under 200% of the federal poverty level. District allocations are provided in Attachment A. It is critical that districts adhere to the Program Activities and Services and Participant

Eligibility requirements provided above, as reimbursement is only available for enrollments that are consistent with these requirements.

#### IV. Claiming Instruction and Forms for Districts

For districts opting to assign all or a portion of their 2020 SYEP allocation to WDBs, districts will be held liable for assigned funds not used in a manner consistent with the purpose of the SYEP allocation. Instances which may result in a payment due to OTDA include overpayment of claims or disallowances of claims resulting from audits performed by OTDA and other agencies. WDBs will have 30 days from the end of the program (September 30, 2020), or from the date of final notification of an audit finding, to repay OTDA. If OTDA is not successful in obtaining repayment from the WDB, the payment will be recouped through a bottom-line adjustment on a district settlement. OTDA will keep the district's accounting office apprised of our attempts to reach a fiscal settlement with the WDB.

For 2020, SYEP payments will consist of two-monthly advances of 40% of the estimated SYEP 2020 expenditures, as requested in the 2020 District Performance Goal Form (Attachment C). For the months of July and August. The final 20% of the allocation will be paid as claims are submitted to substantiate payment.

Federal regulations define non-administrative (program) and administrative costs as follows:

- Non-Administrative (program) costs are the direct salaries and fringe benefit costs of the staff providing direct services; providing program information to clients; developing employability plans, providing work activities and work subsidies for eligible program participants; providing post-employment services and work supports; and performing case management services. Non-salary costs of staff performing work activities that are considered programmatic are also allowable program costs. Non-salary costs may include but not be limited to travel, postage, utilities, rental costs, maintenance, supplies, and equipment. Contracts whose main purpose is to provide services defined as program costs as above are considered program as well. Agencies should limit the amount of program costs necessary to operate the SYEP to maximize the amount of funds available to pay participant wages and the number of youth employed through the program.
- Administrative costs are the salaries, fringe benefits, and non-salary costs of staff performing activities related to eligibility determinations; preparing program plans, budgets and schedules; monitoring programs and projects; performing procurement activities; providing public relations; performing accounting, legal, payroll and personnel activities; providing management of property; and preparing reports and other documents. OTDA has set a 15% spending limitation on administrative costs.

Consistent with the definition at 45 CFR 260.31(b)(2) and at 45 CFR 286.10(b)(2), work subsidies are payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training; and include all expenditures related to operating a subsidized employment program, including the costs of overseeing the program, developing work sites, and providing training to participants.

Project expenditures for the 2020 SYEP must be claimed through the RF17 claim package for special project claiming. These costs should be identified as F17 functional costs and reported on Schedule D in the F17 column in the RF2A claim package. The individual project costs should also be reported under the project label "SYEP SSD 2020" on the [LDSS-4975](#) "RF17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs."

Salary and non-salary costs of staff may be direct charged on the RF17 claim package or may be identified by time study. Non-salary administrative costs are reported with the appropriate object of expense(s) on the [LDSS-923B](#) Summary-Administrative (page 1) “Schedule of Payment for Expenses Other Than Salaries for Other Reimbursable Programs.” Any client-related program costs should be reported as object of expense 19.5 – Work Subsidies for Training on the LDSS-923B Summary-Program (page 2) “Schedule of Payments for Expenses Other than Salaries for Other Reimbursable Programs.” Staff working part-time on the SYEP must maintain time studies to support the portion of their salary costs being charged to the SYEP.

Total project costs and shares should be reported on the [LDSS-4975](#) “Monthly Statement of Special Project Claims Federal and State Aid (RF17)”.

Administrative costs may be claimed up to 15% of the amount allocated to your district for the 2020 SYEP. Any administrative costs in excess of the 15% limit should be claimed on the Schedule D3 “Allocation and Claiming for Administrative Costs for Employment Programs” ([LDSS-2347-B1](#)).

The 2020 SYEP claims must be for services provided during the period May 1, 2020 through September 30, 2020. Claims for 2020 SYEP expenditures must be “Final Accepted” in the Automated Claiming System (ACS) no later than December 31, 2020.

Additional instructions for completing the time studies, Schedule D, Schedule D-3, and RF17 claim package can be found in Chapters 7, 10 and 18 of the Fiscal Reference Manual (FRM) Volume 3. The FRMs are available on the OTDA website at: <http://otda.state.ny.net/bfdm/finance>.

**Claiming Contacts:**

Claiming Questions (Regions 1-5): Lauren Horn, (518) 474-7549 or via email at: [otda.sm.Field\\_Ops.I-IV@otda.ny.gov](mailto:otda.sm.Field_Ops.I-IV@otda.ny.gov)

Claiming Questions (Regions 6): Michael Simon, (212) 961-8250 or via email at: [Michael.Simon@otda.ny.gov](mailto:Michael.Simon@otda.ny.gov)

**V. Necessary Action**

Each district must complete the 2020 SYEP District Designation Form (Attachment B) to indicate if funds need to be transferred to the district’s FFFS plan and whether New York State SYEP funds will be retained by the district or assigned to the local WDB, and the 2020 District Performance Goal Form (Attachment C) with anticipated Program Performance Goals and Plan detail, both due by July 9, 2020. Forms not received timely will result in delayed remittance of advances. Email the completed forms to:

Iwona Ostrowska-Sheedy at:  
[Iwona.Ostrowska-Sheedy@otda.ny.gov](mailto:Iwona.Ostrowska-Sheedy@otda.ny.gov)

For those districts opting to assign funds to the local WDB, the appropriate WDB will be notified of the amount of funds available to serve eligible participants from each respective county within their Local Workforce Investment Area. Local WDBs that will operate the 2020 New York State SYEP will receive program guidelines, including the necessary claim forms and claiming instructions, under a separate letter. If opting to assign 2020 SYEP funds to the local WDB, the district and the WDB are expected to work closely to develop appropriate referral mechanisms to serve at-risk and vulnerable youth, including youth in foster care, disabled youth, and runaway and homeless youth.

**It is extremely important that the forms be submitted by the required due date of July 9, 2020.**

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**Issued By:**

**Name:** Jeffrey Gaskell

**Title:** Deputy Commissioner

**Division/Office:** Employment and Income Support Programs / Office of Temporary and Disability Assistance