



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	21-ADM-04
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	July 19, 2021
<b>Subject:</b>	Change to Work Verification Requirements
<b>Suggested Distribution:</b>	Employment Coordinators, TA Directors, SNAP Directors, Staff Development Coordinators
<b>Contact Person(s):</b>	Employment and Advancement Services Bureau at: (518) 486-6106

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
08-ADM-07 07-ADM-08 09-INF-08 21 TA/DC021		385.8 385.9		Temporary Assistance and Supplemental Nutrition Assistance Program Employment Policy Manual: Section 385.8 Section 385.9	

### Section 2

#### I. Summary

This Administrative Directive (ADM) provides information regarding changes made to New York State's Temporary Assistance for Needy Families (TANF) Work Verification Plan that were recently approved by the U.S. Department of Health & Human Service (HHS), Administration for Children & Families. This ADM also removes the 10-hour limitation on distance learning activities and provides updated policy guidance social services districts (districts) must follow to ensure that documentation and monitoring of work activity assignments and enrollments are consistent with the updated requirements for participation rate purposes.

## II. Purpose

The purpose of this ADM is to provide information and updated policy guidance regarding changes made to New York State's TANF Work Verification Plan regarding documentation required for individuals enrolled in unsubsidized employment, subsidized public and private sector employment, on-the-job training, vocational education, and job skills training.

This ADM also removes the 10-hour limitation on distance learning activities and provides information on procedures districts must follow to document that the hours of participation for vocational education and job skills training are countable and accurately reported.

## III. Background

States are required to develop and adhere to TANF Work Verification Plans that include internal control procedures to ensure accurate and consistent work participation reporting. The TANF Final Rule established definitions for each countable federal work activity. Work activity definitions established by the Office of Temporary and Disability Assistance (OTDA) incorporate the guidance included in the Final TANF rule at 45 CFR §261.2 and the corresponding Preamble discussion. Work activities continue to be grouped into "core" and "non-core" activities.

## IV. Program Implications

The following changes were made to New York State's TANF Work Verification Plan. Districts must immediately update their local policies and procedures to ensure compliance with each of the new requirements outlined below. Please note: the provisions in this ADM apply to all Temporary Assistance (TA) case types. OTDA has extended these specific provisions of the New York State TANF Work Verification Plan to include the Safety Net Assistance Maintenance of Effort (SNA MOE) cases and SNA Non-MOE cases. Districts are required to collect documentation monthly and report actual hours of participation to the State primarily through data recorded on the Welfare-to-Work Caseload Management System (WTWCMS), New York City Work Accountability and You (NYCWAY) or other systems that support reporting of actual hours of participation in the manner outlined in this ADM for all adults subject to federal or State participation rate requirements.

### **Paid work activities (Unsubsidized Employment, Subsidized Public Employment, Subsidized Private Employment, and On-the-Job Training)**

Districts were previously informed that at initial job entry, reported hours in paid employment could be based on an individual's self-attestation for up to four weeks. However, as outlined in [GIS 21 TA/DC021](#), HHS has informed OTDA that self-attestation of hours is not an allowable basis for determining hours for reporting purposes. Instead, districts must obtain employer verification of hours of participation in paid employment. Hours of participation may only be documented by pay stubs from an employer, employer forms, direct verbal communication between the employer and case worker that is clearly documented in the case record, time and attendance records or other employer/supervisor statements, including third party verification such as the National Database of New Hires (NDNH) or State Database of New Hires (SDNH) as both interface with TALX (The Work Number) and contain gross income and hours of employment.

Districts are still permitted to project actual hours for participation in unsubsidized employment and other paid employment as long as the appropriate documentation is present in the case record. Hours of paid employment, including unsubsidized or subsidized employment and paid On-the-Job Training (OJT) positions, can continue to be based on existing documentation and projected forward, but for no more than six months, provided that updates to reported hours are made in a timely manner based on current documentation whenever a change in the number of hours worked is reported. After six months, reported hours must be based on current documentation, and may be

projected for additional six-month increments. When projecting hours, the total should be based on previously verified hours from the prior four weeks but should be adjusted accordingly for any verified information indicating that any of those weeks were atypical and for any schedule changes that are expected to continue into the future. A case note should be entered into the case record indicating which pay stubs or documentation was used to project the schedule into the future.

As a reminder, there are additional considerations for self-employment. Absent other documentation of the hours of employment for self-employed individuals, the number of hours is determined by dividing the individual's self-employment income (gross income less documented business expenses) by the federal minimum wage. Please see [95 INF-33](#) for more information about budgeting self-employment income. Alternate means for documenting self-employment hours worked, including statements from supervisors, business contacts or customers to verify hours of self-employment, remain permissible. For example, districts may document and verify hours of work by an informal childcare provider based upon time records used by the district to authorize the childcare payments or based upon statements from the parent of the child for whom the client is providing care in the same manner as is used to budget the earnings of childcare providers. For a participant known to be involved in a start-up business with income received on an annual or intermittent basis, other reasonable forms of verification of hours, such as tax records and business records, remain acceptable forms of documentation. In such cases, to determine the number of reportable hours, the income, after subtracting certain allowable business expenses, should be averaged over the overall period, divided by the federal minimum wage and prorated to a weekly number of hours. Such hours can then be projected for a period not to exceed six months.

Districts are encouraged to report the actual start date for any entry to employment when documentation is received and report the hours worked retroactively, to ensure proper case documentation. For example, if the district receives documentation on April 1st to verify that an individual began working on February 5th, the actual hours the individual worked, as supported by documentation maintained in the case record, should be reported starting February 5th and then the schedule projected for a six-month period from April 1st, assuming the job is not temporary.

### **Vocational Education and Jobs Skills Training**

For individuals enrolled in a vocational education work activity or a job skills training program directly related to employment that is based at a college or other educational institution where the district is not under contract with the educational institution, and the educational institution does not submit the requested documentation of hours of participation to the district, documentation of hours of participation may be established by submitting initial documentation of enrollment hours along with any other documentation gathered by the participant monthly as confirmation of actual attendance. Districts are required to collect documentation monthly and report actual hours of participation to the State primarily through data recorded on WTCMS, NYCWAY or another system that supports reporting of actual hours of participation. Districts may continue to report unsupervised homework or study time for up to one hour for each hour of class time towards the hours of participation in an educational activity, provided that the total number of hours of homework/study time do not exceed the documented hours expected by the educational provider.

Documentation of the hours of participation must be maintained by the district in the case file whether the case file is electronic or paper unless the provider reports participation directly in the district's reporting system which constitutes acceptable documentation. Documentation of all hours of participation must be maintained by the district for no less than six years from the date the information is submitted to the State.

OTDA is now adding an additional method for districts to document hours in vocational education and job skills training. In instances when a college or institution does not submit the requested documentation of the hours to the district, the district must have regular ongoing contact with the participant to establish adequate evidence that the participant is maintaining satisfactory attendance

and making satisfactory academic progress. Regular communication must be no less frequently than bi-weekly and can be by phone, in person, or electronically, to discuss attendance, along with such issues as progress in the educational activity, supportive service needs, and career planning. Information obtained from these regular contacts should be recorded/saved in the case record. In addition, all participants will be required to submit documentation of their grade point average (GPA) and final grades at the end of the semester as a condition of their continued enrollment in the instructional program and consistent with the individual's employment plan. Districts must maintain this documentation in the case record consistent with the requirements outlined in [08-ADM-07](#).

## **Distance Learning**

In addition to the changes listed above to New York State's TANF Work Verification Plan, OTDA is also removing the 10-hour limitation on distance learning activities. Districts were informed in [20 TA/DC016](#) that in response to the outbreak of COVID-19, OTDA temporarily lifted the 10-hour limitation set forth in [08-ADM-07](#). OTDA is removing this limitation on distance learning indefinitely. For all educational or job skills work activities, countable hours of participation may include all hours conducted through a distance learning model to the extent such programs meet the work activity definitions and include appropriate supervision. Such programs should be consistent with the individual's assessment and employment plan.

Districts are reminded that participation in distance learning programs must be well documented. Mechanisms for verifying and documenting actual hours of supervised participation may include on-line tracking of time participating in the educational activity, combined with intermittent review of work assigned to and completed by the student or reasonable approximations of the time required to complete work packets as determined by the education provider and approved by the district. Distance learning programs should be monitored closely to review participant engagement, successful progress in and completion of programs and to ensure overall effectiveness. Districts may continue to report unsupervised homework or study time for up to one hour for each hour of class time towards the hours of participation in an educational activity, provided that the total number of hours of homework/study time do not exceed the documented hours expected by the educational provider.

## **V. Required Action**

Districts must ensure that work activities in which TA applicants and recipients are engaged in and the corresponding hours of participation that are reported, are consistent with the requirements detailed above. It is important that districts continue to evaluate their employment efforts to ensure compliance with federal requirements and avoid potential fiscal penalties. Please refer to [08-ADM-07](#) for guidance and documentation requirements regarding the work activities not outlined in this ADM.

## **VI. Systems Implications**

Districts are reminded to have workers maintain current information regarding paid work activities, vocational education, and job skills training in the Welfare Management System (WMS), WTWCMS and NYCWAY systems as appropriate.

## VII. Effective Date

Immediately

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### **Issued By:**

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**Title:** Executive Deputy Commissioner

**Division/Office:** Office of Temporary and Disability Assistance