



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	22-ADM-10
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	July 19, 2022
<b>Subject:</b>	Telephone and Digital Interviews for Temporary Assistance (TA) Applicants and Recipients
<b>Suggested Distribution:</b>	Commissioners, TA directors, Staff Development Coordinators
<b>Contact Person(s):</b>	Temporary Assistance Bureau at (518) 474-9344 or <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 - Joint Guidance on Chat and Video Conferencing Tools</a>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR § 350.3(c) 18 NYCRR § 351.20 (b)(3) 18 NYCRR § 351.22(a) 18 NYCRR § 351.22(b) 18 NYCRR § 351.2(l)(4)(iii)	Social Services Law (SSL) § 132 SSL § 134-a SSL § 349-a		GIS 21 TA/DC069

### Section 2

#### I. Summary

This Administrative Directive (ADM) advises Social Services Districts (districts) of changes to statute which allow for the use of telephone and digital interviews for purposes of determining eligibility for Public Assistance (PA) benefits. Effective October 9, 2021, Chapter 144 of the Laws of 2021 amended certain sections of Social Service Law (SSL) 134-a, SSL 349-a and SSL 132 to allow for the use of telephone and digital interviews for purposes of determining eligibility for PA benefits, at the request of the applicant or recipient (A/R). As a result of these statutory changes, emergency regulatory amendments to Title 18 New York Codes, Rules and Regulations (NYCRR) §

350.3(c), 351.2(l)(4)(iii), 351.20(b)(3), 351.22(a) and 351.22(b) have been made as well. The state regulations were amended on an emergency basis to align with the statutory changes.

## **II. Purpose**

This ADM informs districts of the aforementioned changes to statute and regulation emergency that affect the format in which districts may provide initial and ongoing PA interviews. This information was initially communicated via [GIS\\_21TA/DC069](#).

## **III. Background**

Chapter 144 of the Chapter Laws of 2021 amended paragraphs a and b of subdivision 4 of Social Service Law 132 to allow drug/alcohol screenings and assessments to be conducted via telephone or other digital means at the request of the A/R. Such law also amended subdivision 2 of Social Service Law 349-a to allow districts to conduct domestic violence screenings via telephone or other digital means at the request of the A/R. Additionally, Chapter 144 of the Chapter Laws of 2021 amended subdivision 3 of Social Service Law 134-a to allow telephone or other digital means to be used to conduct required interviews for PA at a time and in a manner provided through regulations of the department and at the request of the A/R. As a result of these provisions, the Office of Temporary and Disability Assistance promulgated emergency amendments to 18 NYCRR 350.3(c), 351.2(l)(4)(iii), 351.20(b)(3), 351.22(a), and 351.22(b). Those sections contain provisions concerning eligibility interview requirements for PA.

## **IV. Program Implications**

As a result of the regulatory amendments, districts may conduct all PA eligibility and recertification interviews by telephone or other digital means, as opposed to in person or “face-to-face”, at the A/R’s request. Districts have the discretion to provide these alternative methods of conducting an eligibility interview with established guidelines. However, such guidelines established must be applied consistently for all A/Rs.

Districts are strongly encouraged to promote the availability of telephone and digital interviews should an A/R find that to be a preferable alternative to a face-to-face interview. However, if an A/R prefers an in-person interview, the request must be accommodated. Interviews by telephone or other digital means may be especially helpful for use in cases where it is necessary to protect the health and safety of clients and staff, for households comprised of elderly or disabled members, or for those who would face undue hardship in reaching a district office to complete a face-to-face interview. Many districts have been successfully employing the use of telephone interviews during the recent COVID-19 pandemic and have seen both reduced foot traffic in their offices, as well as increased compliance with PA interview requirements.

An interview with the A/R is required to establish initial and continued eligibility. As is current policy, initial eligibility interviews shall be scheduled within seven working days, except for when there is an emergency need, in which case the interview shall be held at once.

Districts conducting interviews by digital means should be aware that legal obligations must continue to be met in any chat, video conferencing or other Information Technology (IT) solution the district may employ. Legal obligations include but are not limited to confidentiality, security, and privacy and compliance requirements regarding data based upon data source. The use of all IT solutions must also include the development and implementation of policy and procedures for use, to the extent this technology is not addressed through existing guidelines or policies. The Joint Guidance on Chat and Video Conferencing Tools (attached), which was jointly issued to districts by Office of Temporary and Disability Assistance (OTDA), Department of Health (DOH), and Office of Children and Family Services (OCFS), as it may be amended, should be used as guidance for the use of any teleconferencing solution.

Accordingly, districts looking to implement business practices involving chat and/or video conferencing must always consult with their district legal, Human Resources, senior management and Information Security Officer or of an equivalent position, for guidance on the use of any solution in connection with each specific use.

**Please Note:** Any district solutions that are not supported by New York State Information Technology Services require a full and thorough vetting by the district, including meeting the New York State Electronic Signature and Records Act (ESRA) requirements if electronic signatures are obtained.

## V. Required Action

If the district opts to offer telephone or other digital means as an alternative to in-person interviews, districts must schedule interviews for a specific date and time for each A/R. Each A/R must be notified in writing of the time and date of the interview and given the option to request the method of interview preferred. Such preference should be documented in the case record. The individual interviewed must be the head of household or their authorized representative.

Eligibility workers will contact the A/R and/or their authorized representatives a minimum of two times during the scheduled interview time, with at least twenty minutes between attempted contact. For eligibility interviews conducted by telephone, eligibility workers will leave voice messages, when possible, for A/Rs and/or their authorized representatives who fail to answer their phones. If the A/R and/or their authorized representative returns the call, even if outside of the designated interview time, the eligibility worker must complete the interview or reschedule the interview for another date. For eligibility interviews conducted via other digital means such as WebEx, the eligibility worker shall allow a five-minute window for the A/R or their authorized representative to connect to the digital platform. The eligibility worker will contact the A/R or their authorized representative, via a phone call, who fail to attend the digital interview at the scheduled time. If the A/R and/or their authorized representative return the call same day, the eligibility worker must allow the A/R and/or their authorized representative to complete the interview or reschedule the interview for another day. For either the telephone or other digital means interview, if the A/R and/or their authorized representative fails to return the call after the second attempt to contact, the eligibility interview may be considered a failure to keep or complete an interview in accordance with 18 N.Y.C.R.R. §§ 350.3(c) and 351.22.

Districts must advise A/Rs of their rights and responsibilities during the interview as well as provide and refer A/Rs to [LDSS-4148A - Book 1 "What You Should Know About Your Rights and Responsibilities"](#) . These rights and responsibilities include but are not limited to:

- Reporting any changes in household circumstances timely;
- Providing required documentation;
- Complying with program requirements;
- The opportunity to apply to register to vote;
- Requesting a Conference and/or a Fair Hearing if they disagree or do not understand the decision on their case.

Districts who utilize telephone or other digital means to conduct interviews at eligibility are reminded of the importance of screening for emergencies when the application is submitted and meeting any immediate need the same day.

When A/Rs provide new or updated information during a phone/digital interview which clarifies information left blank on the application or recertification, districts should document that information on the [LDSS-2921](#), "*Application for Certain Benefits and Services*" or [LDSS-3174](#), "*Recertification Form for Certain Benefits and Services*" in the shaded areas where workers can take notes. OTDA recommends districts date and initial by the information they receive from the A/R in the notes section of the [LDSS-2921](#) or [LDSS-3174](#). For E-2921 applications submitted via myBenefits,

eligibility workers can enter updated information into myWorkspace or directly into case comments section of the Imaging/Electronic Document Repository (IEDR). Additionally, districts are strongly encouraged to document new or updated information received from the A/R in the case record as a case note.

Districts must mail clients who have an eligibility interview the [LDSS-2642](#), “*Documentation Requirements*” form by close of business the day following the telephone/other digital means interview or as soon as possible thereafter to request any needed documentation. There is no change to the established documentation requirements process/procedure.

## **Screenings**

### *Alcohol and Substance Abuse Screenings*

Districts must continue drug/alcohol screenings for PA A/Rs using the [LDSS 4571](#), “*Alcohol and Substance Abuse Screening Referral Form*”, in accordance with current policy. These screenings may now be conducted by telephone or other digital means, at the request of the A/R.

District staff must continue to read/discuss the 10 questions from Section A of the [LDSS 4571](#) and record answers during the interview. This section no longer requires face-to-face completion. Section B (1) of this screening form must be completed based on the eligibility worker’s observation of the client, if interviewed in person. There is no requirement to complete Section B (1) of the behavioral observation section if not interviewing the client face-to-face. However, the eligibility worker may complete this section to the best of their ability based on any observations made over the phone or via digital means. Additionally, if performing the screening by telephone or other digital means, it must be noted in the signature section that the screening was performed in such manner and the form must be dated by the worker conducting the screening. If the screening results in a need for further assessment, the A/R must be given a notice that includes either information on the scheduled appointment or the name of the treatment provider and instructions for scheduling the assessment.

### *Domestic Violence (DV) Screenings*

DV screenings conducted by means of telephone or other digital means, must be documented using the universal [LDSS-4583](#), “*Domestic Violence Screening Form*”. As is current policy, completion of the form by the A/R remains voluntary and the answers must be kept confidential. Districts are reminded that the [LDSS-4583](#) cannot be filed in the A/R’s PA case record. It must be forwarded to the DV Liaison for confidential filing if any part of it has been completed. If performing the screening by telephone or other digital means, it must be noted in the signature section that the screening was performed in such manner and the form must be dated by the worker conducting the screening. Districts are reminded that, when conducting DV screenings over the phone, there may be victims of DV who are not comfortable identifying themselves as such, especially if the abuser is present during the call. Therefore, district staff should reiterate to all A/Rs the ability to ask to speak to a Domestic Violence Liaison (DVL) at any time by contacting the district.

If conducting PA eligibility or recertification interviews by phone or via digital means, it is advisable to ask the A/R if it is safe for them to talk before introducing the screening or discussing anything DV related. Interviewing the client alone is the most preferred method for protecting confidentiality and improving the chances of receiving accurate information. Interviewers should always start the DV screening by asking who else is present in the room and if it is a good time to talk. Once an A/R has indicated they can talk privately, begin the screening process. However, be mindful to check in periodically throughout the interview to ensure the A/R still has privacy. Some possible indicators that it may not be safe to continue the interview may include: the A/R starts whispering, has an increased reluctance to answer questions and provide information, or there are interruptions or questions by someone in the background. If there is any indication that the A/R’s safety may be

compromised by continuing the interview, it should be stopped immediately. If the interview cannot be conducted in a safe and confidential environment, then the A/R should be provided an appropriate contact number and advised to call back or may choose to come in person to complete the interview, whichever is safe to do within the eligibility determination period. Districts are reminded that they must accommodate individuals who wish to provide DV information at another time after the eligibility period, when completion is not initially possible at the time of initial screening due to risk of danger to themselves.

While discussing the A/R's DV responses to the screening questions, the district should inform the A/R about the following resources, as appropriate:

- 24-hour NYS Domestic and Sexual Violence Hotline phone number: 1-800-942-6906; text messaging number: 1-844-997-2121;
- The chat option that is available at: [www.opdv.ny.gov](http://www.opdv.ny.gov);
- Available local DV services, including contact information for these services.

This information may also be found on the [LDSS-4905](#), "Domestic Violence Information for All Public Assistance (PA) Applicants and Recipients".

### *Child Support Referrals*

If at application or recertification interview, a child support referral is needed, the district must provide the A/R with an [LDSS 5145](#), "Referral for Child Support Services". The recipient must be advised to provide as much information as possible on the [LDSS 5145](#) and mail the completed and signed [LDSS 5145](#) and any supporting documentation to the Child Support Enforcement Unit (CSEU). The A/R must also be advised that the CSEU will follow up directly with the A/R as necessary, including the possibility of a separate CSEU interview, so providing reliable contact information is critical. Notably, Chapter 144 of the Laws of 2021 does not apply to the Child Support Program and, therefore, there are no changes to CSEU interview policies and procedures. Additionally, the [LDSS-2859](#), "Information Transmittal" must be sent to the CSEU informing them a referral was given.

## **VI. Systems Implications**

Districts must issue timely/adequate notices to A/R's that miss their interview informing them of the decision made on their application or recertification and that it is the A/R's responsibility to reschedule their interview. If the A/R contacts the district within 30 days of the denial date, the district must reschedule the interview within seven days and provide the A/R with a scheduled appointment date and time, except when there is an indication of emergency need, in which case the interview shall be held at once.

### *WMS Rest of State (ROS):*

Several existing WMS Recertification Call-In codes (Z19, Z20, Z21, Z25, Z80 and Z81) that are used in the Client Notification System (CNS) to notify recipients of their scheduled recertification interviews to determine continued receipt of PA and SNAP have been updated. These WMS codes now include language informing the recipients of their option to request an interview with the district via telephone or other digital means.

New WMS case reason codes (ZA1, MN3, MN4) have been developed to assist districts in providing proper noticing to recipients who have been scheduled for a telephone recertification interview and for those who failed to complete the scheduled telephone recertification interview and/or failed to submit the recertification form required to determine continued receipt of PA and SNAP. These codes have recently been revised to include language informing the recipients of their option to request an interview from the district via other digital means. Please refer to [21-LCM-19](#) for additional information on these codes.

The existing CNS code, N10, currently used for applicants who fail to keep/complete an eligibility appointment may continue to be used for applicants who are scheduled for an interview via telephone/digital means.

*WMS Downstate:*

New York City currently conducts PA recertifications, otherwise known there as Cash Assistance (CA) recertifications, by telephone; and two CNS codes, G69 and G70, were created for recipients that failed to recertify in this manner. In accordance with the change in statute to allow for interviews by digital means, these codes have now been updated to include language informing the recipients of their option to request an interview via digital means as well.

**VII. Effective Date**

Immediately

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**Issued By:**

**Name:** Valerie T. Figueroa

**Title:** Deputy Commissioner

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