



Office of Temporary and Disability Assistance

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Local Commissioners Memorandum

Section 1

Transmittal:	22-LCM-14
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	November 23, 2022
Subject:	Introduction of LDSS-4826C <i>Employment Requirements for SNAP Applicants and Recipients - Script for Eligibility Workers</i>
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Attachments:	Attachment 1 - LDSS-4826C Employment Requirements for SNAP Applicants and Recipients - Script for Eligibility Workers

Section 2

I. Purpose

This Local Commissioner’s Memorandum (LCM) introduces a new script designed to assist districts in complying with the mandatory requirement to provide an oral explanation to inform Supplemental Nutrition Assistance Program (SNAP) applicants and recipients of SNAP work requirements. The LCM also includes information on the policies and procedures pertinent to the oral explanation of SNAP work requirements that were outlined in 21-ADM-05.

II. Background

Social service districts (districts) were previously notified in [21-ADM-05](#) *Changes to the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Policy Mandated by Section 4005 of the Agriculture Improvement Act of 2018 (the Act)* of changes regarding the SNAP E&T program and certain Able-Bodied Adults without Dependents (ABAWD) work policies resulting from the passing of the Act. One of these changes includes the requirement to provide a written notice and oral explanation describing the pertinent SNAP work requirements to all households where at least one member is subject to a SNAP work requirement.

To assist districts in meeting the written notification requirement, OTDA developed the [LDSS-5193](#) *Important Information about SNAP Work Rules (General, Mandatory E&T and ABAWD)* and the [LDSS-5193A](#) *Important Information about SNAP Work Rules (General and Mandatory E&T)*. Guidance related to the two notice options is outlined in [22-ADM-01](#). Additionally, to aid districts in meeting the requirement to provide an oral explanation of SNAP work requirements to households containing at least one member subject to a SNAP work requirement, OTDA has developed the [LDSS-4826C](#) *Employment Requirements for SNAP Applicants and Recipients - Script for Eligibility Workers*. The new script is not a mandatory form. However, districts must verbally inform

households of the work requirement pertaining to each household member. OTDA strongly encourages districts to use the LDSS-4826C to comply with this notification requirement as it contains all pertinent information related to the SNAP work rules as outlined in [21-ADM-05](#) (Section V, Subsection K).

SNAP E&T assists SNAP applicants and recipients in gaining skills, training, or work experience that will increase the individual's ability to obtain and maintain employment. In New York State, all non-exempt Temporary Assistance (TA)/SNAP applicant and recipient work registrants are mandatory SNAP E&T participants and are subject to certain work requirements as assigned by the district. The extent to which non-exempt Non-Temporary Assistance (NTA)/SNAP applicant and recipient work registrants are required to participate in SNAP E&T activities is determined by each district. District specific policies regarding SNAP E&T are outlined in district biennial TA and SNAP Employment Plans.

ABAWDs are a subset of the larger population of non-exempt SNAP applicant and recipient work registrants and are required by federal law to meet additional work requirements to receive SNAP benefits for more than 3 months in a 36-month period. To retain eligibility for SNAP, ABAWDs must participate in qualifying work activities for at least 80 hours per month, be granted an exclusion consistent with their district's ABAWD exclusion policy or reside in an area with a waiver approved by the United States Department of Agriculture (USDA). New York State currently has a statewide waiver of the ABAWD time limit in effect through September 30, 2023. An ABAWD must also otherwise be eligible for SNAP benefits. Please see [17-ADM-01](#) for more information regarding ABAWD policy.

The purpose of the LDSS-4826C *Employment Requirements for SNAP Applicants and Recipients - Script for Eligibility Workers* is to improve communication between the district and SNAP participants regarding the nature of any work requirement that non-exempt SNAP applicants and recipients may be subject to, the consequences for not complying with work requirements, and how to remain eligible for SNAP.

III. Program Implications

As indicated above, districts are strongly encouraged to use the LDSS-4826C; however, they are not required to do so. Districts may choose to incorporate questions and information from the LDSS-4826C into their processes as they deem appropriate. For example, districts may choose to require new workers to use the script when informing SNAP households of pertinent work requirements during the eligibility interview as part of the workers' training. As a reminder, districts that choose not to use the LDSS-4826C must still document the case record through case notes/comments, in a timely manner, when the oral explanations pertaining to SNAP work requirements occurs at certification, recertification, and at any time an exempt household member or new household member becomes subject to SNAP work requirements. Additionally, in cases where one or more household members are referred to engage in a SNAP E&T activity on a mandatory or voluntary basis, the case record must be notated to describe the worker's discussion with the household as related to each participant's supportive services needs and the necessary and reasonable supportive services provided by the district to accommodate each individual's participation in the program. As noted above, documenting the case record, including participant supportive services needs can be accomplished either through completion of the appropriate sections of the LDSS-4826C or through case notes/comments.

As outlined in 22-ADM-01, for the purposes of the written and oral notification requirements, the SNAP work rules are divided into three categories: General SNAP Work Rules, Mandatory SNAP E&T, and ABAWD Rules. Further information about each category is provided below.

1. General SNAP Work Rules — Individuals must accept job offers unless they have a good cause reason not to do so; clients with a job that pays at least the equivalent of 30 hours times the

federal minimum wage (currently \$217.50 per week) should not reduce their work hours below that threshold or voluntarily quit their job without a good cause reason (see [LDSS-5122 Supplemental Nutrition Assistance Program Employment and Training \(SNAP E&T\) Sanction Desk Guide](#) for more information); clients should disclose details about their employment status; and, individuals should participate in SNAP E&T activities as required when assigned by the district.

2. Mandatory SNAP E&T — Clients, who are not otherwise exempt from SNAP work requirements as outlined in [18 NYCRR 385.3](#), may be required to participate in supervised job search, job readiness activities, work experience, job skills training, vocational training, educational training, apprenticeships, subsidized employment, or other work activities for no more than 30 hours per week or 120 hours per month. Note: Individuals who are subject to TA and SNAP work requirements may be concurrently assigned to work activities up to 40 hours per week, as noted below. An individual who has participated in assigned work activities for at least 30 hours per week (120 hours per month), may be subject to a TA sanction, but will not be sanctioned for SNAP.
3. ABAWD Rules — ABAWDs must participate in work (including in-kind or volunteer) or in a qualifying employment/education/training program/activity for at least 80 hours per month or comply with a Work Experience Program (WEP) assignment for the number of hours per month equal to the household's SNAP benefit divided by the higher of the federal or State minimum wage.

Information on page 1 of the LDSS-4826C explains the purpose of the script and provides general guidelines on how and when eligibility workers should use the form. The remainder of the LDSS-4826C is divided into three sections corresponding to the three categories of work requirements described above. It is recommended that eligibility workers use the script after they have screened each individual for exemptions to determine which work requirements apply to which household members. The LDSS-4826C is intended to provide a comprehensive overview of each category of work requirements. However, workers should adapt the information they discuss with the household as necessary to address their specific circumstances. For example, if a household does not contain an individual who is subject to Mandatory SNAP E&T, this category of work requirements should not be explained to the household.

To streamline the oral explanation of work requirements each of the script's three sections is divided into the following four subsections:

- Requirements;
- Exemptions;
- Consequences for non-compliance; and
- Good cause.

Additionally, the section describing the Mandatory SNAP E&T requirements contains a subsection related to participant reimbursements and the section explaining the ABAWD Rules includes a subsection describing how an individual who has lost SNAP benefits due to failure to comply with the ABAWD requirements can regain eligibility for SNAP. An overview of each section of the script is provided below.

Section 1. General SNAP Work Rules

At the time of the interview, the eligibility worker must screen all members of the SNAP household that are age 16 through 59 for exemptions to determine if they are exempt or non-exempt from the general SNAP work requirements. After screening each individual, the worker will document who in the household is subject to the general SNAP work requirements in the table on page 2 of the

LDSS-4826C. This section of the script also provides guidance to prompt the eligibility worker to verbally review the general SNAP work requirements.

During the oral explanation of work requirements, the worker must also review the exemptions from the general SNAP work rules. A list of these exemptions is provided in the table on page 3. If after the initial screening any members of the household claim to be exempt from the general SNAP work rules, the worker will record each individual's name in this table and indicate the documentation requested to support the claimed exemption.

Guidance on the bottom of page 3 prompts the worker to inform the household of ways to request an exemption from the general SNAP work rules if changes in the household's circumstances occur.

During the interview, the worker must notify the household of the consequences for failure to comply with the general SNAP work requirements. Information about the sanctions imposed for failure to comply with these requirements and their corresponding durations is included on the top of page 4.

In the table on page 4, the worker will identify any household members who are in sanction status for SNAP at the time of the interview. For household members with a durational sanction, the eligibility worker must explain the remaining time period of the durational sanction, ask if the sanctioned household member may now qualify for an exemption from the SNAP work requirements, and inform the household of what the sanctioned member must do to comply at the end of the durational sanction period.

Guidance on the bottom of page 4 prompts the worker to provide an explanation of good cause including examples of good cause reasons and the process for requesting good cause.

Section 2. Mandatory SNAP E&T Assignments

As explained above, in New York State, all non-exempt TA/SNAP applicant and recipient work registrants are mandatory SNAP E&T participants and are subject to certain work requirements as assigned by the district. Additionally, each district determines the extent to which non-exempt NTA/SNAP applicants and recipients are required to participate in SNAP E&T activities. It is important to note that the information in this section of the LDSS-4826C should be discussed only with households containing at least one member subject to mandatory SNAP E&T requirements. In the table on page 5 the worker will record the names of each individual who is identified to be subject to the mandatory SNAP E&T rules.

Guidance on page 5 prompts the worker to describe the nature of the SNAP E&T program and explain that an individual who receives TA and SNAP concurrently may be assigned to participate in work activities for up to 40 hours per week. This is considered a combined TA/SNAP work activity assignment. If the individual fails to participate willfully and without good cause in assigned work activities, they may be subject to a TA and SNAP work sanction. However, if the individual has participated for at least 30 hours per week (120 hours per month), then they are only subject to a TA sanction and will not be sanctioned for SNAP. Page 5 also contains guidance prompting the worker to explain that individuals who are exempt from the general SNAP work requirements are also exempt from mandatory SNAP E&T.

Guidance on the top of page 6 prompts the worker to inform the household of ways to request an exemption. Page 6 also contains a description of the consequences for failure to comply with a mandatory SNAP E&T assignment; an explanation of the individual's right to request a fair hearing if they disagree with the district's decision to reduce or discontinue the household's SNAP benefit due to reasons related to their work activity assignment; and a delineation of good cause along with examples of good cause reasons and how to request good cause.

During the interview process, individuals who are referred to participate in a SNAP E&T activity must be informed of the availability of participant reimbursements also known as supportive services. This section contains a subsection related to participant reimbursements. Page 7 provides guidance prompting the worker to discuss the district's responsibility to pay or reimburse participants, including volunteers, for the necessary and reasonable costs associated with participation in a SNAP E&T activity (e.g. transportation, childcare, personal safety items, and other reasonable required costs, such as tools, books, and uniforms) and to inform the household that if the district cannot provide supportive services needed for the individual to participate in an assigned work activity, they will be excused from participating in the assignment.

In the table on page 7, the worker will indicate if any household members have been referred to a SNAP E&T work activity and will list the supportive services needed by each individual in order to participate in SNAP E&T activities.

Section 3: Able-Bodied Adults without Dependents (ABAWD) Rules

This section contains all relevant information the worker is required to discuss with the household in relation to the ABAWD rules. The worker will document who in the household is subject to the ABAWD rules in the table on page 8. Following that table is guidance prompting the eligibility worker to explain the ABAWD requirements. In all districts that do not have a federally approved ABAWD waiver for the full county, the worker must verbally review the ABAWD rules. Individuals who are subject to the ABAWD requirements, but are not participating in an ABAWD qualifying activity at the time of the interview, must be informed that they will be provided with an [LDSS-5127 ABAWD Work Activity Letter](#) (or locally developed equivalent approved by OTDA) to offer them assistance with maintaining SNAP eligibility beyond the three-month ABAWD time limit. If an individual is engaged in work or a work activity at the time of the interview, the activity should be identified in the table on page 9, along with the documentation requested to verify engagement in the ABAWD qualifying work activity.

In addition to verbally informing the household of the ABAWD requirements, the worker must complete the LDSS-5193 *Important Information about SNAP Work Rules (General, Mandatory E&T, and ABAWD)* accordingly and provide it to the household. As a reminder, since the LDSS-5193 includes comprehensive information regarding the ABAWD requirements, the LDSS-5072 *Informational Letter Regarding Able-Bodied Adults Without Dependents (ABAWD) Requirements* has been eliminated.

When explaining the ABAWD rules to the household, the worker is also required to review the exemptions from the ABAWD time limit to ensure that the initial determination of each individual's ABAWD status is accurate and to identify if there are any additional household members who are subject to the general SNAP work requirements, but who may be exempt from the ABAWD time limit. A list of the ABAWD exemptions is included in the table on page 10. If documentation is needed to support an exemption from the ABAWD time limit, the worker will record the documentation that was requested. Individuals identified with "yes" to any of the exemptions listed in this table are not subject to the ABAWD time limit.

Guidance on page 10 prompts the worker to discuss the consequences of an individual's failure to comply with the ABAWD rules. The worker must also determine whether the ABAWD has received SNAP benefits in any other county in New York, and/or if the ABAWD has received SNAP benefits in any other State during the fixed 36-month period. In New York State the current 36-month period began on January 1, 2022 and will end on December 31, 2024. The information on the bottom of page 10 of the LDSS-4826C reflects the dates of the current fixed 36-month period and prompts the worker to review ABAWD countable months the ABAWD may have received in another State or county during the fixed 36-month period. Districts should refer to [GIS 18 TA/DC020 Out-of-State](#)

SNAP Participation for Able-Bodied Adults Without Dependents (ABAWD) Tracking for additional guidance on this requirement.

In the table on page 11, the worker will identify any ABAWDs in the SNAP household who have received SNAP benefits in another county and/or State and may be currently ineligible due to accumulating three countable months of SNAP without meeting the ABAWD requirements.

Guidance on page 11 prompts the worker to provide an explanation of good cause including examples of good cause reasons and how to request good cause.

If the household includes one or more members who are ineligible for SNAP due to failure to comply with the ABAWD rules, the worker must explain to the household how the ineligible ABAWD(s) can re-establish SNAP eligibility and document the offer of an ABAWD qualifying activity to each individual. Providing the ineligible ABAWD(s) with the [LDSS-5127](#) will support the assistance that was offered by the district to each ineligible household member to re-establish eligibility for SNAP.

Please note: An ABAWD who was previously determined ineligible for SNAP benefits because of noncompliance with the ABAWD requirements and who does not re-establish eligibility by complying with the ABAWD requirements to the satisfaction of the district remains ineligible for SNAP benefits, unless the ABAWD resides in an area that has a federally approved ABAWD waiver.

In all districts that do not have a federally approved ABAWD waiver for all residents of the district, the district must offer and provide an ABAWD qualifying work activity for an ABAWD to maintain SNAP eligibility. Further information on the requirement to offer an ABAWD a qualifying work activity assignment can be found in [18-ADM-07](#).

At the end of this section there is space for the worker to initial and document the date when the household was informed of all applicable SNAP work requirements.

As indicated above, the use of the LDSS-4826C is not mandatory. However, OTDA strongly encourages districts to use this tool to ensure that all required information related to SNAP work requirements is reviewed with the household during the interview. Districts that select not to use the LDSS-4826C must still document the case record through case notes/comments, in a timely manner, when the oral explanations pertaining to SNAP work requirements occur. As the LDSS-4826C contains all relevant information regarding the three categories of SNAP work requirements that the worker must review with the household depending on the household's specific circumstances, it eliminated the need for the use of Part B: *Employment Requirements for SNAP Applicants and Recipients* of the [LDSS-4826B Interview/Verification Guide for the LDSS-4826 Supplemental Nutrition Assistance Program \(SNAP\) Application/Recertification](#). Therefore, the LDSS-4826B will be revised to remove Part B from the form. Additional guidance related to this revision will be forthcoming. Additionally, as non-exempt TA/SNAP applicant and recipient work registrants are mandatory SNAP E&T participants the newly developed standalone script is recommended for use by both eligibility workers who serve NTA/SNAP applicant and recipient households as well as those serving households receiving TA and SNAP benefits concurrently.

IV. Forms Ordering Information

- The revised English version of the LDSS-4826C: *“Employment Requirements for SNAP Applicants and Recipients - Script for Eligibility Workers”* is printed by the New York State Office of Temporary and Disability Assistance.

- The above referenced document has been posted on the OTDA Intranet website at http://otda.state.ny.net/ldss_eforms/default.htm and may be available for downloading by local districts for reproduction locally, depending on print specifications.
- Any future requests for printed copies of the English version, should be submitted to the New York State Office of Temporary and Disability Assistance (OTDA), please use [OTDA Form 876 \(PDF\)](#) and email it to: forms.orders@otda.ny.gov.
- Questions concerning ordering forms should be directed to BMS Document Services at (518) 474-9522.

Please note: We encourage districts to customize the LDSS-4826C to align with local policies and procedures. If districts have the capability to develop local tools designed to identify only the work requirements specific to the household, they are encouraged to do so. For example, a district that does not mandate its non-exempt NTA/SNAP participants to SNAP E&T work activities could develop a tool without the section related to Mandatory SNAP E&T requirements.

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