



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

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From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	Guidance on TA and SNAP Employment Requirements during the COVID-19 Pandemic
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Section 2

The purpose of this GIS is to provide updated guidance to social services districts (districts) related to the employment activities for Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) applicants and recipients during the continuing public health crisis due to the COVID-19 pandemic. Consistent with the information provided in [GIS 20 TA/DC023](#) and [GIS 20 TA/DC048](#) districts must continue to not take negative action against applicants or recipients for noncompliance with an employment requirement that requires in-person contact. Districts must refrain from making new mandatory work activity assignments that cannot be completed at home and to carefully assess for good cause exceptions for noncompliance for infractions incurred during this public health crisis. Districts must continue to suspend all required in-person work activity assignments until otherwise instructed by the Office of Temporary and Disability Assistance (OTDA). Districts should continue to provide assistance to individuals engaging in online educational or job readiness activities to prepare for employment opportunities and to provide assistance to those seeking help obtaining a job.

Employment Orientation

Districts must provide orientation to TA applicants and recipients in accordance with 18 NYCRR 385.5 but should continue to refrain from scheduling in-person or group orientations until otherwise instructed by OTDA. Districts may elect to conduct employment orientations individually during the eligibility interview, over the phone, online, or by providing individuals with written materials by mail. Individuals are not subject to negative action solely for failure to attend an employment orientation.

Employment Assessments and Employment Plans

TA applicants and recipients are required to participate in an employment assessment as assigned by the district. Districts must complete staff-assisted employment assessments for adult recipients in TA households, and 16 and 17 year-olds who are not attending secondary school, within 90 days of the date of eligibility for households with dependent children, and within 12 months of the date of application for non-exempt adult recipients in households without dependent children. Districts indicate in their biennial TA and SNAP Employment Plan whether the district requires exempt adults in households without dependent children to participate in the completion of an employment assessment, and if assessments are completed with applicants for both households with dependent children and households without dependent children. During the continuing public health crisis, districts should continue to conduct a staff-assisted employment assessment with TA applicants and recipients by telephone and follow the guidelines below:

- Case records must contain documentation to verify the client was properly notified in advance of a scheduled date and time for the telephone assessment appointment and provided with instruction on how to reschedule the assessment appointment if necessary.
- If a district chooses to mail a paper assessment tool to the individual prior to the telephone assessment appointment, a postage paid return envelope should be included. However, there is no requirement for a client to self-complete and return a paper assessment document to the district prior to the scheduled telephone assessment appointment. Districts should not send a conciliation notice or initiate a negative action if individuals fail to return a self-completed paper assessment.
- Prior to conducting a telephone assessment appointment, districts should review case record information to obtain a telephone number(s) for the individual and be prepared to call the number(s) at the time of the scheduled assessment appointment. Districts may also provide the client with a district telephone number to call on the scheduled date for the assessment appointment provided the district has staff capacity to receive the in-bound call and complete the assessment without placing the client on hold or receiving a voice mail message to return. In all instances, if the district is unable to reach the client at the scheduled appointment time, or if the client fails to complete an in-bound call at the scheduled appointment time, the district should make additional reasonable attempts to contact the individual to complete the employment assessment.
- If after additional attempts have been made and the district is unable to reach a TA recipient to complete the telephone assessment, a conciliation notice may be sent giving the individual 10 calendar days to respond and show that their failure to comply was not willful and was with good cause.
- When making the willful and without good cause determination, districts must consider all reasons that may have prevented the individual from engaging in the telephone assessment as scheduled. Factors that are considered good cause reasons for missing the telephone assessment appointment include, but are not limited to: the absence of a personal phone number or access to a working telephone; lack of minutes available on the individual's personal cell phone or the phone was not working; the individual was not in a private space at the time the call came in; reluctance to answer an incoming call from an unknown number; personal illness or illness of a household member.
- Case records must contain clear and accurate documentation and case notes to support the district's attempts to contact the individual to complete the telephone assessment, as well as the individual's response during the conciliation.
- When a TA applicant fails to comply with a telephone assessment without good cause the entire TA applicant household shall be ineligible for TA. TA recipients who fail to comply with a telephone assessment willfully and without good cause are subject to an employment sanction in accordance with 18 NYCRR 385.12.

Verifying Exemptions from Work Requirements

TA applicants and recipients claiming an exemption from the TA work requirements must provide documentation to the district to verify their claimed exemption from work requirements. Districts should

be mindful that restrictions associated with COVID-19 may prevent individuals from obtaining non-emergency medical appointments and/or medical documentation in a timely manner. Districts must allow individuals 10 calendar days to provide medical documentation by using the [LDSS-2642 \(Documentation Requirements Form\)](#) or OTDA-approved local equivalent. Considering the current health crisis due to COVID-19, and the possibility that the TA applicant or recipient may not be able to obtain medical documentation in a timely manner, additional time for obtaining medical documentation may be granted if requested by the individual. Additionally, districts are required to assist individuals who are unable to obtain documentation. Under 18 NYCRR 351.5(a), when an applicant or recipient establishes that they have made reasonable efforts to obtain information or verification from a third party (other than a third party who is required to be in the filing unit, or whose income is used in determining eligibility or an individual living in the household) and the third party fails or refuses to provide the information or verification or seeks to impose a charge or fee for providing the information to the applicant or recipient, the social services official must pay such fee or must assist the applicant or recipient in obtaining the information or verification from the third party or by other means as may be necessary. Good cause factors due to COVID-19 related circumstances must also be considered before any negative action is taken.

In accordance with 18 NYCRR 385.2(d)(4), a TA applicant or recipient who claims an exemption from work activities due to a medical or non-medical reason and who fails to provide documentation verifying they should be exempt will be deemed to have failed to meet the eligibility requirements for TA. A SNAP applicant or recipient who claims an exemption from work requirements due to a medical or non-medical reason and who fails to provide documentation verifying their claimed exemption becomes a work registrant and is subject to the SNAP work requirements.

Work Activities

Districts must continue to refrain from assigning mandatory in-person work activities. Districts should continue to utilize work activity assignments that do not require in-person contact such as distance learning and on-line workshops that may be conducted safely from the individual's home. Districts are strongly encouraged to engage with community partners to identify virtual services offered locally. Mandatory assignments to virtual work activities may be made when the district has determined that based on the individual's employment assessment, the virtual activity is an appropriate assignment and the individual has access to the resources needed to engage in the virtual activity such as a computer and internet access from home, as well as computer literacy skills.

OTDA has lifted the previous 10-hour limitation on distance learning set forth on page 19 of [08-ADM-07 Implementation of Final TANF Rule](#). Districts may count all hours of distance learning toward work participation rates and should continue to encourage individuals who are currently engaged in educational activities to participate via distance learning options where viable and available. For all educational and job skills activities, districts may permit participation in a verifiable distance learning model or home study, which may include online participation or completion of instructional learning packets or workbooks.

In all distance learning models, the district is responsible for determining if program participation is verifiable through mechanisms such as online tracking of time, participating in the activity combined with intermittent reviews 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 is approved by the district. Districts must also ensure the distance learning activity meets the definition of the work activity and is reported under the appropriate work activity in the Welfare to Work Caseload Management System (WTWCMS) and/or the New York City Work Accountability and You (NYCWAY).

In accordance with existing policy, supportive services should be provided as appropriate to enable individuals to successfully participate in assigned work activities, including virtual activity assignments.

Job Search/Job Readiness Training

Districts should continue to provide applicants and recipients with resource materials and information on the services available locally through the workforce development agencies, Career Centers, and other local employment services providers, as well as information on current job openings in the area. The NYS Department of Labor has online resources available to help districts and clients use JobZone for job search and job readiness activities. The link below provides an overview of JobZone, including a video overview and a list of available features such as Job Search and Work Search Record. Districts may wish to include these links in any orientation materials or other communications with clients.

<https://labor.ny.gov/careerservices/jobzone/index.shtm>

JobZone FAQs may be found at: <https://labor.ny.gov/careerservices/JobZone/pdf/JobZoneFAQs.pdf>

While districts are strongly encouraged to provide applicants and recipients with resources to support job searching and job readiness efforts, mandatory job search assignments (including virtual assignments) should be delayed until further notice.

Willful and Without Good Cause Determinations

Districts are required to offer a conciliation when a TA applicant or recipient fails to comply with a mandatory virtual work activity assignment (other than applicant assessment, applicant job search and applicant voluntary job quit/reduction in earning capacity) assigned by the district. The purpose of the conciliation process is to give the client an opportunity to provide reasons for the failure to comply, and for the district to evaluate the client's reasons, along with any other evidence the district has about the noncompliance, to make a determination of whether the noncompliance was both willful and without good cause. During the continuing COVID-19 pandemic, conciliation can be accomplished through telephone discussion or in writing by the individual. As part of the willful and without good cause determination, districts must take into consideration any COVID-19 related reasons presented by a client for the failure to comply, and must ensure that all supportive services and resources needed by the participant to engage in the assigned virtual work activity were in place and available to the participant at the time of the failure to comply. Supportive services may include but are not limited to, childcare or dependent care, books, and supplies.

Consistent with 385.12 and 385.13 TA applicant assessment, TA applicant job search and applicant voluntary job quit/reduction in earning capacity do not require conciliation. However, TA applicants that fail to comply with these requirements are subject to the good cause determination standard. Districts must determine if good cause exists and are required to consider any COVID-19 related reasons presented by a client for failure to comply for these requirements. As indicated above in the Job Search/Job Readiness Training section, mandatory applicant job search assignments should be delayed until further notice.

Districts are reminded that per 18 NYCRR 385.12, an individual is deemed to have good cause for not participating in an employment requirement assigned by the district or not accepting a referral to an employment opportunity, if evidence shows that the job would have been hazardous to the applicant's or recipient's life or health. Districts must clearly and accurately document the good cause or willful and without good cause determination in client notes in the case record, Welfare to Work Caseload Management System (WTWCMS), and/or New York City Work Accountability and You (NYCWAY).

If a previously sanctioned individual indicates a willingness to comply (and the durational sanction period has ended), and requests to have their employment sanction lifted and the district does not have an appropriate in-home employment activity available for the individual to demonstrate compliance, or the individual does not have the resources readily available to engage in an in-home employment activity, the district must end the sanction without requiring demonstrated compliance with an employment activity assignment.