



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	21 TA/DC014 Upstate and New York City
Date:	March 15, 2021
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, Employment Coordinators
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	Exemption from Supplemental Nutrition Assistance Program (SNAP) Work Requirements for a Parent or other Household Member Responsible for the Care of a Child Under the Age of Six
Effective Date:	Immediately
Contact Information:	Employment and Advancement Services Bureau at: 518-486-6106 or otda.sm.eisp.eas@otda.ny.gov

Section 2

The purpose of this GIS is to inform social service districts (districts) of recent clarification the Office of Temporary and Disability Assistance (OTDA) received from the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) regarding the exemption from the Supplemental Nutrition Assistance Program (SNAP) work requirements for a parent or other household member responsible for the care of a dependent child under the age of six (6). USDA FNS has clarified that an exemption from the SNAP work requirements may be applied to more than one adult when the household contains more than one child under the age of six (6) and child care needs of the household are identified and documented.

Federal regulations require that districts determine the employability (or work registrant) status of each SNAP applicant and recipient, including those individuals who are concurrently applying for or receiving Temporary Assistance (TA). An individual's SNAP employability status indicates if they are subject to SNAP work requirements. During the eligibility interview districts must screen all members of the household that are age 16 through 59 at the time of the interview for an exemption from the SNAP work requirements. The employability status should also be reviewed at recertification and any time there is a reason to believe that the employability status may have changed. The criteria that would render an individual exempt from SNAP work requirements is listed in 18 NYCRR § 385.3.

Federal regulations at 7 CFR 273.7(b)(1)(iv) state that a parent or other household member responsible for the care of a dependent child under six (6) or an incapacitated person are exempt from SNAP work requirements. USDA FNS has clarified that this exemption can apply to multiple adults in a household when there are multiple children under six if each of the adults are responsible for the care of a dependent child under six. This exemption is applied on a one child for one adult basis. It is the district's

responsibility to make this determination, keeping in mind that this exemption is intended for an individual who cannot seek employment because they are responsible for providing care to a dependent child or an incapacitated person. It is important to note this is not a blanket exemption for all households with multiple children under six, but it does allow for additional adults to be exempt when more than one adult in the household is responsible for the care of a child under the age of six and it is documented in the case record. When screening adults for an exemption from work requirements in a SNAP household with multiple children under the age of six, eligibility workers must screen each adult individually for an exemption from the SNAP work requirements. If each adult reasonably demonstrates they are responsible for the care of the children under the age of six, the eligibility worker must document the screening discussion in case notes and may assign SNAP employability code 29 (parent or caretaker of a child under the age of six, exempt) to both adults.

Please note that this policy clarification does not apply to the determination of an exemption from the TA work requirement for households that contain more than one adult. The SNAP employability code will not always be the same as the TA employability code because federal work exemptions for SNAP are not always consistent with TA work exemptions. Districts are strongly encouraged to use the [LDSS-4925 Employability Code Desk Guide TANF and SNA-MOE \(Households with Dependent Children\)](#) or the [LDSS-4926 Employability Code Desk Guide SNA non-MOE \(Households without Dependent Children\)](#) when assigning an individual's TA employability code and the [LDSS-5062\(A\) SNAP Employability/ABAWD Code Desk Guide](#) when screening and individual for an exemption from the SNAP work requirements and ABAWD requirements and assigning an individual's SNAP employability code.