



# Office of Temporary and Disability Assistance

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## General Information System (GIS) Message

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### Section 1

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<b>Date:</b>	June 30, 2021
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, SNAP Directors, Employment Coordinators, Staff Development Coordinators
<b>From:</b>	Alison Maura, Director Temporary Assistance and HEAP Bureau
<b>Subject:</b>	Guidance on Resumption of TA and SNAP Employment Requirements Following COVID-19 Closures
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	Employment and Advancement Services Bureau at: 518-486-6106 or <a href="mailto:otda.sm.eisp.eas@otda.ny.gov">otda.sm.eisp.eas@otda.ny.gov</a>

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### Section 2

The purpose of this GIS is to provide guidance to social services districts (districts) related to the assignment of mandatory in-person employment activities for Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) applicants and recipients. Beginning August 1, 2021 districts may resume implementing in-person employment assessments and mandatory in-person work activity assignments. Districts are encouraged to contact their local worksites, employment providers and community-based workforce partners to discuss programming options, capacity and other planning aspects to ensure a smooth transition once mandated in-person work requirements resume.

#### *Employment Orientation*

Districts must provide orientation to TA applicants and recipients in accordance with 18 NYCRR 385.5. Districts may resume conducting in-person orientations as long as social distancing guidelines are utilized, and proper safety and sanitation procedures are in place. Districts may also elect to continue conducting 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 TA households without dependent children to participate in the completion of an employment assessment, and if assessments are completed with TA applicants for both households with dependent children and households without dependent children.

Districts were previously notified in [20 GIS TA/DC048](#) and [20 GIS TA/DC114](#) that a staff-assisted employment assessment with TA applicants and recipients must be completed by telephone. Beginning August 1, 2021 districts may elect to continue conducting a staff-assisted employment assessment by telephone or may resume conducting assessments and developing employment plans via in-person meetings. If a district is unable to conduct assessments or develop employment plans safely through in-person meetings, they should continue to conduct them over the phone. If a phone meeting is utilized, districts should continue to follow the guidelines outlined in [20 GIS TA/DC114](#) for completing a staff-assisted assessment by phone. As outlined in [20 GIS TA/DC114](#), documentation must be present in the case record to verify the individual was properly notified of the telephone assessment appointment and reasonable attempts to contact the individual to complete the telephone assessment were made.

Districts that elect to continue with conducting employment assessments and developing employment plans by telephone should monitor the effectiveness of completing the assessment and plan via telephone. If districts find that conducting the employment assessment and plan via telephone is not effective in identifying underlying barriers to self-sufficiency or in identifying client interests and goals, then the district should return to scheduling in-person assessment appointments.

### *Verifying Exemptions from Work Requirements*

TA and/or SNAP applicants and recipients claiming an exemption from the TA and/or SNAP work requirements must provide documentation to the district to verify their claimed exemption from work requirements. Districts must allow individuals 10 calendar days to provide medical documentation by using the [LDSS-2642](#) (Documentation Requirements Form) or OTDA-approved local equivalent. It is possible due to continued provider constraints that the TA and/or SNAP applicant or recipient may not be able to obtain medical documentation in a timely manner and additional time for obtaining medical documentation may be granted if requested by the individual. If additional time for obtaining medical documentation is granted to the individual, the district should document the extension in client notes in the case record. 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 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 may resume assigning mandatory in-person work activities for non-exempt TA and SNAP applicants and recipients beginning August 1, 2021. Districts cannot take negative action when a client is unable to participate in a specific work/education activity or accept an offer of employment with a specific employer if there is a COVID-19 vaccine requirement and the individual is not vaccinated. Additionally, districts cannot require individuals to obtain the COVID-19 vaccine to participate in a

specific work/education activity or accept an offer of employment and must make alternate referrals when necessary.

An individual unable to attend the work activity assignment due to barriers (e.g., no child care available, lack of appropriate transportation, etc.) should be afforded good cause and provided assistance to overcome the barrier.

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 consistent with district policies.

Supportive services may include the provision of masks and other protective gear if needed by an unvaccinated individual or otherwise as requested for safe participation in a work activity and if not otherwise provided by the employer or work site.

### *Job Search and Job Readiness*

Beginning August 1, 2021 districts may resume assignment to mandatory job search and job readiness activities as long as individuals have access to the necessary resources needed to adequately engage in the assignment. Libraries, Career Centers, and employment service providers may have limitations on the use of computer banks, resource room capacity, or may still be closed to the public in some areas of the State. Before assigning a mandatory job search or job readiness activity, districts must ensure individuals have suitable access to a computer, internet, in-person or remote job search assistance as well as necessary supportive services such as transportation and child care when needed. Districts are strongly encouraged to support each individual's search for work through actions such as helping participants identify available job search resources and available employment opportunities.

The NYS Department of Labor has online resources available to help districts and clients use [JobZone](#) for job search and job readiness activities. The links below provide resources for job seekers and 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://dol.ny.gov/jobzone>

<https://dol.ny.gov/jobs-and-careers>

### *Willful and Without Good Cause Determinations*

Districts are required to offer a conciliation when a TA and/or SNAP applicant or recipient fails to comply with a mandatory work activity assignment, including virtual work activity assignments, (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. Conciliation can be accomplished in-person, through telephone discussion or in writing by the individual. Supportive services may include but are not limited to, childcare or dependent care, books, and supplies. Additionally, districts may not require individuals to obtain the COVID-19 vaccine to participate in a specific work or education activity or accept employment with a specific employer. Districts must grant good cause if the individual is not able to participate in such an activity for this reason and make alternate referrals.

Consistent with 18 NYCRR 385.12 and 18 NYCRR 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.

A SNAP recipient can avoid the SNAP employment sanction during the conciliation process by demonstrating compliance with SNAP employment requirements as assigned by the district (see [14-ADM-06](#) for additional information).

Recipients in a city with one million or more residents may also avoid a TA employment sanction during the conciliation process by reengaging in work activities for a minimum of five (5) business days (see [19-ADM-01](#) for additional information).