

Section 385.8 - Participation Rate Requirements

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Part A - The Regulations

a) Participation rates for all families with dependent children receiving Federal temporary assistance for needy families.

- 1) The minimum number of families in each month for which at least one adult or minor child head of household must be engaged in work as defined in paragraph (2) of this subdivision must be as follows:
 - i) for Federal fiscal year 1997: 25 percent of the number of cases;
 - ii) for Federal fiscal year 1998: 30 percent of the number of cases;
 - iii) for Federal fiscal year 1999: 35 percent of the number of cases;
 - iv) for Federal fiscal year 2000: 40 percent of the number of cases;
 - v) for Federal fiscal year 2001: 45 percent of the number of cases; and
 - vi) for Federal fiscal year 2002 and thereafter: 50 percent of the cases.
- 2) A member of a household shall be engaged in work if such member is participating in the work activities listed in paragraph (3) of this subdivision for at least the number of hours per week, averaged monthly, as specified in subparagraphs (i) through (iii) of this paragraph, provided, however, that a recipient who is the only parent or caretaker relative in the family of a child who has not attained six years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.
 - i) for Federal fiscal years 1997 and 1998: 20 hours;
 - ii) for Federal fiscal year 1999: 25 hours; and
 - iii) for Federal fiscal years 2000 and thereafter, 30 hours.
- 3) An individual participating in the work activities identified in section 385.9(a)(1)- (8) and (12) of this Part for the first 20 hours per week, shall be deemed to be engaged in work as allowed by Federal law.
- 4) An individual participating in work activities identified in section 385.9(a)(1)-(12) of this Part shall be deemed to be engaged in work for the required hours above 20 hours.
- 5) A recipient who is married or a head of household and has not attained 20 years of age is deemed to be engaged in work for a month if the recipient:
 - i) maintains satisfactory attendance at secondary school or the equivalent during the month; or
 - ii) participates for an average of at least 20 hours per week during the month in education directly related to employment as set forth in section 385.9(a)(10) of this Part.
- 6) Calculation of the rate.

- i) Denominator. Each month the commissioner shall determine the number of cases receiving Federal temporary assistance to needy families.
 - (a) Such count shall exclude those cases deemed to be child-only cases in accordance with the provisions of this Title, and for which the social services official has determined an adult to be exempt in accordance with the provisions of section 385.2(b)(7)(i) of this Part regarding caretakers of children under 12 months of age;
 - (b) Such count shall also exclude for a period not to exceed three months in each 12-month period all cases in which the parent or caretaker has been sanctioned in accordance with the provisions of section 385.12(d)(1) of this Part.
 - ii) Numerator. The commissioner shall count monthly the number of cases in which at least one adult or minor child head of household has engaged in work as defined by this section. Such count shall be the numerator of the calculation.
 - iii) The commissioner shall calculate the rate monthly by dividing the numerator by the denominator.
- 7) Such calculation shall be consistent with Federal law and shall apply unless a different rate is imposed by the Federal government; in such instance the commissioner shall establish a rate based upon a methodology consistent with Federal law.

b) Participation rate for two-parent families with dependent children receiving Federal temporary assistance for needy families.

- 1) The minimum number of families in each month for which the parent or parents must be engaged in work as defined in paragraph (2) of this subdivision must be as follows:
 - i) for Federal fiscal years 1997 and 1998: 75 percent of the number of families;
 - ii) for Federal fiscal year 1999 and thereafter: 90 percent of the number of families.
- 2) For Federal fiscal year 1997 and thereafter, a parent or both parents in a two-parent family shall be engaged in work if either or both parents are deemed to be participating in the work activities listed in this paragraph for at least the number of hours per week, averaged monthly, as specified in subparagraphs (i) and (ii) of this paragraph and as limited by Federal law:
 - i) if no Federally funded child care is made available to the family, one or both parents for a total of 35 hours not fewer than 30 hours per week of which are attributable to an activity described in section 385.9(a)(1)-(8) or (12) of this Part;
 - ii) if Federally funded child care is provided to the family, both parents for a total of 55 hours, not fewer than 50 hours per week of which are attributable to an activity described in section 385.9(a)(1)-(8) or (12) of this Part;

iii) a parent or both parents participating in work activities identified in section 385.9(a)(1)-(12) of this Part shall be deemed to be engaged in work for the required hours above the 30 hours and 50 hours set forth in subparagraphs (i) and (ii) of this paragraph.

3) Calculation of the rate.

i) Denominator. Each month the commissioner shall determine the number of two-parent families in which such parents have a child in common (includes spousal relationship and non-legal union with child in common) receiving Federal temporary assistance to needy families.

(a) Such count shall exclude those cases in which one adult is disabled, ill or incapacitated in accordance with the provisions of section 385.2 of this Part.

(b) Such count shall exclude those active cases in which one or both adult members are sanctioned pursuant to section 385.12 of this Part; provided, however, that such exclusion shall not exceed three months in any 12 month period.

ii) Numerator. The commissioner shall count monthly the number of cases in which a parent or both parents are engaged in work as defined by this section. Such count shall be the numerator of the calculation.

iii) The commissioner shall calculate the rate monthly by dividing the numerator by the denominator.

c) Participation rate for all families without dependent children and all families with dependent children which are receiving safety net assistance excluding those receiving Federal temporary assistance for needy families benefits.

1) For all families for each month in which at least one parent is not exempt in accordance with the provisions of section 385.2 of this Part, the percentage of families for which at least one adult or minor child head of household must be engaged in work as defined in paragraph (2) of this subdivision must be as follows:

i) for Federal fiscal years 1997 and 1998: 75 percent of the number of families;

ii) for Federal fiscal year 1999 and thereafter: 90 percent of the number of families.

2) For Federal fiscal year 1997 and thereafter, the adults in a family without dependent children or one or both parents in a family with dependent children shall be deemed to be engaged in work if such members are participating in the work activities listed in paragraph (3) of this subdivision for a total of at least the number of hours per week, averaged monthly, as specified in subparagraphs (i) through (iii) of this paragraph, or otherwise participating as defined by subparagraphs (iv) through (ix) of this paragraph.

i) In the case of one parent families with dependent children:

- (a) for Federal fiscal years 1997 and 1998: 20 hours;
 - (b) for Federal fiscal year 1999: 25 hours; and
 - (c) for Federal fiscal years 2000 and thereafter, 30 hours.
- ii) In the instance of two-parent families where child care is provided, one or both adults or parents for a total of 55 hours.
 - iii) In the instance of adults in families without dependent children or parents in two-parent families where child care is not provided or one parent is caring for a disabled child, one or both adults or parents for a total of 35 hours.
 - iv) The individual has been called in by the social services official for a referral or assignment to a work activity identified in paragraphs (3) through (8) of this subdivision, has failed to report, and to whom a conciliation notice has been sent.
 - v) The individual has been assigned to a work activity identified in paragraphs (3) through (8) of this subdivision; provided, however, that such individual shall be considered engaged in work only during the month in which such assignment is made.
 - vi) The individual has been referred to a work activity identified in paragraphs (3) through (8) of this subdivision for the purpose of an interview and possible assignment to such activity; provided, however, that the individual will be considered engaged in work only during the month in which such referral is made.
 - vii) The individual has been sent a conciliation notice for failure to participate in a work activity identified in paragraphs (3) through (8) of this subdivision and such participation would have met the hourly requirements identified in this subdivision for being engaged in work.
 - viii) The individual has been sent a timely and adequate notice of intent to discontinue public assistance for the failure to comply with the requirements of this Part and such notice has yet to take effect.
 - ix) The individual has requested a fair hearing in accordance with the requirements of this Part and Part 358 of this Title, the results of which have not been provided to the social services official.
- 3) An adult in a single parent family participating in the work activities identified in section 385.9(a)(1)-(8) and (12) of this Part for the first 20 hours per week, shall be deemed to be engaged in work.
 - 4) An adult in a single parent family participating in work activities identified in section 385.9(a)(1)-(12) of this Part shall be deemed to be engaged in work for the required hours above 20 hours.
 - 5) One or both parents in a two-parent family participating in the work activities identified in section 385.9(a)(1)-(8) and (12) of this Part for the first 30 hours per week, shall be deemed to be engaged in work.

- 6) A parent or both parents in a two-parent family participating in work activities identified in section 385.9(a)(1)-(12) of this Part shall be deemed to be engaged in work for the required hours above 30 hours.
- 7) All adults in a family without dependent children participating in the work activities identified in section 385.9 (a)(1)-(5) of this Part for the first 30 hours per week, shall be deemed to be engaged in work.
- 8) All adults in a family without dependent children in work activities identified in section 385.9(a)(1)-(12) of this Part shall be deemed to be engaged in work for the required hours above 30 hours.
- 9) Calculation of the rate.
 - i) Denominator. Each month the commissioner shall determine the number of households receiving safety net assistance in which there is a nonexempt adult.
 - ii) Numerator. The commissioner shall count monthly the number of adult individuals that are engaged in work as defined by this section. Such count shall be the numerator of the calculation.
 - iii) The commissioner shall calculate the rate monthly by dividing the numerator by the denominator.
- 10) Notwithstanding the requirements of this subdivision, the commissioner may identify those individuals or families who are participating in work experience to the fullest extent possible based on the limitation to maximum hours required as set forth in section 385.9 of this Part and deem them to be engaged in work for the purpose of calculating the participation rate.
- 11) Notwithstanding the requirements of this subdivision, an individual who is work limited shall be deemed to be engaged in work and, therefore, count in the numerator if such individual is assigned to a work activity identified in paragraph (7) of this subdivision for a number of hours determined by the social services official after taking into consideration such limitations.
- 12) For the purposes of this subdivision, an individual who is work limited due to an impairment related to alcohol or substance abuse shall not be deemed engaged in work solely by participating in an alcohol or substance abuse treatment program unless such individual is engaged in a work activity as a part of such treatment program.

Part B - Department Policy

Overview

Federal and State law require minimum participation rate requirements for recipients of each category of Temporary Assistance (TA). This section describes the minimum participation requirements that districts must attain for each TA case type. Districts should assign individuals to appropriate activities for up to 40 hours weekly and provide the necessary supportive services to help them to advance economically, while at the same time being mindful of the need to meet participation rates.

Temporary Assistance for Needy Families (TANF) cases are assigned case types 11 and 12. Cases that have exhausted the 60-month TANF time limit transition to Safety Net Assistance Maintenance of Effort (SNA MOE) are identified as case type 16 and/or 17 with a State and federal charge code of 60, 63 or 64. Safety Net non-MOE cases are households without dependent children and are assigned case type 16 and 17.

Failure to meet the effective federal All Families work participation rate, which includes TANF and SNA MOE cases, would expose the State and districts to the risk of significant federal fiscal penalties.

Required Rates:

- TANF/SNA MOE All Families: 50% (minus applicable caseload reduction and excess MOE credits)
- SNA non-MOE: 50%
- TANF/SNA MOE Two Parent Families: 90% (Not Currently Applicable)

Universe: Denominator cases for each participation rate will be selected from the universe for the case types included in each rate. The TANF and SNA MOE universes include all cases that receive TANF/SNA MOE funded "assistance" issued in the month and for the current or future month. Similarly, the SNA non-MOE universe includes all cases that receive SNA non-MOE funded "assistance" issued in the month for the current or future month, excluding non-disabled two-parent families with dependent children. A case is generally considered to have received "assistance" by having received a payment type intended to meet the ongoing basic needs of the household, as opposed to meeting transitory or emergency needs. The payment types meeting this definition, and additional information about the distinctions between assistance and non-assistance are detailed in 09 ADM 04 (which effectively replaced 99 ADM-7), 03 INF 35,

and GIS 07 TA/WMS006). An assistance payment to an SNA case is designated as SNA MOE when an individual in the case has a State Federal Charge code of 60 (MOE alien), 63 or 64 (State time limit), except when that payment is to a non-disabled two-parent case with dependent children.

Denominator for federal All Families: For TANF/SNA MOE, the participation rate denominator is the number of cases headed by an adult or minor head of household in the TANF or SNA MOE universe for the month, without regard to employability status, that remain after cases have been removed due to federal exclusions, which are detailed below. An adult is defined as an active recipient of TA, who is above the age of 17, or is a 16 or 17-year old individual who has completed High School or its equivalency.

Denominator for State SNA non-MOE: For SNA non-MOE, the denominator is the number of SNA non-MOE universe cases with an adult, without regard to employability status. For this purpose, an adult is an active recipient of an assistance payment, with an Individual Disposition Status or 07, 10 or 17. There are no adjustments to the SNA non-MOE denominator related to sanction process or caretaker status.

Numerator: Represents the cases (individuals for SNA non-MOE) that are participating in a manner sufficient to be included in the participant counts. Countable hours of participation include projected actual (scheduled) hours for paid activities but only actual hours for all unpaid work activities. For SNA non-MOE the numerator also includes the engagement process for limited timeframes.

Assignment to Work Activities: Assessing all adults in a comprehensive manner and assigning them to appropriate activities enhances their movement toward self-sufficiency and concurrently ensures that the local district and State achieve the required federal participation rates and avoid significant federal fiscal penalties.

Discretion in Making Assignments: Local districts have discretion in making work activity assignments that expedite an individual's transition to work. Local districts are encouraged to make assignments that address individual needs and self-sufficiency goals and at the same time attain participation rates, to the extent possible.

Minimum Participation Guidelines: State and federal regulations establish minimum requirements for engagement in countable work activities for a certain number of hours weekly in order to achieve countability. However, countability does not represent the standard for achieving maximum participation. The goal should be to attain full engagement (up to 40 hours weekly) for all adults.

Level of Participation: Employment staff should determine the length and level of client participation in work activities best aligned with the goal of achieving self-sufficiency for that client, within State guidelines. Nonexempt clients may be assigned to one or more work activities for up to 40 hours per week.

Work Experience Activity: Work experience participants cannot be required to participate, on a monthly basis, more than the number of hours derived by dividing the total TA grant plus SNAP benefit by the federal or State minimum wage, whichever is higher. Weekly hours of participation are then derived by dividing that number by 4.333. When the maximum number of

work experience hours weekly is less than twenty the federal reporting methodology allows the State to deem those hours to meet the requirement of 20 hours in a core activity. Subsequently, any hours of participation in other activities are added to the deemed 20 hours towards achieving the 30-hour weekly standard for those single parent family cases without a child under the age of 6. For SNA non-MOE, OTDA has determined that the deeming provision also applies towards the 20-hour core requirement and towards the 35-hour weekly requirement.

Assigning Activities above the Minimum: District staff should assign clients to work activities for more than the minimum number of hours necessary to count, up to the maximum 40 hours allowed, and consistent with the client assessment. Assigning clients to more than the minimum number of hours necessary for the activity to be countable increases local district ability to attain participation rates in the event that the client does not participate fully, as scheduled. This practice also prepares clients for meeting the expectations of full-time employment.

Participation Rate Reporting: Timely and accurate data entry into the Welfare-To-Work Caseload Management System (WTWCMS) is critical for participation rates to be accurately calculated for official reporting purposes and depicted on the Participation Reports available through the Welfare Reporting Tracking System (WRTS), Cognos and the Commissioners' Dashboard. Districts can maximize participation rates by:

- choosing activities for the client that are countable whenever possible, cognizant of the plan for self-sufficiency;
- assigning activities for sufficient hours to ensure countable status;
- ensuring cases eligible for federal exclusions are properly coded as such;
- properly employing payment type codes so that codes designating assistance are not used for situations that are not related to case ongoing needs;
- monitoring data entered onto WTWCMS for accuracy by utilizing WRTS and COGNOS reports as well as WTWCMS listings to ensure that staff follows proper reporting protocol;
- entering information on WTWCMS on a timely basis, soon after activities and actions take place, but no later than the 15th of the month following the report month. This will also ensure that accurate data is available in WRTS when reports are generated which typically occurs on the 15th. Job search and job readiness weekly enrollments, however, must be entered on WTWCMS during the week to be properly included on the WRTS tracking system. Vocational education enrollments must be entered during the actual

month. The time limits for Job Search/job readiness weekly time limits and Vocational Education are explained below; and

- conducting appropriate overrides in the WTRK43– PA TRACKING OVERRIDE INPUT screen when errors occur such as, when activities that contain a time limit maintained by tracking logic reported through WRTS (for further details please see section 385.16) are entered incorrectly into WTCMS, Child caretaker months are incorrectly reported by an incorrect assignment of employability code 31 (Parent or Caretaker Relative of a Child in the Household Under 12 Months of Age/Exempt), or when sanction months track for an imposed sanction that must be removed due to a fair hearing result or other reason.

Countable Hours for Participation: Only actual hours of participation equal to or exceeding the minimum required hours for the case, averaged weekly during the month, will trigger inclusion in the applicable numerator. For paid activities actual hours will override projected actual (scheduled) hours when entered on a timely basis but should only be entered in instances for which the actual hours are greater than scheduled hours and constitute countable status. Actual hours include:

- actual hours of participation in countable unpaid work activities;
- actual, projected actual, or scheduled hours in paid work activities;
- limited excused absences from participation in countable work activities;
- limited holidays;
- limited supervised and unsupervised study time for individuals enrolled in education and training when the study time is an integral part of the program (limited to the documented hours expected by the program not to exceed the number of classroom hours); and
- paid leave for employed individuals.

Additionally, for SNA non-MOE only, countable participation may also include individuals:

- referred to activities, within the report month, that would constitute participant status;

- in conciliation within the report month or prior three months for noncompliance with an activity that would constitute participant status;
- referred for noncompliance, within the report month or prior three months, for not participating in activities that would constitute participant status;
- referred for sanction, within the report month or prior three months, for not participating in activities that would constitute participant status; or
- participating in countable activities for the required number of hours averaged weekly during the month, including work limited individuals participating in accordance with their limitations.

TANF/SNA MOE All Families Participation Rate Policy

All Families Denominator: The TANF/SNA MOE All Families denominator is comprised of the total number of cases receiving TANF/SNA MOE funded assistance, excluding the following:

- Child only cases in which the adult is present but not actively receiving TANF/SNA MOE assistance for any reason other than failure to comply with TANF/SNA MOE work requirements;
- True single parent families in which the parent or single caretaker relative is providing care for a child under one year of age (subject to a 12-month lifetime limit) and demonstrated as being exempted by assigning an employability code of 31;
- Cases in which an adult is sanctioned but for no more than three months during the preceding 12-month period unless an adult is participating in a manner that counts for the All Families rate;
- Cases in which the only active adult(s) is a parent and is/are needed in the home to care for an incapacitated household member and assigned employability code “38” (note that cases which contain more than one active adult remain in the denominator); and
- Cases that do not have a work eligible individual are not included in the denominator.

A “work-eligible individual” as defined at 45 CFR §261.2(n) includes adults (or minor child heads of household) who are receiving assistance funded by federal TANF or State/local MOE funds. These individuals may be exempt or nonexempt from participation in work activities under State rules, however, such individuals will nonetheless be included as a “work-eligible individual”, unless otherwise excluded by the Final TANF rule. The term “work-eligible individual” also

includes a non-recipient parent living with a child who is receiving assistance, unless the parent is:

- a minor parent and not the head of household;
- a non-citizen who is ineligible to receive assistance due to his or her immigration status;
- providing full-time care for a disabled family member living in the home based on medical documentation to support the need for the parent to remain in the home to care for that family member;
- a Parent recipient of Supplemental Security Income (SSI) benefits; or
- a Parent recipient of Social Security Disability Insurance (SSDI) benefits.

As such, the denominator may include cases where there is an-exempt adult in the case, when the employment exemption(s) is other than those exemptions noted above.

Note: In the instance of a case in which there is an adult participating in a countable manner, the state-level reporting process will include the case in the all families denominator and numerator regardless of any federal exclusions that might have otherwise applied.

All Families Numerator: The TANF/SNA MOE All Families numerator is comprised of the number of cases in which at least one adult or minor head of household is participating in countable activities for at least the minimum required number of hours averaged weekly during the month required for the household.

The table below outlines the minimum number of hours averaged weekly during the month necessary to meet rate requirements:

Who Participates	Minimum Participation
A true single parent family, custodial parent, or caretaker relative with a child under six years of age	20 hours average weekly during the month
All other single custodial parents or caretaker relatives with a dependent child 6+ (includes pregnant singles) whether the adult is work limited or exempt. This includes one parent in two parent families in which one parent is disabled and the case is treated like a single parent family (employability codes 24, 36, 41, 42, 43, 44, 47, 49, 54, 63, or 70).	30 hours average weekly during the month

Regardless of whether the case has a participation requirement of 20 or 30 hours, at least 20 hours of participation must be in an activity defined as counting fully (see below). Activities counting fully are also referred to as “core” activities and consist of work or work-like activities, or certain time-limited job seeking or preparation activities. For cases that require more than 20 hours of participation to meet the rate, hours in activities besides the core activities can be added to meet the additional hours requirement.

Note: Two parent family cases in which neither parent is disabled are systemically shifted to SNA non-MOE, and thus are not part of the All Families participation rate. All other two parent family cases are included in the All Families participation rates.

Activities That Count Towards Participation:

For TANF/SNA MOE All Families participation rate purposes countable work activities are classified as one of the following categories:

- Counts fully;
- Counts fully but for only 6/12 weeks (180/360 hours) during each federal fiscal year;
- Counts fully but for only 12 months lifetime; or
- Counts but only toward hours above 20.

Counts Fully: Actual hours of participation in the following work activities count fully:

- Unsubsidized employment*
- Subsidized private sector employment*
- Subsidized public sector employment*
- Work experience (either actual hours or deemed participation based on a capped number of hours derived by dividing the total of the TA grant and SNAP allotment divided by the State minimum wage)
- On-the-job training*
- Community service

- Childcare provider for community service participant

- High school or equivalent for married teens or teen head of households (employability code 17) (under 20) who:
 - maintain satisfactory attendance at secondary school or the equivalent; or

 - participate for at least 20 hours per week in education directly related to employment.

* Projected actual (scheduled) hours count for paid employment activities.

Counts Fully but for only 6/12 (Needy State-180/360 hours) Weeks During previous 12-month period: Participation in the following work activities count fully but is limited to a combined 6 weeks (180 hours) during the previous 12-month period, unless the State is currently designated as a “needy state”, in which case the number of allowable weeks in the 12-month period is extended to 12 weeks (360 hours):

- Job search

- Job readiness training

- Substance abuse treatment

- Treatment other than substance abuse

New York State is considered a “needy state” by the United States Department of Health and Human Services (HHS) agency when the following conditions are met:

- The average rate of total unemployment (seasonally adjusted) for the most recent 3-month period for which data are published for all States equals or exceeds 6.5 percent; and The average rate of total unemployment (seasonally adjusted) for such 3-month period equals or exceeds 110 percent of the average rate for either (or both) of the corresponding 3-month periods in the two preceding calendar years; or

- The Secretary of Agriculture has determined that the average number of individuals participating in the Supplemental Nutrition Assistance Program (SNAP) in the State has grown at least 10 percent in the most recent 3-month period for which data are available.

Counts Fully but for only 12 Months Lifetime: Participation in vocational education counts fully but is limited to a maximum of 12 months total during the individual’s lifetime receipt of assistance (TANF/SNA MOE or SNA non-MOE).

Counts only Toward Hours Above 20: Countable participation in the following work activities is limited to hours above 20 hours weekly, only, to achieve the 30-hour threshold:

- Job skills training
- Education training, including:
 - Adult basic education (ABE)
 - Literacy training
 - English as a second language (ESL)
 - High school or equivalent

Hours of participation in these activities count only when the hours are added to actual hours of countable participation above 20 hours weekly in core (fully countable or time-limited fully countable) activities.

TANF/SNA MOE Two Parent Families Participation Rate Policy

(Note: Currently, this rate does not apply in New York State. See #7 in Q&A section below for additional information)

Two Parent Family: For participation rate purposes a two-parent family is defined as a case that includes two parents who are in receipt of TANF/SNA MOE funded assistance, where neither parent is disabled (see below for the employability codes defining disabled). The two-parent family definition includes cases in which one or both parents are sanctioned for failure to comply with TANF/SNA MOE work requirements.

Parent is defined as an individual with a spousal relationship with or without a child in common or non-legal union with a child in common (does not include pregnancy).

TANF/SNA MOE Two Parent Denominator: The TANF/SNA MOE Two Parent Families denominator is comprised of the total number of cases with two parents who are receiving TANF/SNA MOE funded assistance, excluding the following:

- Two parent families in which one of the parents in the household is not in receipt of TANF/SNA MOE funds for any other reason than a failure to comply with TANF/SNA MOE work requirements;

- Two parent families in which both parents are in receipt of TANF/SNA MOE funds but one or both is disabled (assigned the employability codes of 24, 36, 41, 42, 43, 44, 47, 49, 54, 63, or 70 - these cases remain in the All Families rate and are treated as single parent families); and
- Cases in which an adult is sanctioned but for no more than 3 months during the preceding 12 months period.

All other two parent family TANF/SNA MOE funded assistance cases are included in the TANF/SNA MOE Two Parent Families denominator including cases in which there is no nonexempt adult (e.g. aged).

Note: Effective October 2006, all cases that remain in the Two Parent Families denominator, after the above exclusions are applied, are systemically shifted to SNA non-MOE, and, as such, are not included in the TANF/SNA MOE Two Parent Families or All Families Participation rate calculations.

Although State legislation allows for the cases that remain in the Two Parent Families denominator to be shifted to SNA non-MOE funding, and OTDA has taken that option and thus removed them from the federal participation rate denominator, district employment staff should require nonexempt adults in Two Parent Families to participate fully (up to 40 hours weekly) in appropriate countable work activities regardless of current participation rate requirements.

TANF/SNA MOE Two Parent Numerator: The TANF/SNA MOE Two Parent Families numerator is comprised of the number of cases in which at least one parent, or both depending on requirements, is participating in countable activities for at least the minimum required number of hours required for the household.

For TANF/SNA MOE Two Parent Families to be included as participating the combined hours in activities for the parents in the case must total at least 35 hours (or 55 hours where the case is receiving federally-funded child care assistance, 30 of which must be in core (fully countable or time-limited fully countable) activities (or 50 hours for those receiving federally funded child care).

Activities That Count Toward Participation: For TANF/SNA MOE Two Parent Families participation rate purposes countable work activities are classified as one of the following categories:

- Counts fully;
- Counts fully but for only 6/12 (**Needy State**-180/360 hours)weeks during each federal fiscal year;
- Counts fully but for only 12 months lifetime; or

- Counts but only toward hours above 30 or 50.

Counts Fully: Actual hours of participation in the following work activities count fully:

- Unsubsidized employment *
- Subsidized private sector employment *
- Subsidized public sector employment *
- Work experience (based on calculating of the TA/SNAP allotment divided by minimum wage)
- On-the-job training *
- Community service
- Childcare provider for community service participant
- High school or equivalent for married teens or teen head of households (under 20) who:
 - maintain satisfactory attendance at secondary school or the equivalent; or
 - participate for at least 20 hours per week in education directly related to employment.

* Projected actual (scheduled) hours count for paid employment activities.

Counts Fully but for only 6/12 (180/360 hours) Weeks During previous 12-month period:

Participation in the following work activities count fully but is limited to a combined 6/12 (180/360 hours) weeks during the previous 12-month period as outlined above.

Counts Fully but for only 12 Months Lifetime: Participation in vocational education counts fully but is limited to maximum of 12 months total during the individual's lifetime receipt of assistance.

Counts only Toward Hours above 30 or 50: Countable participation in the following work activities is limited to hours above the 30 or 50 weekly core hours needed to attain the 35- or 55-hour threshold:

- Job skills training
- Education training, including:
 - Adult basic education (ABE)
 - Literacy training
 - English as a second language (ESL)
 - High school or equivalent

Safety Net Assistance Household Without Dependent Children (SNA non-MOE) Participation Rate Policy

Safety Net Assistance non-MOE Denominator: The SNA non-MOE denominator is comprised of the total number of SNA non-MOE **cases** which include an adult without regard to employability status. SNA non-MOE cases with children are excluded from the SNA non-MOE denominator including those two parent families in which neither parent is disabled (and have been shifted systemically to SNA non-MOE).

Safety Net Assistance non-MOE Numerator: The SNA non-MOE numerator is comprised of all SNA non-MOE **individuals** who are participating in countable activities for at least the minimum required number of hours required for the individual (or engagement statuses, for limited timeframes, that constitute countability).

For cases in which more than one adult is participating, both individuals may count as participants in the numerator as long as each is meeting minimum participation requirements. In this instance, two individuals would be counted in the numerator, yet the case would only count once in the denominator.

Who Participates	Minimum Participation
Each nonexempt adult	35 hours average weekly during the month, at least 20 hours of which must be in a fully countable or time-limited fully countable activity.

<p>Each work limited or exempt adult</p>	<p>Any number of actual hours as long as the participation is in accordance with the limitation in one or a combination of the following countable activities:</p> <ul style="list-style-type: none"> • unsubsidized employment • subsidized private/public sector employment • work experience • on-the-job training • job search and job readiness training (6/12 weeks per federal fiscal year) • community service • vocational education (12 months lifetime) • childcare provider for community service participant
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Activities that Count Toward Participation: For participation rate purposes for SNA non-MOE, countable work activities are classified as one of the following categories:

- Counts fully;
- Counts fully but for only 6/12 (180/360 hours) weeks during each federal fiscal year;
- Counts fully but for only 12 months lifetime; or
- Counts but only toward hours above 20

Counts Fully: Actual hours of participation in the following work activities count fully:

- Unsubsidized employment*
- Subsidized private sector employment*
- Subsidized public sector employment*

- Work experience (based on calculating of the TA/SNAP allotment divided by minimum wage)
- On-the-job training*
- Community service (including substance abuse treatment, treatment other than substance abuse, caring for an incapacitated household member, and court ordered activities. Participation in substance abuse treatment or other treatment should be reported in WTWCMS as such, and not reported as community service)
- Childcare provider for community service participant
- High school or equivalent for nonexempt teens (under 20), and those heads of households who are living on their own, who:
 - maintain satisfactory attendance at secondary school or the equivalent; or
 - participate for at least 20 hours per week in education directly related to employment.

* Projected actual (scheduled) hours count for paid employment activities.

Counts Fully but for only 6/12 Weeks During previous 12-month period: Participation in the following work activities count fully but is limited to a combined 6/12 (**Needy State**) weeks during the previous 12-month period.

- Job search
- Job readiness training

Counts Fully but for only 12 Months Lifetime: Participation in vocational education counts fully but is limited to maximum of 12 months total during the individual's lifetime receipt of assistance.

Counts only Toward Hours Above 20:

- Job skills training
- Education training, including:
 - Adult basic education (ABE)
 - Literacy training
 - English as a second language (ESL)
 - High school or equivalent

- Job search beyond 6/12-week limit
- Job readiness training beyond 6/12-week limit

Hours of participation in these activities count only when the hours are added to 20 weekly average hours of countable participation in a core (fully countable or time-limited fully countable) activity.

Part C - Questions and Answers

Q.1 Does the SNA non-MOE participation rate calculation reflect sanctioned status similar to the TANF calculation?

A.1 No. Under the Safety Net Program individuals who are being conciliated, individuals sent a notice of intent until the sanction takes effect, and individuals who have requested a fair hearing relating to employment requirements are included as otherwise participating and remain in the numerator, and the related case in the denominator.

Currently, the system removes TANF cases from the TANF denominator once a sanction has been imposed (for up to 3 months in the preceding 12-month period). If the TANF case stays open and the individual fails to comply, the case returns to the denominator after 3 months. This exclusion does not apply to single person SNA non-MOE cases as the sanction action would close the single individual's case, in cases with multiple adults, the sanctioned individual is not active on the case and will not be included in the numerator.

Q.2 Under SNA non-MOE, do work-limited nonexempt recipients count as participants regardless of the activity and hours of participation?

A.2 SNA non-MOE individuals that are work-limited nonexempt recipients count as participants regardless of the hours of participation as long as they are participating the maximum number of hours allowed by their health related limitation in unsubsidized employment, subsidized private sector or public sector employment, work experience, on-the-job training, job search and job readiness training (6-12 week limit) community service, vocational education (12 month lifetime limit) or the provision of child-care for a community service participant. This applies to both SNA MOE and SNA non-MOE households.

Q.3 Which acts of noncompliance are considered when determining which cases are excluded from the TANF denominator for up to 3 months in a 12-month period?

A.3 The federal rule is that individuals who refuse to engage in work activities (willfully and without good cause) must be sanctioned. This includes the requirement for non-exempt individuals to participate in an employment or training activity or to participate in a substance abuse rehabilitation program that is part of the individual's employment plan. Therefore, cases in which an individual is subject to penalty or sanctioned for failing to comply with a work requirement, including failing to participate in substance abuse rehabilitation which was required as part of the nonexempt individual's employment plan, result in the case being excluded from the denominator for up to three months in a 12-month period. Individual level sanction reason codes that would remove a case from the All Families Denominator are: WE1, WE2, WE3, N41, N42, N43, M74, P44, P45, P46, PX1, PX2, PX3, MX1, MX2, MX3, and M77.

Q.4 Which exemptions meet the state’s definition of “disabled” for purposes of determining which two-parent cases are excluded from the two-parent count?

A.4 Federal law allows two-parent cases in which one of the parents is “disabled” to not count as two-parent cases for participation rate purposes, although such cases remain in the TANF/SNA-MOE All Families rate calculation. The Department has defined “disabled” to include disabled, ill and incapacitated as defined in 385.2. Specifically, this definition includes the following employability codes:

- 24 – Pregnant (Within 30 days of Medically Verified Date of Delivery)/Exempt
- 36 – Incapacitated/Disabled (more than 6 Months)/Exempt
- 41 – Temporary Illness or Incapacity (1 to 3 Month Exemption)/Exempt
- 42 – Temporary Incapacity or Incapacity (4 to 6 Month Exemption)/Exempt
- 43 – Incapacitated/Disabled (SSI Application Filed)/Exempt
- 44 – Incapacitated/Disabled (In Receipt of SSI)/Exempt
- 63 – Substance Abuser Exempt
- 70 – Contesting Employability Determination Including the Disability Review Process/Exempt

Districts should only use code 70 for persons contesting employability based upon one of the disability issues listed above.

Q.5 Are two-parent cases that are treated as single parent cases due to one of the parents being disabled eligible for the 12-month exemption for having a child under the age of one?

A.5 No. The federal rule indicates that only true single custodial parents caring for a child who has not attained 12 months of age can be disregarded in determining the participation rate.

Q.6 What is the definition of a child only case for participation rate purposes?

A.6 For participation rate purposes, child only cases are cases in which all persons in receipt of TANF assistance are children (cases in which the parent(s) or caretaker, although in the household, is not receiving TANF assistance). Cases in which the parent or caretaker is sanctioned do not become child only cases.

Q.7 How many hours do two-parent families have to participate if one parent is disabled or caring for a disabled household member?

A.7 Two-parent TANF families in which one parent is disabled and exempt are treated like single parent families for participation rate purposes and are required to participate 30 hours weekly, at least 20 of which is in a core activity, to count toward the All Families rate. As noted above in the section titled, TANF/SNA MOE Two Parent Families Participation Rate Policy, New York State has chosen to shift out the non-disabled two parent families regardless of their level of participation from both the TANF/SNA-MOE and SNA non-MOE

participation rates. Nonexempt adults in Two Parent Families should be assigned to participate fully (up to 40 hours weekly) in appropriate countable work activities regardless of the participation rate requirements.

Q.8 Do all teens in secondary school, equivalency programs, or other educational training count as participants for purposes of calculating the TANF/SNA MOE All Families and Safety Net non-MOE participation rates, and how should they be reported?

A.8 Yes. Teen parents, married teens, or teens living on their own, that are heads of households cause the case to be included in the appropriate participation rate numerator based on secondary school or its equivalent attendance, for any number of hours, or participation in educational training for at least 20 hours weekly.

For TANF/SNA MOE and SN non-MOE cases, married teens, teen heads of household, and single teens residing alone and who are enrolled in secondary school or equivalent should be entered on WMS with an Employability Code of 17. This employability code, combined with a confirmed enrollment in the activity of High School (including High School Equivalent and Secondary School), with scheduled hours present; or Educational Training with actual hours prorated for 20+ hours weekly, will effectively cause the case to be included in either the TANF/SNA MOE numerator or the Safety Net non-MOE numerator as appropriate.

Q.9 Do adults participating in educational activities such as adult basic education, literacy training, or English as a Second Language (ESL) count toward the participation rate?

A.9 The hours of participation in such activities by adults count only toward the hours required above the core minimum hours of 20 for TANF All Families and single parent SNA MOE, 30 for two-parent SNA MOE, and above 30 or 50 for Two-Parent TANF Families. For SNA non-MOE, the activities count for the hours above the core 20.

Q.10 How are the limits on job search and job readiness training and vocational education applied for TANF/SNA MOE and Safety Net non-MOE?

A.10 An individual's participation in job search/job readiness training is countable for up to the time limits in a rolling 12 month period (the current and preceding 11 months); it is not based on a fiscal or calendar year, regardless of whether the individual is in receipt of TANF or Safety Net assistance. There is no lifetime limit for job search/job readiness training.

Participation in vocational education is limited to a lifetime of 12 months. An individual's participation in vocational education is countable for 12 months total during their lifetime receipt of assistance, including both TANF and Safety Net. For example, an individual who is counted as participating in vocational education for 12 months while in receipt of TANF would subsequently not be able to be counted as participating in vocational education for Safety Net because they had already reached the lifetime 12-month limit.

Q.11 May individuals combine their participation to meet the household's participation requirements?

A.11 No, individuals which are not in non-disabled two-parent cases may not combine their hours of participation to meet household participation requirements. For TANF/MOE cases, any adult discretely meeting the participant definition will cause the case to be included in the TANF/SNA MOE All Families numerator. The hours of participation cannot be combined between adults. For Safety Net non-MOE, the participation numerator is individual level, so each, so each individual must discretely meet the participant definition in order to be included. For the same reason, cases in the Safety Net non-MOE rate may contain more than one participating individual in the rate numerator provided each is meeting minimum participation requirements, despite the fact the case only counts once in the denominator.

Q.12 How should participation in post-secondary education be reported in order to count for the Work Participation Rate?

A.12 Post-secondary education may be reported as vocational education if the education otherwise meets the definition of vocational education and would count fully toward federal work participation requirements for an individual for up to 12 months in the individual's lifetime. Districts may choose to report post-secondary education as Job Skills training, which counts without a time limit, so long as it is combined with 20 hours of core work activity. Vocational education beyond the 12-month limit may be reported as job skills training, again requiring the 20 hours of core work activity before it will count toward meeting participation.

Districts are required to describe the district's process and policy for determining whether or not a participant is approved/assigned to participate in job skills or vocational educational activities in section 3.6 of their biennial Temporary Assistance and Supplemental Nutrition Assistance Program Employment Plans.