

2002-2004 County Public Assistance and Food Stamp Employment Plan

Policy Guide

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Local Department of Social Services Offices need to submit plans on how each county will to implement its welfare-to-work (WtW) requirements for public assistance and food stamps by March 15, 2002. Following submission of each county’s plan, there is a 30-day public comment period. The plan will continue to be updated every two years.

Hunger Action urges community groups to use the 30-day public comment period as an opportunity to provide input and impact on the county’s welfare to work program. You should meet directly with DSS and legislative officials to review the various aspects of the plan. We believe that it is important that there be an evaluation of the county’s progress in moving participants into work under their existing plan. You may want to ask the County Legislature to hold a public hearing on the success to date of the county’s welfare-to-wok effort. At a minimum, you should ask the county to document its efforts and success in implementing each part of the existing plan. Hunger Action has highlighted a number of issues that groups should look at to ensure that the county addresses these issues.

Below are the State’s written guidelines to Counties on how to complete the Biennial Employment Plan for Temporary Assistance and Food Stamp Employment and Training. Interspersed throughout the document, the Hunger Action Network has inserted its recommendations to improve county plans. The recommendations made by Hunger Action Network have been made in a larger font size and are in bold to distinguish from the New York State Department of Labor’s employment plan guidelines. Further, some areas have been boxed and shaded to highlight areas where further explanation of some programs may be needed.

Temporary Assistance/Food Stamp Employment Plan Guidelines

A. Section 1 — Assurances

This section records the district’s commitment to administer a Welfare-to-Work (WtW)

Program with all the necessary provisions and components, including activities, supportive services, a conciliation procedure and the district’s acknowledgement of fiscal responsibilities with regard to WtW funding. This section also includes the signature of the local district commissioner affirming the assurances and the contents of the local plan.

The local employment plan must be developed in cooperation with community agencies. Districts must continue to coordinate with the local education and Workforce Investment Act (WIA) agencies and Workforce Investment Boards (WIBs), as well as other institutions to provide work activities which will lead recipients to economic independence and meet district participation rate requirements. Accurate and prompt exchange of participant and program information remain crucial to meeting WTW participation requirements.

Districts are required by State law to cooperate/coordinate with the following agencies:

- i. public and private education institutions;
- ii. child care providers;
- iii. child care resource and referral agencies if available in the district;
- iv. labor unions;
- v. public and private employers;
- vi. employment and training agencies, including WIA agencies and DOL
- vii. Workforce Investment Boards

B. Section 2 — Administration

This section includes a description of internal local district WtW administration, contracts with external agencies and coordination and consultation with other agencies.

2.1 Administrative

As stated in the plan document, the district is to include an organization chart with this section. This section should indicate the principal organizations/agencies providing WtW services. It should provide information on the organizational unit(s) in the district which is responsible for Temporary Assistance and Food Stamps employment programs and, if applicable, the unit's relationship to other offices in the local department of social services. If the district contracts with another agency to provide Temporary Assistance and Food Stamps employment programs, that information should be included.

Often times it's difficult to understand who the decision makers are within the county and it's not uncommon to get the run around so demand that an organizational chart be attached to the Employment Plan. Most importantly, find out who or what team is managing the process and ultimately the Employment Plan's results. If not in the plan, find out who is responsible for generating provider payments which are based upon achievement of benchmarks related to performance standards.

2.2 Contracts/Performance Standards

A social services district may contract with other agencies and providers for basic WtW and FSET services and activities. In selecting providers, local districts are encouraged to take into account such factors as past performance in providing similar services, demonstrated results, and fiscal accountability, cost effectiveness and ability to meet performance standards.

Potential providers may include Workforce Investment Area agencies, state agencies, school districts, Board of Cooperative Educational Services, not-for-profit community based organizations, licensed trade schools or registered business schools, libraries, post-secondary educational institutions, Educational Opportunities Centers and local employers. Districts should develop performance-based contracts or agreements with such entities. Standards must include an evaluation procedure to ensure that services offered by a provider are sufficient to enhance substantially a participant's opportunity to secure unsubsidized employment. Contracts entered into by districts must be available for review by the Department of Labor. The State may withhold reimbursement for expenditures pursuant to contracts or agreements with providers who do not meet the local standards of approval.

The district should not contract for a service or activity which would otherwise be available at no cost. A certification to this effect should be included in each contract.

A major goal is to get people into unsubsidized employment as a result of a their specific employability plan. After personal assessment individuals will be encouraged to seek further education and/or training based on need. Demand that each contracted entity provide attachments to the bi-annual plan clearly stating what standards they are aiming for as well as a description of their evaluation procedure. This is a great opportunity to promote better but flexible standards and evaluation procedures. We must demand that ongoing data results be easily accessible and readily available. With this data advocates can take proof of inadequacies and problems directly to county officials as well as to NYS Department of Labor.

Hunger Action Network also believes that districts need to develop tracking systems to document what happens to participants once they leave welfare over a period of two years. When individuals leave welfare, districts should record the exact reasons why they left and if it's due to employment, the characteristics of such employment. It is critical that job retention services are provided to individuals once they have found a job; such services are less likely to be utilized if the county does not keep in contact with former participants.

Counties have been reluctant to track former welfare participants, though tracking has a lot of support from the general public and media. Counties are nervous that the tracking will show that many people who have left welfare are not doing well financially. Counties also don't want to be the only county doing this type of tracking, because they feel they will generate negative publicity even if they are doing things better than other counties.

It will probably be necessary to build support for tracking from human service groups, religious organizations, and newspaper editorial boards. You may want to pressure the county legislature to require tracking and prompt disclosure of standards, evaluation procedures and data results. Advocates can feel free to contact Hunger Action for more specific information on the process and structure of county governments and how best to educate county legislatures on these issues.

One way to encourage the county to participate is to help generate resources to assist the tracking. For instance, a social statistics professor in the school of social work at a local college or university may be willing to have students assist with survey or data collection as a class project.

C. Section 3 — Client Targeting and Work Activities

3.1 Targeting 24 month TANF recipients

In this section, the local district affirms that it will meet the State requirements for targeting work activity enrollments for those adult clients who have been in receipt of Family Assistance approaching 24 months and who have not yet been engaged in work.

Districts will also use this section to provide their definitions of what it means to be “engaged in work” specifically in order to comply with the federal requirement that all TANF parents and caretakers will be engaged in work prior to receiving 24 months of assistance. This definition may include activities in addition to those listed in Section 3.4 since those activities are for non-exempt participants and may not encompass all types of participation that constitute “engaged in work”.

A generic definition for “engaged in work,” typically includes all items which are listed in section 3.4 under Work Activities. To ensure the broadest definition for what constitutes work we want to see a broadening of the categories. Make sure some of the following are included: Self-employed/micro-enterprise development, individuals pending SSI determination, enrollment in an approved substance abuse rehabilitation program, and enrolled in an approved Title 5/502-E program for senior recipients.

3.2 Orientation

All applicants and recipients of Temporary Assistance must receive an orientation regarding employment expectations. This orientation should include information regarding time limits and requirements to engage in work, attending school if a teen parent and finding child care if necessary. A complete explanation of the rights and responsibilities of applicants and recipients and of the benefits and obligations of participation in Welfare-to-Work will

help districts meet participation rate requirements and assist recipients to become independent of Temporary Assistance.

The planning document section on orientation contains a complete list of what must be included in orientation. Districts including additional elements in their orientations should give a brief description of them where indicated.

The Plan should ensure that participants receive both adequate oral and written outlines of their rights and responsibilities. Participants should receive a clear explanation of how the number of hours they are required to work are calculated. Advocates to ensure that they are clear and easy to read should review the written materials. Additionally, advocates need to make sure that the plans fully explain the participants' rights, responsibilities, and options. Applicants and participants should be fully briefed on requirements related to job search (e.g., that an application must be filled out and submitted to qualify as a job contact).

Included in the orientation packet should be the following: education, employment and training opportunities available, including those which are available at no cost to the individual and those which are available in the local district according to its employment plan; the participant's responsibilities associated with repayment of student loans (if any); a list of all potential funding sources, such as grants, scholarships, etc.; supportive services available through the district and the obligations of the district to provide them; work activities available through the local district and the local district's obligation, if any, regarding those activities; detailed information on time-limits and the existence of any NC SNA; the availability of reasonably accessible child care services for individuals assigned to work activities, and how such services will be provided and financed; and the assistance available upon request to help individuals assigned to work activities select and obtain child care services.

A grievance process should be established to resolve problems related to workfare assignments, including supervision, transportation, location, hours, and relationship to employability plan. However, we also believe that dispute resolutions shouldn't be mandatory. This process of course is supposed to already be in place. Advocates need to question whether it is being adequately implemented?

Survey guests at your program or center about their experiences to assess the quality of the orientation are they receiving from the DSS office?

Ask the county to provide you with copies of the orientation materials including written materials provided to DSS staff outlining the orientation process they are supposed to follow.

3.3 Assessment and Employability

Assessments and employability plans for clients are required elements in Welfare-to-Work programming. Assessments must be based on a review of educational level, including literacy and English language proficiency, basic skills proficiency, child care and supportive service needs, as well as a review of family circumstances. Districts are not limited to the minimum requirements. Individuals may be referred to work activities prior to completion of an assessment. An employability plan must be developed in consultation with the individual. The sections of the planning document on assessment and employability planning are self-explanatory.

We urge that assessment and employability plans be developed within 90 days for Safety Net participants rather than the state mandated one year, and within six weeks for Family Assistance participants (rather than the mandated three months). People should not be forced into a work assignment until an adequate assessment is completed. If the focus of welfare reform is to move participants into jobs, the employability plan should be developed and implemented as soon as possible. We consistently find throughout the State that the best way to help people reach self-sufficiency levels in a timely manner occurs because of plans done in 90 days or less. Many counties have adopted this policy.

Ask welfare participants that you work with about their experiences with the assessment process. Ask them for a copy of their plan. Get their permission for DSS to review their assessment plan with you. Ask DSS to provide you with a new example of an assessment that they feel was well done. Ask DSS to review their present assessment practices. Does the county gear their assessment tools to the needs of the individual, reflecting their various educational and work backgrounds, or do they utilize the same assessment tool for everyone? Require that your county attach their exact assessment tool to their Employment Plan. Also, if the county has contracted out the assessment process, require appropriate documentation along with contact information.

Most counties appear to be doing a minimal level of assessment, with little effort to identify and resolve each individual's unique barriers to employment. This simply defeats the stated objective of welfare reform. Hunger Action recommends that clear, written guidelines for assessment and employability plans be developed. Work and educational histories should be taken (including literacy and English language proficiency), and a skills battery test should be completed before employment plans are made. Additionally, the assessment should include supportive services needs (including the need for assistance with transportation or child care), training/vocational interests and family circumstances as they relate to WtW participation, including any special needs of a child. Most importantly, the plan should be made in partnership with the individual to ensure that the individual is placed in work that is oriented to career goals.

Individuals should not be assigned to a work activity prior to the assessment and completion of the employability plan. The plan should specify the rights of the participants to participate in the development of the employability plan and the right to appeal if they disagree with the plan. In every instance where it is possible, work activities should be based upon the employment plan. If at any point changes are made to the employability plan it must be discussed with the individual and documented in writing prior to implementation. Many counties fail to do this currently.

Presently many Counties have taken our suggestion on including the provision whereby employment workers will explain to clients how their budget will be impacted when they go to work or how they will be affected if they fail to comply with employment activities. If your county still isn't doing it we suggest this important section be added. It is also a good idea to provide a "scratchpad" budget to the welfare participant is a good one.

3.4 Work Activities

In this section districts will describe the work activities in which they plan to enroll clients. In designing or redesigning activities, districts must be mindful of their participation rate requirements as well as the necessity of clients to be participating at least by their 24th month on assistance and employed as soon as possible.

If a district will authorize study time associated with an educational component to count toward an individual's work activity assignment, the policy governing such study time must be described within the work activity definition.

Clients must be made aware that the hours of study time approved as part of the work assignment does not preclude his or her responsibility to study and prepare for the education assignment as necessary to maintain satisfactory progress.

Districts may provide, but are not limited to providing, the following activities. Work activities must be defined in a manner that clearly describes the elements the activity may contain.

- a. unsubsidized employment;
- b. subsidized private sector employment;
- c. subsidized public sector employment;
- d. work experience in the public and nonprofit sectors;
- e. on the job training;
- f. job search and job readiness;
- g. community service;
- h. vocational training;
- i. job skills training;
- j. education directly related to employment, in the case of a recipient who has not completed secondary school or high school equivalency;
- k. satisfactory attendance at secondary school or course of study leading to a high school equivalency;
- l. provision of child care for an individual who is participating in community service;
- m. job search and job readiness assistance beyond the level which counts for participation rate;
- n. educational activities (other than those listed above)

Work experience and community service must meet the non-displacement requirements in the law and regulations. Participation in work experience and any work portion of community service cannot exceed the grant (public assistance and food stamp) divided by the federal or State minimum wage, whichever is higher.

Work activities should be designed to meet local needs. If some of the work activities are available for Temporary Assistance participants and not for Food Stamp participants, or vice versa, those differences should be noted in this section.

Districts that do not have a waiver from imposing ABAWD requirements must indicate if applicant job search is available to allow ABAWDs to reestablish eligibility.

Districts are free to enter into contracts with providers as described in Section 2.2. Please refer to the DOL Employment Manual Section 9; Work Activities and Work Requirements for additional guidance regarding work activity requirements.

Many counties include “treatment or training addressing client participant’s life skill deficiencies that serve as barriers to self-sufficiency” as community service for the purposes of being “engaged in work.” Does your county do this?

Counties are easily meeting their work quotas, thus it is easy for them to be flexible in what they will count as an acceptable work activity, such as education and training.

Further some counties such as Monroe have included the “full course of study leading to an associates degree, subject to employment as a countable work activity.” Keep in mind that 86% of those attaining a college degree never return to the welfare rolls.

Counties should be encouraged to embrace activities like subsidized employment because these activities allow individuals to truly be employees and have all the rights and benefits which come from being an employee, including qualifying for both New York State and Federal Earned Income Tax Credits. Counties are expressly allowed to use welfare funds to fund job creation. The counties can also utilize grant diversion (see below) and various funding streams to support job creation. County welfare offices have generally been reluctant to embrace job creation as a welfare to work strategy. Community support will need to be generated from labor unions, communities of faith, and community groups.

To promote private sector hiring make sure the County DSS office is clearly communicating via phone conversations or through literature some of the more typical tax credit programs available for businesses. The Work Opportunity Tax Credit (WOTC) allows credit to employers hiring targeted workers in the amount of 35% of the first \$6,000 annual wages and youth during the summer at 35% of the first \$3,000 wages paid. Many businesses aren't aware that the Welfare to Work (WtW) tax credit for long-term family assistance recipients can earn their employers up to \$8,500 per new hire. Also, the NYS Wage Tax Credit (Empire Zone) for zone certified businesses are eligible for a tax credit for every newly created fulltime job for up to five years; \$3,000 tax credit is available for targeted employees such as former welfare participants and dislocated workers, etc.

Many counties state there is no need for job creation (grant diversion or public sector) because there are enough jobs available in the private sector, but then they assign individuals to workfare - this is illegal if enough jobs are available.

Counties should be made to certify that there are not enough jobs available before they place individuals in workfare as opposed to any of the other qualified work activities such as subsidized employment, job training, and education.

The WtW plan should identify what the purpose of workfare programs are - namely how workfare is supposed to move participants into jobs. While many officials now contend that workfare is only intended to provide “soft job skills,” the plan should identify what those skills are.

Workfare assignments should be related to the participant's employment plan. There should be a written job description for each workfare assignment; this description should be provided to the worker. The county's plan should detail how each workfare participant will be supervised, and how he or she will be evaluated. For example, if “teaching someone how to show up to work on time”, is a soft skill goal, then what timeline is set in the plan deeming it a learned skill?

The plan should detail how the county will comply with restrictions that welfare will not displace existing jobs.

Encourage your county to create an Alert on Jobs system. County staffs along with their contracted partners are often creating a type of jobs database by calling private businesses. Typically, many contracted entities do this only for their programs. Advocate that the county take on the roll to act like a one source job bank where individuals can call in to check for positions. Also, encourage County DSS offices to develop an effective relationship with County Economic Development offices and their Workforce Investment Act (WIA) One Stop sites. Their job is to bridge local government to area business. That relationship can prove valuable for the Department of Social Services as well.

3.5 Activity Enrollment Policies

Each social services district is responsible for the approval of work activities which include training and education. In this section local districts will describe their standards for approving training providers and the requirements participants must meet to maintain their enrollment in those activities.

An evaluation procedure must be incorporated into the approval determination standards of each social services district. Each social services official must maintain a list of programs which have been approved by the district.

In this section districts will also set forth their procedure for notifying applicants/recipients whether a work activity is approved and the local procedures for notifying applicants/recipients whether enrollment in work activities is approved.

Districts must describe their school attendance policies for teens in this section. Districts must describe in this section their procedures for monitoring attendance.

When designing activities and enrollment policies, keep in mind that CAP (Child Assistance Program) clients are now subject to the same work requirements and exemptions as Family Assistance recipients. As such they are entitled to the same notices Family Assistance recipients receive. They are also subject to the 60-month limit on TANF benefits.

Often county DSS officials accept minimum standards and qualifications from education and training providers. This section should include the specific standards they use. Obviously these standards need to be measurable in some way. Find out what statistical documentation they are looking at for each program. If it's not being done already urge the county to require that each program record the following: total of number of program enrollments, number of enrollment withdrawals, number of individuals who stayed in but unsuccessfully completed the program, total number of successful graduates, and total number of graduates gainfully employed. Concerning the later make sure the following data is collected: the field in which people are employed, contact information of employers, work schedules (full/part-time), starting date, possible employment longevity, and lastly the starting wage/salary. This information should always be readily available to the public. This data is critical for advocacy work in the future.

When The Department of Labor puts out their Guideline for County Employment Plan they also provided an additional and easier to follow "Step-by-step support" document. Below are additional items (A through G) the Step-by-step support document requires for section 3.5.

"a) providers will be evaluated by standards which are..., b) in order to be assigned to education/training work activities, recipients must meet the requirements which are..., c) described here is the district procedure for notifying recipients of approved training providers, d) described in this section is the district procedure for notifying recipients of approval for enrollment in work activity, e) described here is the district policy regarding approval as a work activity of a work study, internship, externship, or other work placement that is part of a non-graduate student's curriculum..., f) described here is the district school attendance policy for teens..., g) described here are the district's activity attendance policy and the procedures for monitoring attendance..."

D. Section 4 — Supportive Services

Please review your current supportive service listings making revisions where appropriate. It's important to remember that the families who have received 60 months of TANF assistance and who are now receiving Safety Net assistance remain eligible to receive TANF funded services so long as the services fall under the definitions of

“TANF non-assistance.” A primary exception is transportation assistance provided to families that are not employed. Transportation assistance for these families should be provided if necessary, but must be funded with non-TANF funds such as Safety Net or Food Stamp participant reimbursement, if appropriate.

4.1 For Applicants and Recipients in Work Activities

Each social services district must provide, when resources are available and when the district determines they are necessary, transportation, work-related expenses, case management and medical assistance.

To the extent local resources permit, case management shall be provided for pregnant adolescents, adolescent parents and at risk youth under eighteen years of age, persons with limited English proficiency and individuals whose employability plans indicate the need for two or more concurrent work activities;

Child care shall be guaranteed, if appropriate, to individuals who need such care to participate in assigned work activities, including orientation.

This section describes the supportive services which the local district deems necessary to allow individuals to participate in work activities, assist individuals at risk of needing temporary assistance to improve their opportunities for employment or to maintain their employment, or to assist employed temporary assistance recipients to improve their opportunities for employment. (Make any additions or deletions to your list of supportive services.)

Hunger Action recommends that the following supportive services be provided: transportation, work-related expenses (including a clothing allowance, work license fees, car repairs, tools and/or safety equipment, when necessary), case management, medical assistance, insurance, fees related to academics (books and supplies). Additionally, arrangements should be made for reimbursements for third party health insurance premiums. Childcare should be guaranteed to individuals for case management meetings and during assessments.

Ask the county how they qualify participants of the assistance available to them. Review any written materials for clarity and adequacy.

4.2 Transitional Supportive Services

The district will provide to individuals whose temporary assistance cases have closed due to employment the following supportive services for up to ninety days after case closing:

The county has the option to provide transitional supportive services for up to 1 year to insure long-term success. Transitional support is needed to assist individuals in maintaining and/or advancing their employment situation, increase self-sufficiency levels and provide early intervention to ensure employment longevity. These supportive services should include crisis and intervention services, childcare, including seamless funding, maintenance of eligibility for education and job training programs, ongoing Medicaid until private medical insurance is provided for by the employer, information on pertinent workshops and services available through contracted providers and/or community programs, access to a central Job Bank List, and transportation.

The county should notify all participants about the availability of transitional services. Participants should be notified of these services when they initially qualify for public assistance during their stay on welfare and immediately after they depart welfare.

Unless participants happen to know about transitional services it often isn't brought up by caseworkers. This is particularly troublesome if the participant obtains a job and falsely believes no additional support services exist. This clearly defeats the purpose of transitional benefits.

Most participants find jobs that pay low wages and by providing additional assistance during the first year of employment participants will be more likely to become economically secure. Many of these individuals are barely able to keep their heads above water and may be forced back onto welfare if a sudden financial emergency occurs.

In Dutchess County transitional services are given to individuals for up to one year following employment. Their plan also includes up to \$1500 for the purchase or up to \$2500 for the purchase and concomitant repair of a car. We believe that transitional services can make a critical difference in whether or not an individual is successfully able to remain employed.

4.3 Extended Support Services (Newly added for 2002 Guide)

This should include the support services the district will provide for non-Temporary Assistance individuals who are eligible under the 200% of poverty eligibility guidelines, as long as funding is available, to enable them to obtain or retain employment.

4.4 Transportation Policy

In this section the district will describe its procedures for assisting those who need transportation to get to and from a work activity site in obtaining transportation. Where lack of transportation is a direct barrier to participation in a work activity the local district has to make a reasonable effort to assign the individual to an appropriate work activity at a site as close as possible to the individual's home. The district should list the work sites it uses in areas that lack public transportation and explain what means it uses to transport recipients to those sites.

Assessments:

The local district should conduct transportation needs assessments during the intake process (see attached transportation policy assessment provided by Greater Upstate Law Project). Transportation assessments should assess both short and long term transportation needs.

Work Assignments:

Wherever possible, districts should accommodate persons with transportation barriers by placing them in work assignments or jobs in close proximity to their homes.

Walking Distance:

Districts should not require an individual to walk more than 1 mile (one way) to a work site. Specific guidelines should be developed to accommodate persons with children and/or health limitations.

Alternative Transportation Resources:

Districts should take advantage of transportation funding streams designed to ease the transportation burden on participants. They should develop programs that provide participants with cars and that increase or create new public transit routes.

Public Transit:

Whenever possible local districts should provide participants with bus passes to ease their transportation burden or provide timely reimbursement for transportation related expenses. Local districts should also assist participants with transportation to and from child care sites as well.

Privately Owned Vehicles:

Local Districts should:

- 1 Pay participants the federal mileage reimbursement rate if they are using their own vehicle to travel to and from work.**
- 2 Issue gas cards (e.g. pre-paid gas cards)**
- 3 Not limit repair and insurance assistance to participants with jobs or job offers.**
- 4 Should assist participants with costs associated in restoring a drivers license**

Relocation:

Districts should not require individuals to relocate to participate in work activities.

Transitional Transportation:

The district should provide transportation services for a period of one year once an individual's case is closed.

Notice to Participants:

Districts should make participants aware of transportation related services upon intake. They should be informed of what services are available to them and how they can access those services.

Coordination of Services:

Districts should coordinate with all transportation providers in their locality to provide an inventory of the transportation services available to participants.

4.5 Supportive Services for Food Stamp Employment & Training (FSET) Participants

Districts are required to provide or reimburse, as needed, FSET participants' costs associated with engaging in FSET programs. The first \$25 per month, per individual is reimbursable through federal FSET funds.

The district must provide or reimburse, as appropriate, the costs of dependent care expenses for individuals participating in FSET programs. Dependent care can be paid for FSET participants at the actual cost of care, but no more than the current market rate for such care.

E. Section 5 — Conciliation and Dispute Resolution Procedures

District plans must include a description of the process they intend to use to afford a client the opportunity to explain a refusal or failure to comply with an assignment or to dispute an activity assignment.

Hunger Action recommends that the client be not forced to comply during the grievance process and that there be no mandatory conciliation or dispute resolution process.

5.1 Conciliation

Conciliation notices must be issued that indicate a failure or refusal to participate has occurred and which give a Family Assistance client ten days and a Safety Net client seven days to request a conciliation.

If the individual fails to respond to the conciliation notice or if the district determines from the conciliation that the individual's refusal or failure to comply was without good cause, the district must issue a ten-day notice to deny or discontinue.

Conciliation for failure or refusal to comply no longer requires a face-to-face meeting with an impartial staff person at the supervisory level.

Conciliation for FSET failures to comply is not required, but districts must still make a good cause determination before issuing a ten-day notice (see below).

5.2 Dispute Resolution

Dispute Resolution must be available to clients who wish to dispute a work activity assignment. In this case no failure to comply has occurred. The grievance over the assignment must be submitted by the client to the district in writing.

The district must provide for at least one meeting which includes the individual, appropriate social services staff and a mediator. At a minimum the mediator must be a supervisor with no direct responsibility for the client's case. The meeting must be held within thirty days of when the grievance is submitted.

If the individual's grievance is not resolved through mediation, the individual must be informed of the right to a fair hearing. The client is expected to continue complying during the process.

5.3 Good Cause Determination for Food Stamps

When an applicant or recipient has failed to comply with a Food Stamps Program work registration requirement or assignment to work activities, the district must determine whether the noncompliance was without good cause prior to notifying the household of the individual's disqualification. In determining whether good cause exists, the district must consider the facts and circumstances, including information submitted by the client. Good cause includes circumstances beyond the individual's control. The applicant or recipient is responsible for notifying the district of the reasons for the noncompliance and for furnishing evidence to support any claim of good cause.

For Food Stamp recipients, the district must issue a timely and adequate notice of adverse action with 10 calendar days of determining that the noncompliance was without good cause.

For Food Stamp applicants who have failed to comply without good cause, the district must notify the household of the individual's disqualification in the notice of action taken.

Many counties have a 10-day window available to submit claims. Which is too short. At a minimum, 15 business days should be available. Examples of minimum justifications are: discrimination by employer, lack of adequate child-care and transportation, a household or personal emergency or illness, work demands, and for an "approved" job resignation.

F. Section 6 — Disability Program Description

In this section of the plan local districts will describe the process by which determinations of disabilities are made. A participant has ten days from the date of the request by the district to provide documentation of a medical impairment in order for the district to determine disability and/or work limitations of the individual. The district can decide if the individual's medical documentation is sufficient to make a determination.

Alternatively or in conjunction, the district may refer the individual to a health care practitioner certified by the Office of Disability Determinations. If the district refers the individual to its practitioner, the individual may submit his/her own medical documentation to the district's practitioner for consideration in the evaluation within prescribed time frames in Department of Labor WtW regulations.

Hunger Action recommends that the opinion of applicant's physician be given substantial weight in making medical evaluations about the applicant's ability to engage in certain work activities. The district should provide documentation for the determination and allow time for a second opinion to be obtained by the applicant. If a second opinion is sought, the district should be required to make a second evaluation of the individual's ability to engage in certain work activities.

The office of Civil Rights in the U.S. Dept. of Health and Human Services has issued a policy guide on how DSS offices can meet the requirements of the Americans with Disabilities Act (ADA). Push for your county to include these guidelines in their plan.

State law requires that if any disabled individual is assigned to workfare, their disabilities must be accommodated. The plan should provide specific details as to how this will occur and how participants can challenge the level of accommodation provided.

A recent report by the New York State Coalition for the Homeless found that the biggest increase in homelessness was among people with disabilities. Many individuals with disabilities are being terminated from welfare due to problems with the new work requirements. Talk to disabled individuals and advocates to determine how well your county is dealing with this issue.