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Local Commissioners Memorandum

Transmittal:	08-OCFS-LCM-15
To:	Local District Commissioners
Issuing Division/Office:	Administration Strategic Planning and Policy Development
Date:	December 30, 2008
Subject:	Purchased Preventive Services Cost of Living Adjustment for State Fiscal Year 2008-09
Contact Person(s):	See Pages 3-4
Attachments:	Yes
Attachment Available Online:	Yes

I. Purpose

The purpose of this Local Commissioners Memorandum is to advise local departments of social services (LDSSs) of the availability of \$8,843,520 appropriated in the State Fiscal Year (SFY) 2008-09 budget for the purpose of promoting "...the recruitment and retention of staff or to respond to other non-personal costs...." for preventive services agencies, as defined in 18 NYCRR 423.2(a), from which LDSSs purchase preventive services. These state funds are for the continuation of the cost of living adjustments (COLAs) approved by the Office of Children and Family Services for the SFY 2007-08 that an LDSS chooses to continue to provide to some or all of the preventive services agencies with which it contracts for the period April 1, 2008, through March 31, 2009. This LCM applies only to the 29 LDSSs that were approved to provide preventive services COLAs for SFY 2007-08.

II. Background

In SFY 2006-07, 100 percent state funding was made available to 26 LDSSs to provide a 2.5 percent COLA to their contracted preventive services agencies for the period of October 1, 2006, through March 31, 2007.

In SFY 2007-08, a total of 29 LDSSs and NYC chose to make use of these funds for three purposes:

- To annualize the 2.5 percent COLA that was initiated on October 1, 2006;
- To start providing a 2.5 percent COLA effective April 1, 2007, to districts that did not previously participate;
- To annualize the COLA they initiated on October 1, 2006, and to add an additional 2.5 percent COLA effective April 1, 2007, above and beyond the annualizing of the initial 2.5 percent COLA.

III. Program Implications

The 29 LDSSs and NYC that chose to make use of these funds in SFY 2007-08 are encouraged to avail themselves of the opportunity to use this appropriation of 100 percent state funding to continue those previously approved COLAs for their contracted preventive services agencies.

The allocation of funds to local districts will be subject to the limits of available funding. If there is insufficient 100 percent state funds to fulfill all requests, OCFS anticipates providing all applicants with a prorated amount of their request for 100 percent state dollars. Under such a circumstance, the LDSS could make up the difference between its requested 100 percent state funding and its prorated allocation with uncapped 98 percent of 65 percent state-reimbursed child welfare funding (provided the LDSS meets its child welfare threshold and it has performance or outcome provisions established for preventive services by January 1, 2009, in accordance with regulations to be established by OCFS). Alternatively, an LDSS could choose to forgo its prorated allocation, or reduce the number of providers receiving the COLA, at which point it should notify the appropriate OCFS Child Welfare and Community Services (CWCS) Regional Office of such decision. OCFS will redistribute such allocation and any unclaimed allocation amounts to those LDSSs with claims in excess of their allocations.

In order to access these funds, an LDSS must submit a "Plan" to the appropriate OCFS CWCS Regional Office, as listed in Section V, by January 31, 2009. The "Plan" is a listing of agencies to receive the COLA, the dollar amount of the COLA for each agency, and the total dollar amount for all the COLAs. Plans for funding must be submitted using Attachment A.

Plans must be approved by the appropriate Regional Office as listed in Section V. Prior to submission, the LDSS must receive a written certification in the format set forth in Attachment B as to how such funding will be used, from every preventive services provider that will be receiving a COLA.

IV. Claiming Information

LDSSs taking part in the COLA for preventive services providers' project will claim these expenditures at 100 percent state share up to the district's allocation on an LDSS-3922, Reimbursement Claim for Special Projects. The LDSS-3922 should be labeled as Preventive COLA 08-09, and the expenditures should be reported in the Non-Administration column on line 4 Contractual Costs. The period of the project is from April 1, 2008, through March 31, 2009. Instructions for completing the LDSS-3922 are found in Chapter 3 of Volume 2 of the Fiscal Reference Manual, which can be accessed via the intranet at:

http://otda.state.nyenet/bfdm/finance/FRM_Vol2_Manual.asp.

LDSSs must sign the certification and submit the LDSS-3922 form by June 30, 2009, to:

New York State Office of Temporary and Disability Assistance
Bureau of Financial Services Claims Unit
40 North Pearl Street, Floor 14C
Albany, NY 12243

V. Contact Information

Programmatic questions should be directed to the appropriate Regional Office, Division of Development and Prevention Services:

BRO – Mary Miller (716) 847-3145
Mary.Miller@ocfs.state.ny.us

RRO – Linda Kurtz (585) 238-8201
Linda.Kurtz@ocfs.state.ny.us

SRO – Jack Klump (315) 423-1200
Jack.Klump@ocfs.state.ny.us

ARO – Kerri Barber (518) 486-7078
Kerri.Barber@ocfs.state.ny.us

SVRO – Pat Sheehy (845) 708-2498
Patricia.Sheehy@ocfs.state.ny.us

NYCRO – Patricia Beresford (212) 383-1820
Patricia.Beresford@ocfs.state.ny.us

Questions pertaining to claiming should be directed to the Office of Temporary and Disability Assistance, Bureau of Financial Services:

Regions I - IV: James Carroll, 518-474-7549
James.Carroll@otda.state.ny.us

Region V: Michael Borenstein, 631-854-9704
Michael.Borenstein@otda.state.ny.us

Region VI: Marian Borenstein, 212-961-8250
Marian.Borenstein@otda.state.ny.us

/s/ Thomas S. Tipple

Issued By:

Name: Thomas S. Tipple
Title: Deputy Commissioner
Division/Office: Division of Administration

/s/ Nancy W. Martinez

Issued By:

Name: Nancy W. Martinez
Title: Director
Division/Office: Office of Strategic Planning and Policy Development

**Attachment A: District Plan for Cost of Living Adjustments for Contract
Preventive Services Agencies for SFY 2008-09**

To the extent that 100 percent state funding is made available to the district, the district will provide such funds to preventive services agencies under contract with the district for the continuation for the period beginning on April 1, 2008, and ending March 31, 2009, of all or part of the Cost of Living Adjustments that were provided during the prior SFY.

The Plan must consist of: 1) a list of all the agencies that will continue to receive a COLA for SFY 2008-09; and 2) the actual cost of the COLA that will be continued for each agency.

AGENCY

SFY 2008-09 COLA Amount

(Note: An Excel spread sheet is available online that can be used for the required plan information; alternatively, you can provide the required information in a different format.)

Attachment B: Certification by Contract Preventive Services Agency of How the Cost of Living Adjustment Will Be Used

The _____(name of agency) has been notified by the _____social services district that, to the extent funds are made available to the district, the district will provide the agency with State funds from the State Fiscal Year 2008-09 Budget for the continuation of all or part of the Cost of Living Adjustment (COLA) the agency received during the last SFY. The funds will be added to the agency’s preventive services contract amount during the period between April 1, 2008, and March 31, 2009, to promote the recruitment and retention of staff and/or to respond to other non-personal services costs.

I, _____ (name of individual authorized to sign on behalf of the agency), hereby certify that all such COLA funds that the agency receives from the social services district will be used to:

- promote the recruitment and retention of staff; and/or
- respond to other non-personal service costs.

(Check all that apply to how the agency will spend the funds.)

The agency further agrees to maintain records to document that the funds were distributed for the above-stated purpose(s). Such records shall be made available, upon request, to the Office of Children and Family Services, the Office of Temporary and Disability Assistance, the Office of the State Comptroller, the Federal Department of Health and Human Services or their designees for the purpose of audit. If, as a result of an audit, it is determined that the agency received funds in excess of the amount it spent to promote the recruitment and retention of staff or to respond to other non-personal services costs, the agency agrees to refund any overpayment to the State and/or appropriate social services district.

Signature: _____

Title: _____