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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 90 LCM-83

Date: June 7, 1990

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: Job Opportunities and Basic Skills (JOBS) Program

ATTACHMENTS: None

I. INTRODUCTION

In response to the recent State/Local Policy Summit on Welfare Reform, we are presenting for your information a general description of the Family Support Act.

The Job Opportunities and Basic Skills (JOBS) Program is the main focus of federal welfare reform, and to effectively implement this program will require a commitment to a bold new philosophy and innovative approaches. No longer will simple maintenance of the poor be the underlying premise of public assistance; rather, the new law and regulations embody the assumptions that parents are responsible for supporting their children, and that public assistance is only temporary. The goal is to create a system that not only provides income support, but simultaneously offers education and training to enable people to secure permanent employment and remain independent of the welfare system.

A. Key features of the Family Support Act:

1. Provision of a full range of education, training and employment activities, with special emphasis on education.
2. Provision of supportive services, especially guaranteed child care, necessary for ADC recipients to participate in JOBS and obtain or retain employment.

3. Provision of continued child care and medicaid for up to 12 months for persons who lose ADC eligibility due to earnings.
 4. Enhanced interagency coordination within states to combine resources and prevent duplication of services.
- B. The Family Support Act of 1988, which enacted the JOBS Program, contains both requirements and options for state JOBS programs. As New York State legislation authorizing the Department to implement JOBS has yet to be passed, there are still a number of features of New York State's JOBS Program that have not been fully determined. The material contained in this memorandum may, therefore, be subject to change.
- C. This memorandum discusses the following aspects of New York State's JOBS Program and additional provisions of the Family Support Act:
1. Program Components (mandatory and optional)
 2. Target Groups, Participation and Federal Reimbursement
 3. Changes to Exemptions
 4. Supportive and Transitional Services
 5. Conciliation Procedure and Sanctions
 6. Interagency Cooperation
 7. Local Plan and Reporting Requirements

II. PROGRAM COMPONENTS

A. THE FOLLOWING COMPONENT ACTIVITIES ARE MANDATORY UNDER JOBS:

1. Orientation/Notification. Local districts must at the time of application or recertification inform all ADC applicants and recipients, in writing and orally as appropriate, of the availability of the program activities and the supportive services including transitional child care and Medicaid benefits, and agency and participant responsibilities. The recipient must be informed of the types and locations of child care services reasonably accessible to participants; that assistance is available to help participants select appropriate child care services; and that assistance is available, upon request, to help participants obtain child care services. Within one month after providing the recipient with this information, the district must notify recipients in writing of their opportunity to indicate their desire to participate, and how they may do this.

2. Initial Assessment and Employability Plan. Under the Comprehensive Employment Program we already encourage districts to assess employable recipients and develop employability plans with them. Under JOBS, an assessment and an employability plan which includes need for child care services will be required for each employable recipient generally prior to assignment to a JOBS activity. This federal requirement is intended to make the most efficient use of education and training resources, by ensuring that program activities are appropriate to the individual and relevant to jobs available in the local areas.
3. Education. It is clear from federal law and regulations that a major focus of the JOBS Program is to provide education for all recipients, especially custodial parents under age 24 who have not completed high school. For participants age 16-19, assignment to education is mandatory without regard to the age of the youngest child. For those age 20 and over, states may decide whether to require assignment to education.
4. Self-Initiated Education or Training. Federal regulations make specific provision concerning self-initiated education or vocational training. Such education/training may include post-secondary education, secondary education, or vocational/ technical training. The social services district will be able to approve appropriate self-initiated training as a JOBS activity, and count participation in it as JOBS participation. Federal financial participation is not available for the cost of such training, but is available for necessary supportive services, which must be determined in an individual assessment.

Note on Satisfactory Progress - The federal regulations will require clients enrolled in education and occupational training programs to demonstrate that they are making progress against qualitative and quantitative criteria. An example of a qualitative measure for a training program would be the attainment of a competency or skill proficiency. A quantitative measure is whether a client is making progress against a reasonable time limit for completing a program. While the specific criteria will be developed at the State level in consultation with education and job training providers, local districts will be required to periodically collect statements from training agencies concerning a participant's satisfactory progress.

5. Vocational (Job Skills) Training. Each district must make available training in job skills for which there is demand in the local labor market. Recipients may be referred to training providers of almost any type (e.g., BOCES, JTPA agencies, proprietary schools) so long as they are of "demonstrated effectiveness."

6. Job Readiness Training. Activities that help prepare participants for work by ensuring that they are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to successfully compete in the labor market.
 7. Job Development and Job Placement. Activities that solicit a public or private employer's unsubsidized job openings, discover job openings, market participants and secure job interviews for participants.
- B. EACH DISTRICT ALSO MUST MAKE AVAILABLE AT LEAST TWO OF THE FOLLOWING:
1. Group and Individual Job Search. Job seeking activities which may include counseling, job seeking skills training, information dissemination and support.
 2. Work Experience. The existing Community Work Experience Program (CWEP) will continue under JOBS. Assignments will be based on the employability plan, and after six months and at the conclusion of each assignment the district must reassess the individual and revise the individual's employability plan.

State legislation may affect the federal work experience requirement.
 3. Work Supplementation. ADC TEAP currently operates under the Work Supplementation provisions. Under the JOBS Work Supplementation provisions, placements may be made in newly created jobs only. This will limit the number of recipients who can be served under this program.
 4. On-the-Job Training (OJT). Districts will be offered the option of operating OJT, which will be much the same as OJT as provided under the Job Training Partnership Act. OJT will not be funded through grant diversion; rather, a separate fund for it will have to be set aside from the district's JOBS allocation.
- C. THE FOLLOWING COMPONENTS ARE OPTIONAL TO THE DISTRICTS UNDER JOBS:
1. Agency-Participant Agreements. The State may allow districts the option to require a participant to negotiate and enter into an agreement (opportunity contract) with the local district.
 2. Case Management. The State has the option to allow districts to provide case management to a participant on a case-by-case basis. State legislation, however, may direct the implementation process.

III. TARGET GROUPS, PARTICIPATION AND FEDERAL REIMBURSEMENT

- A. Federal law and regulation require, as a condition of the enhanced reimbursement provided under JOBS (see below) that states expend at least 55% of their JOBS Program funds serving the following groups:
1. Applicants/recipients who have received ADC for any 36 of the preceding 60 months.
 2. Custodial parents under age 24 who have not completed, and who are not currently enrolled in, high school or a high school equivalency program or has had little or no work experience in the preceding year.
 3. Parents of families in which the youngest child is within two years of being ineligible for ADC because of age.
- B. Volunteers within each category will be given priority for participation.
- C. The Family Support Act requires each state, as a condition of enhanced reimbursement, to meet certain JOBS participation rates for its employable ADC caseload; for fiscal years 1990 and 1991 the participation rate must be 7%.
- D. The Family Support Act stipulates an increased level of federal financial participation (FFP) for certain employment-related activities and services: 60% (or the State's MA matching rate, whichever is higher) for personnel costs and for all direct costs associated with providing JOBS program services.
- E. Federal reimbursement for JOBS costs will be at a 60% or 50% rate, depending on the type of expenditure. Expenditures reimbursed at the 60% rate would include the personnel costs (salaries and benefits) of all full-time staff (not full-time equivalents) working exclusively on JOBS program functions, including administrative functions. Personnel costs of individuals working less than full time may also be matched at the higher rate if they are performing JOBS activities such as orientation, assessment, development of the employability plan, case management and tutoring. Also included in the 60% category are all expenditures made for non-personnel items such as space, utilities, telephone equipment, materials and supplies, directly associated with the performance of JOBS activities. Costs at the 50% rate would consist of indirect charges, costs related to the general supervision and management of JOBS not done on a full time basis, e.g., for personnel costs of payroll and personnel administrative functions. Child care and other client support services are also limited to the 50% rate.

IV. CHANGES TO EXEMPTIONS

- A. The Family Support Act requires changes in the definition of "employability" currently contained in Section 385.2 of Department Regulations.
- B. Individuals are exempt who are (only new or altered exemptions are cited):
 - 1. Sixty years of age or older;
 - 2. Caretaker parents/relatives of a child under ages one to three*;
 - 3. Caretaker parents/relatives of a child under age six, unless child care is guaranteed and participation is restricted to no more than 20 hours per week;**
 - 4. Employed 30 or more hours per week;
 - 5. Pregnant, and the child is expected within six months;
 - 6. Residents of locations from which JOBS activities are remote (over two hours round trip away);
 - 7. Full-time VISTA volunteers.

*The State law implementing the JOBS program will specify the minimum age for this exemption. It can be any age from one to three, at the State's option.

**Exemptions for caretaker relatives do not apply when the custodial parent is under 20 and has no high school diploma. Federal law requires these individuals to participate in appropriate educational activities as long as child care is guaranteed. These individuals will be coded "mandatory" under revised employability codes.

- 8. Second parents in ADC-UP cases will no longer be considered exempt, if child care is guaranteed.

V. SUPPORTIVE AND TRANSITIONAL SERVICES

A. Supportive Services

- 1. Under federal law the State must require local districts to guarantee child care to enable an ADC recipient to participate in JOBS activities or to accept or maintain employment.
- 2. The State may require districts to provide, pay for or reimburse transportation, and other work-related expenses which it determines are necessary to enable an individual to participate in approved JOBS activities.
- 3. The State may require districts to provide, pay for or reimburse one-time work-related expenses which it determines are necessary for an applicant/recipient to accept or maintain employment.

4. The district must assist recipients of ADC if requested, to obtain child care services to allow participation in employment, education or training. The district must respond to a request for child care within a reasonable period of time.
 5. In arranging for child care, the district must take into account the individual needs of the child, including the reasonable accessibility of care to the child's home or school or the caretaker's place of employment or training and the appropriateness of the care to the age and special needs of the child. If more than one type of child care program is available, the caretaker must be provided an opportunity to choose the type of care. The caretaker may refuse the available appropriate child care arranged by the district if they can arrange care with a licensed or approved day care provider or a legal informal child care provider or show that such refusal will not prevent or interfere with participation in approved education or training activities or employment.
 6. Payment will be provided for child care that is reasonably related to the hours of employment or education/training activities of the caretaker and time for the deliver and pick-up of the child.
 7. The district must establish at least one method of which self-arranged care can be paid.
 8. The providers of child care must allow unlimited access by the caretaker to the child(ren) in their care at any time.
 9. State legislation may specify the types and amounts of support services to be provided.
- B. Transitional Services (see 90 LCM-45 for details)
1. New York State implemented the Transitional Child Care program effective April 1, 1990. This new entitlement program guarantees the subsidy of child care costs for twelve months for certain individuals who have become ineligible for ADC due to increased earnings, increased hours of employment, or loss of the earned income disregards and who otherwise meet the eligibility standards set forth in 90 LCM-45, Transitional Child Care.
 2. Families must contribute toward the cost of Transitional Child Care. Districts should use the fee schedule currently applied to day care except a minimum fee of \$1.00 per week will be required.
 3. Medicaid may be continued for one year from the first month of ineligibility for ADC.

4. Case management and other supportive services may be provided for up to 90 days from the date the individual loses eligibility for ADC.

VI. CONCILIATION PROCEDURE AND SANCTIONS

- A. Conciliation. Federal law and regulations require a conciliation process for JOBS participants. State legislation may shape this process.
- B. Sanctions. The first sanction under JOBS ends when the individual agrees to comply with program requirements. The second sanction will end when the failure to comply ceases or 3 months, whichever is longer. For any subsequent sanction, the sanction will last until the failure to comply ceases or 6 months, whichever is longer.

VII. INTERAGENCY COOPERATION

JOBS places strong emphasis on increasing coordination at the state and local levels. While State DSS is solely responsible for administering the JOBS Program, coordination with the JTPA agency, the Department of Labor, State Education Department, child care agencies, and others will be required.

VIII. LOCAL PLAN REQUIREMENTS

Each district will be required to submit to State DSS an annual plan for the provision of education, training and support services under the JOBS Program. This plan will be similar in format to the current CEP plan.

IX. LOCAL REPORTING REQUIREMENTS

The significant changes in reporting requirements under JOBS are listed below:

1. Enrollments are reported not by transactions, but by number of cases and total individuals enrolled.
2. Enrollments are broken into JOBS Target and Non-Target groups and are sorted by ADC case type and receipt of transitional child care.
3. The number of months a recipient has participated in JOBS activities is reported in quarterly timeframes.
4. The number of families receiving IV-A child care with and without earnings must be reported.
5. Child care data must be broken out by the location and the care relationship of the provider to the child.

6. Child care data is sorted by ADC case type and receipt of transitional child care.
7. The number of children receiving care, the length of care and the monthly child care expenditures must also be reported.

Details regarding implementation of JOBS will be distributed as soon as State legislation is passed. General questions concerning the Family Support Act should be directed to your Bureau of Employment Programs Technical Advisor at 1-800-342-3715 extension 3-8744.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance