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Commissioner

## Local Commissioners Memorandum

<b>Transmittal:</b>	06-OCFS-LCM-09
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	October 2, 2006
<b>Subject:</b>	Purchased Preventive Services Cost of Living Adjustment
<b>Contact Person(s):</b>	See page 3
<b>Attachments:</b>	Yes
<b>Attachment Available Online:</b>	Yes

### I. Purpose

The purpose of this Local Commissioners Memorandum is to advise local departments of social services (LDSSs) of the availability of \$4.8 million appropriated in the State Fiscal Year (SFY) 2006-07 budget for the purpose of promoting "...the recruitment and retention of staff or to respond to other non-personal services costs..." for preventive services agencies, as defined in 18 NYCRR 423.2(a), from which local social services districts (LSSDs) purchase preventive services. These State funds are intended to provide preventive services providers with a 2.5 percent cost of living adjustment (COLA) for the second half of the current State fiscal year, i.e., From October 1, 2006, through March 31, 2007.

## **II. Background**

Many social services districts contract for some portion of the preventive services provided to children and families in their districts. Ordinarily, preventive services may be funded by several different federal funding streams and, when those federal funds are exhausted, with 65 State/35 local child welfare funds. (Note: However, if an LSSD wishes to receive an increase in the amount of State 65 percent child welfare services reimbursement in SFY 2006-07 over the level it received in SFY 2004-05, then the LSSD either must: (1) maintain the level of specified Federal funding for such services at the same or higher level than it had for SFY 2004-05 and have sufficient child welfare claims to support an increase in 65 percent State reimbursement; or (2) increase its gross child welfare services claims.). This Memorandum relates to a separate appropriation of 100 percent State funds available to LSSDs for a COLA for their contracted preventive services agencies.

## **III. Program Implications**

LSSDs are encouraged to avail themselves of the opportunity to use this appropriation of 100 percent State funding to provide their contracted preventive services agencies with a 2.5 percent COLA for the six-month period beginning October 1, 2006. In order to access these funds, an LSSD must submit a Plan in the format set forth in Attachment A to the appropriate OCFS Division of Development and Prevention Services (DDPS) Regional Office by October 27, 2006. The Plan (Attachment A) must contain a list of the contract preventive services agencies that will receive the COLA from the LSSD, the dollar amount of the 2.5 percent COLA for each contractor for this six-month period, the dollar amount if the 2.5 percent COLA were to be annualized, and the total projected annual COLA expenditures for all the agencies combined for both the six-month period and if such COLA were to be annualized. The Plan must be approved by the Regional Office. Prior to submission of the Plan, the LSSD must receive, from every preventive services provider that will be receiving the 2.5 percent COLA, a written certification in the format set forth in Attachment B as to how such funding will be used.

Although no assurance can be provided, for LSSD planning purposes, based on preliminary information, OCFS believes that there are likely to be sufficient funds available to provide a 2.5 percent COLA to all existing preventive services providers under contract for the period of October 1, 2006 through March 31, 2007. If there are not sufficient funds to cover 100 percent of the projected costs for all LSSDs, LSSD allocations will be prorated. However, if an LSSD exceeds its allocation, it will be eligible for 65 percent State reimbursement, provided the LSSD meets its child welfare threshold. Unclaimed allocation amounts will be redistributed to other LSSDs that have claims in excess of their allocations

**IV. Claiming Information**

LSSDs taking part in the COLA for preventive services providers' project will claim these expenditures at 100% State share up to the limit of the district's allocation on an LDSS-3922, Reimbursement Claim for Special Projects. The LDSS-3922 should be labeled as "Preventive COLA 06-07" and the expenditures should be reported in the Non-Administration column on line 4 "Contractual Costs." The period of this project is from October 1, 2006, through March 31, 2007. Instructions for completing the LDSS-3922 are found in Chapter 3 of Volume 2 of the Fiscal Reference Manual. Local districts must sign the certification and submit the LDSS-3922 form by June 30, 2007, 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 - Linda Brown (716) 847-3145  
User ID: [Linda.Brown@ocfs.state.ny.us](mailto:Linda.Brown@ocfs.state.ny.us)

RRO - Linda Kurtz (585) 238-8201  
User ID: [Linda.Kurtz@ocfs.state.ny.us](mailto:Linda.Kurtz@ocfs.state.ny.us)

SRO - Jack Klump (315) 423-1200  
User ID: [Jack.Klump@ocfs.state.ny.us](mailto:Jack.Klump@ocfs.state.ny.us)

ARO – Glenn Humphreys (518) 486-7078  
User ID: [Glenn.Humphreys@ocfs.state.ny.us](mailto:Glenn.Humphreys@ocfs.state.ny.us)

YRO - Pat Sheehy (914) 377-2080  
User ID: [Patricia.Sheehy@ocfs.state.ny.us](mailto:Patricia.Sheehy@ocfs.state.ny.us)

NYCRO - Fred Levitan (212) 383-1788  
User ID: [Fred.Levitan@ocfs.state.ny.us](mailto:Fred.Levitan@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: Carolyn Oleyourryk, 518-474-7549

User ID: [Carolyn.Oleyourryk@otda.state.ny.us](mailto:Carolyn.Oleyourryk@otda.state.ny.us)

Region V: Michael Borenstein, 631-854-9704

User ID: [Michael.Borenstein@otda.state.ny.us](mailto:Michael.Borenstein@otda.state.ny.us)

Region VI: Marian Borenstein, 212-961-8250

User ID: [Marian.Borenstein@otda.state.ny.us](mailto:Marian.Borenstein@otda.state.ny.us)

*/s/ Susan A. Costello*

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**Issued By:**

Name: Susan A. Costello

Title: Deputy Commissioner

Division/Office: Division of Administration

*/s/ Nancy W. Martinez*

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**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**

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 a 2.5 percent Cost of Living Adjustment for a six-month period beginning on October 1, 2006.

The Plan must consist of: 1) a list of all the agencies that will receive the 2.5 percent 6-month COLA; 2) The actual cost of providing the 2.5 percent, 6- month COLA for each agency; 3) The cost of a 2.5 percent COLA if such payment were to be annualized through September 30, 2007, taking into account the contract period and any projected increased payments that would be anticipated between April 1, 2007, and September 30, 2007; and the total cost for providing the 2.5 percent COLA to all preventive agencies listed, as well as the total cost if such COLA were to be annualized.

**AGENCY**

**6- Month COLA Amount**

**Annualized 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 2.5% 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 2006-07 Budget for a 2.5% Cost of Living Adjustment (COLA) to the agency’s preventive services contract amount for a six-month period beginning October 1, 2006 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 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:** \_\_\_\_\_