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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-34

Date: March 14, 1990

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: ADC Job Search

ATTACHMENTS: Attachment I - ADC Job Search Requirements -  
available on-line.

This letter is to advise local departments of social services (LDSS) of an impending requirement to implement and operate an ADC Job Search Program.

In addition to the HR Job Search Program which districts are now operating, Chapter 77 of the Laws of 1989 added section 350-m to the Social Services Law which requires local districts to implement an ADC Job Search Program in accordance with that law.

The Department has submitted ADC Job Search regulations for public comment. We expect these regulations to become effective around May 1, with all districts required to implement the program at that time. It should be noted, however, that the statute establishing this program will be automatically repealed when New York State's JOBS legislation is implemented.

In anticipation of the regulations, local districts are encouraged to begin immediately adjusting their current CEP Supervised Job Search component to meet the requirements outlined in the attachment to this letter.

As soon as regulations are promulgated, the Department will release an Administrative Directive further defining ADC Job Search policy.

Should you have any questions please contact your Technical Advisor, Bureau of Employment Programs, at 1-800-342-3715, extension 3-8744.

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

ADC JOB SEARCH REQUIREMENTS

1. Each LDSS must implement and operate an ADC Job Search component in conformance with Social Services Law unless program requirements are waived by the SDSS Commissioner in consultation with the local district. Any waivers made would be based upon employment conditions within a local district.
2. ADC Job Search must be described in the CEP plan. The Department will release instructions outlining the requirements for submitting a CEP plan addendum.
3. All employable ADC recipients must participate in an individual assessment and the preparation of an employability development plan to determine which activities, including job search, are appropriate for assignment.
  - a. The individual assessment must: (1) include but not be limited to an evaluation of the recipient's work history, level of education, skill level and health, and (2) be sufficient to determine the recipient's need for education, training or employment activities and support services designed to improve the recipient's prospects for employment.
  - b. At the time of the individual assessment, LDSS must inform all recipients of:
    - (1) the availability of support services;
    - (2) the circumstances under which they must participate; and
    - (3) the consequences of refusal to participate in employment activities.
4. Based upon the individual assessment, LDSS must, in consultation with the recipient, prepare an employability development plan which sets forth an employability goal and, to the extent possible, reflects the preferences of the recipient.
5. LDSS may assign an employable recipient who has participated in an individual assessment and employability development plan to initial job search activities during a 60 day period which begins on the date that the recipient applied for assistance. Participation in job search activities may not be required until an employable recipient's eligibility for public assistance is established.

6. The assessment or assignment to job search activities may not result in the delay of a determination of an individual's eligibility for ADC or the issuance of a payment to or on behalf of an individual who is otherwise eligible for ADC.
7. LDSS must provide employable ADC recipients with a notice advising them of their right to a fair hearing if they do not believe that they should be enrolled in job search.
8. ADC recipients cannot be required to participate unless child care is available. Any referral for child care services by a LDSS or its contractors must be made only to child care providers approved, licensed or certified by the State, an authorized agency of the New York City Health Department, or those otherwise permitted to provide child care by law or regulation.
9. Allowances must be made for transportation and child care to enable employable ADC recipients to participate in job search activities.
10. ADC Job Search may be operated by the LDSS or through an agreement with a public employment and training or education agency. Such agreements are subject to approval by the Department.
11. Unless otherwise approved by the Department, the staff of either the LDSS Employment Unit or a contracted agency meeting the requirements of #10 above must conduct the assessment and employability development plan.
12. Job search efforts may be augmented by activities designed to assist individuals in the job seeking process, including but not limited to group job search, exposure to labor market information, identification of and referrals to prospective employers, training in interviewing techniques and participation in real job interviews.
13. Job search participants must make at least three employer contacts per week.
14. Participants may be required to report to LDSS to demonstrate that they are actively participating in job search. LDSS may not require a participant to report more frequently than once every four weeks.
15. ADC recipients enrolled in job search must participate for the entire initial period (see # 5) unless the LDSS determines during the period that the recipients can not compete for local job openings.
16. After the initial job search, the LDSS may assign ADC recipients to job search for an additional 60 days during the first 12 months, and for a total of 60 days during each consecutive 12 month period thereafter. Such assignment may be made only if:
  - a. the employability development plan indicates that additional job search is an appropriate activity for the recipient; and

- b. written justification is recorded in the employability development plan or other document which becomes part of the recipient's case record; and
  - c. it is combined with other education, training, employment activities and support services designed to improve the recipient's prospects for employment.
17. An ADC Job Search participant may not be required to accept any job that will result in a net loss of cash income.
18. Employable ADC recipients who fail to comply with job search requirements shall be disqualified from receiving ADC benefits in the same manner as those ADC recipients who fail to comply with CWEP requirements, that is, three payment months for the first instance and six payment months for the second and subsequent instances.