



Office of Temporary and Disability Assistance

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Local Commissioners Memorandum

Section 1

Transmittal:	20-LCM-10
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	September 18, 2020
Subject:	FFY 2020 – Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) Able-Bodied Adults Without Dependents (ABAWD) Pledge Funds Allocations
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Attachments:	Attachment 1 – FFY 2020 ABAWD Pledge Funds Allocations

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to provide a 100% allocation of Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) Able-Bodied Adults Without Dependents (ABAWD) pledge funds for Federal Fiscal Year (FFY) 2020 to districts that did not have a federal waiver of the ABAWD time limits and were implementing ABAWD work requirements between October 1, 2019 and March 31, 2020. All districts previously received FFY 2020 SNAP E&T 100% and 50% administrative funding allocations. Please refer to [20-LCM-01](#) for these amounts. Important information regarding the use of SNAP E&T ABAWD pledge funds is also included in this LCM.

II. Background

New York State has committed, or “pledged”, to offer and provide a qualifying work activity to every ABAWD applicant and recipient who resides in a non-waived area of the State and has been allocated \$5.64 million in 100% SNAP E&T ABAWD pledge funds for this purpose for FFY 2020. SNAP E&T ABAWD pledge funds are being allocated to support eligible expenditures made by districts to provide an ABAWD qualifying activity to all ABAWDs who are subject to the ABAWD requirements to maintain or re-establish eligibility for SNAP benefits.

The SNAP E&T ABAWD pledge funds are 100% federal funds and are distributed based on the estimated percentage of ABAWDs residing in non-waived districts as compared to the total

estimated number of ABAWDs residing in non-waived areas statewide. These funds are also subject to the availability of federal SNAP E&T ABAWD pledge funds and are to be used to help offset costs that districts incur to offer and provide qualifying work activities and to monitor compliance with ABAWD requirements during FFY 2020.

Funds to support participant reimbursements are not included in the SNAP E&T ABAWD pledge funds allocation made available through this LCM. Participant reimbursements, including transportation necessary for a SNAP recipient who is subject to ABAWD requirements to participate in assigned ABAWD work activities, must continue to be claimed separately as a 50% SNAP E&T participant reimbursement.

III. Program Implications

A SNAP E&T ABAWD pledge fund allocation is being provided to districts that did not have a federally approved waiver of the ABAWD requirements for the period October 1, 2019 through March 31, 2020 to support districts' efforts to offer and provide an ABAWD qualifying work activity to individuals subject to the ABAWD time limit.

Districts that do not have an approved ABAWD waiver for all residents of the district must monitor each ABAWD's compliance with the ABAWD requirement on a monthly basis and issue a Notice of Adverse Action (NOAA) in a timely manner to a SNAP household, as appropriate, to prevent the issuance of an additional month of SNAP benefits for any ABAWD not eligible to participate in SNAP due to not meeting the ABAWD requirements. Additional information regarding monitoring ABAWD compliance and discontinuing eligibility before the end of the third month can be found in [17-ADM-01](#) and [18-ADM-09](#).

Offering and Providing an ABAWD with a Qualifying Activity

All districts must evaluate the employability status and ABAWD status for each SNAP applicant and recipient. Consistent with OTDA's pledge to USDA districts that do not have a full county ABAWD waiver must provide the [LDSS-5127 Able-Bodied Adults Without Dependent \(ABAWD\) Work Activity Letter](#) (or locally developed equivalent approved by OTDA) to each ABAWD subject to the ABAWD requirements, who resides in a SNAP applicant or recipient household to offer the ABAWD the opportunity to meet with a district staff member or contracted employment vendor for assistance in obtaining a qualifying work activity assignment so that the ABAWD might continue to retain eligibility for SNAP benefits beyond the three-month federal time limit. Specific information about issuing the [LDSS-5127 ABAWD Work Activity Letter](#) can be found in [18-ADM-07](#).

ABAWDs may meet the ABAWD work requirement for the calendar month through any one of the following methods:

- Working (including "in-kind" work and volunteer work) for at least 80 hours per month,
- Participating in a qualifying work/training program approved by the district for at least 80 hours per month,
- Complying with a Work Experience Program (WEP) assignment for the number of hours per month equal to the SNAP benefit, divided by the higher of the federal or State minimum wage,
- Participating in a program under the Workforce Innovation and Opportunity Act (WIOA) which may include job search, job readiness, occupational skills training and education activities or the Trade Act for at least 80 hours per month,
- Participating in employment and training programs for veterans operated by the Department of Labor or the Department of Veterans Affairs for at least 80 hours per month, or

- Participating in a combination of work or qualifying work programs for at least 80 hours per month.

Note: According to federal rules, participation in stand-alone supervised job search or job readiness training provided under TA or SNAP E&T does not meet the ABAWD work requirement. In order for the ABAWD to participate in a supervised TA or SNAP E&T job search or job readiness **and** meet the ABAWD work requirement, the supervised job search or job readiness training must be a secondary component and equal less than half of the total monthly hours of participation. For example, in order to meet the 80 hours per month ABAWD requirement, an ABAWD would be able to participate in 39 hours of supervised job search or job readiness training as long as he/she also participates in at least 41 hours of paid employment or volunteer work. Please note that job search under WIOA is fully countable and does not require an additional qualifying work activity component.

Districts are strongly encouraged to use this additional funding allocation to engage ABAWDs in educational or occupational skills training programs that consider the needs of local employers and will lead SNAP participants to economic self-sufficiency.

Note: On March 18, 2020, the Families First Coronavirus Response Act (Public Law 116-127) was enacted which temporarily and partially suspends the time limit for ABAWD participation in the SNAP. This suspension applies during the period of April 1, 2020 through the end of the month following the month in which the public health emergency declaration based on an outbreak of COVID-19 is lifted. As the purpose of the pledge fund allocation is to support districts' efforts to offer and provide an ABAWD qualifying work activity to individuals subject to the ABAWD time limit, districts should not submit claims for pledge fund expenditures during the time period of the suspension of the ABAWD time limit. Allowable claims can only be submitted for the time period between October 1, 2019 and March 31, 2020.

SNAP E&T ABAWD Pledge Funding Rules

The following rules apply to the use of SNAP E&T ABAWD pledge funds.

Eligible Services/Costs:

- Districts may operate any work activity authorized under 18 NYCRR § 385.9 that is included as part of the district's SNAP E&T program including, but not limited to, work experience, supervised job search, and job readiness activities. While subsidized employment is an allowable SNAP E&T program activity, federal regulations prohibit the use of SNAP E&T ABAWD pledge funds for wage subsidies. While the SNAP E&T ABAWD pledge funds cannot be used to subsidize a wage (payment to employer), they can be used to support the administration of a subsidized employment program (case management staff, job developers, etc.).
- SNAP E&T ABAWD pledge funds may be used to provide allowable job retention services, including case management services to SNAP recipients for a minimum of 30 days and not more than 90 days following the date the SNAP recipient begins a job. To qualify for job retention services, the SNAP recipient must have participated in a SNAP E&T activity within 90 days prior to starting employment. SNAP E&T ABAWD pledge funds cannot be used to provide job retention services to applicants and recipients of Temporary Assistance to Needy Families (TANF)-funded assistance (case types 11 or 12), or two-parent families where neither parent is disabled and whose assistance costs are reported as Safety Net Assistance Federally Non-Participating Non-MOE as defined in [06-LCM-09](#).

- Mandatory SNAP E&T assignments may not exceed 30 hours per week/120 hours per month. However, individuals may volunteer to participate in SNAP E&T activities for an unlimited number of hours.

Note: SNAP recipients who participate in assigned mandatory SNAP E&T work activities for at least 30 hours per week cannot be sanctioned for SNAP purposes, but may be subject to a TA sanction in those instances where the district determines that the individual willfully and without good cause refused or failed to comply with the assigned work requirement (see NYCRR 385.11 and NYCRR 385.12 for more information).

- SNAP E&T participant reimbursement funds may be used to provide eligible SNAP recipients with supportive services that are necessary to engage them in SNAP E&T work activities and job retention services to assist them in retaining employment for a minimum of 30 days and not more than 90 days following the date the employment started. To qualify for the receipt of participant reimbursement funds as a retention service a SNAP recipient who is employed must have participated in another SNAP E&T activity within 90 days prior to starting employment. Allowable participant reimbursement costs include transportation costs (other than payments for automobile insurance, registrations and automobile purchases), as well as costs for clothing, equipment, or tools required for the job. As noted above, SNAP E&T participant reimbursement funds and dependent care costs must both be claimed separately from SNAP E&T administrative funds.
- SNAP funds (50 percent federal reimbursement funds or 100 percent funding) may be used to purchase laptops or other computer equipment that may be loaned to E&T participants. Additionally, SNAP E&T funds may be used to provide for the costs associated with mobile internet connections for SNAP E&T participants engaged in remote learning. Laptops or other computer equipment purchased with SNAP E&T funds may only be loaned to E&T participants and upon completion of the remote learning program, all loaned equipment must be returned to the district or the E&T provider who loaned the laptop and/or equipment.

Ineligible Services/Costs:

- Services associated with substance abuse, including drug and alcohol addiction counseling, and the costs associated with monitoring a client's compliance with a treatment program are not allowable uses of SNAP E&T ABAWD pledge funds.
- SNAP E&T ABAWD pledge funds cannot be used to reimburse the cost of supervision of work experience participants, or the cost of materials, and/or equipment necessary to support a work experience placement (see [00-LCM-10](#)).
- SNAP E&T ABAWD pledge funds cannot be used to support employment services for applicants and recipients of TANF-funded assistance (case types 11 or 12), or two-parent families where neither parent is disabled and whose assistance costs are reported as Safety Net Assistance Federally Non-Participating Non-MOE as defined in [06-LCM-09](#).
- Consistent with federal regulations at 7 CFR 273.7(d)(1)(ii)(A), SNAP E&T ABAWD pledge funds cannot be used to determine if an individual is required to participate in SNAP E&T work activities. This restriction includes any costs related to the evaluation of an individual's medical condition. SNAP E&T ABAWD pledge funds must not be used for medical screenings, examinations, or medical services of any kind. SNAP administrative funds may be used to support costs associated with the completion of medical screenings (see [18-LCM-01](#)) which are done to evaluate if the individual is exempt or nonexempt from SNAP employment requirements.

IV. Claiming Instructions

OTDA provides a Cognos report entitled the “Local District PA-SNAP Claiming Tool” for the purpose of allocating employment program costs that are not direct charged to the benefiting program and are allowable under all funding sources. This Claiming Tool provides needed information on the number of TA adult individuals who are subject to TA and/or SNAP employment requirements or are exempt but are voluntarily engaged in unpaid work activities approved by the social services district. The Claiming Tool also includes TA and SNAP recipients who are working less than 30 hours per week. The count for individuals who are employed in unsubsidized employment for 30 or more hours per week is limited to those individuals who are concurrently participating in another work activity, or for SNAP purposes are concurrently participating in another SNAP E&T work activity, or had participated in another SNAP E&T work activity within 90 days from the start of employment and are still within 90 days from the start of unsubsidized employment. The numbers displayed in the SNAP section of the Claiming Tool also include the number of SNAP only (case type 31) recipients who are engaged in unpaid work activities or subsidized employment during the report month, as reported by the district through the Welfare-To-Work Caseload Management System. These numbers of individuals can be used to determine the allocation claiming percentages for use on the Schedule D-3, Allocation and Claiming of Administrative Costs for Employment Programs, [LDSS-2347-B1](#). Instructions for completing the Schedule D-3 can be found in the Fiscal Reference Manual (FRM) Volume 3, Chapter 10.

New York City will continue to use their in-house produced Engagement Report for this purpose. Guidelines for using the Engagement Report are contained in FRM Volume 3, Chapter 10.

The FRM is available at: http://otda.state.ny.net/bfdm/finance/FRM_Vol3_Manual.asp.

The Local District PA-SNAP Claiming Tool is available on a monthly basis in Cognos using the following link: Local District PA-SNAP Claiming Tool (Revised May 2017)
https://biservices.its.ny.gov/ibmcognos/bi/?pathRef=.public_folders%2FGlobal%2BReports%2FOTDA%2FEmployment%2BPrograms%2BReports%2FSNAP%2BE%2526T%2FLocal%2BDistrict%2BPA-SNAP%2BClaiming%2BTool%2B%2528Revised%2BMay%2B2017%2529

Districts experiencing problems accessing Cognos can call the Customer Response Center at: (800) 342-3010.

Districts may only submit claims for allowable ABAWD expenditures made between October 1, 2019 and March 31, 2020. All claims for FFY 2020 100% SNAP E&T ABAWD pledge funds reimbursement must be final accepted in the Automated Claiming System no later than **February 1, 2021**.

Issued By:

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