

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

Transmittal No: 90 LCM-103

Date: July 17, 1990

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: Employability Codes

ATTACHMENTS: None

I. INTRODUCTION

This is another in a series of Local Commissioner Memoranda intended to update Commissioners, Directors of Income Maintenance and Employment Supervisors on the status of various employment related activities as a result of the upcoming October 1, 1990 implementation of the Job Opportunities and Basic Skills Training (JOBS) Program.

The JOBS Program is changing the employability requirements for ADC recipients as currently contained in Sections 385.2 and 392 of Department Regulations. As part of the State's implementation of JOBS, State enabling legislation has also changed HR employability requirements to conform to JOBS rules.

In preparation for JOBS, new WMS employability codes have been designed. One employability code set will be used for both ADC and HR recipients. A conversion of old employability codes to the new codes is scheduled for all districts except New York City for the weekend of August 11. Conversion of the NYC employability codes, which will be the same as those described in this memorandum, are scheduled to be migrated by September 30, 1990. The employability codes are being converted prior to JOBS implementation to allow districts time to familiarize staff with the new codes. Although clients will be coded by the new employability codes beginning on August 13, 1990, the actual employment requirements for clients do not change until October 1, 1990.

II. CHANGES TO EMPLOYABILITY

Individuals meeting the following criteria, unless otherwise exempt, will be considered employable effective October 1, 1990.

- 1) Teen Parents Age 16-19 Without High School Diploma*;
- 2) ADC-U Non-Principal Wage Earners;
- 3) Caretakers of Child Between Ages of 3 and 5;
- 4) Enrolled in Full-Time Training or Education**.

*These teen parents are employable regardless of the age of their youngest child.

**Individuals age 16-19 who are attending school full time are exempt from employment requirements.

III. CHANGES TO EXEMPTIONS

Individuals meeting the following criteria will be considered exempt October 1, 1990.

- 1) Sixty Years of Age or Older;
- 2) Caretaker of a Child Under 3;
- 3) Employed 30 or More Hours Per Week;
- 4) Pregnant - 4th Month or Beyond;
- 5) Residents of Locations from Which JOBS Activities are Remote (Over Two Hours Round Trip Away);
- 6) Full-Time VISTA Volunteers.

IV. NEW EMPLOYABILITY CODE LIST

Listed below are the new employability codes in numeric code order. There is only one set of codes for ADC and HR recipients. Separate employability codes for WIN districts and HR recipients have been abolished.

ADC/HR Employability Codes

- 17 Teen Parent Age 16-19 Without HS Diploma
- 20 Mandatory Employable
- 21 Voluntary Employable
- 24 Pregnant - 4th Month or Beyond
- 26 Remoteness
- 27 Employed Full Time - 30 Hours Per Week or More
- 30 Child Under 16
- 31 Caretaker of Child Under 3 in the Same PA Case
- 32 Advanced Age
- 33 ADC-U Non-Principal Wage Earner
- 34 Caretaker of Child Under 3 Not on Same PA Case

- 35 In School Full-Time Age 16-19
- 36 Incapacitated
- 38 Needed in the Home to Care for Incapacitated House Member
- 41 Temporary Illness - 3 Month Exemption
- 42 Temporary Incapacity - 6 Month Exemption
- 43 Incapacitated - SSI Application Filed
- 44 In receipt of SSI
- 63 Substance Abuser - In Rehabilitation
- 64 Substance Abuser - Waiting Rehabilitation
- 70 Contesting Employability Determination
- 73 OVESID Participant
- 99 Unborn

V. EMPLOYABILITY CODE DEFINITIONS

Teen Parent Without High School Diploma -- The individual is a custodial parent between 16 and 19, who is not otherwise exempt, does not have a high school diploma or high school equivalency certificate, and is not attending full-time an elementary, secondary, vocational or technical school.

NOTE: These teen parents are not exempt because they have a child under 3.

Mandatory Employable -- The individual does not meet any social services law criterion for exemption, and is required to participate in employment and training activities.

Voluntary Employable -- The individual is exempt by Social Services Law from mandatory participation in employment and training activities, but voluntarily chooses to participate.

Pregnant - 4th Month or Beyond -- The individual is in at least the fourth month of her medically verified pregnancy.

Remoteness -- The individual lives in an area which is so remote that effective participation would be precluded. Remoteness means that a round trip of more than two hours by reasonably available public or private transportation exclusive of the time necessary to transport children to/from child care, would be required for a normal work or training day. However, if normal round trip commuting time in the area is more than 2 hours, then round trip commuting time for purposes of participation in the JOBS program shall not exceed the generally accepted community standards.

Employed Full-Time - 30 Hours Per Week or More

- (a) The individual is working 30 or more hours per week; is earning at least the higher of the State or federal minimum wage; and the weekly gross wage received by the individual is at least the dollar equivalent of 30 hours times the higher of the State or federal minimum wage.

(b) The individual is a full time volunteer under Volunteers In Service to America (VISTA). The weekly number of hours that an individual must serve to be considered a full time volunteer is defined by VISTA.

Child Under 16 -- This individual is a child under the age of 16 years. This would include teenage custodial parents under 16 years of age who do not have their high school diploma or equivalency certificate.

Caretaker Caring for Child Under 3 in Same Public Assistance Case -- The individual is a parent or a caretaker relative of a child under the age of 3 and is personally providing care for that child; the child is a member of the same public assistance case as the parent/caretaker.

NOTE: Custodial parents between 16-19 years old who do not have a high school diploma or equivalency certificate are not exempt from employment requirements because they have a child under 3 years old. These individuals are required to participate in educational activities unless they meet another exemption criterion.

Advanced Age -- The individual is age 60 or older.

ADC-U Non-Principal Wage Earner -- The individual is the parent who earned the lesser amount in the 24 months preceding the month of application for ADC-U. This parent, unless otherwise exempt, is a mandatory employable.

Caretaker Caring for Child Under 3 Not in Same Public Assistance Case -- The individual is a parent or a caretaker relative of a child under the age of 3 and is personally providing care for that child; the child is not a member of the same public assistance case as the parent/caretaker.

NOTE: Parents/caretakers between 16-19 years who do not have a high school diploma or equivalency certificate are not exempt from employment requirements because they are caring for a child under 3 years old. These individuals are required to participate in education activities unless they meet another exemption criterion.

In-School Full-Time Age 16-19 -- The individual is a child between 16 and 19 years who is attending full-time an elementary, secondary, vocational or technical school. Full time attendance is defined by the particular education institution. Custodial teen parents without a high school diploma or equivalent and who are attending school full time meet the standard for this exemption.

NOTE: Teen parents age 16-19 who are enrolled in school as JOBS participants do not qualify for this exemption.

Incapacitated -- The individual has a physical or mental impairment that prevents the person from engaging in either employment or training. The impairment must be verified by a physician or a licensed/certified psychologist and is expected to exist for a period of more than 6 months.

Needed in the Home to Care for Incapacitated Household Member -- The individual is needed full-time in the home to provide care to a household member who has a physical or mental impairment and there is no other appropriate member of the family to provide the needed care. A physician or licensed/certified psychologist must verify the need for care.

Temporary Illness 3 Month Exemption -- The individual is unable to engage in either employment or training because of an illness. It must be medically verified and may not exceed 3 months in duration.

NOTE: An exemption for illness is not an automatic 3 month exemption. It is for a maximum of 3 months, but may be for a shorter duration as deemed appropriate by the district. This exemption should be given to individuals who need between 1 and 3 months to recover from illness or injury as verified by a medical statement.

Temporary Incapacity - 6 Month Exemption

- (a) The individual has a physical or mental impairment that prevents the person from engaging in either employment or training. The impairment must be verified by a physician or licensed/certified psychologist and be expected to exist for a period of between 3 and 6 months.
- (b) A custodial parent between 16 and 19 years of age without a high school diploma or equivalent who is unable to engage in employment or training because her physician has prescribed a period of recuperation after child birth of between 3 and 6 months duration.

NOTE: An exemption for temporary incapacity is not an automatic 6 month exemption. It is for a maximum of 6 months, but may be shorter in duration as deemed appropriate by the district. This exemption should be given to individuals who need between 3 and 6 months to recover from an illness, injury or child birth as verified by a medical statement.

Incapacitated - SSI Application Filed -- The individual has a physical or mental impairment and has filed an application for Supplemental Security Income. The impairment must be verified by a physician or a licensed/certified psychologist.

In Receipt of SSI -- The individual has a physical or mental impairment and is receiving Supplemental Security Income.

Substance Abuser in Rehabilitation -- The individual is an alcoholic or a narcotic addict or habitually and excessively consumes alcoholic beverages or drugs, and as a condition of eligibility is participating in an approved rehabilitation program.

Substance Abuser - Waiting Rehabilitation -- The individual is an alcoholic or a narcotic addict or habitually and excessively consumes alcoholic beverages or drugs and as a condition of eligibility has agreed to participate, and is waiting for space, in an approved rehabilitation program.

Contesting Employability Determination -- The individual has been determined not to be exempt under Social Services Law from employability requirements, but is contesting this determination by requesting a fair hearing. This individual may not be required to participate in employment and training activities until their employability has been established.

OVESID Participant -- The individual is attending a program of rehabilitation through the Office of Vocational and Educational Services for Individuals with Disabilities (OVESID).

Unborn - The unborn is included in the public assistance case. This code is used by New York City, and is optional for upstate districts' use.

VI. EMPLOYABILITY CODE EXEMPTION HIERARCHY

All clients are screened against exemptions from employment requirements. In order to assign an employability code, exemptions from employment requirements are assigned in the following order of priority:

ADC/HR Exempt Employability Codes
HIERARCHY of Exemption

- 70 Contesting Employability Determination
- 27 Employed Full-Time - 30 Hours Per Week or More
- 44 In Receipt of SSI
- 32 Advanced Age
- 43 Incapacitated - SSI Application Filed
- 36 Incapacitated
- 38 Needed in the Home to Care for Incapacitated Household Member
- 30 Child Under 16
- 35 In School Full-Time Age 16-19
- 31 Caretaker of Child Under 3 in the Same PA Case
- 34 Caretaker of Child Under 3 Not on the Same PA Case
- 24 Pregnant - 4th Month or Beyond
- 73 OVESID Participant
- 63 Substance Abuser - In Rehabilitation
- 64 Substance Abuser - Waiting Rehabilitation
- 42 Temporary Incapacity - 6 Month Exemption
- 26 Remoteness
- 41 Temporary Illness 3 Month Exemption
- 99 Unborn

Important Points to Remember When Assigning Employability Codes

- (a) A client meeting the criteria for more than one exemption is assigned the exemption that comes first in the hierarchy.
- (b) Clients contesting their employability determination have been determined employable and are disputing that determination by requesting a fair hearing. These clients cannot be required to participate in employment activities, while their fair hearing is pending. Individuals contesting their employability should be assigned code 70 (contesting employability determination) on a timely basis in order to preclude call-in by the Employment Unit.
- (c) ADC-U non-principal wage earners are no longer exempt because the principal wage earner is in compliance with employment requirements. However, these individuals may qualify for another exemption and should be screened accordingly before assigning code 33.
- (d) Teenage parents between 16 and 19 who do not have their high school diploma must be screened against the exemptions before assigning code 17. These parents qualify for all exemptions except the ones for caretaker of a child under 3 (codes 31, 34).
- (e) Volunteers have priority for service under JOBS regulations. Clients who are exempt and participating should have their employability codes changed to Voluntary Employable (code 21) on a timely basis so that the Employment Unit can work with them and record their participation on the Employment Subsystem.
- (f) Clients should be asked if they are full-time VISTA volunteers. VISTA volunteers are exempt from employment requirements and should be coded as full-time employed individuals (code 27).

VII. EMPLOYABILITY CODE CONVERSION MATRIX

CURRENT CODE	CONVERTS TO
18 - Mandatory WIN - In Full-Time Training/Rehab	20 - Mandatory Employable
19 - Mandatory WIN - Lack of Child Care	
20 - Mandatory WIN	
25 - Work Rules Eligible	
28 - In Full-Time Training/Rehab	
52 - In Full-Time Training/Rehab	
39 - Lack of Child Care	
40 - Work Rules Eligible	
51 - Parent or Other Caretaker with Adult Relative In	
58 - Lack of Child Care	

CURRENT CODE	CONVERTS TO
33 - Parent or Other Caretaker with Adult Relative in Compliance	33 - ADC-U Non Principal Wage Earner
22 - Voluntary WIN - In Full-Time Training/Rehab	21 - Voluntary Employable
21 - Voluntary WIN 23 - Voluntary WIN - Lack of Child Care 29 - Volunteer 49 - Volunteer	21 - Voluntary Employable
30 - Child Under 16 59 - Child Under 16	30 - Child Under 16
35 - Person 16 to 19 in School Full-Time 53 - Person 16 to 21 in School Full-Time	35 - In School Full-Time Age 16-19
*31 - Caretaker Relative of Child Under 6 in Same PA Case *61 - Caretaker Relative of Child Under 6 in Same PA Case	31 - Caretaker of Child Under 3
*34 - Caretaker Relative of Child Under 6 Not in Same PA Case *62 - Caretaker Relative of Child Under 6 Not in Same PA Case	34 - Caretaker of Child Under 3, Not on Same PA Case
38 - Needed in Home - Illness of Another Household Member 56 - Needed in Home - Illness of Another Household Member	38 - Needed in the Home to Care for Incapacitated Household Member
32 - 65 Years and Older 60 - 55 Years and Older Not Employed in Past 5 Years	32 - Advanced Age
37 - Illness (For No More than 30 Days) 55 - Illness (For No More than 30 Days)	41 - Temporary Illness 3 Month Exemption
*Caretaker of children between the ages of 3 and 5 are mandatory employable (Code 20).	

CURRENT CODE	CONVERTS TO
36 - Incapacitated (For More than 30 Days)	36 - Incapacitated
54 - Incapacitated (For More than 30 Days)	
64 - Drug/Alcohol - Not in Rehabilitation	64 - Substance Abuser Waiting Rehabilitation
63 - Drug/Alcohol Rehabilitation	63 - Substance Abuser - In Rehabilitation
24 - Medically Verified Pregnancy (6 Months or Beyond)	24 - Pregnant - 4 Month or Beyond
44 - Medically Verified Pregnancy (6 Months or Beyond)	
26 - Work Rules Eligible Transportation Hardship	26 - Remoteness
46 - Work Rules Eligible Transportation Hardship	
27 - Employed Full-Time or to Capacity	27 - Employed Full-Time 30 Hours Per Week or More
50 - Employed Full-Time or to Capacity	

The following codes will not be converted because they do not have a corresponding code in the current code set. Districts will begin using these codes on August 13, 1990 as appropriate.

70 - Contesting Employability Determination
 17 - Teen Parent Age 16-19 Without HS Diploma
 99 - Unborn
 42 - Temporary Illness - 6 Month Exemption
 43 - Incapacitated - SSI Application Filed
 44 - In Receipt of SSI
 73 - OVESID Participant

VIII. COORDINATION OF INCOME MAINTENANCE AND EMPLOYMENT

The JOBS Program changes the focus of public assistance from income maintenance to self-sufficiency. 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.

Income Maintenance staff will be full partners with Employment staff in assuring that clients obtain needed education, training and employment that will allow them to become self-sufficient. IM and Employment staff need to function as a closely coordinated team assisting clients in overcoming the barriers that block their path to independence.

Questions concerning the Employability Codes should be directed to Paul Dichian, Bureau of Employment Programs at 1-800-342-4100, extension 4-9286.

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