




## Document Details

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## Office of Temporary and Disability Assistance

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Executive Deputy Commissioner

May 14, 2020

Ms. Moira Johnston  
Food and Nutrition Service  
Office of Employment and Training  
1320 Braddock Place  
Alexandria, VA 22314

Re: Docket ID Number [FNS-2019-0008], "Employment and Training Opportunities in the Supplemental Nutrition Assistance Program"

Dear Ms. Johnston:

The New York State Office of Temporary and Disability Assistance (OTDA) submits the following response to the notice in the Federal Register FNS-2019-0008 soliciting comments on the proposed rule regarding "Employment and Training Opportunities in the Supplemental Nutrition Assistance Program." OTDA supervises the administration of a wide range of programs that provide services and support to low-income families and individuals, including the Supplemental Nutrition Assistance Program (SNAP). The mission of OTDA is to help vulnerable New Yorkers meet their essential needs and advance economically by providing opportunities for stable employment, housing, and nutrition.

Below are responses to various sections of the proposed rule where the Food and Nutrition Service (FNS) has specifically requested feedback. OTDA advocates strongly for FNS to allow maximum flexibility to States within the parameters of the Food and Nutrition Act of 2018 (the Act) for the implementation of the ill-suited and supervised job search provisions and to allow a 12-month period of eligibility from the time initial eligibility for a SNAP Employment and Training (E&T) program participant has been verified. This flexibility will prevent a one-size fits all approach that does not take into consideration the greatly varying circumstances, resources and program design of States. Flexibility with these provisions will also curtail the imposition of additional, unnecessary and burdensome administrative requirements that are likely to adversely impact positive program outcomes and continuity for SNAP E&T programs.

### **Notice of Employment and Training Participation Change (NETPC)**

OTDA strongly opposes the proposed rule change at 7 CFR 273.7(c)(18)(i)(A) that would require the State agency to send a formal Notice of Employment and Training Participation Change (NETPC) to individuals determined to be ill-suited for an E&T component. The Act already requires that all E&T programs must provide case management services to E&T participants. As such, it is more appropriate that the ill-suited determination be addressed with the E&T participant during regular on-going case management, which may include re-assessment of the individual's physical and mental fitness to participate in the assigned E&T component or may result in the referral to an appropriate E&T component or workforce partnership. In addition, the rule should not require ABAWDs to accrue a countable month for a month they participated in a SNAP E&T activity but were determined "ill-suited"

prior to meeting the 80-hour requirement. This will allow states adequate time to react, re-assess and reassign ABAWDs who might be ill-suited for an activity without unfairly penalizing the ABAWD. State flexibility on how best to handle the ill-suited provisions within their varied program designs must be maintained. SNAP E&T programs are already “notice heavy” and the requirement to provide yet another formal written notice will increase administrative burden on our local social service districts (districts), will not ease the seamless service provision process for participants and may delay prompt action by the district and service provider to make appropriate changes. Additionally, to provide written notice to inform an individual that they are ill-suited for the E&T component they are assigned to may lead to disappointment and hostility for individuals who may disagree with the ill-suited determination. This may unnecessarily lead to increased fair hearing requests and other litigation.

### **Supervised Job Search**

The Act replaced the E&T job search component with supervised job search, and defined supervised job search as an E&T component that occurs at State-approved locations at which the activities of participants shall be directly supervised, and the timing and activities of participants tracked in accordance with guidelines issued by the State agency. In New York State, approved locations for conducting supervised job search include the local district SNAP offices, the One Stop Career Centers, the office of an E&T provider, or other locations, including virtual options as determined appropriate by the local district based on the needs and geographical location of SNAP recipients in the district. OTDA recommends that the final rule allow utilization of a variety of methods of job search supervision based on local needs and available resources and not be limited to in-person meetings/supervision. The nationwide COVID-19 pandemic certainly provides evidence of the importance of the need for flexibility with this provision. The pandemic has limited face to face service options and has necessitated that states pivot to online/virtual platforms.

OTDA advocates that FNS should maintain State flexibility with implementation of this provision as the utilization of a single method for supervising job search activities would not be appropriate in New York State due to the vast diversity of the districts in the state ranging from remote rural communities to large metropolitan areas. In New York State most employment services for SNAP and Temporary Assistance (TA) applicants and recipients are traditionally delivered in coordination through the State’s 58 local districts. The number of contacts required of job search participants and the frequency of how often individuals are required to report job search outcomes and activities, and the manner in which the job search is supervised, is determined by the district and may vary depending on the local job market and participant skills. Each district in New York State establishes a job search period, which in their estimation, will provide participants a reasonable opportunity to find suitable employment. Efforts to develop unified regulations and apply a one-size-fit-all approach in regard to service provision locations, or methods of participant supervision will unavoidably leave some areas struggling to comply with administratively burdensome rules imposed at the state level, will cause hardship in terms of implementation, and may impede participant accessibility.

### **Verifying SNAP Eligibility for E&T Participants**

In the proposed rule, FNS seeks comments on the experience of E&T stakeholders in verification of E&T participants’ eligibility, which at times may be time-consuming, resource intensive, and can be a barrier to the growth of E&T programs. FNS also asks for recommendations on how to reduce the burden on State agencies and E&T providers in order to better support individuals as they progress through training.

As previously mentioned, employment services for SNAP and TA applicants and recipients are traditionally delivered in coordination through the New York State’s 58 local districts, with additional services provided through contracts that OTDA holds with community-based organizations around the state for the SNAP Venture program. Providers must verify eligibility at enrollment and throughout each participant’s progression through the program. Because SNAP eligibility can change at any time,

providers are strongly encouraged to verify eligibility for each participant monthly. Many providers do not have direct access to local district systems due to federal and state restrictions to conduct eligibility lookups. Additionally, many participants self-refer to programs and self-report they are in receipt of SNAP. Without direct access to district systems and/or direct referrals providers must reach out to their local district to confirm eligibility.

To reduce barriers associated with verifying eligibility and ensure minimal disruption with training participation, OTDA recommends allowing a 12-month period of eligibility from the time initial eligibility for a SNAP E&T program participant has been verified, regardless of the loss of SNAP eligibility during the 12-month period. This would significantly reduce the number of verifications needed throughout the lifecycle of the program and would ensure individuals who have begun a program do not get terminated at any point during their progress due to loss of eligibility. Establishing a 12-month certification period will reduce risk faced by providers enrolling individuals supported by SNAP E&T who would otherwise need to secure other funding sources to continue to support trainees who have lost eligibility mid-program, or potentially stop providing services.

In sum, OTDA urges FNS to allow maximum flexibility to states within the parameters of the Act for the implementation of the provisions above. This flexibility will help ensure the provisions can be implemented by each state successfully and in line with the resources and capacity available.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. P. Hein', with a stylized flourish extending from the end.

Michael P. Hein  
Commissioner