



How Do I Keep from Losing My Public Assistance Benefits because of Work Assignment Sanctions?

MUST I WORK TO KEEP MY PUBLIC ASSISTANCE BENEFITS?

In order to keep your public assistance benefits you must take part in a “**work activity.**” The NYC Human Resources Administration (HRA) will choose a work activity for you. This will usually mean working for a City agency (such as the Department of Sanitation or the Department of Parks) or for a nonprofit agency.

HOW DO I GET A WORK ASSIGNMENT?

When you apply for public assistance benefits, HRA will usually set up an appointment for you to discuss your participation in a work activity. It is also possible that HRA will set up this work assignment appointment during any time that you are receiving benefits.

NEVER miss your work assignment appointment unless you absolutely cannot help it. If you miss your appointment, you must provide HRA with documentation explaining why weren't there. If you were sick, you must get a letter from your doctor. If you did not receive notice of the appointment because you have a problem getting your mail, you must make a complaint about your mail at the Post Office (on PS Form 4314-C) and then get a document saying that you have made a complaint.

If you receive Family Assistance (FA), HRA will assess your skills, level of education, and your preferences before assigning you to a work activity and will try to give you an assignment that meets your preferences. If HRA does not accommodate your preference, it must give its reason in writing.

After you have met with your HRA work program worker, you will be given a work assignment. Once that happens, **you must show up at that assignment and follow work rules.**

If you have to be absent, you must tell your supervisor at work ahead of time if you know. If you have an emergency, you must call and also bring in documentation the next day if possible--for example, a doctor's letter if you were sick.

Failure to go to a work assignment will result in loss of your benefits.

WHAT IF I AM CURRENTLY IN SCHOOL?

Going to school is a work activity. Attending high school or completing a G.E.D. is an approved work activity. You must bring in proof of your attendance from your school. If you are going to a four-year college you will be referred to HRA's Training Assessment Group (TAG) to approve your attendance at the school. In addition, HRA will count homework hours toward your 35-hour work week requirement. If HRA decides to

give you additional work activities, they must make a reasonable effort to give you an assignment at your school or close to your school, and the assignment should not interfere with your classroom hours.

WHO WILL TAKE CARE OF MY CHILDREN WHILE I WORK?

If you have children age 12 or younger, **you are entitled child care** before HRA can assign you to a work activity. If you have a disabled child 13 or older who needs child care because of his/her disability, you are also entitled to suitable child care for that child prior to starting a work activity.

If you have found a person or program that you trust to take care of your children, give the information about this method of care to HRA. **HRA is required to pay for that care.** Some examples might include:

- a babysitter such as a family member or a neighbor;
- a family day care provider (an individual who takes care of up to six children in his/her home under a license from a state agency and whose activities are regulated by that agency);
- a licensed day-care center; or
- a before-school and/or after-school program (which might be available at your children's school or at a local community center).

If your choice is an informal provider (that is, someone who is not licensed, such as a babysitter), then that person cannot care for more than two children at one time (not including that person's own children). Give that person's name, address, and **Social Security Number** to HRA.

If you cannot find anyone to care for your children, HRA will help by giving you referrals. The NYC Agency for Child Development (ACD) provides free child care to public assistance recipients who are participating in work assignment programs.

The decision about whether a particular person, program, or agency is a proper caretaker for your children is **your decision**. You must choose the best provider and make the necessary arrangements. HRA must pay the cost of the child care up to "market rate." HRA will tell you how much they are willing to pay for child care. You can get information on licensed child care providers in your community by calling The Center for Children's Initiatives (CCI) at 212-929-6911 or toll free at 888-244-5399. You can also search for licensed providers on CCI's website at <http://www.centerforchildrensinitiatives.org/>

If you do not have appropriate child care because of something that HRA did or did not do, HRA cannot punish you for not participating in a work assignment program.

WHAT IF I AM NOT ABLE TO WORK?

When you apply or recertify for public assistance, you should tell HRA that you think you are unable to work because of a medical condition. You will then be referred to WeCARE (Wellness, Comprehensive Assessment, Rehabilitation and Employment) Program, and given an appointment so that WeCARE can see if you can work. You should also be given a form, the Physician's Functional Assessment Report (W-538) to take to your own medical provider. You should have your medical provider complete the form prior to the WeCARE appointment, and take it with you to your appointment. Your doctor should state your diagnosis and state that the doctor believes that you are unable to work at the present time. The doctor should also say how long your condition is expected to last. The more detail your doctor can add, the better, such as what medical tests the doctor has used (for example, x-rays, blood tests) and what medications the doctor has prescribed.

After its evaluation, WeCARE will give you a rating, called “**Functional Assessment Outcomes**” (FAOs). Whether you will be required to work will depend upon your FAO.

WHAT DO I DO AFTER HRA HAS DETERMINED WHETHER OR NOT I CAN WORK?

If HRA assigns you an FAO that indicates that you are employable and if you agree with HRA's decision, you **must** go to the work assignment that HRA gives you. If you do **not** agree with the decision, you must request a “**Fair Hearing**”. **Do not wait. Ask right away** or you will lose your chance. (See below for more information.)

WHAT SHOULD I DO IF I DISAGREE WITH AN HRA DECISION?

If you disagree with any HRA decision, such as how HRA's doctors rated your ability to work, the number of hours HRA assigned you, or HRA's intention to sanction you because of a missed appointment, an unexcused absence, or some other claimed violation of HRA's rules, you must ask for a Fair Hearing **IMMEDIATELY** as **VERY SHORT TIME LIMITS EXIST** to request one. If the HRA decides to terminate or reduce your benefits, you have 60 days to ask for a hearing. **However**, if you receive notice that you must work but you believe you are exempt for medical reasons, you must request a hearing within **10 days of the notice**. **You must also ask for a fair hearing within 10 days of the date of the notice in order to have your benefits continue unchanged until the hearing.** You should also request “Aid Continuing.” Aid Continuing is your right to continue to receive benefits until a decision is made after the fair hearing. **You must request Aid Continuing within 10 days of the notice.**

You can request a fair hearing and aid continuing in the following ways:

- Going to 14 Boerum Place, 1st Floor Brooklyn, New York 11201
- Calling 800-342-3334
- Visiting <http://otda.ny.gov/hearings/request/#online>
- Faxing a fair hearing request to 518-473-6735
- Writing to the New York State Office of Temporary and Disability Assistance, Office of Administrative Hearings, P.O. Box 1930, Albany, NY 12201-1930

Be sure to have the notice on hand with you when you request a fair hearing and/or aid to continue. **Keep copies of everything you send.** If you have already been sanctioned, but you have a good cause for failing to comply, you should still request a fair hearing.

Do not go to a fair hearing without talking to an attorney first, if at all possible.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Government Benefits Project at 212-417-3732 on Mondays from 10:00 a.m. to 12:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.