



# 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?

In theory, going to school could be considered a work activity. In practice, however, HRA will not accept school as a full-time work activity. HRA will make you work as well as attend school in order to get your benefits. If you are a student you should get a letter from your school stating the hours that you spend in class and present this letter to HRA so that your work assignment will take those hours into account.

**If you are going to school and receiving FA**, you can ask that your work assignment be convenient to your school location and compatible with your school hours. You can also request a work assignment at the school (if assignments are available at your school). Work-study jobs and internships may count as a work activity for both FA and Safety Net Assistance (SNA) recipients.

## 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 Child Care, Inc. at 212-929-4999.

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?

If you think you are unable to work because of a medical condition, you must bring medical documentation, such as a doctor's letter, to each of your HRA appointments. The letter must set forth your diagnosis and it must state that your doctor believes that you are unable to work at the present time. The letter must 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.

HRA will then send you to its doctors (HS Systems). These doctors will examine you and make their own evaluation of your condition and whether you can work. It would be helpful for them to have your doctor's letter. The more information your doctor provides, the better, because the examination done by HRA's doctors is usually brief and minimal.

HRA's doctors will give you one of eight ratings, called "**Functional Assessment Outcomes**" (FAOs).

## 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. VERY SHORT TIME LIMITS EXIST.**

You can ask for a Fair Hearing in one of **three ways**:

1. **CALL (800) 342-3334 (toll free) or (212) 417-6550, Monday-Friday, 8 a.m.-5 p.m.** Have the notice that you disagree with in front of you when you call. The best time is first thing in the morning at 8:00, since the phone is very busy after 9:00.
2. **WRITE** to the **NY State Office of Temporary and Disability Assistance, Fair Hearings Unit, 40 North Pearl Street, Albany, NY 12243**, and attach to your letter a **copy** of the notice that you disagree with. Keep the original notice and **keep copies** of everything that you send.
3. **GO IN PERSON** to **14 Boerum Place, Brooklyn, NY 11201**. Take with you a **copy** of the notice that you disagree with. Keep the original notice at home.

**DO NOT GO TO A FAIR HEARING WITHOUT TALKING TO AN ATTORNEY FIRST**, if at all possible.