

Working for Your Public Assistance

DO I HAVE TO WORK TO RECEIVE PUBLIC ASSISTANCE BENEFITS?

Most people receiving public assistance benefits must engage in a work activity. A work activity can be unpaid work, paid work, training or education. A Human Resources Administration (HRA) worker will evaluate you and decide whether or not you have to work. Unless you fall under one of the exemptions, the worker will assign you to a work activity.

WHAT ARE THE EXEMPTIONS TO THE WORK RULES?

You do not have to work if you:

- Are unable to work due to an illness or injury that will last up to 3 months or if you are incapacitated;
- Are 60 years of age or older;
- Have a disability as categorized under certain laws;
- Are under 16 years of age;
- Are under 19 years and attending secondary, vocational or technical school;
- Are the parent or caretaker of a child under 1 year for a lifetime maximum of 12 months of exemptions; that is, the exemption is given for up to only 3 months per child, unless extended;
- Are pregnant and due to give birth within 30 days;
- You may also be fully or partially exempt on the basis of domestic violence or substance abuse.

HOW DOES HRA DECIDE IF I HAVE TO WORK?

Shortly after you apply for public assistance, if you are currently not working or engaged in a work activity, HRA will call you in for an appointment called a “mandatory employment assessment appointment.” At the appointment, a worker will discuss with you how you will engage in work activities. This is called an employability plan. The worker will ask you questions about your work history, educational history, family background, and skills.

The worker will continue to schedule follow-up appointments until HRA makes a decision. If HRA determines you are able to work, you will receive a “Notice of Employability” which states your work assignment and how many hours you have to work.

It is important to keep in mind that you have a **right** to be assessed for employability. HRA cannot assign you to any activities without assessing you.

HOW CAN I PROVE I AM EXEMPT?

At your first appointment, you must tell the worker you think you are exempt and why. The worker will ask you to prove it. You will need to have proof that matches your claim. For example, if you have a disability, you should get a letter from your doctor stating that you cannot work, what your medical diagnosis is, and how it stops you from working.

If you take care of a sick or injured person at home, ask for a "Caretaker Exemption Form." To qualify for this exemption, a doctor must fill out this form and state that you are needed at home.

If you are seeking exemption because you are a victim of domestic violence or you have a problem with substance abuse, you must tell the worker at your first appointment. The worker will then refer you to a Domestic Violence Liaison (DVL) worker. This is a worker who specializes in assessing domestic violence victims and people with substance abuse issues. The DVL will then determine if you are eligible for a waiver from work activities.

HOW MANY HOURS WILL I HAVE TO WORK?

For households with children, a minimum of 30 hours per week is required. For households without children, a minimum of 35 hours per week is required. If you are a single adult taking care of a child under 6, you are required to work only 20 hours.

If you are living with someone else and you both take care of children, you will be required to work 35 hours. However, if you are receiving federally-funded child care, you will be required to work 55 hours.

WHAT HAPPENS IF I DECIDE NOT TO WORK?

You may lose your benefits or your benefits may be reduced. Even if you decide to miss one work appointment or do not show up to your work site, HRA can reduce your benefits. This is called a sanction.

WHAT ARE THE BASIC RULES I SHOULD KNOW?

- You must go to every appointment. If you miss an appointment, you may lose your benefits. Get a written excuse if you have to miss an appointment.
- Stay at your work assignment if you can, even if you do not like the assignment. Bring written excuses for any days you have to miss. If you leave the job, your benefits may be cut off.
- Remember to always sign in at your worksite when you arrive.
- Keep copies of any documents you receive from the city, state, or your worksite.
- If you are experiencing any issues at work, **ask for conciliation**. A conciliation is a meeting with a worker to try to work out a problem.

WHAT IF I DISAGREE WITH A WORK ASSIGNMENT THAT I WAS GIVEN?

Once you receive a “Notice of Employability” which states your work assignment, you can request an informal conference. An informal conference is a meeting with an HRA worker to discuss the problem. Sometimes the issue can be resolved through a conference. However, even if you request a conference, you should **still** request a fair hearing.

You must request a fair hearing within **10 days of the notice**. 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 a copy of everything you send.

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.