

Chapter 3: Employment Training Programs for Public Assistance Recipients

§ 3-01 Purpose.

The purpose of these rules is to establish an evaluation procedure for employment training programs to ensure that training provided in such program shall:

- (a) be sufficient to enhance substantially the participants' opportunity to secure unsubsidized employment, or
- (b) when coupled with or provided in conjunction with other training or work activities represent part of a comprehensive approach to securing unsubsidized employment for the participants and attaining self-sufficiency.

§ 3-02 Definitions.

As used in these rules, the following terms shall have the following meanings:

Cohort. A group that includes all public assistance recipients who are or have been enrolled in an employment training program, whose scheduled date of completion of that program is within a specific one-year period, but does not include those recipients who withdrew or were otherwise removed from the program within thirty days of their date of enrollment in the program. Recipients whose original scheduled date of completion would place them within a cohort, but whose date of completion has been rescheduled with the approval of OES, shall not be included in that cohort.

Date of enrollment. The first date upon which a public assistance recipient is scheduled to attend a class at an employment training program.

Department of social services. The New York State Department of Social Services, or any successor agency which is responsible for functions described herein.

Employment training programs. Vocational training programs, literacy programs, job placement programs, and associate's degree or other post-secondary two-year degree granting programs.

OES. The Office of Employment Services of the New York City Human Resources Administration.

OES work-related activity. Any job search, work experience program, on-the-job training program, or other training in which OES requires a recipient to participate pursuant to applicable law and regulations.

Paid employment. Lawful employment for which a person is paid on an hourly, per diem, weekly, biweekly or monthly basis. Paid employment includes full-time employment and part-time employment.

§ 3-03 Standards for Evaluating Employment Training Programs.

(a) To be approved as an employment training program for which a public assistance recipient may receive training-related expenses, or a full or partial exemption from requirements to participate in other OES work-related activities, a vocational training program must meet the following conditions:

- (1) (i) It is licensed by the New York State Education Department, or is sponsored by a government agency, and
- (ii) It is enrolled with and approved by the New York State Department of Social Services, in accordance with the requirements of that Department.
- (2) It furnishes to OES documentation of enrollment, attendance, and satisfactory progress of each public assistance recipient enrolled in its program who is receiving training-related expenses or is receiving an exemption from other OES work-related activities. Such documentation shall be in a form satisfactory to OES.

(3) It shall establish, and report to OES, a scheduled date of completion for each public assistance recipient enrolled in its program. The completion date shall not be later than two years from the date of enrollment of any public assistance recipient, except as may otherwise be required pursuant to applicable law. This requirement shall apply with respect to public assistance recipients who enroll on or after May 1, 1996 and to recipients who have enrolled prior to such date and are continuing their studies in the program as of that date.

(4) If it has been subject to an employment placement rate review, as described in 68 RCNY § 3-04, it has a current Certificate of Approval Following Employment Placement Rate Review or a current Certificate of Conditional Approval Following Employment Placement Rate Review.

(b) To be approved as an employment training program for which a public assistance recipient may receive training-related expenses, or a full or partial exemption from requirements to participate in other OES work-related activities, a literacy program must meet the following conditions:

- (1) (i) It is licensed by the New York State Education Department, or is sponsored by a government agency, and
- (ii) It is enrolled with and approved by the New York State Department of Social Services, in accordance with the requirements of that Department.
- (2) It furnishes to OES documentation of enrollment, attendance, and satisfactory progress of each public assistance recipient enrolled in its program who is receiving training-related expenses or is receiving an exemption from other OES work-related activities. Such documentation shall be in a form satisfactory to OES.

(3) It shall establish, and report to OES, a scheduled date of completion for each public assistance recipient enrolled in its program. The completion date shall not be later than two years from the date of enrollment of any public assistance recipient, except as may otherwise be required pursuant to applicable law. This requirement shall apply with respect to public assistance recipients who enroll on or after May 1, 1996, and to recipients who have enrolled prior to such date and are continuing their studies in the program as of that date.

(4) If it has been subject to an employment placement rate review, as described in 68 RCNY § 3-04, it has a current Certificate of Approval Following Employment Placement Rate Review or a current Certificate of Conditional Approval Following Employment Placement Rate Review.

(c) To be approved as an employment training program for which a public assistance recipient may receive training-related expenses, or a full or partial exemption from requirements to participate in other OES work-related activities, a job placement program must meet the following conditions:

- (1) (i) It is licensed by the New York State Education Department, or is sponsored by a government agency, and
- (ii) It is enrolled with and approved by the New York State Department of Social Services, in accordance with the requirements of that Department.
- (2) It furnishes to OES documentation of enrollment, attendance, and satisfactory progress of each public assistance recipient enrolled in its program who is receiving training-related expenses or is receiving an exemption from other OES work-related activities. Such documentation shall be in a form satisfactory to OES.
- (3) It shall establish, and report to OES, a scheduled date of completion for each public assistance recipient enrolled in its program. The completion date shall not be later than two years from the date of enrollment of any public assistance recipient, except as may otherwise be required pursuant to applicable law. This requirement shall apply with respect to public assistance recipients who enroll on or after May 1, 1996, and to recipients who have

enrolled prior to such date and are continuing their studies in the program as of that date.

(4) If it has been subject to an employment placement rate review, as described in 68 RCNY § 3-04, it has a current Certificate of Approval Following Employment Placement Rate Review or a current Certificate of Conditional Approval Following Employment Placement Rate Review.

(d) To be approved as an employment training program for which a public assistance recipient may receive training-related expenses, or a full or partial exemption from requirements to participate in other OES work-related activities, an associate's degree or other post-secondary two-year degree program must meet the following conditions:

(1) It is licensed by the New York State Education Department.

(2) It furnishes to OES documentation for public assistance recipient enrollees as to enrollment, attendance, and satisfactory progress and accumulation of credits, as defined by OES procedures.

(3) It furnishes to OES a copy of the school's calendar for the year, and a summary of credit acquisition requirements, on a semester basis, which full-time students must meet in order to obtain a degree within two years.

(4) It establishes, and reports to OES, a scheduled date of completion for each public assistance recipient enrollee. The completion date shall not be later than two years from the date of enrollment of any public assistance recipient, except as may otherwise be required pursuant to applicable law.

(5) If it has been subject to an employment placement rate review, as described in 68 RCNY § 3-04, it has a current Certificate of Approval Following Employment Placement Rate Review or a current Certificate of Conditional Approval Following Employment Placement Rate Review.

§ 3-04 Employment Placement Rate Review.

(a) Once every six months, an employment training program which has had sufficient public assistance recipient enrollees to form a cohort, as described herein, shall be subject to an employment placement rate review to determine its continued eligibility for approval, as follows:

(1) For vocational training programs, the minimum size of a cohort, as defined in 68 RCNY § 3-02, shall be 25. A vocational training program shall pass the employment placement rate review if 40% of persons in the cohort have secured paid employment at any time following their date of enrollment up to the date the employment placement rate review is completed.

(2) For literacy programs, the minimum size of a cohort, as defined in 68 RCNY § 3-02, shall be 50. A literacy program shall pass the employment placement rate review if the following percentage of persons in the cohort have secured paid employment at any time following their date of enrollment up to the date the employment placement rate review is completed:

(i) For a review conducted in 1996, 10%;

(ii) For a review conducted in 1997 or thereafter, 15%.

(3) For job placement programs, the minimum size of a cohort, as defined in 68 RCNY § 3-02, shall be 25. A job placement program shall pass the employment placement rate review if the following percentage of persons in the cohort have secured paid employment at any time following their date of enrollment up to the date the employment placement rate review is completed:

(i) For a review conducted in 1996, 40%;

(ii) For a review conducted in 1997 or thereafter 50%.

(4) For associate's degree and other post-secondary two-year degree programs, the minimum size of a cohort, as defined in 68 RCNY § 3-02, shall be 25. An associate's degree program or other post-secondary two-year degree program shall pass the employment placement rate review if the following percentage of persons in the cohort have secured paid employment at any time following their date of enrollment up to the date the employment placement rate review is completed:

(i) For a review conducted in 1996, 25%;

(ii) For a review conducted in 1997 or thereafter, 30%.

(5) Where an institution provides more than one type of employment training program, such as a job placement program and a literacy program, OES shall review such programs separately to determine whether each program is subject to and passes the employment placement rate review standards for the relevant program.

(b) Documentation of placement rate: OES shall consider the following evidence to determine placement rate:

(1) Acceptable documentation of students engaged in paid employment provided to OES by an employment training program or any other person. Employment training programs shall submit such information by the applicable deadline for the cohort review. For each enrollee or former enrollee, such documentation must contain all of the following information:

(i) A recent pay stub, or an original of correspondence from the employer confirming the employment.

(ii) The public assistance recipient's name and social security number.

(iii) The employer's name, address and telephone number.

(iv) The job title, date on which employment started, date on which employment ended (if applicable), and salary, indicating whether it is on an hourly, per diem, weekly, biweekly, or monthly basis.

(2) Information obtained by matching enrollment lists with the New York State Welfare Management System database to identify persons whose cases have been closed or rebudgeted since the date of their enrollment in the employment training program.

(c) As evidence of an enrollee's completion, withdrawal or removal from an employment training program, OES shall accept only a copy of an "Attendance and Satisfactory Progress" roster report that was generated by the appropriate OES unit or office and completed by an appropriate officer of the employment training program.

(d) If, after performing the employment placement rate review, OES determines that an employment training program has not placed the required percentage of public assistance recipient enrollees, it shall send the program a "Notice of Intent to Disapprove." This notice shall include a list of those public assistance recipients whose scheduled date of completion was during the period relevant to the employment placement rate review, for whom OES has not received information confirming paid employment, or the closure or rebudgeting of their case.

(e) An employment training program shall have ten days from the date of the "Notice of Intent to Disapprove" to provide notice to OES that it intends to contest the dis-approval.

(f) An employment training program which has filed notice pursuant to paragraph (e) shall have thirty days from the date of the "Notice of Intent to Disapprove" to submit documentation of additional placements, documentation showing that persons who were included in the placement rate review

should not have been included, and a written statement explaining any other reasons why it should not be disapproved. Documentation shall be submitted in accordance with the provisions of subdivisions (b) and (c) of this section.

(g) When the employment placement rate review is complete, and OES has considered any materials timely submitted by an employment training program following its receipt of a Notice of Intent to Disapprove, OES shall determine whether the program shall be approved or disapproved. It shall send a "Certificate of Approval Following Employment Placement Review" to those programs which have passed the review, in accordance with the requirements for passing set forth in subdivisions a through c of this section. It shall send a "Notice of Disapproval Following Employment Placement Review" to all other programs that have been reviewed.

(h) A Notice of Disapproval Following Employment Placement Review shall notify the employment training program that it may submit to OES a "Corrective Action Plan" specifying steps that the program will take to attain the required placement rate, as set forth in subdivision a of this section. If OES determines that the Corrective Action Plan is acceptable, it shall send the program a "Certificate of Conditional Approval". Such Certificate shall not take effect until 90 days after the date of Notice of Disapproval Following Job Placement Review. Until the Certificate of Conditional Approval takes effect, the program shall be suspended. Notwithstanding any provision of this paragraph, a program shall not be suspended based on the results of the first Employment Placement Review of the program following the effective date of these rules, if it has submitted a Corrective Action Plan which has been approved by OES.

(i) A Certificate of Conditional Approval shall remain in effect until the next time an employment training program has undergone an employment placement rate review. While a Certificate of Conditional Approval is in effect, OES shall limit the number of public assistance recipients for whom it approves training-related expenses to participate in the program. The maximum number shall be the greater of: (i) 25 recipients, or (ii) 10% of the number of public assistance recipients whose placement rate was evaluated during the employment placement rate review.

(j) A Certificate of Approval Following an Employment Placement Rate Review shall remain in effect until OES has completed a new employment placement rate review and issued a new Certificate of Approval or a Notice of Disapproval Following Employment Placement Rate Review.

§ 3-05 Disapproval for False or Fraudulent Documentation, Mismanagement, and Failure to Meet State Requirements.

(a) If any employment training program submits falsified or fraudulent documentation to OES, it shall be disapproved immediately.

(b) An employment training program to which the New York State Education Department has issued an Order to Show Cause shall be disapproved immediately.

(c) An employment training program subject to the jurisdiction of the New York State Department of Social Services that fails to maintain its eligibility for enrollment with that Department shall be disapproved immediately.

(d) OES may disapprove a program based on other evidence of fraud or mismanagement.

(e) OES shall provide a written notice to a program that is disapproved setting forth the grounds for disapproval.

§ 3-06 Disapproval for Failure to Submit Documentation of Attendance and Progress.

(a) An employment training program in which public assistance recipients are enrolled shall submit documentation of the attendance and progress of such enrollees to OES on a monthly basis.

(b) Any program that fails to submit such documentation for any month shall receive a Notice of Disapproval for Failure to Submit Documentation of Attendance.

(c) A program that has received such a notice shall not be approved until it has submitted to OES a Corrective Action Plan which has been approved by OES, and ninety days have passed since the date of the notice; provided that OES may waive the ninety day period.

§ 3-07 Standards for Approval of Enrollment and Requests for Training Related Expenses for Public Assistance Recipients.

(a) A public assistance recipient who wishes to enroll in an employment training program, and in connection therewith to receive training related expenses and/or be excused from other OES work-related requirements, shall submit to OES a "School Enrollment Form" that has been completed by an appropriate officer of the employment training program. A public assistance recipient who is enrolled in an associate's degree or other post-secondary two-year degree program shall submit a "School Enrollment Form" at the beginning of each semester.

(b) OES will review and make a determination of whether to approve the request of a public assistance recipient to participate in an employment training activity according to the following criteria and applicable State regulations:

(1) The employment training program must be approved as described in 68 RCNY § 3-03, and must not be under suspension for failure to comply with any provision of these rules.

(2) In the case of an employment training program for which OES has granted a conditional approval, a public assistance recipient's request will be approved only if the number of public assistance recipients who have enrolled in the program since the date of issuance of the Certificate of Conditional Approval is below the maximum number allowed as set forth in subdivision i of 68 RCNY § 3-04.

(3) If the public assistance recipient has already received training related expenses to attend a total of twenty-four months of training in one or more employment training programs (regardless of whether such twenty-four months were interrupted by any period of time during which the recipient was not enrolled in an employment training program), OES may, at its discretion, and subject to applicable federal and State law and rules, allow the recipient to continue receiving training related expenses and/or exemption from other work-related activities on condition that the recipient continues to make satisfactory progress; withdraw approval for further training related expenses or a further exemption; or require that the recipient participate in other OES work-related activities while the recipient remains in the program and continues to receive training related expenses. Nothing herein shall be deemed to limit the ability of OES to assign a public assistance recipient to work-related activities, consistent with applicable law.

(4) In the case of a request to continue attendance in an associate's degree or other post-secondary two-year degree program, OES may deny approval to a student who has not accumulated sufficient credits to earn the degree in accordance with his or her scheduled date of completion.

(5) OES may withdraw approval for any recipient who is not attending at least 75% of the scheduled classes or is not making satisfactory progress in the employment training program.

(6) OES may withdraw or deny approval for any recipient to participate in an employment training program or limit the number of hours of participation for which approval will be given to meet state law requirements pertaining to work and employment training activities, including but not limited to participation rate requirements.

(c) Except as otherwise provided pursuant to federal and State law and rules for hardship cases or as a reasonable accommodation for a person with a disability, a public assistance recipient who enrolls in an associate's degree or other post-secondary two-year degree program must attend the program on a full time basis.

(d) Public assistance recipients who enroll in part time or evening employment training programs may be required to participate in concurrent employment related activities.

(e) [Reserved.]

(f) When a public assistance recipient has been receiving training related expenses and/or an exemption from requirements to participate in other OES work-related activities because such recipient has been enrolled in an employment training program, and the recipient does not complete that program by the recipient's scheduled date of completion, OES may, at its discretion, subject to applicable federal and State law and rules, allow the recipient to continue receiving training related expenses and an exemption from other work-related activities on condition that the recipient continues to make satisfactory progress; withdraw approval for further training related expenses or a further exemption; or require that the recipient participate in other OES work-related activities while the recipient remains in the program and continues to receive training related expenses.

(g) When approval is denied or withdrawn pursuant to this section, the recipient shall receive such notice and hearing with respect to such actions as are required pursuant to the rules of the New York State Department of Social Services.

§ 3-08 Fraudulent Application for Training Related Expenses.

OES shall not approve the application for training related expenses and/or an exemption from other OES work-related activities of a public assistance recipient who knowingly and willingly submits to OES a falsified or fraudulent School Enrollment Form or any other employment training or employment-related document. Such a recipient may be subject to restrictions on eligibility for future employment training activities, and may also be subject to additional sanctions and criminal prosecution. The recipient shall receive such notice and hearing with respect to such actions as are required pursuant to the rules of the New York State Department of Social Services.

§ 3-09 Consequences of Enrollment in a Program that Becomes Disapproved.

(a) In the event that an employment training program becomes disapproved for failure to pass the employment placement rate review, or for the reasons set forth in subdivisions b or c of 68 RCNY § 3-05, a public assistance recipient who is already enrolled in the program at the time it is disapproved shall continue to receive training related expenses and/or be excused from other OES work-related activities until the earlier of the recipient's training completion date, or the date when the recipient withdraws from the program or OES withdraws approval pursuant to paragraph 5 of subdivision b of 68 RCNY § 3-07.

(b) In the event that an employment training program becomes disapproved pursuant to subdivision a of 68 RCNY § 3-05, a public assistance recipient enrolled in such program shall not receive further training related expenses or continue to be excused from other OES work-related activities. Such a recipient may immediately submit a School Enrollment Form for another employment training program.