

**Welfare to Work Commission
Of the Suffolk County Legislature
Minutes of the October 3, 2014 Meeting**

Present: Richard Koubek, Chair; Kathy Liguori, Vice Chair; Lisa Pinkard for Leg. Monica Martinez, Dennis Nowak for John Nieves; James Andrews; Marjorie Acevedo; Jacky Horsley-Guillot for Ray O'Rourke; Ayesha Alleyne; Charles Fox; Michael Haynes; Joan Travan; Luis Valenzuela; Barbara Egloff; Michael Stoltz; Kimberly Gierasch; Lisa Ganz for Steve Chassman

Excused: Sr. Lisa Bergeron; Nina Leonhardt; Ellen Krakow; Don Friedman; Rob Greenberger; Peggy Boyd; Gwen O'Shea;

Guest: Traci Barnes, DSS; Tom Grecco, DSS

1. **Minutes:** The minutes of the July meeting, as amended, were approved unanimously on a motion by Kathy Liguori, seconded by Dennis Nowak. The minutes of the August meeting, as amended, were approved unanimously on a motion by Marjorie Acevedo, seconded by Dennis Nowak.
2. **Child Care Committee Resolution:** Chair Richard Koubek shared a draft resolution
Legislator Monica Martinez is considering to create a legislatively-designated Child Care Committee of the Welfare to Work Commission, in lieu of the recommendation in the Commission's child-care report to create a separate Child Care and Early Learning Commission. This Child Care Committee would have legislatively designated seats and would be charged with implementing most of the recommendations in the Commission's child-care report, but would report to the Welfare to Work Commission. He and Vice Chair Kathy Liguori met with Legislator Martinez on September 22nd for a preliminary discussion of this resolution.
 - a. Legislator Martinez consulted with some of her colleagues who expressed concern about the proliferation of legislatively-created commissions, boards and task forces, some of which are now defunct but "still on the books," or do not meet regularly. Mr. Koubek noted that, in a separate conversation with Presiding Officer DuWayne Gregory, he too noted this problem. Marjorie Acevedo confirmed that the Legislature is concerned about having created too many commissions, boards and task forces. Mr. Koubek stated that the Presiding Officer pointed out that some of these legislatively-created bodies deal with sensitive issues such as domestic violence. If they do not meet, the Legislature could be held responsible if there is a situation – hypothetically, such as a serious domestic violence crime - that was not attended to by the respective commission, board or task force.
 - b. Lisa Pinkard stated that Legislator Martinez wants to assign the important child-care recommendations in the Commission's report to an already-functioning commission such as Welfare to Work. Ms. Pinkard also noted that the Commission could tap into their existing resources of child-care experts and act as a management body to the newly formed committee, rather than do all the work themselves as outlined in the draft resolution.

- c. Mr. Koubek expressed concern that transferring all of the report's recommended responsibilities from a separate commission to a committee of the Welfare to Work Commission could overwhelm the Commission. He stated that, if this resolution were to move forward, the responsibilities and purview of the legislatively-created committee should be capped at people earning up to 200% of the Federal Poverty Level (FPL), which is more in line with the Welfare to Work Commission's charge. Kathy Liguori, however, pointed out that the child-care report dealt with the entire child-care and early-learning field, not just as it impacts working-poor families or "welfare to work" families transitioning off Public Assistance. She noted that capping the Child Care Committee's mission at families earning up to 200% of FPL would seriously restrict the report's intent and recommendations.
 - d. James Andrews stated that the Welfare to Work Commission already has a heavy agenda. Complex issues like education and training or mental health require time and attention. Creating a separate committee for child care that reports to the Commission would enormously distract the Commission from its charge and mission. Mike Stoltz agreed with this assessment, as did Mr. Koubek. Lisa Pinkard noted that the Welfare to Work Commission could set the priorities for the legislatively-created Child Care Committee and could selectively focus on issues so as not to overwhelm the Welfare to Work Commission.
 - e. Ms. Liguori stated that the best approach to dealing with the complex child-care industry would be to create a separate Child Care Committee of the Legislature, thereby elevating the importance of the issue and focusing legislative attention on it. Mr. Koubek stated that child care is already part of the crowded agenda of the Legislature's Human Services Committee.
 - f. Mr. Koubek asked for an informal show of hands as to how many Commission members support the intent of the draft resolution to create a Child Care Committee of the Welfare to Work Commission. A majority opposed the idea. Mr. Koubek asked that the issue be tabled to the November meeting when Legislator Martinez will be present. He and Ms. Liguori will again meet with Legislator Martinez to discuss the resolution prior to the November Commission meeting.
3. **DSS Response to the Child-Care Report:** Mr. Koubek stated that this new agenda item was added on September 30th when he received a copy of a DSS response to the Welfare to Work Commission's child-care report that was filed with the Human Services Committee on September 30th. DSS Commissioner John O'Neill, answering a question from Legislator Kate Browning at the September 3rd Human Services Committee meeting, had promised to prepare a response to the Commission's child-care report.
- a. Mr. Koubek stated that he and Ms. Liguori, quite disappointed at the negative tone and content of the DSS report, prepared a draft Welfare to Work Commission response, which was emailed to Commission members on October 2nd. Mr. Koubek also noted their surprise at the numerous DSS challenges and critiques of the report's recommendations which, he stated, were drafted with input from two administrators from the DSS Child Care Division, Dennis Nowak and Robin Barnett as well as John Nieves of the Commissioner's Office.

- b. Mr. Koubek also pointed out that the DSS response challenged the core conclusion of the report which is that the child-care industry is fragmented, governed by numerous regulations and funding streams which create barriers for parents to access child-care services. He pointed out that Jennifer Rojas of the prestigious Rauch Foundation – which has studied child care on Long Island – was one of numerous child-care experts who documented this fragmentation and that even Commissioner O’Neill recognized it in his testimony during the December 2nd, 2013 public hearing.
- c. Mr. Koubek noted that the DSS response appeared to have erroneously equated the report’s criticisms of the child-care industry with criticisms of DSS. He pointed out that the child-care report has only one explicit criticism of DSS, on page 28, regarding children with special needs accessing the Child Care Block Grant (CCBG) child-care subsidy, but that this criticism was not even mentioned in the DSS response. Almost all the child-care report’s criticisms of government polices related to federal and State funding and regulations.
- d. Dennis Nowak, speaking for DSS, confirmed that DSS had input into drafting the report’s recommendations. Not all their input was accepted, which he said was “OK.” He stated that DSS respected the drafting process despite some disagreement over the recommendations and content of the report. He noted that he opposed a meeting with OCFS District Manager Robin Beller, discussed at the September Commission meeting, as a follow-up to the Commission’s child-care report.
- e. Mr. Koubek pointed out that one section of the DSS report dealt with the Commission’s recommendation in the child-care report to “explore” a tiered eligibility for the CCBG child-care subsidy. He reminded the Commission that this was discussed at the July and September Commission meetings, following June release of the Commission’s report and, thanks to input from Mr. Nowak, the Commission was rethinking this proposal.
- f. Mr. Stoltz asked if today’s conversation would lead to more cooperation between DSS and the Commission on child care issues. Mr. Koubek noted that a call for cooperation is in the Commission’s response. Mr. Nowak supported cooperation going forward.
- g. There next ensued a review of the Commission’s response (appended below) to the DSS report with a few minor editorial changes recommended by Mr. Koubek. Seeing no further discussion, on a motion by Kathy Liguori, seconded by Don Friedman, the Commission adopted its response to the DSS report on a vote of: 11 Yes; 0 No; 5 Abstentions (James Andrews, Jacky Horsley-Guillot, Mike Hayes, Dennis Nowak, Kim Gierasch).
- h. Lisa Pinkard pointed out that she was present at the September 30th Human Services Committee during which there was no formal presentation of the DSS report. She stated that it simply may have been filed with the Clerk of the Legislature and distributed without comment, as a paper copy, to members of the Human Services Committee. Mr. Koubek said that he would check with the Clerk and that the distribution of the Commission’s response would be the same as the distribution of the DSS report.

4. **2015 Recommended Budget and DSS Staffing:** Mr. Koubek announced that the County Executive's Recommended Budget was released on September 17th and, based on media reports and a conversation he had with Presiding Officer Gregory, it seems that there may have been some collaboration between the County Executive and the Legislature preceding release of the budget and that there may be less wrangling in 2014 than in previous years. He said that many if not most of the Omnibus Budget contracts for nonprofit agencies had, according to the Presiding Officer, been moved from the Omnibus Budget to the Recommended Budget as long called for by the Legislature.
 - a. Traci Barnes reported that DSS is satisfied with its staffing levels in the 2015 County Executive's Recommended Budget. She noted that the State will be assuming responsibility for the administration of certain Medicaid programs and that staff have been moved from program areas where caseloads are down (e.g., Medicaid applications) to program areas with increased caseloads (e.g., SNAP, i.e., Food Stamps). She said, overall, there are currently 1483 filled positions at DSS of the 1713 positions in the 2014 Adopted Budget, with 207 vacancies (23 of which are extended sick leave) for a vacancy rate to date of about 13%, which is the norm. Eighteen new hires were added in 2014. Joan Travan of AME said her union is quite satisfied with current levels of staffing and that DSS has been cooperative in preserving staff.
 - b. Mr. Stoltz stated that County Executive Bellone has called for more investment in technology and infrastructure in County agencies. Tom Grecco reported that DSS has increased on-line SNAP (Food Stamp) applications and is exploring other approaches to upgrading the use of electronic technology such as scanning documents and sharing data bases between DSS and DOL. Dennis Nowak concurred that in the Child Care Division, there is an increased reliance on technology such as electronic background checks used in Child Protective Services. Marge Acevido pointed out that the County IT department has done an excellent job updating the various County departments.
 - c. Mr. Stoltz expressed concerns that the State takeover of Medicaid has left many questions unanswered in areas such as long-term care or hospitalization coverage. He pointed out that the State takeover will mean more on-line Medicaid applications and he is concerned that the State is turning over administration of Medicaid to private, managed care companies. This entire transfer requires further attention as it unfolds. He concluded that seriously-disabled and mentally-ill people who previously had carved-out coverage may now see their coverage diminished in a State-run, managed-care system.
5. **Employment Assessment Committee:** Mr. Koubek reported that Don Friedman and Ellen Krakow have prepared a detailed analysis of the existing DSS ADA and the proposed Commission ADA policies. Mr. Friedman described the analysis, which includes, for each section of the DSS policy assessed, a description of the text, a comparison of the two policies and, where appropriate, legal commentary. Mr. Koubek noted that this 18-page analysis is most impressive, that it was shared by the Committee with Legislator Martinez and her aide Lisa Pinkard on September 22nd and that Legislator Martinez has agreed to ask DSS to meet with her and the Employment Assessment Committee to begin a dialogue on resolving differences between the two ADA policies. Tom Grecco asked that this detailed analysis be shared with DSS prior to the meeting. Mr. Grecco asked whether Frank

Krotschinsky, Director the County Office of Persons with Disabilities, had been involved in the Commission's drafting process since he believes that Mr. Krotschinsky's on-going participation would have been critical . Mr. Friedman pointed out that Mr. Krotschinsky was present at the first meeting in December, 2009, that launched this project to draft an ADA policy for DSS, but it was up to DSS to determine who from the county government should participate in the process as it went forward. Mr. Koubek stated that DSS staff under the previous Commissioner, Greg Blass, at the Commissioner's level, helped draft the Commission's version of the ADA policy and that they should have engaged Mr. Krotschinsky if they saw the need to do so. Mr. Grecco also asked why DSS was being singled out for such a detailed ADA policy when other County departments were not, especially since, he noted, the existing DSS/ADA policy has already been approved by the New York State Office of Temporary and Disability Assistance. Mr. Friedman stated that the draft ADA policy is tailored to DSS programs, procedures and policies because this was the work of a committee of the Welfare to Work Commission, so it made sense for DSS to be the focus, but that it could be a template, with some adjustments, for use by all departments. Mr. Koubek reminded the Commission that the Presiding Officer stated at the April Commission meeting that he believed every department should post its ADA policy on line for the public to read.

6. **SCCC Proposal:** Mr. Koubek stated that the Ad Hoc Suffolk County Community College Committee would hold its first meeting on October 9th. In addition to the members listed in the September meeting minutes, the Ad Hoc Committee now includes Tom Grecco, Don Friedman and Ray O'Rourke (replacing Jackie Horsley).
7. **Child Support:** This issue was tabled for the November meeting when speakers will be available.
8. **Next Meeting:** The next meeting will be November, 149:30 AM in Conference Room A of the SCDOL One Stop Center.

Welfare to Work Response to the DSS Report on the Commission's Child-Care Report

To: Hon. Members of the Human Services Committee, Presiding Officer DuWyane Gregory and Deputy Presiding Officer Jay Schneiderman

From: Richard Koubek, PhD, Chair, Kathy Liguori, Vice Chair, for the Welfare to Work Commission of the Suffolk County Legislature

Date: October 3, 2014

RE: Welfare to Work Commission response to the DSS Comments Report on the Commission's child-care report

On September 30th, 2014, the Welfare to Work (WtW) Commission received a nine page document, referred to herein as the "DSS Comments Report," prepared by the Suffolk County Department of Social Services (DSS) as a response to the Commission's June, 2014 child-care report, "Who's Minding the Kids: Meeting Challenges and Creating Opportunities for Quality Child Care and Early Learning in Suffolk County." The DSS

Comments Report was presented to the Human Services Committee on September 30th. What follows is a Welfare to Work Commission response to the DSS Comments Report adopted at the Commission's October 3rd, 2014 meeting.

While there are several areas of agreement between DSS and the Commission, there are also numerous overall concerns and specific disagreements that the Commission has with the DSS Comments Report.

To begin, the generally negative tone of the DSS Comments Report is quite disappointing and it actually disputes the core conclusion of the WtW report which is that the availability and quality of child care in Suffolk County is marred by a "troubled network of policies" and "barriers to policies." The WtW report was created by a committee that contained some

of Long Island's outstanding leaders in the child-care/early-learning fields and was drawn from eight hours of public-hearing testimony, mostly from academic and industry experts. One of these experts was Jennifer Marino Rojas of the prestigious Rauch Foundation that has researched child care on Long Island. Ms. Rojas reflected the opinions of many of the child-care/early-learning specialists who shaped this report when she said in her December 18th, 2013 testimony, "On Long Island, one of the biggest obstacles to making systemic change ... to the child-care system is the total lack of a system." As demonstrated below, the WtW report documents repeated examples of multiple funding streams, regulations and programs that cause the very "troubled network" DSS claims the report does not substantiate.

A second large concern is the tone, throughout the DSS Comments Report, suggesting that the WtW report's criticism of the child-care industry's "troubled network" equates to a criticism of what the Comments Report refers to on page 1 as DSS "administration of child care related programs," which in fact the WtW report does not do. The WtW report makes clear that DSS serves only 10 to 15 percent of child-care recipients on Long Island. The WtW report deals with the entire industry, not just DSS. In fact, there is only one explicit criticism in the WtW report directed at how DSS administers child-care services to Temporary Assistance for Needy Families (TANF) and Non-TANF (working-poor) families. This criticism, which appears on page 28 of the WtW report, relates to how DSS administered the child-care subsidy to working-poor families with children who have special needs. Oddly, this one explicit criticism of DSS is not addressed in the Comments Report. Most of the WtW report's criticisms are directed at federal and state policies and regulations that encourage what the report calls "program silos."

A third major concern is procedural. The DSS document criticizes or challenges certain of the WtW report's recommendations. Not mentioned in the DSS Comments Report, however, is the fact that two administrators from the DSS Child Care Division, Dennis Nowak and Robin Barnett, as well as John Nieves of the Commissioner's Office, spent hours with the WtW Child Care Committee helping to draft these recommendations. They provided specific critiques of the draft recommendations, helped to frame the language for the recommendations, deleted some recommendations from the draft and added others, and ultimately, were provided opportunities to further comment on the recommendations prior

to the Commission adopting the report on June 6th, 2014. At that Commission meeting, John Nieves, representing DSS, joined the unanimous vote to adopt the report with its recommendations. Thus, the DSS criticisms of the WtW report's recommendations have taken Commission members by surprise since only a few of these concerns were raised by DSS staff during the report's drafting and adoption process.

The DSS Comments Report and the WtW child-care report do agree on these issues:

1. The state's Child Care Block Grant (CCBG) formula does not meet the actual needs for child care subsidies in Suffolk County and should be changed, as recommended by Commissioner O'Neill.
2. The eligibility for the CCBG formula for Non TANF working-poor families should be 200 percent of the Federal Poverty Level.
3. The state needs to provide additional funding to cover the costs of staff development called for in the WtW report.
4. The statistics on child care and early learning called for in the WtW report would be useful.
5. Footnote 158 in the WtW report (page 75) that appears to credit Dennis Nowak with describing the TANF and working-poor families as "particularly fragile" was misplaced. It should have appeared at the end of the previous sentence in which Mr. Nowak enumerates the number of children served with child care by DSS.

The DSS Comments Report does contain a number of inaccuracies or misperceptions, among which are the following:

1. The core of the DSS Comments Report, as noted above, is that the body of the WtW child-care report does not support the conclusion that child care is marred by a troubled network of policies and barriers to policies. The Comments Report also questions the report's recommendation for a county-wide coordinating agency as adding another administrative level of government.
 - **Response:** *However, in his testimony at the December 2nd hearing, DSS Commissioner John O'Neill, responding to Commission Vice Chair Kathy Liguori's question about his vision for consolidating child-care services, stated that several state funding streams and different budget cycles have caused "too many different funds, too many programs." Commissioner O'Neill went on to call for a consolidation of funding into one agency, although he also warned against that agency becoming too big. (Note: his remarks were not cited in the WtW report.)*
 - **Response:** *And, throughout the WtW report, evidence is provided to document the troubled network of policies and barriers to policies including: lack of transportation (pages 20- 21); availability of-child care slots vs. demand (pages 16-18); the lack of adequate quality controls and the existence of an underground and illegal child-care network (page 34, 39-47); competing and disconnected programs such as home care, child-care centers, special-needs programs, Head Start, and*

others (pages 30-35); to cite but a few examples. Again, these are industry-wide concerns, not uniquely related to how DSS provides child care to TANF and Non-TANF families.

2. The WtW child-care report repeatedly uses a broad reference to "administrative barriers" which was meant to designate multiple categories of program funding and management (federal, state and county as well as public and private program operations.)

- **Response:** *However, the DSS Comments Report defensively implies that the WtW report charges DSS with creating some of these barriers. Thus, on page 1, the DSS Comments Report criticizes the WtW report for including eligibility for subsidized CCBG child care and the CCBG parent co-pays which DSS claims are “unrelated to any administrative barriers” because they are linked to the CCBG funding and therefore, are not “administrative barriers” that impede access to child care. However, in the broad definition of “administrative barriers” used throughout the WtW report, these eligibility requirements which are set by the federal and state governments are indeed “administrative barriers” to accessing child care, precisely because they are linked to CCBG funding, as well as for other reasons related to the complex regulations that govern these programs.*
- **Response:** *Similarly, The DSS Comments Report on page 2 questions the WtW report’s call for coordination of multiple child-care programs in different funding streams, such as the Early Intervention Program (EIP) for special-needs children and child care funded by the CCBG, and states that these programs are “mutually exclusive” and therefore “should remain separate,” again, even though Commissioner O’Neill’s testimony recognized the need for coordination of the multiple funding streams and programs. Aside from Commissioner O’Neill, numerous child-care experts who testified also called for coordination of services (transportation, UPK, quality assurance, special needs programs/evaluations, etc.), which include many programs and services outside of purview of DSS.*

3. The DSS Comments Report charges the WtW report with not documenting "bureaucratic frustrations" parents experience accessing child care.

- **Response:** *However throughout the body of the WtW report, there are numerous illustrations of such bureaucratic frustrations, including: Non TANF working-poor families falling off CCBG eligibility cliff (pages 61-64); special-needs children not receiving services (pages 27-28); families not being able to secure buses to providers (page 21); immigrant children being denied services (pages 24, 64); to mention just a few.*

4. The DSS Comments Report spends a great deal of effort on the WtW report's recommendation that "DSS should explore with the NYS Office of Children and Family Services (OCFS) a tiered CCBG eligibility standard for subsidized, Non TANF working poor families."
 - **Response:** *However the report only calls for DSS to "explore" this issue with OCFS. The 2014 July and September meetings of the WtW Commission, following release of the WtW report, in fact did further explore a tiered eligibility standard and, as the meeting minutes reflect, some members of the Commission are now questioning this recommendation for the reasons outlined in the DSS Comments Report. Dennis Nowak participated in both these Commission meetings and provided valuable information, which is included in the DSS Comments Report.*

5. The DSS Comments Report on page 5 rejects the WtW report's recommendation (page 75) for procedures to facilitate and expedite direct communication between child-care providers and DSS child-care eligibility workers, arguing that similar procedures were adopted in 2012.
 - **Response:** *However the DSS Comments Report confuses procedures to expedite communication between child-care providers and CPS case workers adopted in 2012 with procedures for improved communication between nonprofit agency case managers and DSS case workers that the Commission and DSS also agreed to in 2012 and which are unrelated to child care. The latter procedures were offered in the report as a model for improving DSS-provider communication on child-care services unrelated to CPS.*

6. The DSS Comments Report spends a good deal of time on the case of Keisha Bailey who lost her CCBG eligibility when her income exceeded the CCBG cap and she had to repay DSS \$17,000 after she lost her fair hearing, suggesting that the WtW report somehow criticizes DSS for this decision.
 - **Response:** *However, the WtW report makes clear that the cause of Ms. Bailey's \$17,000 repayment was not DSS but the OCFS/federal regulations that created the CCBG benefits cliff.*

Conclusion: The WtW child-care report is directed at the goal of helping Suffolk County meet the challenges and create opportunities for quality child care and early learning. Achieving this goal will require the cooperation and collaboration of numerous agencies and organizations – including WtW and DSS. While the DSS Comments Report does not identify opportunities for WtW and DSS to work together to improve the quality of and access to child care and early

learning, it is the sincere hope of the Commission that, going forward, the Department and Commission can partner for this purpose.