

**Welfare to Work Commission
Of the Suffolk County Legislature**

Minutes of the October 9th, 2009 Meeting

Present: Richard Koubek, Chair; Ellen Krakow; Jack Caffey; Rob Greenberger; Bridget DePasquale; Don Friedman ; Jane Devine; Ken Zone; Eric Lopez; Gina Caporaso for Idania Aponte; Fred Combs for Joan Grant; Judy Cahn

Excused: Kathy Liguori, Roland Hampson; Gwen Branch; Nina Leonhardt; Peggy Boyd; Peter Barnett; Mike Stoltz, Frank Casiglia for Kathy Malloy; Pam Killoran

Guest: Michael Haynes, LI Cares

1. **Minutes:** The minutes of the September 11th meeting were accepted unanimously, with changes to the section on Child Protective Services, on a motion by Jack Caffey, seconded by Judy Cahn.
2. **SCDSS Staffing Committee:** Richard Koubek reported that Diane Dono of the legislative Budget Review Office had called him to express interest in the Commission's letter on staffing at SCDSS which suggested a correlation between staff vacancies and delays in the processing of applications. Ms. Dono said that her office might be interested in pursuing this hypothesis by creating a formula that could quantify the relationship between vacancies and processing delays. To do so, after the budget season, she would need a request from Legislator Kate Browning. Legislator Browning will make the request. Several members stated their approval of this next step in the Commission's on-going analysis of SCDSS staffing.
3. **Sober Homes Hearing Committee:**
 - a. Richard Koubek reported that there would be two primary speakers at the October 23rd hearing: Dr. Stephen Dewey of North Shore/LIJ Hospital, a noted expert on substance abuse, who would provide "An Overview on the Fragility of Substance Abusers." In addition, Kathy Ayers Lanzellotta of Catholic Charities was arranging for a telephone conference patch-in from representatives of the Los Angelis California Substance Abuse Network.
 - b. Mr. Koubek reported that Timothy Laube and his staff at the Clerk of the Legislature's office had sent the hearing invitation letters and flyers to federal, State, County and town/village government officials and several prominent stakeholders such as LICAN, the Long Island Sober Living Network (also known as RHALI,) and the Quality Consortium which represents substance abuse treatment providers. These individuals and groups were offered a place on the hearing agenda and a ten minute speaking time. Separate invitations were sent to provider agencies that work with the New York State Office of Alcohol and Substance Abuse Services (OASAS) who were invited to speak or submit written testimony to the Clerk of the Legislature. These groups were invited to fill out speaker's cards and would receive five minutes each for their statements at

the hearings. Notices of the hearings would also be widely circulated by the Health and Welfare Council of LI and the Suffolk Community Council.

- c. Richard Koubek reported that a press conference, hosted by Legislator Browning, was held on October 5th to announce the sober homes hearings. He noted that all who spoke, including local civic leaders, expressed concern for the residents now living in unsupervised sober homes. *Newsday* provided a third of a page story that was balanced in its treatment of the issue. He noted that the *Newsday* story did not mention the Commission as sponsor of the hearings and gave the impression that this was a legislative hearing. He asked *Newsday* for a correction which they did not print.
 - d. Richard Koubek asked Commission members to indicate which of the two hearings they would be attending. Ellen Krakow stated that her agency, Nassau/Suffolk Law Services, was in the process of determining whether its ongoing representation of former Homeworks sober homes residents (whose residences were closed by OASAS) in pending federal civil litigation brought against the County prevented Ms. Krakow's inclusion in the panel during the upcoming hearings. Mr. Koubek stated that he believed these Homeworks closings may have been brought about through the advocacy efforts of LICAN, one of the organizations invited to be on the agenda of the hearing with a ten minute presentation. He expressed concern that there might be a bias in the invitations if Nassau/Suffolk Law Services were not provided with a speaking opportunity equivalent with that of LICAN. Jane Devine moved, and Jack Caffey seconded, a motion to invite Nassau/Suffolk Law Services to be on the agenda of the public hearing, with additional invitations to other organizations subject to the approval of the Sober Homes Hearing Committee Co-Chairs. The motion was approved: Yes: 11; No: 0; Abstentions: 1.
 - e. Ellen Krakow and Don Friedman asked that the legislative attorney provide the Commission with a summary of the major State and County bills and court cases related to the sober homes issue, prior to the hearings, so that Commission members can ask informed questions of the speakers. Mr. Koubek stated that he would ask Legislator Browning to pursue this request.
4. **SCDSS Evening Hours Flyer:** Richard Koubek announced that LIPA, National Grid and the Suffolk Water Authority were all in the process of securing final approval to announce evening hours in their November mailings. He and the Committee would be reaching out to Roland Hampson about the possibility of holding a press conference on November 3rd to announce evening hours.
 5. **Child Care Committee:** Richard Koubek reported, in Kathy Liguori's absence, that the child care industry was facing another funding problem. The New York State Office of Children's and Family Services (OCFS) recently announced that they were increasing the market rates for weekly subsidized child care while reducing the rates for daily and part-time child care by 26%. While this appears to be a positive decision, in fact, it will cause serious problems for working poor families seeking

child care because the new daily/part-time rates are below the provider's costs. The result may very well be that providers will have to turn away families that are receiving the subsidies. He presented a letter to State elected officials representing Suffolk County asking them to intervene to get OCFS to reverse this decision. The letter had been crafted in consultation with Ms. Liguori, the Child Care Council of Suffolk and SCDSS. A motion was made by Jack Caffey, seconded by Ken Zone, to approve the letter. There ensued a discussion about the letter, including the concern of some Commission members that they did not know enough about the issue. Other Commission members felt that the letter should be approved because it was essentially the position of Suffolk child care professionals. Several minor changes were made to the letter indicating that the Commission's position is based on information obtained from child care professionals. The motion passed unanimously. The letter is appended below.

6. **Employment Assessment Committee:** Chair Rob Greenberger reported that the Committee had met several times since July and is focusing on three tasks including: (1) review of SCDSS's submission to the New York State Office of Temporary and Disability Assistance (OTDA) of its federal American with Disabilities Act (ADA) compliance plan; (2) proposed changes to the federal Temporary Assistance to Needy Families (TANF) regulations and how they may impact Suffolk County and (3) review of the process of determining whether new TANF applicants are disabled due to mental illness and thereby exempt from TANF employment requirements.
 - a. Mr. Greenberger noted that Roland Hampson is the SCDSS-ADA compliance officer and will be representing SCDSS on the Committee. Mr. Hampson provided the Committee with the SCDSS ADA information and training materials and will participate in a review which will include Cary LaCheen, an attorney with the National Center for Law and Economic Justice who specializes in ADA compliance and wrote a critique of the SCDSS plan submitted to OTDA. The Committee will meet again on October 20th.
 - b. Don Friedman, a member of the Committee, reported that the OTDA has created a Request for Proposals (RFP) that will be circulated to create pilot studies in parts of New York State for a new mental health assessment tool. This tool may be tested for a period of two years. He expressed frustration that the State has not yet created this tool, which has been discussed for the past several years. Other Commission members also expressed their frustration with the delays in creating a new mental health assessment tool because this tool will weigh heavily on how local DSS agencies comply with the ADA and how they assess new clients at intake.
7. **SCDSS Training for Non-Profit Staff:** Tabled.
8. **Autism:** Richard Koubek announced that the legislative Health and Human Services Committee had heard testimony at their last meeting regarding Suffolk County programs related to Autism. It was reported that there was some frustration expressed regarding Suffolk County's failure to be as proactive as Nassau County on this issue. There ensued an extensive discussion of how Autism relates to the work of the Commission. Jack Caffey, who heard the legislative testimony, stated that Autism could be an undiagnosed factor that causes people to be on Public Assistance or

causes them to be sanctioned for failing to comply with regulations. Ellen Krakow, an attorney who specializes in disability law and represents children and adults with developmental disabilities including Autism, (and who has a child with Autism Spectrum Disorder), provided an overview of the Autism Spectrum and the new statistic from the National Institute of Health that 1 in 100 children in the U.S. suffers from an Autism Spectrum Disorder. She reported that some people with Autism Spectrum Disorders are high functioning. Yet, they too suffer from the core aspects of Autism. Some are never diagnosed. Ms. Krakow stated that the DSS - ADA compliance analysis currently taking place in the Employment Assessment Committee should address the unique needs of those with an Autism Spectrum Disorder and that the same should be done in the context of the Employment Assessment tool modifications and work sanctions discussions taking place in the Committee. Mr. Koubek said that he would consult Legislator Kate Browning to see if her Committee plans to follow up on the Autism testimony. If not, the Commission might consider pursuing the connection between Autism and Public Assistance.

9. **Homelessness:** Jack Caffey reported that SCDSS Commissioner Greg Blass stated at the last Health and Human Services Committee that there has been a sharp increase in homelessness in Suffolk County due to the recession.
10. **Next Meeting:** **Friday, November 13th, 9:30 AM** in Conference Room A of the SCDOL One Stop Center.

Approved Letter on Child Care Subsidy Reductions

October 9, 2009

Dear Senator/Assemblyperson :

The Welfare to Work Commission of the Suffolk County Legislature is concerned about the recent decision by the New York State Office of Children's and Family Services (OCFS) to decrease the Child Care Part Time and Daily Market Rates by 26% beginning October 1, 2009. Our Commission is charged with making recommendations on policies that affect people on welfare or who have left welfare for work. Child care is a critical service needed for working poor people, especially those who have left the welfare rolls.

While on the surface, the decrease in these rates appears to benefit working poor people, in fact, we fear that the long-term impact will be very negative. Because of the current recession, many working-poor parents require part time and daily child care because their jobs have been downsized. Ideally, those services should be provided by regulated day care centers that abide by State mandated child/staff ratios. Unfortunately, the decrease in Part Time and Daily Market Rates will bring the child care subsidies provided by the Suffolk County Department of Social Services (SCDSS) to working poor families below the costs incurred by regulated providers. We have been advised by child care experts that the new Market Rates may have been created by a flawed survey that is not reflective of the true costs of care and we support their efforts to secure an analysis of the methodology used to develop the new rates.

In sum, the OCFS decision to lower Part Time and Daily Market Rates could force many regulated providers to turn children away because of the new rates. This will result in fewer children being served and staff layoffs in order for providers to sustain their small businesses. Thus, a policy decision which appears to serve working poor families could, in fact, result in many fewer children being served. This will especially harm downsized workers with school-aged children who are most in need of part time and daily child care services.

We therefore ask you to call upon OCFS to restore the Part Time and Daily Market Rates to their 2008 levels pending the outcome of the analysis of the methodology used to create them new rates so that the SCDSS subsidies will meet the costs of providing these services and regulated child care centers can continue to serve working-poor families.

Yours truly for the Commission,

Richard Koubek, Ph.D. Chair Kathy Liguori, Vice Chair

Cc: Members of the Suffolk County Legislature