

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

**Minutes of the January 5, 2009 Meeting**

**Present:** Richard Koubek, Chair; Kathy Liguori, Vice Chair; Jack Caffey; Judy Cahn; Rob Greenberger; Don Friedman; Bridget DePasquale; Joan Grant; Maria Dosso for Ellen Krakow; Sondra Bachety; Pam Killoran; Mike Stoltz; Gwen Branch; Peter Barnett

**Excused:** Nina Leonhardt; Linda O'Donohoe; Kathy Malloy; Ken Zone; Idania Aponte; Eric Lopez; Peggy Boyd

1. **Minutes:** The minutes of the November 21<sup>st</sup> meeting were approved unanimously, with changes, on a motion by Jack Caffey, seconded by Rob Greenberger.
2. **SCDSS Request for Excusal:** The Commission discussed the November 12, 2008 letter from SCDSS Chief Deputy Commissioner Gregory J. Blass requesting, on advice of counsel, that the Department be excused from attendance at Commission meetings until the conclusion of the federal class action court case lodged against the Department by the Empire Justice Center on the issue of certain time frames relating to Medicaid administration. Chair Richard Koubek noted that he contacted the Clerk of the Legislature, Tim Laube, who in turn consulted Legislative Counsel George Nolan, and was informed that the Commission can vote to excuse the Department. The discussion included these points:
  - a. Don Friedman of the Empire Justice Center shared a draft response to the Department's request which pointed out that advocates continue to meet with the New York City Human Resources Department and the New York State Office of Temporary and Disability Assistance despite on-going court case because the parties have agreed to certain protocols that protect their interests during a law suit. Among the protocols is an agreement that any one of the parties can recuse themselves from a meeting, or portion of a meeting, where topics related to the law suit are discussed.
  - b. A number of Commission members spoke of the important role that SCDSS plays in the Commission's proceedings, and the importance of keeping the Department in attendance. Others expressed concern that the Department's withdrawal from the Commission during this law suit would be a disincentive for certain agencies to bring issues to the attention of SCDSS.
  - c. It was pointed out that the Commission has received, and could continue to receive data and information from SCDSS through requests made by the Chair of the Legislature's Health and Human Services Committee.
  - d. Having weighed the options of voting to excuse, voting not to excuse or sending a letter of response, the Commission agreed by consensus to send a letter to Mr. Blass asking that the Department continue to attend the Commission's meetings but recuse itself from any discussion related to the law suit. It was further agreed that this letter be copied to Deputy County Executive Jim Morgo, SCDSS Commissioner Janet DeMarzo, Presiding

Officer William Lindsay and Health and Human Services Chair Kate Browning.

- e. It was agreed that Chair Richard Koubek would draft a response offering the Department the option to recuse itself, and that this draft would be circulated to the Commission for comment and then voted upon by the Commission via e-mail.
  - f. Note: The letter (below) was adopted by a vote of : 17 yes; 0 No and three abstentions (Eric Lopez, Linda O'Donohoe and Pam Killoran)
3. **SCDSS Evening Hours:** Richard Koubek, noted that he had already informed the Commission that County Executive Steve Levy announced on December 8<sup>th</sup> at a press conference that he was instituting evening hours at four SCDSS centers, one night a month, but that these centers would close on the morning they remain open in the evening. He also shared a letter sent by Legislator John Kennedy to New York State OTDA Commissioner David Hansel asking that the County Executive's decision be overturned because the County Executive and SCDSS Commissioner did not respond to the Legislature's resolution calling for a report on the costs of opening SCDSS centers in the evenings, on a rotating center basis, one evening a month. Further, Legislator Kennedy pointed out that the decision may harm clients who cannot access public transportation in the evenings while it prevents other government and private agencies from doing business with the affected centers one morning a month. There ensued a discussion of what response the Commission should make to the County Executive's decision, with consensus reached that no action be taken until the Commission Chair contacts Legislators Lindsay and Browning for their input.
  4. **SCDSS Staffing:** Chair Richard Koubek reported the Ad Hoc Staffing Committee met in December and agreed not to take further action at this time since the Health and Human Services Committee Chair Kate Browning would be requesting from the Department a monthly staffing report, as called for in the Commission's November 2008 report on understaffing. This data will be shared with the Commission each month, commencing with the first staffing report due in February, 2009. Legislator Browning also agreed to request an explanation from SCDSS as to why the Department had a projected \$700,000 surplus in its personnel budget line in 2008 at a time when it has a 5%-9% staff vacancy rate.
  5. **Child Care:** Kathy Liguori reported that the number of families on the waiting list for Title XX child care subsidies for working poor families has risen to 550. The additional \$2 million in child care funding provided by the County to make up for over \$3 million in State cuts will be sufficient to maintain current cases, but not enough to reduce the waiting list or to expand services. She and other advocates continue to meet with the department to discuss this issue.
  6. **HEAP:** Richard Koubek shared with the Commission an e-mail he received from Greg Blass regarding early delays in the HEAP program. It appears that these delays, caused by a surge in requests at the start of the HEAP program, may have been resolved.
  7. **Commission Priorities for 2009:** The Commission was provided with a copy of its 2008 priorities and asked to review these in advance of a discussion of the 2009 priorities which will take place at the February meeting.

8. **Membership in SCC and HWCLI:** Richard Koubek asked if it would be appropriate for the Commission to become a member of the Suffolk Community Council (annual dues: \$100) and the Health and Welfare Council of LI (annual dues: \$200) given the fact that each Council addresses issues that relate to the work of the Commission. It was agreed that the Chair should consult each council executive director as to the appropriateness of a legislative commission becoming a member. This issue will be taken up at the February Commission meeting.
9. **Next Meeting: Wednesday, February 4, 2009, 9:30 AM at the SCDOL One Stop Center.**

**Text of the letter to Gregory Blass regarding SCDSS request to be excused from Commission meetings:**

Mr. Gregory Blass, Chief Deputy Commissioner  
Suffolk County Department of Social Services  
PO Box 18100  
Hauppauge, NY 11788

Dear Mr. Blass:

As you know, the Welfare to Work Commission has diligently and effectively pursued its charge to make recommendations to the Suffolk County Legislature in part because the Suffolk County Department of Social Services holds a seat on the Commission and can provide us with important information, feedback and suggestions. We were therefore disappointed with the SCDSS decision to request to be excused from participation in the Welfare to Work Commission during the course of current litigation against the Department in which the Empire Justice Center is involved. We appreciate your concerns in this regard, presumably that the pendency of the lawsuit may compromise your ability to freely share information and openly discuss some of the issues about which the Commission deliberates.

The Commission discussed at length your concerns at our January 5<sup>th</sup> meeting and we believe that there is precedent for us to reach agreement so that the Department can participate in the Commission's meetings in a manner that is satisfactory to all parties. For over fifteen years legal advocacy agencies participated in at least two advisory groups that involve legal advocates meeting regularly with government officials to discuss public benefits issues: the New York City Legal Advisory meeting with officials from the Human Resources Administration, and the Legal Services Advisory Committee (LSAC) meeting of advocates from across the state with officials from the State Office of Temporary and Disability Assistance. In both of these situations, the meetings have continued uninterrupted during pending litigation. In addition, Nassau/Suffolk Law Services has been represented on both the SCDSS Commissioner's Advisory Council and Nassau County DSS Advisory boards during periods of ongoing litigation involving Nassau/Suffolk Law Services and the County.

The government social service agencies that meet with legal advocates during the course of a litigation have not been compromised because of standing agreements that if any party feels that they cannot participate in the discussion of a specific matter due to current litigation, they should feel free to recuse themselves for that one item by not participating in the discussion. Hopefully, such an action would be taken sparingly, but it provides an important option if the Department feels uncomfortable with a given agenda item.

The Commission thinks that this option of SCDSS recusing itself from participating in any discussion of an issue under litigation will protect the Department's interests during litigation. We look forward to discussing this further with you so that you can return to our meetings..

Yours truly for the Commission,

Richard Koubek, Chair

Kathy Liguori, Vice Chair

Cc: Jim Morgo, Chief Deputy County Executive; SCDSS Commissioner Janet DeMarzo; Presiding Officer William Lindsay; Leg. Kate Browning;