

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

Minutes of the July 10th, 2009 Meeting

Present: Richard Koubek, Chair; Kathy Liguori, Vice Chair; Legislator Kate Browning; Ellen Krakow; Roland Hampson; Peggy Boyd; Rob Greenberger; Nina Leonhardt; Peter Barnett; Michael Stoltz; Bridget DePasquale; Don Friedman ; Ken Zone; Jane Devine; Barbara Stoothoff for Eric Lopez; Pam Killoran; Joan Grant; Gina Caporaso for Idania Aponte

Excused: Gwen Branch; Jack Caffey; Kathy Malloy; Judy Cahn

Guests: Greg Blass, SCDSS Commissioner; John Hughes, intern/aide to Leg. Browning; Alyssa Sclarsh, Empire Justice Center

1. **Minutes:** The minutes of the June 9th meeting were accepted unanimously, without changes, on a motion by Kathy Liguori, seconded by Leg. Kate Browning.
2. **Dialogue with SCDSS Commissioner Greg Blass:** Chair Richard Koubek welcomed SCDSS Commissioner Greg Blass to the meeting and congratulated him on his recent appointment as Commissioner. Commissioner Blass thanked the Commission for their past efforts and offered to work in partnership with the Commission going forward, sharing information and a common mission of helping people in desperate need.
 - a. Commissioner Blass suggested that one example of this partnership might be SCDSS and the Commission working together on sober homes, one of the items on the agenda for this July 10th meeting. He expressed strong support for the Commission holding a public hearing on sober homes.
 - b. Commissioner Blass also identified the Commission's work on a new flyer to advertise SCDSS evening hours as another example of a partnership.
 - c. The Commissioner noted that there has been an enormous increase in the demand for SCDSS services which is placing a burden on staff. Richard Koubek pointed out that the Commission shares Commissioner Blass' concerns about the pressures placed on SCDSS staff, which is the reason that the Commission released the 2008 report on understaffing and has highlighted understaffing as a 2009 priority. Mr. Koubek noted that the Commission can be a voice for important issues such as understaffing and is charged with making recommendations on such issues to the Legislature. He welcomed the opportunity to work in partnership with SCDSS on staffing and other issues, pointing out that the Commission's central role is to focus on policies and problems, not to serve as a muckraker digging up errors at SCDSS.
 - d. Mr. Koubek reported that, in a very productive meeting with Mr. Blass on June 22nd, the Commissioner-designate observed that in his years as a family court judge, and now at SCDSS, he has been concerned about

untreated mental illness as the root of many problems faced by poor people. Mr. Koubek noted that the Commission's Employment Assessment Committee has been looking at mental-health assessment tools for several years and that this issue would be another fine example of a Commission-SCDSS partnership. Rob Greenberger, Chair of this committee, thanked the Commissioner for attending today's meeting and offered to work with SCDSS on mental-health assessment issues which are a continuing priority for his committee.

- e. Legislator Browning reiterated the importance of a SCDSS-Commission partnership on sober homes. She stated that the New York State Office of Alcohol and Substance Abuse Services (OASAS) has not been proactive in establishing regulations for these homes. Commissioner Blass expressed his frustration with the lack of OASAS regulations and again supported the idea of a Commission public hearing to shed light on the problem of sober homes and to highlight possible solutions. Commissioner Blass spoke of the importance of educating the public about this serious problem. Richard Koubek added that a public hearing would bring to the Suffolk Legislature's attention the ongoing problems created by the lack of OASAS regulations for sober homes as well as the work currently being done by the OASAS Workgroup and other groups such as LICAN, a Long Island community organizing group, to address the problem.
 - f. Peter Barnett pointed out that not-for-profit agencies, some represented on the Commission, have social workers who could serve as advocates for their clients at SCDSS. Commissioner Blass noted that SCDSS has very few social workers on staff. Mr. Barnett suggested that SCDSS provide special trainings for not-for-profit social worker advocates and that they be given expedited access to SCDSS. Commissioner Blass thought this to be an idea worth exploring. Richard Koubek and Bridget DePasquale each noted that Catholic Charities' program staff and parish outreach coordinators might get involved in such a training program. Peggy Boyd noted that her agency, Family Service League, might be interested in this initiative as well.
 - g. Jane Devine thanked the Commissioner for attending today's meeting and for his openness to working in partnership with the Commission. On a personal note, Ms. Devine told Commissioner Blass that she was very happy to see that he has retained the compassion she saw in him when they served together on the Suffolk County Legislature.
3. **Child Care Committee:** Commission Vice Chair Kathy Liguori thanked the Commissioner for attending today's meeting and noted the positive nature of the meeting she and Mr. Koubek had with Commissioner-designate Blass and Mr. Hampson in Legislator Kate Browning's office on June 22nd. She stated that child-care issues are a priority of the Commission and that SCDSS has been very supportive in getting additional State and County funding for child care. She summarized a new child protective services initiative, "Peas in the Pod," in which a holistic advocacy, prevention and service-provider model could be developed for

children at risk. Commissioner Blass expressed his support for the concept and for SCDSS working with the Commission's Child Care Committee, which Ms. Liguori chairs. Ellen Krakow added that her experiences at Nassau/Suffolk Law Services point to the need for coordinating SCDSS Child Protective Services with day care providers in order to identify potential problems and provide coordinated services for children at risk.

4. **SCDSS Staffing:** Roland Hampson distributed a summary of staffing data regarding client/worker ratios and application processing times that the Commission had requested. Richard Koubek thanked Mr. Hampson and Commissioner Blass for this data. It was agreed that the Commission's Staffing Committee would meet on August 14th in lieu of the regular August Commission meeting to assess the staffing data and decide on next steps. Roland Hampson agreed to attend this meeting as a resource person.
5. **SCDSS Evening Hours Flyer:** Peggy Boyd, Chair of the Ad Hoc Evening Hours Committee, distributed five versions of the draft flyer. There was some discussion of each version, with the Commission and Commissioner Blass agreeing on one version in particular. Ms. Boyd will finalize this version and the flyer will be sent to SCDSS for final approval, after which, there will be outreach to LIPA, National Grid and the Suffolk County Water Authority to include the flyer in their monthly bills, preferably in the fall, just before the start of the HEAP season.
6. **Employment Assessment Committee:**
 - a. Chair Rob Greenberger reported that the Committee has again taken up Temporary Assistance for Needy Families (TANF or "welfare reform") reauthorization proposals. This topic was addressed by the Commission in 2007 with detailed recommendations sent to the Suffolk County Legislature and to members of the Long Island congressional delegation. The recommendations would have provided more flexibility and less punitiveness in TANF work rules and participation rates. Representatives from the Commission met separately with Congressmen Steve Israel and Tim Bishop in the spring of 2008 to discuss the recommendations. Each Congressman suggested that the recommendations be revisited after the 2008 presidential election. Toward this end, Don Friedman from the Empire Justice Center provided the Commission with an overview of proposed changes in TANF regulations (see below) that the Employment Assessment Committee will take up at their next meeting. The goal would be to update the Commission's 2007 TANF recommendations and to revisit the Congressmen to secure their support when TANF is reauthorized in 2010. Peter Barnett added that the Commission's TANF recommendations should be linked to the need for the federal government to create a more realistic definition of poverty.
 - b. Mr. Greenberger also announced that Cary LaCheen from the National Center for Law and Economic Justice has provided the Commission with a detailed analysis of the SCDSS Americans with Disabilities Act (ADA) plan. Ms. LaCheen is willing to return to Suffolk to again serve as a consultant on ADA compliance, with the long-term goal of reducing SCDSS sanctions applied to clients who have disabilities and of improving

ADA assessments so as to move disabled SCDSS clients to Social Security programs such as SSI or SSD.

- c. The Employment Assessment Committee will reconvene in late August to discuss both the ADA and TANF issues. Roland Hampson agreed to request an appropriate SCDSS staff person to serve on the committee.
7. **Sober Homes Hearing:** Legislator Browning again discussed the problem in her district, and elsewhere on Long Island, of unregulated sober homes. Legislator Browning spoke movingly of a homeless constituent who lives in an unregulated, crowded sober home where there is widespread drug and alcohol abuse. She said that the lack of sober home regulations turns recovering alcoholics and drug addicts into “throw away people” whose sincere attempts at rehabilitation are continuously undermined by the unregulated sober homes where they reside. Legislator Browning stated her hope that the sober homes regulations she seeks will open the door for respected not-for-profit organizations like Family Service League or FECS to run sober homes.
- a. Richard Koubek pointed out that OASAS does not have the statutory authority, and apparently has not sought this authority from the State Legislature, to regulate sober homes. Absent OASAS regulations, informal responsibility for sober homes (via payment of DSS shelter allowances to residents who are on Public Assistance) has devolved to the New York State Office of Temporary and Disability Assistance (OTDA) and to local DSS districts because most sober homes residents are extremely poor and are on Public Assistance.
 - b. Mr. Koubek also reminded the Commission of several developments that address the sober-homes issue:
 - i. Several months ago OASAS formed a Workgroup which is looking into sober homes as well as other OASAS housing situations;
 - ii. LICAN is working to organize sober homes providers to create a self-regulating system with enhanced incentives such as higher reimbursements and an approved sober homes provider-referral list for use by treatment centers seeking housing for their clients.
 - c. Nevertheless, Legislator Browning echoed Commissioner Blass’ frustration that more than four years transpired between Governor George Pataki’s veto of a sober homes regulation bill and any action by OASAS to regulate sober homes.
 - d. A motion was introduced by Ellen Krakow, seconded by Mike Stoltz, that the Commission hold a public hearing on sober homes.
 - e. There followed extensive discussion of the motion. Richard Koubek stated that he thought the purpose of the hearing would not be to agitate Not In My Backyard (NIMBY) people to attack all sober homes, as is feared by the LICAN organizer, Beth Brockland. Rather, the hearing would be similar to the affordable housing hearings held by the Commission, in that the hearing would:
 - i. Address the nature and extent of the sober-home problem.
 - ii. Profile “best practices” in sober homes.

- iii. Highlight recommendations for improving sober homes, such as those being developed by the OASAS Workgroup and LICAN.
 - iv. Propose regulations at the State and County levels that would eliminate unscrupulous sober homes providers and link decent sober homes with treatment programs.
 - f. Michael Stoltz proposed a committee that would carefully plan the hearing so that it yields positive outcomes and avoids a purely NIMBY reaction.
 - g. The motion to hold a public hearing passed: 12 Yes; 0 No; 1 abstention (Gina Caporaso.) Note: four Commission members had to leave the meeting prior to the vote.
 - h. A committee to plan the sober homes public hearing was formed. It will be co-chaired by Mike Stoltz and Peggy Boyd. Members will include: Legislator Browning; Rob Greenberger; Bridget DePasquale; Kathy Liguori, Richard Koubek, and Roland Hampson or another SCDSS representative. The Committee will convene on August 3rd, 9:30 AM at The Clubhouse of Suffolk.
8. **Commission Membership in HWC-LI and SCC:** Tabled due to lack of time.
9. **Next Meeting:** There will be no regular August Commission Meeting. Rather, the following committees will meet in August:
- a. Sober Homes Hearing Committee: Monday, August 3rd, 9:30 AM, The Clubhouse of Suffolk
 - b. Staffing Committee, Friday, August 14th, 9:30 AM, SCDOL One Stop Center
 - c. Employment Assessment Committee (date in later August to be determined)
 - d. Child Care Committee (date in later August or early September to be determined).
 - e. **Next full Commission meeting: Friday, September 11th, 2009, 9:30 AM, SCDOL One Stop Center.**

Suffolk County Welfare to Work Commission
Draft – Proposals for Modifying the TANF Law – 6/09
Don Friedman, Empire Justice Center

1. Definitions of activities: The Deficit Reduction Act of 2005 instructed HHS to establish definitions for each of the statutorily authorized work activities. HHS employed definitions in an extremely restrictive manner that sharply curtailed state flexibility to assign people to appropriate and beneficial activities. For example, community service, which had been broadly utilized by states to allow for the assigning of a wide range of

activities, from traditional volunteer work with a faith-based agency, to high school completion, participation in drug rehabilitation and remaining at home to care for a disabled household member.

Recommendation: *Advocacy should be done with HHS to urge them to redraft these definitions in such a way that states have reasonable flexibility. For instance: States should be given latitude to categorize a wide range of activities as community service. No legislation needed.*

2. Classification of treatment for mental and physical disabilities, drug rehabilitation, and domestic violence services: HHS rejected all efforts to have these activities classified as community service or some other activity. HHS only authorized them to be counted as job readiness activities. The difficulty with this classification is that job readiness can only qualify as a countable activity for 6 weeks in a year, of which only 4 weeks can be consecutive.

Recommendation: *This problem can be handled in a variety of ways:*
(1) Allow these activities to count as community service. No legislation needed.
(2) Remove the 6 week limit on job readiness, or carve out an exception for certain activities
(3) Remove individuals in need of these services from the participation rate calculation

3. Participation rates: Current federally mandated participation rates are calculated using as the denominator nearly the entire number of TANF households with a legally responsible adult present in the home. Given the significant number of households with members who have serious disabilities, using the overall TANF household figure makes it very difficult for some states to meet their participation requirements.

Recommendation: *Assuming that we cannot in the near future eliminate the participation rates, the denominator should be the number of TANF households with an employable, legally responsible adult in the home who is not needed in the home to care for a disabled household member.*

4. Participation rates (2): An individual is now counted in the participation rate numerator only if s/he fully meets the minimum hours requirement.

Recommendation: *Participation rate calculations should allow for some credit to be given when a person is engaged in countable activities for some portion of the required number of hours:*
(1) Full credit should be given when a person with disabilities is participating to the extent determined appropriate by the local welfare agency.
(2) Partial credit should be allowed for partial participation. Thus if a person is engaged in 15 hours of activity per week instead of the required 30 hours, the state should be given the equivalent of a one-half participation credit.

5. Education and training activities: The current rules concerning countable activities are skewed against substantial participation in education and training. This is because activities are in essence divided between “core” and “non-core” activities, in which a minimum number of hours of core activities must be fulfilled before hours in non-core activities can be counted, and most of the education-related activities (with the exception of 12 months of vocational education) are non-core. Furthermore, neither college nor basic education (literacy, ESL) are included in the list of activities, core or non-core, though HHS does, in a limited and circumscribed manner, allow participation in college and basic ed. to count as participation

Recommendations: *The law should be modified so that:*

- (1) The basic list of countable activities would include the entire range of education and training programs.*
- (2) The core/non-core distinction should be eliminated or reconfigured such that education and training are preferred activities or at least placed on an equal footing with the more strictly vocational activities.*
- (3) Vocational education, the only core educational activity, should not be limited to 12 months.*