

STATE OF NEW YORK

4417--A

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to conciliation and non-compliance with public assistance employment; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 341 of the social services law is REPEALED.
2 § 2. Section 341-a of the social services law, as added by chapter 562
3 of the laws of 2015, is amended to read as follows:
4 § ~~[341-a]~~ 341. Re-engagement; conciliation; refusal to participate.
5 1. ~~[The provisions of this section shall apply to persons who are resi-~~
6 ~~dents of a city having a population of one million or more people.~~
7 ~~2. (a)]~~ Consistent with federal law and regulations and this title, if
8 a participant has failed or refused to comply with the requirements of
9 this title and the district has determined that ~~[he or she]~~ such partic-
10 ipant is not exempt from such requirements ~~[and has verified that appro-~~
11 ~~priate child care, transportation, and accommodations for disability~~
12 ~~were in place at the time of such failure or refusal,]~~ the social
13 services district shall issue a re-engagement notice in plain language
14 indicating that such failure or refusal has taken place and of the right
15 of such participant to avoid a pro-rata reduction in public assistance
16 benefits through the re-engagement process.
17 2. "Re-engagement process" shall mean the process through which a
18 participant may avoid a pro-rata reduction in public assistance benefits
19 by agreeing to comply with the requirements of this title consistent
20 with any medical condition which may limit the individual's ability to
21 participate in work activities, by notifying the district that ~~[he or~~
22 ~~she]~~ such individual has become exempt from the requirements of this

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 title, or by resolving the reasons for such failure or refusal at a
2 conciliation conference.

3 3. The re-engagement notice shall indicate that the participant has
4 ten days to request re-engagement with the district. (a) The re-engage-
5 ment notice shall indicate the specific instance or instances of willful
6 refusal or failure to comply without good cause with the requirements of
7 this title and the necessary actions that must be taken to avoid a pro-
8 rata reduction in public assistance benefits [~~and the district has veri-~~
9 ~~fied that appropriate child care, transportation and accommodations for~~
10 ~~disability were in place at the time of such failure or refusal~~].

11 [~~1~~] (b) If a participant chooses to avoid a pro-rata reduction in
12 public assistance benefits through a conciliation conference, it will be
13 the responsibility of the participant to give reasons for such failure
14 or refusal to comply. The re-engagement notice shall also include an
15 explanation in plain language of what would constitute good cause for
16 non-compliance and examples of acceptable forms of evidence that may
17 warrant an exemption from work activities, including evidence of domes-
18 tic violence, and physical or mental health limitations that may be
19 provided at the conciliation conference to demonstrate such good cause
20 for failure to comply with the requirements of this title.

21 4. Unless as part of the re-engagement process the participant does
22 not agree to comply, has not become exempt or the district determines as
23 a result of the conciliation conference that such failure or refusal was
24 willful and without good cause, no further action shall be taken.

25 [~~2~~] 5. If the participant does not contact the district within ten
26 days of the re-engagement notice, the district shall make a finding of
27 whether the alleged failure or refusal to comply was willful and without
28 good cause and shall consider any evidence in the possession of the
29 district indicating that the participant has good cause [~~and if the~~
30 ~~participant is otherwise participating in work activities, there shall~~
31 ~~be no finding of willfulness without good cause based on a single~~
32 ~~appointment or infraction~~].

33 [~~b~~] 6. If the district determines that such failure or refusal was
34 willful and without good cause, and that the individual is not exempt
35 from the requirements of this title, the district shall notify such
36 participant in writing, in plain language [~~and in a manner distinct from~~
37 ~~any previous notice~~], by issuing ten days notice of its intent to
38 discontinue or reduce assistance. Such notice shall include the reasons
39 for such determination, the specific instance or instances of willful
40 refusal or failure to comply without good cause with the requirements of
41 this title, [~~shall verify that appropriate child care, transportation~~
42 ~~and accommodations for disability were in place at the time of such~~
43 ~~failure or refusal~~], and specify the necessary actions that must be
44 taken to avoid a pro-rata reduction in public assistance benefits,
45 including [~~agreeing to comply~~] complying with the requirements of this
46 title for five business days as assigned consistent with any medical
47 condition which may limit the individual's ability to participate in
48 work activities or notifying the district that [~~he or she~~] such individ-
49 ual has become exempt from the requirements of this title and the right
50 to a fair hearing relating to such discontinuance or reduction.

51 [~~3~~] 7. (a) The department shall establish in regulation a concil-
52 iation procedure for the resolution of disputes related to an individ-
53 ual's participation in programs pursuant to this title.

54 (b) The district shall contract with an independent entity, approved
55 by the department, or shall use designated trained staff at the supervi-

1 sory level who have no direct responsibility for the participant's case
2 to mediate disputes in the conciliation conference.

3 (c) If a participant's dispute cannot be resolved through such concil-
4 iation procedure, an opportunity for a fair hearing shall be provided.
5 No sanction relating to the subject dispute may be imposed during the
6 re-engagement process.

7 ~~[4-]~~ 8. When any participant required to participate in work activ-
8 ities fails to comply with the provisions of this title, the social
9 services district shall take such actions as prescribed by appropriate
10 federal law and regulation and this title.

11 ~~[5-]~~ 9. Consistent with federal law and this title, a social services
12 district shall provide to those participants whose failure to comply has
13 continued for thirty days or longer a written reminder of the option to
14 end a sanction by terminating the failure to comply as specified in
15 subdivision ~~[two]~~ six of this section. Such notice shall advise that the
16 participant may immediately terminate the sanction by either agreeing to
17 comply with the requirements of this title for five business days as
18 assigned consistent with any medical condition which may limit the indi-
19 vidual's ability to participate in work activities or notifying the
20 district that ~~[he or she]~~ such individual has become exempt from the
21 requirements of this title.

22 ~~[6-]~~ 10. Consistent with federal law and regulation ~~[and this title]~~,
23 no re-engagement notice shall be issued as specified in ~~[subdivision~~
24 ~~two]~~ subdivisions one and three of this section unless it has been
25 determined that the individual is not exempt from the requirements of
26 this title ~~[and has determined that appropriate child care, transporta-~~
27 ~~tion and accommodations for disability were in place at the time of such~~
28 ~~failure or refusal to comply with the requirements of this title]~~ and no
29 action shall be taken pursuant to this section for failure to partic-
30 ipate in the program or refusal to accept employment if:

31 (a) child care for a child under age thirteen (or day care for any
32 incapacitated individual living in the same home as a dependent child)
33 is necessary for an individual to participate or continue participation
34 in activities pursuant to this title or accept employment and such care
35 is not available and the social services district fails to provide such
36 care;

37 (b) (1) the employment would result in the family of the participant
38 experiencing a net loss of cash income; provided, however, a participant
39 may not claim good cause under this paragraph if the social services
40 district assures that the family will not experience a net loss of cash
41 income by making a supplemental payment;

42 (2) net loss of cash income results if the family's gross income less
43 necessary work-related expenses is less than the cash assistance the
44 participant was receiving at the time the offer of employment is made;
45 or

46 (c) the participant meets other grounds for good cause set forth by
47 the department in its implementation plan for this title which, at a
48 minimum, must describe what circumstances beyond the household's control
49 will constitute "good cause".

50 § 3. Section 342 of the social services law is REPEALED.

51 § 4. Section 342-a of the social services law, as added by chapter 562
52 of the laws of 2015, is amended to read as follows:

53 § ~~[342-a]~~ 342. Noncompliance with the requirements of this title. 1.
54 ~~[The provisions of this section shall apply to persons who are residents~~
55 ~~of a city having a population of one million or more people.~~

1 ~~2.~~] In accordance with the provisions of this section an individual
2 who is required to participate in work activities shall be ineligible to
3 receive public assistance if [~~he or she~~] such individual fails to
4 comply, without good cause, with the requirements of this title and the
5 district has determined that [~~he or she~~] such individual is not exempt
6 from such requirements [~~and has verified that appropriate child care,~~
7 ~~transportation, and accommodations for disability were in place~~] at the
8 time of such failure or refusal. Such ineligibility shall be for the
9 amount and period specified in this section. Good cause for failing to
10 comply with the requirements of this title shall be defined in depart-
11 ment regulations, provided, however, that the parent or caretaker rela-
12 tive of a child under thirteen years of age shall not be subject to the
13 ineligibility provisions of this section if the individual can demon-
14 strate, in accordance with the regulations of the office of children and
15 family services, that lack of available child care prevents such indi-
16 vidual from complying with the work requirements of this title. The
17 parent or caretaker relative shall be responsible for locating the child
18 care needed to meet the work requirements; provided, however, that the
19 relevant social services district shall provide a parent or caretaker
20 relative who demonstrates an inability to obtain needed child care with
21 a choice of two providers, at least one of which will be a regulated
22 provider.

23 [~~3.~~] 2. In the case of an applicant for or recipient of public assist-
24 ance whom the district has determined is not exempt from the require-
25 ments of this title [~~and who is a parent or caretaker of a dependent~~
26 ~~child~~], the public assistance benefits otherwise available to the house-
27 hold of which such individual is a member shall be reduced pro-rata
28 until the individual [~~is willing to comply~~] complies with the require-
29 ments of this title for five business days as assigned consistent with
30 any medical condition which may limit the individual's ability to
31 participate in work activities.

32 [~~4. In the case of an individual who is a member of a household with-~~
33 ~~out dependent children whom the district has determined is not exempt~~
34 ~~from the requirements of this title and who is applying for or in~~
35 ~~receipt of safety net assistance, the public assistance benefits other-~~
36 ~~wise available to the household of which such individual is a member~~
37 ~~shall be reduced pro rata until the failure or refusal to comply with~~
38 ~~the requirements of this title consistent with any medical condition~~
39 ~~which may limit the individual's ability to participate in work activ-~~
40 ~~ities ceases.~~

41 ~~5.~~] 3. A recipient of public assistance whom the district has deter-
42 mined is not exempt from the requirements of this title and who quits or
43 reduces [~~his~~] such participant's hours of employment without good cause
44 or due to any medical condition which may limit the individual's ability
45 to participate in work activities shall be considered to have failed to
46 comply with the requirements of this article and shall be subject to the
47 provisions of this section.

48 [~~6.~~] 4. A person described in paragraph (b) of subdivision seven of
49 section one hundred fifty-nine of this chapter may not be sanctioned if
50 [~~his or her~~] such person's failure to comply with requirements of this
51 title is related to [~~his or her~~] such person's health status.

52 § 5. Subdivision 6 of section 332-b of the social services law, as
53 added by section 148 of part B of chapter 436 of the laws of 1997, is
54 amended to read as follows:

55 6. When an applicant or recipient receives notification of the examin-
56 ing medical professional's disability determination, [~~he or she~~] such

1 applicant or recipient shall also be notified of [~~his or her~~] such
2 applicant's or recipient's right to request a fair hearing within ten
3 days of such notice. If such applicant timely requests a fair hearing,
4 no assignment to work activities pursuant to this title may be made
5 pending such hearing and determination unless the applicant or recipient
6 agrees to a limited work assignment not inconsistent with the medical
7 condition alleged by such person. Provided, however, that if a social
8 services district has reason to believe that such recipient or applicant
9 does not actually suffer from a work limiting condition, the district
10 shall provide the applicant or recipient with notice of potential sanc-
11 tions pursuant to subdivision [~~three~~] two of section three hundred
12 forty-two of this title, and provided further that recipients will be
13 subject to sanctions pursuant to subdivision [~~three~~] two of section
14 three hundred forty-two of this title if the district determines, based
15 on clear medical evidence, that there is no basis for the individual's
16 claim that [~~he or she~~] such individual is unable to fully engage in work
17 activities, and that the individual intentionally misrepresented [~~his or~~
18 ~~her~~] such individual's medical condition.

19 § 6. This act shall take effect one year after it shall have become a
20 law.