§ 335-b. Mandatory work requirements. 1. Each social services district shall meet or exceed the minimum participation rate for recipients of assistance funded under the federal temporary assistance for needy families program participating in work activities as specified below with respect to families receiving such assistance. Each such district shall also meet or exceed the minimum participation rates for households in which there is an adult who is receiving safety net assistance. Work activities for which such rates apply are described in section three hundred thirty-six of this title.

(a) Such rate for all families receiving assistance funded under the federal temporary assistance for needy families program shall be as follows: for federal fiscal year nineteen hundred ninety-seven, twenty-five percent; nineteen hundred ninety-eight, thirty percent; nineteen hundred ninety-nine, thirty-five percent; two thousand, forty percent; two thousand one, forty-five percent; two thousand two and thereafter, fifty percent. Such rates shall apply unless the state is required to meet a different rate as imposed by the federal government, in which case such different rate shall apply in accordance with a methodology approved by the commissioner of the office of temporary and disability assistance.

(b) Such rate for two-parent families receiving assistance funded under the federal temporary assistance for needy families program shall be as follows: for federal fiscal years nineteen hundred ninety-seven and nineteen hundred ninety-eight, seventy-five percent; nineteen hundred ninety-nine and thereafter, ninety percent. Such rate shall apply unless the state is required to meet a different rate as imposed by the federal government, in which case such different rate shall apply in accordance with a methodology approved by the commissioner of the office of temporary and disability assistance.

(c) Such rate for households with dependent children in which there is an adult or minor head of household and which is receiving safety net assistance shall be fifty percent.

(d) Calculation of participation rates. The commissioner of the office of temporary and disability assistance shall promulgate regulations which define the participation rate calculation. Such calculation for families receiving assistance funded under the federal temporary assistance for needy families program pursuant to article IV-A of the

social security act shall be consistent with that established in federal law.

(e) Minimum work hours. In order for individuals to be included in the participation rates specified in this subdivision, such individuals must be engaged in work as defined in title IV-A of the social security act and in this section for a minimum average weekly number of hours as specified below.

(i) For all families, if the month is in federal fiscal year: nineteen hundred ninety-seven and nineteen hundred ninety-eight, twenty hours per week; nineteen hundred ninety-nine, twenty-five hours per week; two thousand and thereafter, thirty hours per week.

(ii) For two-parent families or households without dependent children, in any federal or state fiscal year, thirty-five hours per week.

(iii) In the case of a two-parent family receiving federally funded child care assistance and a parent in the family is not disabled or caring for a severely disabled child, the individual and the other parent in the family are participating in work activities for a total of at least fifty-five hours per week during the month, not fewer than fifty hours of which are attributable to activities described in paragraphs (a) through (h) and (l) of subdivision one of section three hundred thirty-six of this title.

(f) Such rate for households without dependent children in which there is an adult or minor head of household and which is receiving safety net assistance shall be fifty percent.

2. Engaged in work for a month shall mean participating in work activities identified in subdivision one of section three hundred thirty-six of this title for the required number of hours specified in this section provided, however, that at least twenty hours of such participation, or thirty hours for two-parent families, or fifty hours for two-parent families receiving federally funded child care as set forth in subparagraph (iii) of paragraph (d) of subdivision one of this section, shall be attributable to the activities described in paragraphs (a) through (h) and (l) of subdivision one of section three hundred thirty-six of this title, or for households without dependent children at least twenty hours of participation shall be attributable to the activities set forth in paragraphs (a) through (h) and (l) of

subdivision one of section three hundred thirty-six of this title, and further provided that participation in job search and job readiness assistance as identified in paragraph (f) of subdivision one of section three hundred thirty-six of this title shall only be determined as engaged in work for a maximum period of six weeks, only four of which may be consecutive as otherwise limited by federal law; and that individuals in all families and in two parent families may be engaged in work for a month by reason of participation in vocational training to the extent allowed by federal law. Any non-graduate student participating or approved by CUNY, SUNY or another degree granting institution, or any other state or local district approved education, training or vocational rehabilitation agency to participate in work-study, or in internships, externships, or other work placements that are part of the curriculum of that student, shall not be unreasonably denied the ability to participate in such programs and each hour of participation shall count toward satisfaction of such student's work activity requirements of this title provided that the district may consider, among other factors, (a) whether the student has voluntarily terminated his or her employment or voluntarily reduced his or her earnings to qualify for public assistance pursuant to subdivision ten of section one hundred thirty-one of this article; (b) whether a comparable job or on the job training position can reasonably be expected to exist in the private, public or not-for-profit sector; (c) that the student has a cumulative C average or its equivalent, which may be waived by the district for undue hardship based on (1) the death of a relative of the student, (2) the personal injury or illness of the student, or (3) other extenuating circumstances; and (d) whether the institution cooperates in monitoring students attendance and performance and reports to the local social services department monthly on each student. Failure of the institution to monitor and report monthly to local social services districts on attendance and performance of the student's work study, internship, externship or other work placement shall be cause for the department to reasonably deny the student's ability to participate in such programs. Students shall be subject to sanctions equivalent to those associated with failure to adequately satisfy their other required work activities. In assigning a non-graduate student participating in work-study, internships, externships or other work placements, pursuant

to this section, to other work activities the district shall make reasonable effort to assign the student to hours that do not conflict with the student's academic schedule.

3. For purposes of determining monthly participation rates under this section, a recipient in a one parent family who is the only parent or caretaker relative in the family of a child who has not attained six years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least twenty hours per week during the month.

4. For the purposes of this section, a recipient who is married or a head of household and has not attained twenty years of age and who maintains satisfactory school attendance in accordance with federal requirements shall be deemed to be engaged in work to the extent allowed by federal law and regulations.

5. (a) Each parent or caretaker of a child, when such parent or caretaker is receiving public assistance, must be engaged in work as established by the social services district in accordance with the provisions of its local plan filed pursuant to section three hundred thirty-three of this title.

(b) Each social services official shall ensure that each parent or caretaker of a child, when such parent or caretaker is receiving benefits under the federal temporary assistance for needy families program, is required to be engaged in work as soon as practicable, but no later than twenty-four months (whether or not consecutive) from initial receipt of such assistance.

(c) Each social services official shall ensure that each parent or caretaker of a child, when such parent or caretaker is receiving public assistance, is engaged in work as soon as practicable. Provided, however, that such social services official shall ensure that each parent or caretaker of a child under the age of five is provided with information regarding home visiting programs which meet the criteria established pursuant to 42 U.S.C. 711 in their area, and that such home visiting services may satisfy a portion of such individual's required work activities.

(d) Each social services official shall ensure that each adult member of a household without dependents, when such household is receiving public assistance is engaged in work as soon as practicable.

(e) Notwithstanding any other requirement of this section, individuals in receipt of public assistance and who are work limited in accordance with section three hundred thirty-two-b of this title shall be assigned to work activities in accordance with this title only if such assignment:

(i) is consistent with the individual's treatment plan and is determined to be appropriate by the social services official who is satisfied that such person is able to perform the work assigned and that such assignment will assist the individual's transition to self-sufficiency. In the event that such assignment is not part of the individual's treatment plan, the individual shall be deemed to be engaged in work as defined in this subsection if he or she is complying with the requirements of his or her treatment plan.

(ii) where no treatment plan exists, is consistent with the individual's mental and physical limitations.

(f) The social services district shall communicate to the person supervising the work assignment of a work limited recipient any limitations of the recipient.

6. Recipients of safety net assistance who are exempt or work limited pursuant to this title shall be determined to be engaged in work as defined by department regulation.

7. Notwithstanding the participation rates set forth in subdivision one of this section, for purposes of receiving the enhanced state reimbursement for administration of income maintenance, food stamps, and employment programs as set forth in subdivision seventeen of section one hundred fifty-three of this article, the district must meet a fifty percent average monthly participation rate for the following categories of households in a fiscal year: households receiving assistance funded under the federal temporary assistance for needy families block grant program in which there is an adult or minor head of household; and households with dependent children in which there is an adult or minor head of household and which is receiving safety net assistance and

payment for which is used to meet the federally required maintenance of effort for the temporary assistance for needy families block grant; provided, however, that in the first state fiscal year in which this subdivision shall have become a law, the participation rate shall be calculated by averaging the monthly participation rate for the period from October first, two thousand six to December thirty-first, two thousand six and for the second year, the participation rate shall be calculated by averaging the monthly participation rate for the period from October first, two thousand six to September thirtieth, two thousand seven, and for each year thereafter, the participation rate shall be calculated by averaging the monthly participation rate for the federal fiscal year.