



September 9, 2013

New York State
Office of
Children &
Family
Services

Myung J. Lee, Deputy Commissioner
Division of Early Care and Education
NYC Administration for Children's Services
150 William St., 18th floor
New York, NY 10038

<http://ocfs.ny.gov>

Dear Deputy Commissioner Lee,

Andrew M. Cuomo
Governor

This correspondence is in response to your request to waive 18 NYCRR § 415.2(a)(2)(iv)(a) and 18 NYCRR § 415.2(a)(1)(iv), which would allow the Administration for Children's Services to require that these families work at least 20 hours per week as a condition of eligibility for child care subsidy.

Gladys Carrión, Esq.
Commissioner

We have reviewed and approved your request for families that fall under 18 NYCRR § 415.2(a)(iv)(a) effective July 18, 2013. However, we cannot approve your request to waive 18 NYCRR § 415.2(a)(1)(iv) because the statute guarantees child care for the population at issue. We would need a statutory change to authorize us to establish a minimum work hours requirement.

Capital View Office Park

52 Washington Street
Rensselaer, NY
12144-2834

If you have any question or concerns regarding this decision, please contact Rhonda Duffney, Director of Child Care Subsidy at (518) 474-9454 or at Rhonda.Duffney@ocfs.ny.gov.

Sincerely,

Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services



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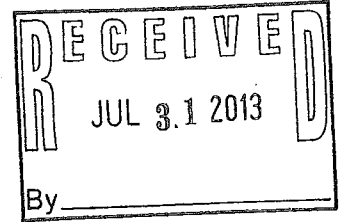
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Ronald E. Richter
Commissioner

July 18, 2013

Myung J. Lee
Deputy Commissioner
Division of Early Care and Education

Janice Molnar
Deputy Commissioner, Division of Child Care
Office of Children and Family Services
53 Washington Street
Rensselaer, NY 12144



150 William Street, 18th floor
New York, NY 10038

Dear Deputy Commissioner Molnar:

New York City Administration for Children's Services (NYC ACS) requests a waiver from 18 NYCRR § 415.2(a)(2)(iv) and 18 NYCRR § 415.2(a)(1)(iv) to require that families work at least 20 hours per week as a condition of eligibility for child care subsidy.

This waiver request would be consistent with the requirements of 18 NYCRR 385.2(f) and 18 NYCRR 415.1(o)(1)-(2) which provide, in part, for the local social service district to define engaged in work in the district's employment plan submitted to and approved by the New York State Department of Labor. In its plan, NYC requires the paid employment or work experience eligibility component to be at least 20 hours weekly.

The waiver request would also be consistent with Social Services Law § 410(1) which provides for child care only when the parent is unavailable for a "substantial part of the day." Neither state law nor regulations define "substantial part of the day". NYC ACS believes that 20 hours is appropriate

If you have any questions or concerns regarding this request, please contact Shari Gruber, Director of Policy and Procedure at NYC ACS at (212) 393-5109 or at grubers@acs.nyc.gov.

Thank you.

Sincerely,

Myung J. Lee
Deputy Commissioner
Early Care and Education