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New York State  
Office of  
Children & Family  
Services

OFFICE OF CHILDREN AND FAMILY SERVICES

LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 99 OCFS LCM-11

Date: March 25, 1999

Division: Administration

George E. Pataki  
Governor

John A. Johnson  
Commissioner

TO: Local District Commissioners

SUBJECT: SFY 1998-99 2.5 percent Cost of Living  
Salary Adjustment for Foster Care and Preventive  
Direct Care Workers under the Family and  
Children's Services Block Grant

Capital View Office Park

52 Washington Street  
Rensselaer, NY 12144-2796

ATTACHMENTS:

- 1) SFY 1998-99 Allocation of Additional Funding
- 2) Board of Directors Sample Resolution

The purpose of this memorandum is to advise local social service districts that the Governor has signed legislation providing \$2.5 million in additional State funding to local districts for a 2.5 percent cost of living salary adjustment for the lowest paid direct care workforce of voluntary, not-for-profit foster care and preventive services agencies. These funds are allocated in accordance with Chapter 637 of the Laws of 1998 for additional expenses of the Family and Children's Services Block Grant. This memorandum establishes guidelines to assist in implementing a salary enhancement program that meets the intent of the legislation and provides that the allocation be distributed to local districts as soon as possible, but no later than March 31, 1999.

Guidelines for Cost of Living Adjustment For Voluntary Not-for-Profit Agencies

This legislation requires the Office of Children and Family Services to establish guidelines for the payment of funds for employees of not-for-profit providers. The bill provides for a 2.5 percent cost of living adjustment (COLA) for the direct care workforce of voluntary, not-for-profit foster care and preventive services agencies. The legislation stipulates that the salary enhancement begins with the lowest paid direct care employees and that the cost of living increase in accordance with the intent of the legislation be applied to the salary and salary related fringe



→ copy to Doug Ruff  
→ copy to PBU

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benefits of those employees. These guidelines have been established to assist local social services districts in developing the salary enhancement program. Cost of living increases are effective for the period July 1, 1998 through June 30, 1999, exclusive of salary increases published in the 1998/99 Rate Package.

#### Distribution of Funds to Local Districts

Each local district will receive an allocation of the \$2.5 million appropriation. This allocation is based on their proportionate share of the SFY 1998-99 Family and Children's Services Block Grant. These funds are in addition to the current Family and Children Services Block Grant and may only be used to provide a 2.5 percent COLA to the lowest paid employees in the direct care workforce of voluntary, not-for-profit foster care and preventive services agencies. Each local district's allocation of cost of living funds will be added to reimbursements due to the local districts. State funds will be available as soon as possible, but not later than March 31, 1999.

This funding does not require a local district match. Although not required by the legislation, local districts may choose to add local funds to the State allocation in order to affect more employees of the direct care workforce.

#### Definition of Direct Care Workers

The Office of Children and Family Services has established the following definition of the direct care workforce to assist in identifying eligible employees. This definition is consistent with the intent of the legislation to stabilize the workforce serving children and families:

Individuals employed in positions whose primary function is to provide either counseling services to children and families or direct supervision of children in care.

The following are job functions that typically meet the above definition. These job titles are illustrative only and are not intended to either be inclusive or exclusive since specific titles used by not-for-profit providers may vary for employees performing the functions described above. The functions/titles may include:

- \* Case Aides
- \* Counselors
- \* Case Managers
- \* Recreation Aides
- \* Child Care Workers
- \* Social Workers

Voluntary agencies choosing to participate in the COLA salary enhancement process will need to identify which employee(s) and job title(s) received

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benefit of the 2.5 percent COLA adjustment. The COLA applies only to direct care positions funded through foster care and/or preventive services revenue sources. For multi-service agencies, only salary and salary related fringe benefits that can be allocated to the direct care workforce in foster care and/or preventive services programs are eligible for the 2.5 percent COLA.

#### Voluntary Agency Board of Director's Resolution

Each not-for-profit foster care and/or preventive services agency choosing to participate in the COLA salary enhancement program is required to submit documentation regarding funds received from local districts. The legislation requires that the not-for-profit agency certify, by resolution of the Board of Directors, that increases to the direct care workforce are consistent with the Statute and that a 2.5 percent salary and fringe benefit salary enhancement has been approved by the Board of Directors for the lowest paid employees in the direct care workforce. The attachment contains language that has been developed by OCFS that can be used by the not-for-profit providers.

#### Voluntary Agency Salary and Fringe Benefit Verification

The local district must secure documentation from each participating not-for-profit provider listing identifying information of the employee(s) who benefited from the COLA salary enhancement. The identifying information must include the employee's name, social security number, job title, type of program, Foster Care or Preventive Services (FC or PS) initial salary and amount paid to the employee prior to and after the COLA.

#### Local District Expenditure Report

The local social services district must prepare a separate Special Project Claims Form, DSS-3922, to account for funds paid for the cost of living salary enhancement program. Since State funding will be advanced to districts to facilitate cash flow issues, the district will need to submit a DSS-3922 and the back-up documentation provided by the voluntary agency by July 1, 1999 regarding employees who benefited from the salary enhancement, as previously described. The DSS-3922 must be submitted to Richard Radzyminski, Chief Accountant, Bureau of Financial Services, Office of Temporary and Disability Assistance, 40 N. Pearl Street, 13th Floor, Albany, New York 12243. A copy of the DSS-3922 and the necessary back-up documentation should be submitted to Richard Lasky, Chief Rate Analyst, Rate Setting Unit, Office of Children and Family Services, 40 N. Pearl Street - Riverview Center, Albany, New York 12243.

Following July 1, 1999, the amounts accumulated from the submissions of DSS-3922 will be compared to the Initial State advance allocation. If the local district expenditures related to the cost of living salary enhancement are below the amount of the district's State allocation, excess advanced funds will be recouped and reallocated.

There may be instances where the allocation of State funds exceeds the amount requested by not-for-profit providers choosing to participate in the

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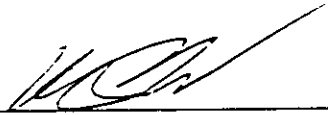
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program. If the locality chooses, they could contact those providers who were willing to participate in the program to expand the number of eligible employees. The eligible employee definition would remain the same, but the cutoff for "lowest paid" can change.

Information/Questions

Questions pertaining to the allocations may be directed to Deborah J. Hanor, Director, Office of Budget Management, (518) 474-1361.

Questions pertaining to the claiming instructions may be directed to Mr. Roland Levie (Regions I-IV) at 1-800-343-5589, extension 4-7549 (User ID # FMS001) or in Region V Mr. Marvin Gold at 212-383-1733 (User ID # OFM270).



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Melvin I. Rosenblat  
Deputy Commissioner  
for Administration

## ALLOCATION OF \$2,500,000

District	Allocation
Albany	44,500
Allegany	5,750
Broome	23,000
Cattaraugus	7,750
Cayuga	7,500
Chautauqua	8,000
Chemung	10,250
Chenango	2,750
Clinton	6,250
Columbia	5,500
Cortland	5,250
Delaware	4,500
Dutchess	16,750
Erie	83,750
Essex	2,250
Franklin	2,250
Fulton	6,000
Genesee	2,750
Greene	3,750
Hamilton	500
Herkimer	3,250
Jefferson	9,500
Lewis	1,500
Livingston	3,250
Madison	6,250
Monroe	96,500
Montgomery	3,750
Nassau	52,750
Niagara	21,750
Oneida	33,250
Onondaga	64,750
Ontario	6,000
Orange	35,250
Orleans	2,000
Oswego	14,000
Otsego	5,250
Putnam	3,250
Rensselaer	13,500
Rockland	25,000
St. Lawrence	11,750
Saratoga	9,250
Schenectady	25,250
Schoharie	2,500
Schuyler	2,000
Senec	3,500
Steuben	8,500
Suffolk	58,750
Sullivan	11,000

District	Allocation
Tioga	4,250
Tompkins	6,750
Ulster	19,000
Warren	3,000
Washington	4,500
Wayne	5,000
Westchester	99,500
Wyoming	2,750
Yates	1,000
Upstate	928,000
NYC	1,572,000
Statewide	2,500,000

RESOLVED, that all funds that the corporation receives from a social services district(s) specifically for cost of living adjustments for direct care positions funded through foster care and/or preventive services revenue sources will be used solely to apply a 2.5% cost of living increase to the salary and salary-related benefits of such direct care employees that can be allocated to the foster care and/or preventive services programs for the period July 1, 1998 through June 30, 1999, exclusive of salary increases published in the 1998/99 Rate Package, beginning with the lowest paid of such direct care employees, and that such funds will be spent in accordance with Chapter 637 of the Laws of 1998 and the guidelines issued by the Office of Children and Family Services as set forth in 99 OCFS LCM-11.

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted on \_\_\_\_\_, 1999 by the board of directors of \_\_\_\_\_, a not-for-profit corporation organized and existing under the laws of the State of New York having its principal place of business at \_\_\_\_\_.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

STATE OF NEW YORK    )  
                                  )ss:  
COUNTY OF            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she resides in \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the board of directors of \_\_\_\_\_, the corporation described in and which executed the foregoing instrument; and that he/she signed his/her name thereto by order of the board of directors of said corporation.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_