



TESTIMONY

OF

SETH DIAMOND

EXECUTIVE DEPUTY COMMISSIONER
FAMILY INDEPENDENCE ADMINISTRATION

**HUMAN RESOURCES ADMINISTRATION/
DEPARTMENT OF SOCIAL SERVICES**

BEFORE THE

CITY COUNCIL
GENERAL WELFARE COMMITTEE

ON

**ACCESS TO OFFICES ADMINISTERING
PUBLIC BENEFITS PROGRAMS (Intro.359)**

December 18, 2006

Good morning Public Advocate Gotbaum, Chair de Blasio, and members of the General Welfare Committee. My name is Seth Diamond, and I am the Executive Deputy Commissioner for the Family Independence Administration in the Human Resources Administration/Department of Social Services (HRA/DSS). I am accompanied by Peter Glase, our Acting General Counsel. I am here today on behalf of HRA to discuss our efforts to comprehensively serve the clients who seek services at all of our centers, our mechanisms for interacting with and receiving input from advocates, and our concerns about Intro. 359.

We recognize that many of our clients feel more secure in having a representative of choice accompany them for an appointment to one of our centers. In compliance with federal and state regulations, we allow all of our applicants and recipients the option to be accompanied by an attorney, family member or friend, or any representative of their choice, to assist them with the application or recertification process. In fact, in November 2006, in our ten model Job Centers alone, more than 1,100 advocates, translators and others providing support attended appointments with clients; more than 250 of them identified themselves as advocates.

To institutionalize these procedures, and ensure efficient operations and compliance with federal and state requirements, Commissioner Eggleston issued an executive order in July 2005, clarifying that outside access to HRA facilities is limited to those on official business. However, the executive order clearly states

that “[o]ne or more individuals who accompany a client to an HRA facility, whether friend, relative or member of an outside group, in order to serve as the client’s representative or advocate in conducting official business with HRA or otherwise to assist the client in some specific way (such as an interpreter, home care aide, or person to care for the client’s children during an interview) are deemed to be there on official business. Such business may include, but is not limited to, an application interview or a conciliation appointment.”

Since the beginning of her tenure, Commissioner Eggleston has been committed to improving customer service for all of our clients. Among other efforts to effectuate this, HRA developed the model office concept to streamline workflow, reduce wait time for applicants and recipients and create greater, more efficient access to services in our centers. As I mentioned, ten of our job centers have been converted to model offices, eight of which have co-located food stamp offices; seven HIV/AIDS Services Administration (HASA) centers have been converted to model offices; and all of our Medicaid centers are model offices. The model office conversion process is continuing. All center staff is properly trained to assist clients in navigating the application process as well as with any other issues regarding benefits administered by HRA; and for those clients with limited English-speaking ability, bilingual staff or on-site interpreters are available for many languages, and assisted phone interpretation is available for 140 languages, in addition to American Sign Language.

HRA is also committed to receiving input from advocates, and Commissioner Eggleston has made it a priority to meet regularly with individuals expressing a wide range of viewpoints. The Commissioner's Citizens Advisory Committee, an entity that had been dormant for a long period of time prior to Commissioner Eggleston's tenure, reflects that diversity. The Committee is made up of advocates, service providers and those the agency serves. Commissioner Eggleston also established a new advisory mechanism, the Legal Advisory Committee. This committee is composed of legal advocates, including many who are in active litigation with the City or who have sued the City in the past. As you know, under local law, the Agency's HASA program has its own advisory board reflecting the unique nature of the services and issues confronted by those who are HIV-positive or who have AIDS. While there is a structured agenda and time and place for the meetings of these groups, the discussion is free flowing, reflecting the broad range of issues that face the Agency, and all are invited to participate.

These meetings, as well as others held regularly between senior Agency staff and service providers and advocates, are critical both for informing interested communities of changes in Agency programs, and for gathering feedback on how the Agency's services are delivered. Feedback received at these meetings has influenced our program development, and the meetings supplement the data collection the Agency conducts and are an important component of our overall program evaluation.

While feedback and input from all interested parties is an important component of developing strong programs, we have serious concerns about Intro. 359. As I know the Committee is aware, Job Centers, HASA offices and food stamp offices are places of business where tens of thousands of people come for assistance each month. In Job Centers alone 15,000-20,000 individuals apply for public assistance and an additional 20,000 are scheduled for recertification every month. Many of the offices have minimal public spaces and are understandably crowded; giving advocates free access to these spaces would only make the situation worse. The presence of advocates in addition to clients and their representatives conducting official business would make it difficult at times to maintain the business environment needed to effectively serve the public. The proposed legislation would set up a chaotic environment where client privacy would be compromised and order would be difficult to maintain.

In 2004, the Second Circuit Court of Appeals unanimously upheld HRA's policy of restricting the access of third parties to HRA service centers, when they are not there on official business. The Court observed that if advocates were given open access to our centers, clients may feel pressured to speak to advocates, and that the legitimacy of a group claiming to act on behalf of a client's best interest could not be guaranteed. An open access policy, the Court found, would lead to increased processing and supervision costs since HRA would have to develop a mechanism to schedule all advocacy groups seeking access if there is

insufficient space in public areas, and HRA would have to expend resources policing waiting rooms to ensure that advocacy organizations are complying with scheduled access times and not engaging in unapproved activities. Enforcing time, place and manner restrictions could prove difficult. To be effective and fair such rules would have to be strictly enforced, ensuring no one group received any greater access than any other.

Pursuant to NYS Social Services law, the local social services district is ultimately responsible for the proper administration of public assistance programs. As such, we are accountable for dispensing appropriate and dependable information that meets the individual needs of every client that comes into our centers, and for the accuracy of the decisions we make based on that information. We cannot have a situation where we are unable to monitor the reliability of the advice that clients are given by even well-meaning advocates.

Furthermore, HRA takes the privacy of its clients very seriously. An open access policy at our centers could violate the privacy and confidentiality of vulnerable New Yorkers, especially those seeking services from our HASA offices. We do not believe it would be appropriate to expose our clients, without their knowledge or consent, to strangers in our centers, at what are often extremely difficult times in their lives.

In summary, HRA welcomes client-chosen representatives or advocates in our centers, welcomes feedback from all New Yorkers, including advocates, and provides structures through which advocates have the opportunity to influence Agency policy and provide guidance on specific cases. As a result, we feel that Intro. 359 is unnecessary, that it would do more harm than good for our clients, and that it would impede the Agency's efforts to carry out its critical work.

Thank you.