

THIS COOPERATIVE AGREEMENT (“Agreement”), dated as of this 1 day of February 2022 between the City of New York, acting through the Department of Social Services / Human Resources Administration (“HRA” or the “Agency”), located at 150 Greenwich Street, New York, New York 10007; and the City of New York, acting through the Department of Youth and Community Development (“DYCD”), located at 2 Lafayette Street, 21st Floor, New York, New York 10007 (collectively “the Parties”).

WHEREAS, DYCD administers a Summer Youth Employment Program (“the SYEP Program”) for eligible New York City youth, aged 14 through 20 per the 2021 Temporary Assistance for Needy Families (“TANF”) Summer Youth Employment Program Guidelines and Reporting Instructions for Districts, attached herein as **Appendix 2**; and

WHEREAS, HRA desires to provide funding to assist the SYEP Program through the Office of Temporary and Disability Assistance (“OTDA”) summer youth allocation; and

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1. TERM OF PERFORMANCE

The term of this Cooperative Agreement will be from July 1, 2021, through December 31, 2021, unless sooner terminated as provided herein and subject to the availability of funds (the “Term”).

ARTICLE 2. SCOPE OF SERVICES- DYCD

During the Term, DYCD shall, either directly or indirectly through funded contractors:

- A. Recruit and identify eligible youth, aged 14 through 20 (“Participants”); and
- B. Enroll and manage the youths’ participation in the SYEP Program; and
- C. Develop the SYEP Program work sites; and
- D. Prepare, collect and compile all records for hours worked by the youth by the Monday immediately following the pay period (the “Payroll Records”); and
- E. Provide Participants with appropriate Worker’s Compensation or equivalent protection for on-the-job injuries and tort claims protection on the same basis, but not necessarily at the same benefit level as they are provided to HRA personnel in the same or similar positions; and
- F. Issue Payroll Cards or administer Direct Deposit to the Participants in the SYEP Program; and
- G. Issue W-2 forms for each Participant aged 16-20 in the SYEP Program on the last business day of January 2022 and mail such W-2 forms to each Participant.

ARTICLE 3. NUMBER OF WORK HOURS

- A. Participants shall be divided into two cohorts, each lasting six (6) weeks:
 - 1. Cohort A shall commence July 6, 2021, and conclude August 13, 2021.
 - 2. Cohort B shall commence July 12, 2021, and conclude August 20, 2021.
- B. Participants aged 16-20 shall work the number of hours per week to be determined by the program option into which each Participant is enrolled, up to a maximum of 25 hours per week at the minimum wage (currently, \$15.00 per hour for NYC).

ARTICLE 4. TERMS OF PAYMENT

- A. Reimbursable Agreement- HRA agrees to submit a claim on behalf of DYCD to OTDA on the basis of inter-agency annual expenses submitted to HRA with supporting documentation in an amount not to exceed \$23,364,642 (2021 SYEP allocation per 21-LCM-08), as specified in the budget annexed hereto as **Appendix 1**. HRA shall reimburse DYCD an amount equal to that which is reimbursed to HRA by OTDA. If any portion of the claim made by HRA on behalf of DYCD is disallowed by OTDA, then DYCD shall assume full responsibility for the cost of those services.
- B. Schedule of Payment- Upon receipt of reimbursement from OTDA, HRA shall remit to DYCD a payment for approved actual expenses for the year covered in DYCD's Expenditure Report, submitted pursuant to **Paragraphs C** and **D** below, minus any advance amounts HRA may have already submitted to DYCD. If the amounts of the advances exceed the approved actual expenses, then DYCD will reimburse HRA for such amounts. SYEP Program related claims must be for services provided during the period May 1, 2021, through September 30, 2021. Expenditures for such services must be made by October 31, 2021 and claims for these expenditures must be submitted to HRA Finance by November 20, 2021, for submission to OTDA by HRA no later than December 29, 2021.
- C. Expenditure Report- DYCD shall submit an Expenditure Report itemizing DYCD's actual expenditures, including Personnel Services under the SYEP Program. A summary of the year's PS expenditures allocated by percentage of time involved in the scope should be included. The summary of expenditures will become the claiming document. The Expenditure Report must be received by HRA's Bureau of Claims and Reimbursement no later than November 20, 2021. The Expenditure Report will be submitted with appropriate supporting documentation in order for HRA to file the claim on behalf of DYCD. The Expenditure Report for the period through September 30, 2021, shall be submitted to:

NYC Human Resources Administration
DSS Finance Office- Bureau of Claims and Reimbursement
Attn: Bureau Director
150 Greenwich Street, 34th Floor
New York, NY 10007
Jean Nau: nauj@dss.nyc.gov

- D. The Inter-Agency expenditure reports shall be signed by the Director of DYCD's fiscal department or designee and shall include the following typed language:

"I hereby certify that this expenditure report is for articles received, services rendered or amounts expended on behalf of the City of New York, that this is correct as to price and amount, that it is necessary for the proper transaction of business of the Department, that it was incurred solely for the benefit of the City of New York, and no part of the amount claimed therein has been previously certified, and that the amount is solely for the operation of said Program described in the expenditure report."

ARTICLE 5. NOTICES AND COMMUNICATION

All notices and communication to the parties under this Cooperative Agreement shall be delivered by hand or sent by Registered or Certified Mail, Return Receipt Requested, or by overnight mail, Express Mail, or other overnight delivery services that provides a receipt to the sender, and sent to the parties at the following addresses:

New York City Human Resources Administration
150 Greenwich Street, 34th Floor
New York, NY 10007
Attn: Executive Deputy Commissioner of DSS Finance

Office of Legal Affairs
New York City Department of Youth and Community Development
2 Lafayette Street, 21st Floor
New York, NY 10007

ARTICLE 6. RETENTION OF RECORDS

DYCD shall retain all books, records, and other documentation relevant to this Cooperative Agreement for a period of six (6) years after the final payment or termination of this Cooperative Agreement, whichever is later. Any City, State, and Federal auditors and any other persons duly authorized by HRA shall, with reasonable notice to DYCD or its contractors, have full access to and the right to examine any of said materials during said period.

ARTICLE 7. COMPLIANCE WITH LAW

- A. The Services rendered under this Agreement shall be performed in accordance with the applicable provisions of Federal, State, and local laws, rules, and regulations as are in effect at the time such services are rendered including without limitation the Civil Rights Act of 1964, as amended by Executive Order 11246, 41 CFR 60, Section 504 of the Rehabilitation Act of 1973, 45 CFR 84, and 45 CFR 85.
- B. By entering into this Agreement, DYCD affirms that its Agency Privacy Officer ("APO") has reviewed this Agreement and determined that any disclosure by it of identifying

information, as defined by Local Laws 245 and 247 of 2017, is routine and HRA's APO has reviewed this Agreement and designated that the collection of the DYCD data is for a routine use, pursuant to the Local Laws 245 and 247 of 2017. Each Party further affirms that it will seek review and approval from the City Chief Privacy Officer for any non-routine disclosure or collection, as applicable, of identifying information, where necessary.

- B. Pursuant to Local Law 40 of 2011, the Parties understand that this Cooperative Agreement may be posted on NYC.gov within thirty ("30") days of execution.

ARTICLE 8. CONFIDENTIALITY

- A. All information obtained, learned, developed, or filed in connection with this Agreement, including data contained in official HRA and DYCD files or records, shall be held confidential pursuant to the provisions of all applicable federal, state, and local laws and codes, and shall not be disclosed to any persons, organization, agency, or other entity except as authorized or required by applicable law, rule or regulation promulgated by a governmental authority having jurisdiction.
- B. All of the reports, information or data furnished to, or prepared, assembled, or used under this Agreement are to be held confidential, and the same shall not be made available to any individual or organization without the prior written approval by HRA and/or DYCD as appropriate, except as authorized or required by applicable law, rule or regulation promulgated by a governmental authority having jurisdiction.
- C. Any disclosure of HIV-related information shall have the following written statement accompany it:

"This information has been disclosed to you from confidential records which are protected by State law. State law prohibits you from making any further disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law. Any unauthorized further disclosure in violation of State law may result in a fine or jail sentence or both. A general authorization for the release of medical or other information is not sufficient authorization for further disclosure."

ARTICLE 9. SUPERVISION

In Compliance with the New York State Office of Temporary and Disability Assistance's ("OTDA") Fiscal Reference Manual ("FRM"), Volume 3, Chapter 5, the Commissioner of HRA shall have organizational supervision of any staff working pursuant to the terms of this Agreement. The Commissioner of HRA may have input into the assignment, retention and reassignment of any staff working pursuant to this Agreement, however the ultimate authority for these staff members shall remain with the appointing office.

ARTICLE 10. REPORTS

HRA shall provide any reports and documents that will enable DYCD to perform its duties under this agreement.

ARTICLE 11. TERMINATION

- A. Each Party shall have the right to terminate this Agreement, in whole or in part, upon thirty (30) days prior written notice to the other Party, or immediately for cause.
- B. HRA shall have the right to terminate this Agreement in whole or in part immediately if Federal or State reimbursement is terminated or not allowed.
- C. In addition, HRA shall have, in its sole discretion, the right to terminate this Agreement in whole or in part, or to reduce the funding and level of services in the event of a reduction or discontinuance of such funds by action or change of Federal, State or City government policy, law or regulation.
- D. In the event of termination of this Agreement, for whatever cause, HRA will pay all costs and cancellable obligations incurred up to and including the effective date of such termination.

ARTICLE 12. MODIFICATION

This Agreement may be modified upon mutual agreement between the parties set forth in writing and signed on behalf of each of the Parties. It may not be modified orally.

ARTICLE 13. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties hereto, and no other agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto, or to vary any of the terms contained herein.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates appearing below their respective signatures.

THE CITY OF NEW YORK
DEPARTMENT OF SOCIAL SERVICES
HUMAN RESOURCES ADMINISTRATION

Vincent Pullo
Agency Chief Contracting Officer

2/1/2022

Date

THE CITY OF NEW YORK
DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT

Caroline S. Press

Caroline Press
General Counsel

12/01/2021

Date

APPENDIX 1

# OF TANF FUNDED SLOTS	10,923
PPP	
WAGE PPP	\$ 1,980.00
FICA & MTA PPP	\$ 159.00
TOTAL PPP	\$ 2,139.00
BC	
WAGES (OC724)	\$ 21,627,859.00
FICA & MTA (OC725)	\$ 1,736,783.00
TOTAL TANF BC	\$ 23,364,642.00

APPENDIX 2

2021 NYS Summer Youth Employment Program (SYEP) Guidelines and Reporting Instructions for Districts

Program Dates

Funding is available for allowable expenses incurred for SYEP services from May 1, 2021 to September 30, 2021. Expenditures for such services must be made by October 31, 2021, and final claims for these expenditures must be submitted to OTDA no later than December 31, 2021.

Eligible SYEP Participants

Eligible participants include youth ages 14 to 20 that are:

- Family Assistance (FA) recipients;
- Former FA recipients who have reached their 60-month limit on TANF and have transitioned to Safety Net Assistance (SNA); or
- Members of a household (individual or family) with income at or below 200% of the federal poverty level but not in receipt of FA or SNA. Annual poverty standards are outlined below.

200% of Federal Poverty Guidelines Chart TANF Program Year June 1, 2021 through May 31, 2022				
Family Size	Annual Income	Monthly Income	Bi-Weekly Income	Weekly Income
1	\$25,760	\$2,146	\$990	\$495
2	\$34,840	\$2,903	\$1,340	\$669
3	\$43,920	\$3,660	\$1,689	\$844
4	\$53,000	\$4,416	\$2,038	\$1,019
5	\$62,080	\$5,173	\$2,388	\$1,193
6	\$71,160	\$5,930	\$2,737	\$1,368
7	\$80,240	\$6,686	\$3,086	\$1,542
8	\$89,320	\$7,443	\$3,436	\$1,717
	For family units with more than eight members, add			
	\$9,080	\$756	\$349	\$174

SYEP Eligibility Certification Process

Local Commissioners Memorandum ([00-LCM-20](#)) remains the guiding document for eligibility certification requirements. The attached TANF Youth Services Application form, Rev. 2/16 ([LDSS – 4770](#)), will continue to be used to establish participant eligibility. Note that as of 2016, school lunch was eliminated as an eligibility category for TANF services and therefore may not be used to determine eligibility for the SYEP.

TANF Youth Applications may be faxed or mailed, and electronic signatures may be accepted for the 2021 program

Allowable SYEP Costs and Services

The SYEP provides youth from low income households with employment opportunities during the summer months. Paid employment is an integral component of the SYEP program. To augment the work component of the SYEP, providers may include limited educational and/or career exploration activities, which will better prepare youth as they continue their education and transition to the world of work. Allowable activities and services for the SYEP include: work subsidies for youth (payment to employer or third party); education and training; and supportive services such as transportation, counseling, and incentive payments.

Per 21-LCM-08:

- **Providers electing to offer education and/or career exploration components must limit these non-employment activities to no more than 20% of each provider's total 2021 enrollments.** In addition, these placements should be reserved for younger youth (e.g., 14 and 15 year-old) or those who would otherwise be more difficult to place in traditional employment opportunities.
- **The remaining program participants, at least 80%, must be engaged in traditional paid employment activities with no more than 30% of hourly participation for these SYEP participants in non-employment activities such as career exploration, mentoring outside the workplace, financial literacy, or education.** Paid employment may include remote work so long as the position is consistent with work the employer would typically engage in but is being conducted remotely due to COVID-19 business requirements or precautions.

The safety of SYEP participants is essential. All workplaces and education/training settings must comply with health and safety regulations and adhere to State and federal guidance related to COVID-19, including sector specific business re-opening guidance <https://forward.ny.gov/>. Additional steps required include those related to social distancing, facility cleaning and disinfecting, the wearing of face coverings and practicing of proper hygiene. All 2021 SYEP placements must be in compliance with current Center for Disease Control <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html> and New York State Department of Health COVID-19 guidelines <https://coronavirus.health.ny.gov/home> to ensure a safe work environment for participants.

Allowable costs and services include:

- Work subsidies for youth – payment to employer or third party
- Education and training
- Financial Literacy
- Supportive services including:
 - Transportation for employed person to work or to attend training
 - Counseling and employment related services
 - Incentive payments * **Must be preapproved by OTDA**

Mandatory Financial Literacy Component

On October 21, 2014, Governor Cuomo signed Chapter 421 of the Laws of 2014, which required that a financial literacy education program for teenagers and young adults be included as part of the New York State SYEP by July 1, 2016. This requirement will remain in place for the 2021 SYEP. While operators will continue to have discretion in the overall design of their financial literacy components, we expect that a meaningful level of instruction is provided. Financial literacy curriculum must be offered to all youth enrolled in the SYEP, regardless of whether they are engaged in employment or educational activities. In addition, instruction must be offered to SYEP participants between the May 1, 2021 and September 30, 2021 program dates.

You may wish to partner with a nonprofit or financial institution in your area to enhance your current offerings.

2021 New York State Minimum Wage Rate Increases

- New State Minimum Wage is \$14.00 for Nassau, Suffolk and Westchester Counties, and \$12.50 for the remainder of New York State. New York City remains at \$15.00.
- All SYEP participants must be paid at least the State Minimum Wage for the county in which youth are working for any hours of employment.
- If youth are reimbursed at an hourly rate that is below the State Minimum Wage rate (or a stipend that equates to a rate below the State Minimum Wage rate) for non-employment activities, the hourly rate and/or stipend must be provided on the attached Performance Goals / Planned Program Details report. A brief description of the design of this component including the number of youth enrolled and total hours of engagement must also be provided. Stipends and/or hourly wage rates lower than the applicable minimum wage rate for each county must be pre-approved by OTDA.
- More information regarding the New York State Minimum Wage may be found on the Department of Labor's website at:

<https://www.labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm>

SYEP Worksite Placements and New York State Child Labor Law

Youth may be placed at public, private or nonprofit worksites through the SYEP. The worksite name, type, address, number of participants placed and the nature of work at each site should be indicated on the attached 2021 Worksite List, which is due to OTDA on October 15, 2021.

Many SYEP operators partner with local daycare providers and summer camps to make employment opportunities available to participants during the summer. These worksite locations often provide rewarding work experiences for SYEP participants, and benefit the community by making slots accessible for children at a reduced or no cost. SYEP participants placed in child care settings are considered volunteers per the NYS Office of Children and Family Service (OCFS) School-Age Child Care regulations, and are thus not considered in the center's supervision ratio. SYEP participants may interact with children in childcare settings, but cannot be solely responsible for their supervision. There is no minimum age requirement for these placements, but participants do need to comply with background check requirements.

The New York Photo ID Waiver for Minors may be used at the time of fingerprinting for youth who do not have a photo ID. This form is embedded in the OCFS-4930 Request for NYS Fingerprinting Services, and is available on the OCFS website at:

https://ocfs.ny.gov/main/Forms/Day_Care/NYS-Photo-ID-Waiver-Card-for-Minors.pdf.

SYEP operators must ensure that youth participants are assigned work activities which are allowable under federal and State labor laws. Provisions exist in the Fair Labor Standards Act and New York State Labor Law governing the employment of minors. The NYS Department of Labor, Division of Labor Standards (DLS) enforces the laws governing employment of all minors including those employed through SYEP. Attached is an updated list of allowable occupations by age compiled by staff from DLS to use as a resource for matching participants with appropriate types of work for their age. Further information regarding employment of minors can be found at:

<https://www.labor.ny.gov/workerprotection/laborstandards/workprot/minors.shtm>

In addition, every employer in New York State is required to adopt a sexual harassment prevention policy and to provide all employees with sexual harassment prevention training. All employees must complete the model training, or a comparable training that meets the minimum standards developed by the Department of Labor (DOL) and Division of Human Rights, on an annual basis. Model sexual harassment policy language and training materials are available on the DOL website at:

<https://www.ny.gov/combating-sexual-harassment-workplace/employers>

Information on obtaining New York State Working Papers can be found at:

<http://www.p12.nysed.gov/sss/pps/workingpapers/>.

Program Reporting Elements and Schedule

- **2021 NYS SYEP Performance Goals / Planned Program Details:** SYEP program operators must complete the attached report to indicate the number of youth that will be employed and enrolled in educational activities, and to provide general information on program timeframes and participating worksites. In addition, SYEP operators are asked to provide descriptions of their educational components, financial literacy instruction and sexual harassment prevention training, as well as efforts made to target specific youth groups.
- **2021 District Contact Information:** This form must include the program and fiscal contact information for the entity administering the SYEP, as well as contact information for any program operators.
- **Provider Certification Agreement:** This form must be completed by any entity other than the district responsible for determining TANF eligibility.
- **2021 NYS SYEP Final Report:** Each district that administers a SYEP is required to provide final enrollment information and demographics as well as report on youth served

by zip code. Program operators must ensure that this information is obtained for each participant enrolled. An excel spreadsheet report form has been included as part of the 2021 Final Report to capture zip code information. If SYEP operators receive multiple funding sources, operators are to report only the number of youth that were served solely with NYS SYEP funds on this Final Report. Summer slots should not be prorated or partially allocated to the NYS SYEP.

- **2021 NYS SYEP District Program Summary:** SYEP operators will be required to provide final program information regarding the overall design and implementation of the 2021 SYEP.
- **2021 Worksite List:** Program operators are asked to provide a list of all worksites, the number of youth employed at each worksite, the worksite address, the type of worksite (nonprofit, public or private) and the nature of work performed at each site. Worksite information should be submitted on the attached Microsoft Excel file.

The following documents are attached and must be completed and returned by the date indicated to the address provided below:

Document	Due Date
▪ 2021 NYS SYEP Performance Goals/Planned Program Details	By June 9, 2021 Per 21-LCM-08
▪ 2021 Contact Information ▪ Provider Certification Agreement (District)	*Within 5 business days of receipt of guidelines email
▪ 2021 NYS SYEP Final Report ▪ 2021 NYS SYEP District Program Summary ▪ 2021 Zip Code List ▪ 2021 Worksite List	October 15, 2021

Attn: Iwona Ostrowska-Sheedy
Office of Temporary and Disability Assistance
Employment and Income Support Programs
Iwona.Ostrowska-Sheedy@otda.ny.gov

District Claiming Forms and Instructions

Please refer to 21-LCM-08 dated May 27, 2021 for the 2021 New York State SYEP claiming instructions.

Program Oversight

OTDA program staff from Employment and Income Support Programs may conduct program reviews to determine if:

- program eligibility is correctly determined for SYEP participants;
- case files include required applications and supporting documentation;
- activities and services provided are allowable in accordance with SYEP guidelines; and
- SYEP administering agencies are providing appropriate oversight of program operations.

OTDA audit staff from the Office of Audit and Quality Improvement (A&QI) may conduct reviews to determine if:

- reported amounts are in agreement with the official books of entry and/or WIA worksheet totals;
- participant costs are properly supported;
- operational costs are properly supported;
- the cost of staff that provide direct program services are properly allocated; and
- that the WDB conducted programmatic and fiscal monitoring of subcontractors.

OTDA Contacts

Program Questions:

Iwona Ostrowska-Sheedy
(518) 473-2500
Iwona.Ostrowska-Sheedy@otda.ny.gov

Fiscal/Claiming Questions:

Lauren Horn
Regions 1-5
(518) 474-7549
otda.sm.Field_Ops.I-IV@otda.ny.gov

Michael Simon
Regions 6
(212) 961-8250
Michael.Simon@otda.ny.gov