

INFORMATION ONLY

T2/T16 IPMOU

INCENTIVE PAYMENT MEMORANDUM OF UNDERSTANDING (IPMOU)

AGREEMENT BETWEEN THE SOCIAL SECURITY ADMINISTRATION AND THE

Washington County Sheriff's Office
205 Putnam Street
Marietta, Ohio 45750

Article I, Purpose & Legal Authority

The parties in accordance with sections 1611(e)(1)(I) and 202(x)(3) of the Social Security Act (the Act) enter into this agreement. The agreement provides the terms and conditions under which the reporting entity (Reporter) will provide to the Social Security Administration (SSA) information about certain confined individuals, on its own behalf and/or on behalf of other facilities/institutions for whom it will report as identified in Article III B.1 of this agreement and under which SSA will pay facilities/institutions for information that results in the suspension of payments to certain confined individuals (see article II B) receiving Supplemental Security Income (SSI) payments under title XVI of the Act, 42 U.S.C. 1381 et seq., as well as suspension of benefits to individuals receiving Retirement Survivors and Disability (RSDI) benefits under title II of the Act, 42. U.S.C. 402 et seq. The responsibilities of each party to the agreement are also provided.

Title XVI of the Act sets forth the conditions under which individuals are eligible for SSI payments. Title II of the Act sets forth the conditions under which individuals are eligible for RSDI payments.

Based on sections 202(x)(1), 202(x)(3), and 1611(e)(1)(A) of the Act (codified at 42 U.S.C. §§ 402(x)(1), 402(x)(3) and 1382(e)(1)(A) respectively), the Social Security Administration is required to limit/deny the payment of benefits to: any individual for any month during which he/she is confined to a jail, prison, or other penal institution or correctional facility under a conviction of a criminal offense; certain individuals (see article II C) confined by court order in an institution at public expense in connection with certain verdicts or findings with respect to such offenses; and to certain individuals who, immediately on completion of confinement based on a conviction of an offense, an element of which is sexual activity, are confined by court order in an institution at public expense based on a finding that such individual is a sexually dangerous person or a

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sexual predator or a similar finding (title II of the Act); or to any individual for any month throughout which the individual is an inmate of a public institution (title XVI of the Act).

Section 1611(e)(1)(I)(i) and section 202(x)(3) of the Act authorize SSA to enter into agreements described in those sections with a specified type of interested State or local institution (such as a jail, prison, or other penal institution or correctional facility or other institutions in which people are confined by court order at public expense). These sections of the Act provide the general terms and conditions under which, based on this agreement, the Reporter will provide information about confined individuals to SSA. SSA will also use the information provided by the Washington County Sheriff's Department under authority of sections 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii) and 1631(a)(2)(E) of the Act which require SSA to revoke certification for payment of benefits to representative payees under certain circumstances and investigate and monitor the performance of such representative payees. (See also 20 C.F.R. 404.2050; 416.655). The incarceration or confinement of a representative payee is a circumstance that SSA will consider under the above referenced representative payee provisions.

This agreement and any subsequent addenda supersede any similar agreement entered into previously under the above-cited statutory provisions by the reporter and SSA concerning disclosure of records of confined individuals or inmates of public institutions.

Section 552a(a)(8)(B) of title 5, U.S.C., as amended by section 402(a)(2) of Public Law 106-170 exempts this agreement, and information exchanged under this agreement, from certain provisions of the Privacy Act, i.e., those relating to computer matches.

Article II, Definitions

- A. "**Confined**" refers to individuals who are confined to a facility/institution described in Article I of this agreement under authority of law at any time during the period covered by this agreement.
- B. "**Other Confined Individuals (Title XVI Beneficiaries)** are individuals who are confined to a jail or similar facility throughout any month during the period covered by this agreement. This individual remains confined if transferred from one public institution to another or if temporarily absent from such an institution, or resides in the institution as of the beginning of a month and dies in the institution during the month.

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C. "**Certain Other Individuals Confined at Public Expense**" (Title II beneficiaries) are individuals confined by court order for more than 30 continuous days in any institution at public expense in connection with:

- (1) A verdict or finding that the individual is not guilty of a criminal offense by reason of insanity; or
- (2) A finding that the individual is incompetent to stand trial under an allegation of a criminal offense; or
- (3) A similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect or mental incompetence).

Such an individual is considered confined until (1) he or she is released from the care and supervision of such institution; and (2) such institution ceases to meet the individual's basic living needs.

D. "**Sexually Dangerous Individuals**" are individuals, who immediately upon completion of their prison sentence for a criminal offense (an element of which is sexual activity), are confined for more than 30 continuous days by court order in an institution at public expense. These individuals are confined in an institution based on a determination or finding that they are sexually dangerous persons, sexual predators, or similar determinations or findings.

E. "**Representative Payee**" means the person, agency, organization or institution selected (by SSA) to receive and manage benefits on behalf of an incapable (SSA) beneficiary. This includes a parent who is receiving benefits on behalf of his/her minor child.

F. "**Record**" means any item, collection, or grouping of information about an individual that is maintained by an entity including, but not limited to, the individual's criminal history, name, Social Security number (SSN), aliases, date of birth, gender, date of confinement, place of confinement and prisoner or inmate status.

G. "**Disclosure**" means the release of information (data) with or without the consent of the individual(s) to whom the information pertains.

H. "**Reporter Identification Code**" means the four-character code assigned by SSA to the Reporter that is party to the agreement and that will report information on its own behalf and/or on behalf of other facilities/institutions identified

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in this agreement.

- I. **"Facility Identification Code"** means the six-character code that SSA will assign to a facility or institution that confines individuals and is covered by this agreement. This code must be furnished with each submission of inmate data to SSA concerning the facility/institution's confined individuals in order for SSA to process any incentive payments due the facility/institution under this agreement.
- J. **"Throughout a month"** means that a title XVI individual is confined in an institution as of the first instant of a calendar month and stays through the last instant of the month. Suspension applies in any month throughout which an individual is confined as an inmate of a jail, prison, other similar facility or other such public institution.

Example 1: If an individual enters an institution on April 30 and is released on June 3, the individual would be confined throughout May.

Example 2: If an individual enters an institution on May 1 and is released on June 30, the individual would not have been confined in an institution throughout either May or June.

Under the SSI program, an individual who is confined in a public institution is considered as remaining confined in a public institution if he is transferred from one such institution to another or if he is temporarily absent for a period of not more than 14 consecutive days. Also, an individual is considered confined in an institution throughout a month if he is confined in the institution as of the beginning of a month and dies in the institution during the month.

- K. **"More than 30 continuous days"** means that a title II individual has been convicted and remains confined in an institution for a period of more than 30 continuous days following the conviction. Suspension applies in any month in any part of which the individual is convicted and confined.

Example 1: Individual is convicted on April 28, enters an institution on April 30 and is released on June 3. The individual would be convicted and confined for more than 30 continuous days. Benefits would be suspended for all three months, April, May, and June.

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Example 2: Individual is convicted on May 1, enters an institution on May 1 and is released on June 30. The individual would be convicted and confined for more than 30 continuous days in an institution. Benefits would be suspended for both months, May and June.

Article III, Description of Records to be Matched

A. General

1. The Reporter will identify confined individuals for SSA.
2. SSA will determine which of these confined individuals are receiving SSI payments, RSDI payments and/or acting as representative payees.

B. Source of Reporter Records

1. These records are compiled from Washington County Jail (the Reporter must list all of the facilities/institutions that are covered by this agreement for which it will report).
2. A reporter may opt to qualify only for the payment of title XVI Incentive Payments. If the Reporter chooses that option, then the Reporter must provide the following data elements:
 - a. Social Security number (provide all numbers the individual has been known to use)
 - b. Name (provide all names the individual has been known to use); (Note: provide all known combinations of Social Security Number/Name identities);
 - c. Date of birth (known or alleged);
 - d. Confinement date, i.e., the date the inmate was admitted to the facility or the date custody of the individual began;
 - e. Facility identification code; and
 - f. Other identifying information as required in the attached Enumeration Verification System (EVS) User Package for Correctional Institutions.
3. A Reporter may opt to qualify for the payment of both title XVI incentive payments and title II incentive payments. If the Reporter chooses that option, then, the Reporter must provide the following data elements:

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- a. Social Security Number (provide all numbers the individual has been known to use);
 - b. Name (provide all names the individual has been known to use) (Note: provide all known combinations of Social Security Number/Name identities);
 - c. Date of Birth (known or alleged);
 - d. Confinement date, i.e., the date the individual was admitted to the facility or the date custody of the individual began;
 - e. Date of Conviction for the criminal offense;
 - f. Facility identification code;
 - g. Other identifying information as required by the attached Enumeration Verification System (EVS) User Package for Correctional Institutions.
4. All records will be prepared and transmitted as prescribed in Article IV with clear identification of the facility/institution that is the source of such records.

C. SSA Systems of Records

SSA will match the data from the Reporter for the purpose described in the following systems of records. The data will be matched against the:

1. Supplemental Security Income Record (SSR) SSA/OSR 09-60-0103
2. Master Representative Payee File (09-60-0222)
3. Master Beneficiary Record (MBR) (09-60-0090)
4. Master Files of Social Security Number Holders and SSN Applications SSA/OSR 09-60-0058 (Alphident & Numident)

Article IV, Functions to be Performed

The information on confined individuals must be provided electronically (i.e., a computer tape, cartridge, diskette, or electronic transmission).

A. Type of Report

The Reporter agrees that it will furnish SSA with (check one of the reports below):

___ Report(s) (electronic file or paper report, if appropriate) containing the data elements/reporting

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requirements listed in Article III.B.2. for individuals whose confinement commences on or after March 1, 1997 for SSI recipients. (Title XVI Incentive Payment Agreement only.)

or

- X Reports (electronic file or paper report, if appropriate) containing the data elements/reporting requirements listed in Article III.B.3. for individuals whose confinement and/or conviction commences on or after March 1, 1997 for SSI recipients and the confinement and conviction for RSDI beneficiaries commences on or after April 1, 2000. (Title XVI and Title II Incentive Payment Agreement.)

B. Reporting Protocol

Report data required to qualify for Title XVI and/or Title II Incentive Payments (See Article III B.2 or 3 for data to be reported to SSA on inmates.)

1. The first submission of data, whether done electronically or by paper, will be a total inmate population report, commonly referred to as a census report.
2. After census file is submitted to SSA, files are to be submitted monthly for the preceding calendar month. The monthly report should consist of:
 - data for those individuals who are admitted to the facility/institution at any time during the period from the first day of the reporting month to the last day of that month (e.g., newly admitted inmates) and/or,
 - data for those individuals already in the custody of the facility/institution who have subsequently been convicted since the facility/institution initially began reporting inmate data to SSA.

C. SSA Actions on the Inmate Data Received

After validating or locating the proper Social Security number, SSA will:

1. Determine if the individual is receiving SSI or RSDI benefits.
2. Verify that the individual has received an SSI or RSDI benefit in the month preceding the first month throughout which such individual is an inmate;

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3. Determine whether or not such individual is acting as a representative payee;
4. Investigate and determine whether revocation of representative payee certification is appropriate under applicable law as cited in Article I.
5. Verify that the individual has been confined throughout a calendar month for SSI or; convicted and confined for more than 30 continuous days for RSDI.
6. Notify the individual of the suspension action and provide the individual with an opportunity to contest the planned action under applicable regulations.
7. Suspend SSI and RSDI payments as required by law.
8. Pay the appropriate facility/institution as specified under Article V.
9. Provide the Reporter with a notice of the amount of the incentive payment, the payment date and the total number of suspended individuals, and a list of the individuals suspended.

D. SSA Addresses for Submitting Data Files

The Reporter agrees to send the data to one of the following addresses. If the Reporter prefers to ensure timely receipt of the data, files may be sent using FedEx. (**Note:** For diskette or large paper reporters, the address information for FedEx files differs from the regular mailing address since FedEx cannot be delivered to a P.O. Box. See below.)

1. Send tapes or cartridges to:

SSA
Attention: Outside Agency
2-F-9 National Computer Center
6201 Security Blvd.
Baltimore, MD 21235-6201

2. Send diskettes to:

SSA
Division of Employer Services, OCO
Metro West Building
P.O. Box 33004
Baltimore, MD 21290-3004

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FedEx address for diskettes:

SSA
OCO, Division of Employer Services, ATTENTION: Prisoner
300 North Greene Street, 5-E-10 North Building
Baltimore, Maryland 21290-0300
Contact Name: Dortehea Towson
Telephone Number: (410) 966-9649

3. Send paper listings that contain over 1000 names to:

SSA
Division of Employer Services, OCO
Metro West Bldg.
P.O. Box 33004
Baltimore, MD 21290-3004

FedEx address for paper reports:

SSA
OCO, Division of Employer Services, ATTENTION: Prisoner
300 North Greene Street, 5-E-10 North Building
Baltimore, Maryland 21290-0300
Contact Name: Dorethea Towson
Telephone Number: (410) 966-9649

3. Establishing electronic transmission process:

Contact Anita Cohen on (410) 965-5340 to establish
electronic processes with SSA systems.

Article V, Incentive Payment Process

SSI (Title XVI) Incentive Payments

In accordance with section 1611(e)(1)(I)(i)(II) of the Act, SSA will pay an incentive payment to a facility/institution covered by this agreement for information on a confined individual which the Reporter furnishes to SSA within the time periods specified below, provided that the confined individual is:

- Receiving an SSI payment for the month preceding the first month throughout which the confined individual is in such facility/institution; and
- Determined by SSA to be ineligible for a SSI payment for such first month as a result of the information provided by the Reporter under this agreement.

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NOTE: See article III, B.2. for data elements required to qualify for Title XVI incentive payments as described above.

RSDI (Title II) Incentive Payments

In accordance with section 202(X)(3) of the Act, SSA will pay an incentive payment to a facility/institution covered by this agreement for information on a confined and convicted individual which the Reporter furnishes to SSA within the time periods specified below, provided that the confined individual is:

- Is receiving an RSDI payment for the month preceding the first month in which the confined individual is in a facility/institution; and
- Determined by SSA to be ineligible for an RSDI payment for any part of the first month as a result of the information provided by the Reporter under this agreement.

NOTE: See Article III, B.3 for the data elements required to qualify for Title XVI and/or Title II incentive payments as described above.

Payment of Incentives

SSA will pay such facility/institution:

- \$400 if the Reporter furnishes the information on a confined individual described above to SSA within 30 days after the date the individual's confinement in such facility/institution begins; and/or,
- \$200 if the Reporter furnishes such information to SSA after 30 days after such date but within 90 days after such date.
- The dollar amounts above will be reduced by 50 percent if the Commissioner is also required to make a payment to the reporter with respect to the same individual under an agreement entered into under section 202(x)(3)(B); and, conversely will be reduced by 50 percent if a payment is made with respect to the same individual under section 1611(e)(1)(I)(i).

If SSA cannot validate the SSN of a confined individual, SSA will take no further action.

SSA will not pay an incentive payment for information concerning a confined individual if, prior to SSA's receipt of the information, SSA has already determined that the individual is ineligible for SSI or RSDI payments or in cases in which SSA's

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only action is to suspend the individual from serving as a representative payee.

Payments made by SSA under this agreement represent incentive payments accruing as a result of SSA's efforts in processing the data provided under this agreement when such data results in the suspension of SSI payments to confined inmates or confined and convicted inmates for RSDI payments. The time required for SSA to complete the verification process, perform case development to determine whether suspension of an individual's SSI or RSDI payment is appropriate, and, complete the due process requirements that must be accorded an individual subject to a suspension action, may vary from case to case and may represent several months.

SSA will pay incentive payments to a facility/institution on a monthly basis by electronic transfer of funds. The facility/institution will name a financial institution and provide the information required on the attached Automated Clearing House (ACH) Vendor/Miscellaneous Payment Enrollment Form (SF 3881) to receive its incentive payments by electronic transfer of funds.

SSA will provide the Reporter with a notice of the amount of the incentive payment, the payment date, the total number of suspended individuals, and a list of individuals suspended. Disputes involving these incentive payments will be considered by the Regional Prisoner Coordinator designated in Article IX. The Reporter should forward a written request describing the dispute in detail to the Regional Prisoner Coordinator designated in Article IX within 30 days of its receipt of the relevant incentive payment notice.

Article VI, Records Usage, Duplication and Redisclosure Restrictions

SSA agrees to use the information provided by the Reporter only to determine which of the confined/convicted individuals are receiving payments and to suspend these payments as required by law and to investigate and monitor the performance of representative payees under circumstances as described in Article I. SSA will adhere strictly to the provisions of section 1611(e)(1)(I) and 202(x)(3) of the Act in any usage, duplication, or redisclosure of information provided by the Reporter under this agreement.

As required by section 1611(e)(1)(I)(iii) and section 202(x)(3) of the Act, SSA will redisclose the information obtained pursuant to this agreement to any Federal or Federally assisted cash, food, or medical assistance program, for eligibility purposes.

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SSA will retire all identifiable records in accordance with the Federal Records Retention Schedule (44 U.S.C. 3303a). For records the Reporter wants returned, SSA will return the Reporter's electronic files (magnetic computer tapes, diskettes or other electronic media) to the Reporter within 12 months. Paper reports will not be returned.

Article VII, Notice, Verification and Opportunity to Contest

SSA agrees to verify information obtained under this agreement prior to initiating any adverse action against an individual. Pursuant to its applicable regulations, SSA will inform the individual by written notice that it has received specified information indicating that the individual is confined under the jurisdiction of a named prison system or is an inmate of a public institution beginning (month/year) and that, by law, SSI payments and/or RSDI benefits must be suspended. SSA will afford the individual the opportunity to contest and submit information concerning the planned action and to appeal a determination by SSA to suspend payments in accordance with applicable regulations.

SSA is responsible for determining the most suitable representative payee to receive title II and title XVI payments. For title II and title XVI actions under the representative payee provisions cited in Article I of this agreement, in addition to notices provided to any affected Social Security beneficiary or SSI recipient, that the representative payee receiving notice has 30 days to contest the Agency's decision to change representative payee for the affected beneficiary or recipient based in part on the current payee's incarceration or confinement under applicable provisions of the Act and regulations requiring revocation of certification of payment to certain representative payees and monitoring of representative payee performance by SSA.

NOTE: SSA's final decision on the representative payee issue does not affect the eligibility or entitlement of the individual to the continued receipt of Social Security benefits or supplemental security income payments. In the event that there is any adverse effect on the monthly benefits payments to the beneficiary or recipient as a result of this match, if a decision is made to change the representative payee, the beneficiary or recipient will receive notice of the change as provided in sections 205(j)(2)(E)(ii) and 1631(a)(2)(B)(xi) of the Act.

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Article VIII, Term of the Agreement

This agreement supersedes any previous agreement(s) between SSA and the facility/institutions identified in this agreement effectuating the exchange of prisoner information for the purpose of enforcing section 1611(e)(1)(A), 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii), 1631(a)(2)(E), and 202(x)(1) of the Act.

This agreement shall be effective upon the signatures of both parties and shall remain in effect until terminated by either of the parties. The agreement may be terminated upon written notification by either party 90 days in advance of the termination date.

Article IX, Persons to Contact

- A. The SSA contact for questions concerning this incentive payment agreement is Bork Maronn, the Regional Prisoner Coordinator in SSA's Chicago Regional Office, at the following address:

SSA
MOS-CRSD-RSIT, 10th Floor
AttN: Bork Maronn
P.O. Box 8280
Chicago, IL 60680-8280
(312) 575-4240
Fax (312) 575-4245
E-mail: bork.maronn@ssa.gov

- B. The SSA contact for policy questions concerning the incentive payment provision is:

Judy Sale
Office of Program Benefits
3-A-26 Operations Building
6401 Security Boulevard
Baltimore, MD 21235-6401
(410) 965-8581
FAX (410) 965-8582
E-mail: judy.sale@ssa.gov

- C. For technical questions concerning the computer operation itself, contact:

Anita Cohen
Team Leader, Client Identification Branch
3-L-16 Operations Building
6401 Security Boulevard
Baltimore, MD 21235-6401
(410) 965-5340

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FAX (410) 966-4159
E-mail: anita.m.cohen@ssa.gov

- D. The Reporter contact for the incentive payment provision is:

Washington County Sheriff's Office
Attn: Marian Forshey or Larry Mincks, Jr.
205 Putnam St.
Marietta OH 45750
740-373-6623, extension 303
FAX: 740-373-6827

- E. The Reporter contact concerning technical questions regarding the electronic file process is:

Washington County Sheriff's Office
Attn: Marian Forshey or Larry Mincks, Jr.
ADDRESS: 205 Putnam St., Marietta OH 45750
TELEPHONE: 740-373-6623, extension 303
FAX: 740-373-6827

- F. The Reporter contact for questions concerning the incentive payment accounting information is:

Washington County Sheriff's Office
Attn: Marian Forshey or Larry Mincks, Jr.
ADDRESS: 205 Putnam St., Marietta OH 45750
TELEPHONE: 740-373-6623, extension 303
FAX: 740-373-6827

Article X, Signature

In witness whereof, the parties execute this agreement,

FOR THE SOCIAL SECURITY ADMINISTRATION

BY _____ DATE
Regional Commissioner

FOR THE REPORTER

BY _____ DATE

(TITLE)