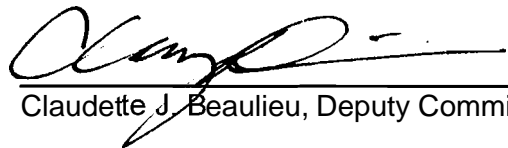




STATE OF CONNECTICUT
 DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL


 Claudette J. Beaulieu, Deputy Commissioner

May 1, 2009
 Effective Date

POLICY TRANSMITTAL NO.: UP-11-05

SUBJECT: Jobs First Employment Services Conciliation

This transmits revised policy to provide additional requirements in the conciliation conference process to comply with the Raymond v. Rowland Settlement Agreement.

The main provisions of the regulation require that:

1. Individuals receive notice of their right to receive reasonable accommodations for disabling conditions
2. Individuals are offered screening for certain disabling conditions at the time of conciliation
3. Individuals are offered screening for mental health conditions, substance use disorders and learning disabilities
4. The conciliation process remains open during screening
5. The department considers the screening findings in determining if a sanction is appropriate, and
6. The department discusses reasonable accommodations with individuals that have disabling conditions related to participation in the program.

Conciliation is a process designed to allow the department and the participant the opportunity to put forth a good faith effort to settle disputes, disagreements or misunderstandings related to Employment Services (ES) before an adverse action is taken.

INSTRUCTIONS FOR UPDATING THE UPM:

Remove and Recycle

8530.50/8530.50 p. 2
 8530.50 p. 3

Insert

8530.50/8530.50 p. 2
 8530.50 p. 3/8530.50 p. 4
 P-8530.50/P-8530.50 p. 2
 P-8530.50 p 3/P-8530.50 p. 4

DISPOSITION: This policy transmittal may be recycled once the UPM has been updated.

DISTRIBUTION: UPM list

RESPONSIBLE UNIT: Family Services Unit – Telephone (860) 424-5540

Date Issued: 5-11-11

WH

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

8530.50

**Section:
Jobs First**

**Type:
POLICY**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

8530.50 A. Introduction

Conciliation is a process designed to allow the Department and the participant the opportunity to put forth a good faith effort to settle disputes, disagreements or misunderstandings related to Employment Services (ES) before an adverse action is taken.

B. General Principles

1. The conciliation process is used to settle disputes relating to Employment Services, except those regarding a voluntary quit of employment, reduction in the level of earnings or termination of employment due to willful misconduct.
2. The conciliation process must be completed within thirty (30) calendar days from the date conciliation is initiated, but may be ended earlier as described below under Section E.
3. The first day of the conciliation period is determined as follows:
 - a. When conciliation is initiated by the Department, the first day of the conciliation period is the date that a notice of conciliation is sent to the individual;
 - b. When conciliation is initiated by the individual, the first day of the conciliation period is the date the request is received by the Department.
4. Benefits will not be reduced, suspended or discontinued based on the issue being conciliated until the conciliation process is completed.

C. Initiating Conciliation

1. Conciliation is initiated by the Department when a preliminary determination has been made that an Employment Services participant has not complied with ES requirements without good cause and before sending the notice which imposes the penalty or increases a penalty for failure to comply.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

8530.50 Page 2

**Section:
Jobs First**

**Type:
POLICY**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

8530.50 C. Initiating Conciliation (continued)

2. Conciliation may be initiated by the participant when he or she believes that the services offered or required are inappropriate or incorrect.

D. Conciliation Conferences

1. Conciliation conferences may be conducted by way of an in-office, face-to-face conference or, with the participant's consent, through a telephone conference.
2. The Department informs the individual about Employment Services requirements and the conciliation process.
3. The individual has the right to bring another person to the conference to act **as** his or her representative.
4. If a Department supervisor is involved, he or she may act **as** a mediator in the process.
5. All notices regarding conciliation shall include notice of the right to receive reasonable accommodation for disabling conditions that may be contributing to the alleged non-compliance.
6. The Department shall review the individual's file, including their Service Needs Assessment and the Connecticut Works Business System, to determine if a disability that is reasonably indicated by documentation-in the file may have contributed to alleged non-compliance.
7. During the conciliation meeting, the Department shall offer the individual the opportunity to be screened for mental health conditions, substance use disorders or learning disabilities.
8. The conciliation shall remain open as long **as** the individual is cooperating with the screening process.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

8530.50 Page 3

**Section:
Jobs First**

**Type:
POLICY**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

8530.50 D. Conciliation Conferences (continued)

9. If the screening indicates that the individual is more likely than not to have a disability that contributed to non-compliance with an ES requirement, a finding of good cause will result.
10. As a result of the screening, additional professional evaluation and treatment may be recommended. Additional instances of good cause will not be granted based on the same screening if the individual does not cooperate with recommendations of professional evaluation and necessary treatment.
11. The Department shall inform the Department of Labor Jobs First Employment Services case manager of the determination.
12. The Department may also make a referral for future evaluation to the Bureau of Rehabilitation Services or to a participating provider in the Department's medical assistance program.
13. The Department shall engage the individual in a conversation regarding the need for reasonable accommodations related to their participation in the program.

E. Terminating Conciliation

1. The Department may terminate the conciliation prior to the thirtieth (30) day under the following conditions:
 - a. when the participant does not appear at a scheduled conciliation conference without good cause, and does not contact the Department to reschedule;
 - b. when the participant, without good cause, does not meet a deadline to respond to a request to contact the Department to arrange a conciliation conference;
 - c. when the dispute between the Department and the participant is successfully resolved prior to the thirtieth (30) day;

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

8530.50 Page 4

**Section:
Jobs First**

**Type:
POLICY**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

8530.50 E. Terminating Conciliation (continued)

d. when it has been determined by the Department that the dispute cannot be resolved.

2. The participant may terminate the conciliation process at any time.

3. Good cause is considered to exist when circumstances beyond the participant's control reasonably prevent him or her from appearing at a conciliation meeting or responding to a request to contact the Department to schedule a conciliation conference.

F. Failure to Offer Conciliation

Failure by the Department to offer conciliation when it is appropriate does not confer any right to continued benefits.

G. Effect on Fair Hearings

The participant's right to a Fair Hearing is not impaired in any way as the result of participating in conciliation. (cross reference: 8525.05)

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

P-8530.50

**Section:
Jobs First**

**Type:
PROCEDURES**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

P- 8530.50

| STEP | ACTION |
|-------------|---|
| 1 | Client fails to comply with Employment Services requirements and does not have apparent good cause |
| 2 | JFES Case Manager makes a sanction referral in CTWBS |
| 3 | ESS Performs an initial evaluation of the situation. Determine whether good cause appears to exist for the client who failed to participate in Employment Services. <ul style="list-style-type: none"> • If good cause appears to exist, no conference is necessary. • If good cause does not appear to exist, proceed to next step. |
| 4 | (ESS) Notify the client that a conciliation conference is necessary. <ul style="list-style-type: none"> • Send a conciliation letter L645 or L646 (Spanish version) to the client or, • Contact the client by telephone. • If there is no response to the telephone contact, send letter as indicated above. |
| 5 | (ESS) If the client does not respond to your request or fails to appear for the conciliation conference, evaluate for good cause. <ul style="list-style-type: none"> • If good cause exists, reschedule conference. • If good cause does not exist, pursue sanction as appropriate. |
| 6 | (ESS) During conference Inform the client about: <ul style="list-style-type: none"> • The requirements of the Employment Services Program. • The purpose of the conciliation. • His or her rights in the process. • The date the conciliation began. • The date the conciliation will end. • The date a decision is due. • The client's right to a fair hearing. • The client's right to accommodations and • Offer the client an opportunity to be screened for a possible disability involving mental health conditions, substance use disorders or learning disabilities |

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

P-8530.50 Page 2

**Section:
Jobs First**

**Type:
PROCEDURES**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

P- 8530.50 (continued)

| STEP | ACTION |
|-------------|--|
| 7 | (ESS) If the client declines screening, complete the conciliation as usual. <ul style="list-style-type: none"> • Complete BRS Referral Form W369 indicating that client declined screening. • Email W369 to DSS-TFA-BRSProi@.ct.gov |
| 8 | (ESS) If the client accepts screening and the conciliation interview is being performed in the office: <ul style="list-style-type: none"> • Complete W369 BRS Referral Form and send to BRS counselor to schedule the screening. • If a BRS counselor is available, screening may take place immediately. • If a BRS counselor is not available or the conciliation interview is being conducted by phone the BRS Counselor will schedule an appointment for the screening. |
| 9 | The BRS counselor will: <ul style="list-style-type: none"> • screen the client within two weeks of referral • provide the screening results to the ESS using BRS Referral form W369 • provide screening results to JFES Case Manager via CTWBS |
| 10 | (ESS) If the screening indicates that no disabling condition exists, pursue sanction as appropriate. <ul style="list-style-type: none"> • Complete Conciliation • Save copy of W369 BRS Referral form in case record and complete narrative |
| 11 | (ESS) If screening indicates that a disabling condition is likely, grant good cause using CTWBS good cause reason "BRS evaluation for disability" <ul style="list-style-type: none"> • Complete the conciliation. Update narrative. |
| 12 | The JFES case manager: <ul style="list-style-type: none"> • Creates a new JFES employment plan activity "BRS Assessment/Services" and enters the date of the screening as the actual start date. • Refers the BRS Assessment/Services activity in CTWBS by selecting the BRS counselor from the dropdown list of BRS providers. • Provides for special benefits to attend the assessment, if necessary |
| 13 | <ul style="list-style-type: none"> • BRS Counselor reviews existing documents and may make referral for professional evaluation. |

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

P-8530.50 Page 3

**Section:
Jobs First**

**Type:
PROCEDURES**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

P- 8530.50 (continued)

| STEP | ACTION |
|-------------|---|
| 14 | <ul style="list-style-type: none"> • If evaluation results in a diagnosis that makes the client ineligible for BRS services BRS will consult with the JFES CM via email and provide input for the employment plan. |
| 15 | <ul style="list-style-type: none"> • If evaluation results in a diagnosis that makes the client eligible for BRS services BRS will ask the client if he/she wants to apply for BRS services |
| 16 | <p>If the client does not apply for BRS services.</p> <ul style="list-style-type: none"> • The BRS Counselor will notify the ESS and the JFES case manager via email and summarize the results and make employment recommendations by using the following format in CTWBS Private Notes: Format Issues: broad summary for examples – mental health, substance abuse, LD Functional Limitations: (related to employment) Recommendations: (related to employment) |
| 17 | <p>If the results are that the participant should pursue a medical exemption from participation in employment services:</p> <ul style="list-style-type: none"> • The BRS counselor will notify both the ESS and the JFES case manager of the results. • The ESS will issue the MRT packet to the participant and make a referral to ESP to assist with follow through of MRT packet. • The ESS may grant a temporary exemption (if possible) and notify the JFES case manager via email <p>(See UPM 8530.10 for determination of incapacity of an applicant or recipient.)</p> |

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 5-1-09

Transmittal: 11-05

P-8530.50 Page 4

**Section:
Jobs First**

**Type:
PROCEDURES**

**Chapter:
Employment Services**

**Program:
ES**

**Subject:
Conciliation**

**P- 8530.50
(continued)**

| STEP | ACTION |
|------|--|
| 18 | <p>If the client applies for BRS services.</p> <ul style="list-style-type: none"> • The BRS counselor and the JFES case manager shall coordinate assigned activities and develop a joint plan for the participant. • The BRS assigned activities take priority and the JFES activities are to support and complement the BRS activities. • The JFES employment plans shall require that the client follow the instructions in the BRS plan. • The BRS Counselor will document the client's participation in BRS activities on the TFA-24 "Jobs First Employment Services Program Authorization for Disclosure of Information" form. <p>The JFES case manager will continue to provide case management services including issuance of special benefits, monitoring and recording hours of participation on the CTWBS Attendance Record.</p> |
| 19 | <ul style="list-style-type: none"> • If the client does not comply with the new employment plan and does not have apparent good cause, the BRS Counselor will make a sanction referral using CTWBS |
| 20 | <ul style="list-style-type: none"> • The ESS will perform an initial evaluation of the situation. Determine whether good cause appears to exist for the client who has failed to comply with employment services |
| 21 | <ul style="list-style-type: none"> • If conciliation is necessary, the ESS will have a conference over the phone or set up an appointment. |
| 22 | <p>During the conference the ESS will Inform the client about:</p> <ul style="list-style-type: none"> • The Employment Services Requirement. • The purpose of the conciliation. • His or her rights in the process. • When the conference has begun. • When the conference has ended. • The date when a decision is due. • The client's right to a fair hearing. • The client's right to reasonable accommodations • Offer BRS screening ONLY if there is evidence of a learning disability, substance use disorder or mental health issue that the client was not previously screened for by BRS. |
| 23 | (ESS) Determine good cause and complete the conciliation. |
| 24 | (ESS) Notify the client of the decision via the conciliation results letter (L629, or the Spanish version). |
| 25 | (ESS) Complete the CTWBS Sanction screen. |
| 26 | (ESS) Notify the JFES Case Manager if the case closes because a penalty was applied. |