

# **New York State Employment Assessment and Employment Plan Guide**

## **Introduction**

Each social services district is responsible for developing effective strategies to help all individuals applying for or receiving Temporary Assistance achieve financial independence through participation in meaningful activities together with the provision of appropriate services and supports. A range of factors may affect an individual's ability to work. In order to develop effective strategies for individuals and families, it is important to identify strengths and skills that could facilitate economic security and any barriers that could impede it. There has been growing recognition of the existence and effects of "hidden" or unidentified barriers that may interfere with an individual's ability to obtain and maintain employment. These barriers are recognized to be more prevalent within the long term welfare population and typically influence many areas of an individual's life. Individuals may be unaware of the barrier and/or how to mitigate its interference on efforts to enter and retain employment.

## **Purpose of the NYS Employment Assessment**

The New York State Employment Assessment (Assessment) has been developed to provide districts with a State model employment assessment tool and includes questions that help identify an individual's abilities, skills, interests, experience (both work and life) and barriers which should be considered when developing the employment plan. For example, an individual who volunteers at his/her church or child's school may have obtained skills (e.g. time management, clerical, soft skills) from this participation that are transferable to employment and should be considered when developing the employment plan and job resume.

Screening, as described in this guide, is the process of asking an applicant or recipient a series of questions as part of the employment assessment that are designed to determine if an individual is likely to possess a barrier that could affect his/her ability to work or comply with employment program rules. The Assessment includes questions in each section that help screen for potential barriers including, for example, medical, legal and housing barriers. The Assessment also includes questions to identify potential strengths that should be considered when developing employment goals, determining appropriate work assignments, and making job referrals. The Assessment is separated into sections which are explained in the section descriptions below.

A primary goal of administering public assistance programs is to provide services to help individuals prepare for and engage in work to the extent they are capable. Additionally, federal and State regulations require that districts engage public assistance recipients in appropriate work or work preparation activities consistent with the individual's abilities. Therefore, it is important for districts to take advantage of an individual's strengths and address any barriers to facilitate full, productive engagement that will help individuals achieve economic independence.

## **Who should receive an employment assessment and when?**

Districts are required to provide employment assessments within 90 days of the date on which eligibility is determined for households with children and one year of the application date for households without children. (More specific employment assessment requirements are outlined below.) Additionally, districts are required to inquire at application, recertification and whenever there is reason to believe that an individual has a physical or mental impairment, whether the individual has a medical condition which would limit his/her ability to participate in work activities. Completing Sections I, II and III of the Assessment fulfills these minimum employment assessment and medical limitations inquiry requirements. Districts are encouraged to complete employment assessments as soon after an individual has applied for Temporary Assistance as is practicable and to thereafter reassess individual circumstances and activity assignments as circumstances warrant, no less frequently than annually.

Social Services Law (SSL) § 335 and 18 NYCRR § 385.6 require that individuals applying for or receiving Temporary Assistance (TA) who are members of a household with dependent children and are 18 years or older, or 16 or 17 years of age and not attending secondary school (who have not completed high school or an equivalency program) are provided an employment assessment within 90 days of eligibility. These individuals are required to comply with the employment assessment consistent with SSL § 335-a(4) and 18 NYCRR 385.6.

Social Services Law (SSL) § 335-a and 18 NYCRR § 385.7 require that non-exempt individuals applying for or receiving TA who are members of a household without dependent children are provided an employment assessment within one year of the application for assistance to the extent that resources are available. Additionally, all adults applying for or receiving TA who are members of a household without dependent children may be required to comply with an employment assessment consistent with SSL § 335-a(4) and 18 NYCRR § 385.7(a)(6).

The basic employment assessment must include, but is not limited to, a review of the individual's:

- Education level, including literacy and English language proficiency;
- Basic skills proficiency;
- Child care and other supportive services needs;
- Skills and prior work experience;
- Training and vocational interests; and,
- Family circumstances including the special needs of a child.

### **State Policy – Employment Assessments and Employment Plans**

These basic requirements are addressed in the questions in Sections I and II of the Assessment and the district may fulfill the minimum employment assessment requirements by administering these two sections within the required timeframes (within 90 days of eligibility for households with children and 1 year of application date for households without children). Additionally, consistent with SSL § 335(6) and § 335-a(6) and 18 NYCRR § 385.6(e) and § 385.7(d), districts are encouraged to and may provide employment assessments that are more detailed and comprehensive than what is required. Districts are also required consistent with SSL § 332-b and 18 NYCRR 385.2(d) to inquire at application, recertification and whenever there is reason to believe an individual might have a physical or mental impairment if the individual has a medical condition which would limit his/her ability to participate in work activities and can fulfill this requirement by administering Section III of the Assessment. Any information about medical barriers, limitations and required accommodations must be considered when conducting the employment assessment and developing the employment plan. Districts are encouraged to complete the entire Assessment, to the extent that local resources permit, for individuals who would most benefit from a more comprehensive approach, including for example,

- Individuals who have received assistance for 12 months or more;
- Individuals who have had multiple sanctions;
- Individuals who have repeatedly failed at work assignments or repeatedly lost jobs;
- Individuals with uneven work histories; and,
- Individuals who seem to have unstable circumstances that might interfere with employment (e.g. criminal backgrounds, frequent emergencies, CPS involvement).

The State model Assessment expands the scope of the employment assessment to include additional areas (e.g. housing and financial management) that may not have been addressed from an employment perspective and which may be posing barriers to an individual's ability to find or keep a job. By considering the factors addressed in the full Assessment, districts may be able to better identify factors interfering with full-time stable employment and develop strategies along with the recipient to address these factors.

An employment plan is also required, based on the employment assessment, and must include:

- The services which the district will provide, including child care;
- The work activities to which the recipient will be assigned; and,
- The recipient's employment goal.

The plan must take into account:

- The recipient's supportive services needs;
- The available program opportunities;
- The local employment opportunities;
- If the recipient is assigned to an education program, his/her liability for student loans, grants and scholarship awards; and,
- the need for the district to meet federal and state work activity participation rates.

For individuals residing in households with dependent children, districts are required to consider an individual's preferences when developing the employment plan and, if the preferences cannot be accommodated, the employment plan must describe the reasons. Additionally, for individuals residing in households with dependent children, districts are required to explain an individual's employment plan to the individual and discuss any changes to the employment plan and document the changes in writing. While districts are not required to do the same for individuals residing in households without dependent children, they are encouraged to consider individual preferences, explain employment plans and discuss and document any changes to the employment plan in writing for individuals residing in households without dependent children; doing so helps ensure the individual's investment in and compliance with the employment plan activities. For all households, districts should update employment plans as updated employment assessment information warrants.

All of the information collected during the employment assessment process should be considered when developing an individual's employment plan. The New York State Employment Plan (Plan) summarizes the information collected through the Assessment and includes all of the elements required for the employment plan. Districts may use the State model Employment Plan, a local equivalent or the Welfare to Work Caseload Management System (WTWCMS) or (New York City Work Accountability and You) NYCWAY employment plan functions so long as the required elements are included. The State model Employment Plan is providing the template for changes to the WTWCMS employment plan.

### Administering the Assessment

The questions included in the Assessment are intended to help guide discussions between worker and client in specific areas (e.g. education and training, the availability of family and community resources) and in order for the district to effectively assess the individual, a worker is required to complete the Assessment with the client. While districts may not fulfill employment assessment requirements through "self-assessment" alone whereby an individual completes an assessment form without a worker meeting with the individual to conduct the assessment, districts may incorporate elements of "self-assessment" into their employment assessment processes. For example, districts may give entire sections or question sets from the Assessment to individuals to first complete alone and then review together when the worker meets with the individual to conduct the employment assessment, unless there are indications the individual may have difficulty completing the form without assistance. Additionally, if the individual requests reasonable accommodations because of a disability to participate in the employment assessment, the district must address the request consistent with its Americans with Disabilities Act (ADA) related policies (see 06 ADM 05) including maintaining a record of the request and how it was addressed. However the Assessment is administered, the worker should address all areas that are indicated as being possible barriers as appropriate. The Assessment elements are scheduled to be incorporated into WTWCMS; however, much of the information collected through the Assessment can be accommodated in the applicable areas currently available in WTWCMS. Additional guidance will be provided to districts upon the completion of changes to the WTWCMS Evaluation function, including the requirement to record on WTWCMS or NYCWAY systems certain employment assessment data elements.

### Voluntary Disclosure of a Disability

Workers should routinely explain to clients that the employment assessment interview is intended to help develop an employment goal and identify the factors that support that goal or that must be addressed to support the employment goal. Workers should present the employment assessment as an opportunity to identify skills and preferences to help develop appropriate, specific goals and also to identify needs and barriers that the district can help address to help the individual achieve his/her goals in order to encourage all individuals to fully participate in the interview. An individual may

be required to cooperate with completing the Assessment, but an individual may not be required to disclose a disability or answer any of the health related questions included in Section III (Health Review) of the Assessment unless he/she:

- agrees to answer the questions;
- claims to be unable to participate fully in work activities because of a health related issue; or,
- demonstrates an inability to successfully participate in work activities consistent with the voluntary disclosure requirements included in Section 2 of the Welfare-To-Work Employment Policy Manual.

Districts may want to use the state model “What You Should Know About Your Rights If You Have a Disability” form and discuss the benefits of disclosure when asking an individual if he/she has any health related barriers to encourage the individual to disclose.

### Confidentiality Requirements

Districts are reminded that they must adhere to the confidentiality provisions required by SSL § 136 when collecting and recording employment assessment information, including health related information. Districts must also protect the confidentiality and privacy of information regarding an individual’s disability and may only share the accommodations required, not the nature of a disability, to individuals and entities providing client services. An individual’s medical information may only be re-disclosed to a third party if the district has obtained the individual’s signature and the re-disclosure is consistent with the purposes described in the signed authorization (see 06-INF-17). Districts must also ensure that persons acting as interpreters for persons with Limited English Proficiency (LEP) understand their obligation to maintain client confidentiality.

### Section Descriptions

There are various conditions and circumstances that may interfere with an individual’s ability to achieve or maintain self-sufficiency and all may need to be explored at some point. An individual may also possess strengths, abilities or experience that could facilitate self-sufficiency. Each section of the Assessment includes questions which are intended to allow the worker to help the individual uncover strengths and potential barriers that may influence his/her ability to become self sufficient. The sections are described below.

#### **Introduction**

The Assessment begins with an Introduction that the worker must read to the individual before beginning to ask any of the Assessment questions. If the individual indicates that he/she needs reasonable accommodations to complete the interview, the district must address the request prior to beginning the Assessment consistent with its ADA related procedures regarding the provision of reasonable accommodations.

#### **Arrows**

Certain questions throughout the Assessment are denoted with an arrow. These questions require attention and/or follow up. For example, question 5 in Section I asks if an individual needs a language interpreter. If an individual indicates “yes”, then the district is required to address the request and provide language interpretation services if appropriate before proceeding. Other questions denoted with arrows require districts to follow up (e.g. address child care) before an individual may be assigned to a work activity. The denoted questions are described further in each section description below.

#### **Diamonds**

Questions that are denoted with a diamond indicate potential strengths, abilities or experience that should be explored and considered when developing the employment plan.

#### **Worker Notes**

Each section contains an area to summarize additional notes including actions taken as a result of the information gathered in that section. The Worker Notes area at the end of each section allows workers to record any additional information or observations gathered during the assessment interview.

### Domestic Violence

Districts must administer the LDSS-4583 *Domestic Violence Screening Form* consistent with the requirements described in 98-ADM-03 "*Domestic Violence: Family Violence Option under the WRA of 1997*". If domestic violence (DV) is an issue, clients must be provided with the opportunity to discuss their situation with the DV liaison (DVL). If an individual checks "yes" on the DV Screening form and/or wants to meet with the DVL, he/she should be referred to the DVL using local procedures. All assessments, including the employment assessment, are pended until the DVL meets with the individual and determines the waiver status. No reference to domestic violence may be noted in either the employment assessment or plan for individuals granted waivers. However, districts must also consider safety concerns when developing the employment plan for individuals who have disclosed DV and have chosen not to see a DVL and/or have not requested a waiver.

### Drug and Alcohol Screening and Referral

Districts must administer the LDSS-4571 *Alcohol and Drug Abuse Screening and Referral Form* consistent with the applicable drug/alcohol requirements, including guidance provided in 01-ADM-10, 97-ADM-23 and 96-INF-28. Any documented drug/alcohol barriers and treatment requirements must be considered when determining employability (see also 01-INF-08), conducting the employment assessment and developing the employment plan.

## **Section I – Abilities, Experience and Training**

This section contains the following areas:

- English/Language Proficiency; collects information regarding the individual's ability to read, write and speak English, whether language interpretation services are needed, past participation in English for Speakers of Other Languages (ESOL) classes, and fluency in additional languages. Districts must provide meaningful access to benefits, programs and services for individuals with limited English proficiency (LEP) consistent with the requirements described in 06-ADM-05. This includes, for example, providing interpreter services when necessary. The worker should consider the individual's comfort with his/her ability to read, write, speak and understand English, the worker's observations of these abilities, and past ESOL participation when determining whether it is appropriate to include ESOL participation in the employment plan.
- Education and Training; collects information regarding the client's education level, current education and training participation, interest in continuing secondary school education or GED, and prior training (including military training) and accreditations. Question 8 asks if the individual is a High School graduate, has a General Equivalency Diploma (GED) or has completed an Individual Education Plan (IEP). Completing an IEP alone is not considered to be the equivalent of completing high school and receiving a high school diploma. Individuals who have completed an IEP but who have not attained either a high school diploma or GED diploma should be treated consistent with all individuals who do not have a high school diploma or GED for purposes of work activity assignments and access to education activities as described in 09-ADM-16. Also included is an area to record basic literacy and math proficiency levels testing results (e.g. TABE scores). Question 12 lists the most commonly used proficiency tests, as well as an "other" option if the district uses a test not included on the list. The worker should discuss referring the individual to an education activity based on education history, math and literacy levels, and interest information collected in this section. Please note, consistent with the requirements 18 NYCRR 385.6 and 18 NYCRR 385.7 and 09-ADM-16 districts are required to encourage (and may require) nonexempt recipients who have not attained a "basic literacy level" to enroll in a basic literacy program, high school equivalency program or other educational program in combination with work activities consistent with the employment plan; and, offer (and may require) nonexempt recipients who have attained a "basic literacy level" but have not attained a high school diploma or the equivalent the opportunity to enroll in an educational program designed to improve basic literacy level and/or prepare an individual for attainment of a high school diploma or the equivalent in combination with other work activities and consistent with the employment plan. Basic literacy level has been defined in regulation as a literacy level equivalent to the ninth grade. When developing the employment plan, if the individual is assigned to an education program, the worker must take into account the individual's liability for student loans, grants and scholarship awards.

- Current Employment/Volunteer Status; collects information about current employment or volunteer activities, union membership and receipt of unemployment benefits (UIB). Allows the worker to record and utilize current employment (e.g. enter schedule into WTWCMS, updating resume, discussing advancement opportunities) and volunteer activities (e.g. adding to resume, counting activity as community service, exploring employment opportunities at volunteer site or someplace similar). Also asks why the individual is not currently working or volunteering if he/she is not currently engaged in such activities (WTWCMS will include the menu of choices included on the Assessment).
  - Employment/Volunteer Experience; collects specific information regarding employment and volunteer experience including the employer/site name and address, dates of participation, type of work performed, schedule and salary information and reasons why the job/volunteer activity ended (if applicable). Once changes are completed, WTWCMS will offer the worker a menu of choices to describe the type of work and reason for leaving. The section also includes 2 questions which collect information about the individual's perceptions of past employment experiences. This area is intended to provide an individual the opportunity to reflect on prior employment experiences to identify strengths, barriers and preferences. The discussion can allow the worker to assist the individual to identify the elements that contributed to a past positive employment experience and how to incorporate and build upon these elements in future employment. The worker can also assist the individual to identify strategies for dealing with negative employment experiences that may arise in the future.
  - Job Skills; collects information about the individual's job skills obtained through training, education, employment, volunteer and life experiences and personal strengths. The menu of choices included in the Assessment will be available on WTWCMS once changes are completed.
  - Employment Preferences and Goals; collects information about employment goals based on the interests, abilities, experience and skills information collected throughout Section I. Once WTWCMS changes are complete, workers will be provided with a menu of occupational areas from which any combination of choices may be selected. When helping an individual determine his/her employment preferences and goals, workers should consider, in addition to the individual's skills, interests, history and abilities, information about the occupational area of interest including whether it is locally in-demand, the long term prospects and minimum required qualifications. Such information is available on the NYS Department of Labor website at <http://www.labor.ny.gov/stats/lproj.shtm>.
  - Job Readiness; collects information about whether the individual has a current resume, tools, positive references, the ability to be contacted by prospective employers, including by email, and access to the internet. Allows the worker to explore the need for services and programs to address deficiencies (e.g. resume preparation class, phone card), and discuss developing positive reference sources with the individual.
  - Occupational Skills Testing Results; collects any occupational skills testing results provided by the individual or conducted by the district.
- ➔ **Arrows**
- Question 5*; if the individual indicates the need for language interpretation services, the district must address the request before proceeding consistent with the requirements included in 06-ADM-05.

## **Section II – Support Services and Resources**

This section contains questions intended to determine the household's need for supportive services and ability to identify and access available community resources. If applicable, the worker may need to also discuss the district's definition of "reasonable distance" for going from home to child care to employment as included in the district's child care plan.

- Child Care; collects information about children in the household, whether they have special needs, and child care arrangements. Allows the worker to explore and address any child care issues and discuss the need to arrange back up child care with the individual. If back up child care is not available, the worker should discuss with the individual some ways to handle child care issues that may arise.
- Transportation; collects information about transportation arrangements, access, needs, and licenses. If applicable, the reasons an individual is unable to legally operate a motor vehicle, including license suspensions or revocations, should be discussed and addressed if possible if the individual's ability to drive would help his/her employment efforts. Workers should assess an individual's ability to access employers and work activity sites, including assessing the availability of public transportation, when developing the employment plan, providing transportation related support services and determining work activity assignments.

- Other Support Services; collects information about the need for additional support services (e.g. tools, uniforms).
- Family/Community Resources; collects information about the individual's ability to access local resources and allows the worker to discuss the benefits of identifying and utilizing the family and community resources that are available.

⇒ Arrows

Question 1; if the individual indicates child care is needed, it must be made available and the individual is responsible for making appropriate arrangements consistent with the applicable employment and child care requirements before assigning the individual to a work activity. Additionally, if the family has a child with special needs, it should be considered when determining the individual's employability and while the individual arranges appropriate child care. For example, the individual may need additional time to identify and arrange for appropriate child care. The worker should consider the need for additional services (e.g. case management) that may be available to help the individual address issues that may present themselves as a result of the special needs of the child.

Question 2; if there are problems with current child care arrangements that will interfere with the individual's ability to obtain or maintain employment, the worker should discuss how the individual plans to address them, including whether alternate arrangements should be explored.

Questions 4 and 7; the district should address any transportation related supportive services needs and barriers to transportation consistent with the policies described in the district's Temporary Assistance and Food Stamp Employment Plan and the requirements included in 18 NYCRR § 385.4. Districts must also provide reasonable accommodations (e.g. cab fare if individual is medically unable to access the bus or subway, alternate work sites) for individuals with confirmed barriers to transportation as a result of a disability consistent with Department Policy section 385.2 Part B and 06-ADM-05.

Question 8; if the individual is trained to work in a particular profession but is unable to work because he/she requires something to become employed in that profession (e.g. tools, renewed certification) the worker should consider providing what is necessary and reasonable to enable the individual to work.

### ***Section III – Health Review***

This section contains questions intended to determine whether an individual has any health related barriers to participating in work activities, if worksite accommodations are needed, and whether the individual is the caretaker of a disabled household member. Districts are required to ask (screen) clients at application, recertification and whenever there is reason to believe an individual might have a physical or mental impairment, whether the individual has any medical condition that would limit his/her ability to participate in work activities. Districts also may choose to have trained staff administer screening tools whose purpose is to identify individuals most likely to have certain medically related conditions (e.g. mental illness, learning disability). Because screening tools are only intended to identify the likelihood and not the existence of an issue and do not provide a diagnosis or any information about limitations, individuals whose screening results indicate some likelihood that he/she has the particular issue being screened for must be referred to an appropriate qualified professional for an evaluation. Unlike the requirement in New York State to comply with drug/alcohol screening, an individual cannot be required to disclose a disability and provide medical information or participate in a screening unless the individual alleges a medical issue would interfere with his/her ability to participate in work activities, or the district suspects a medical issue is a barrier to participation because the individual has demonstrated an inability to successfully participate in work activities or employment.

The script at the beginning of the section should be read to the individual and the worker should address any questions before proceeding. The worker may also provide the sample model document "What You Should Know About Your Rights If You Have a Disability" found in Section 15 of the Welfare-to-Work Employment Policy Manual and found at <http://otda.state.ny.net/dta/Manuals/employmentmanual.pdf> to the individual for additional information about voluntary disclosure. There is an area immediately following the Note allowing the district to record when an individual has chosen not to complete Section III and/or disclose a disability and that the individual understands that he/she will be required to participate in work activities without accommodations for any undisclosed disabilities.

An individual may not be required to disclose a disability or answer any of the health related questions included in this section unless he/she agrees, claims to be unable to participate fully because of a medical issue, or demonstrates an inability to successfully participate in work activities consistent with the voluntary disclosure requirements included in Section 2 of the Welfare-To-Work Employment Policy Manual.

The areas included in Section III are as follows:

- Medical Conditions; collects information about the individual's current medical conditions. The complete menu of choices available on the Tool will be available in WTWCMS once changes to the Evaluation section are completed. Workers should discuss and determine what documentation is needed to determine employability, identify treatment recommendations for inclusion in the employment plan, and to identify limitations that may require reasonable accommodations if appropriate.
- Medical Limitations; collects information about health related barriers to participation and allows the worker to explore the need for reasonable accommodations when making work activity assignments. Information collected in Question 3 about accommodations should be included in the individual's employment plan (Section B, 2 of the NYS Employment Plan). Once WTWCMS changes are completed, information entered for these two questions in the Evaluation function (employment assessment) will automatically feed into the WTWCMS employment plan. This area also allows the worker to discuss how the individual can address the need for reasonable accommodations with an employer and provide information about resources (e.g. see websites below) that provide ADA guidance for individuals with disabilities. ([www.dol.gov/odep](http://www.dol.gov/odep), <http://www.eeoc.gov/facts/jobapplicant.html>)
- Current Medical Care/Treatment/Rehabilitation; collects information about current treatment and health insurance. Workers should obtain current information and any prescribed treatment or follow up (e.g. evaluation frequency, type and frequency of therapy or rehabilitation) should correspond with the documented severity of any medical conditions. For example, an individual whose medical documentation indicates he/she is unable to work at all due to a bad back, but for whom no treatment is prescribed and is only seen by the treating physician annually should be evaluated further. The district may contact the treating practitioner for more detailed diagnostic and limitations information, or may choose to refer the individual to another practitioner or specialist for additional information.
- Treatment History; collects information about past physical and mental health treatment and alcohol or substance use treatment. Workers have discretion determining how much information to collect and record based on discussions with the individual and whether hidden barriers are suspected based on lack of success attending to program requirements or moving forward. This section also allows the worker to discuss and determine whether or not issues continue to pose a barrier and warrant a referral for further evaluation. Districts must administer the LDSS-4571 *Alcohol and Drug Abuse Screening and Referral Form* consistent with the applicable drug/alcohol requirements, including guidance provided in 01-ADM-10, 97-ADM-23, and 96-ADM-28. Substance use information collected through the application of drug/alcohol requirements, including barriers and treatment requirements, should be noted when conducting the employment assessment and developing the employment plan. The drug/alcohol treatment question (question #8) is not intended to replace current drug/alcohol requirements or screening and assessment processes; it is intended to help the worker determine whether issues warrant a referral for further evaluation. For example, if the individual indicates he/she has attended treatment a number of times in the past or has recently completed treatment, the worker might want to check with Temporary Assistance to confirm the individual's current status with drug/alcohol screening, assessment and treatment requirements or consider whether a referral to the district's CASAC is warranted consistent with the district's drug/alcohol referral processed.
- Learning Disabilities; collects information about learning disabilities and the worker should provide any reasonable accommodations that are identified as necessary when making work activity assignments. Districts may also choose to have trained staff administer the Learning Needs Screening Tool from Washington State to screen individuals who are not known currently to have a learning disability who are suspected of having barriers to work as a result of a learning disability.
- Caretaker Status; collects information about whether or not the individual is the caretaker of an ill or disabled household member and how such responsibilities affect the individual's ability to work, including gathering information about whether the disabled household member receives alternate care or services during the day which might allow the caretaker to participate in some capacity.
- Disability Benefits/Rehabilitation Services; collects information about application for or receipt of disability benefits and rehabilitation services including VESID and social security benefits. The worker should follow up on any new information that has not previously been addressed and determine whether continued follow up is warranted.

⇒ **Arrows**

Questions 1, 2, 3 and 10; if the individual indicates that he/she is limited in his/her ability to participate in work activities because of a health issue (including a learning disability), or requires reasonable accommodations to participate, the individual must provide relevant documentation and cannot be assigned to a work activity until the district has completed the disability review procedure as described in 18 NYCRR 385.2 and in corresponding policy information included in Section 2 of the Welfare-to-Work Employment Policy Manual unless the individual agrees to an assignment that accommodates the alleged limitation. Additionally, individuals with disabilities may need additional time and/or assistance to gather documents and other information to document their disability and/or reasonable accommodation needs. When completing questions 1, 2, 3 and 10, workers should clearly explain the requirement to document an impairment and its effect on the individual's ability to work and determine what assistance, if any, the individual needs to comply. Information about any identified limitations and accommodations should be included in the employment plan.

Questions 11 and 12; if the individual indicates he/she is unable to participate in work activities because he/she is caring for a disabled household member, the individual must provide relevant medical documentation and the district must consider the documentation when determining the individual's ability to participate in work activities.

Question 13; similar to treatment history above, if the individual indicates having applied for disability benefits or rehabilitation services, consider if barriers to participation still exist or if follow up is warranted.

**VESID Referrals**

Some outcomes the worker might consider to help address any issues or barriers identified in this section may include:

- Consult the Job Accommodations Network (JAN) which provides assistance determining appropriate work site accommodations for individuals with disabilities. JAN may be reached at 1-800-526-7234 or at <http://www.jan.wvu.edu>.
- Refer to SSA. If the district determines it is appropriate to refer an individual to apply for federal disability benefits because the individual reasonably appears to qualify, the individual cannot be assigned to any work activities. For additional information regarding requiring application for federal disability benefits, refer to 06-ADM-06.
- Refer to VESID (Vocational and Educational Skills for Individuals with Disabilities.) A variety of VR services are available from VESID or VESID service providers.
- The following are guidelines for making a referral to VESID:
  - ✓ Vocational rehabilitation (VR) services are designed to help individuals with disabilities prepare for obtain, retain or regain employment.
  - ✓ In order to be eligible for VR services an individual must have a documented physical or mental impairment that is a substantial barrier to employment.
  - ✓ The individual must be able to benefit from VR services.
  - ✓ The individual must require VR services prepare for, retain or regain employment.
  - ✓ An individual who receives SSI or SSDI is presumed to be eligible for VR services.

**Section IV – Housing**

This section contains questions intended to determine if a household has any emergency or ongoing housing issues. The section allows the worker to discuss how housing issues may affect employment and gives the individual an opportunity to begin to think about what he/she can do to improve the situation. If the individual is a resident of public housing and performing community service or self-sufficiency work as required by the Quality Housing and Work Responsibility Act (question 2), the worker should consider whether to include them in the employment plan and schedule work activity assignments that do not conflict when possible.

⇒ **Arrows**

Questions 1, 5 and 6; if the individual indicates his/her living situation is unsuitable, unstable or in an unsafe environment, or the individual is homeless, the district must consider when assigning to work activities and/or determining good cause for failing to comply with work requirements. Additionally, homelessness must be addressed consistent with the applicable Temporary Assistance requirements.

## **Section V – Financial Management**

This section provides the basis for a discussion about long term planning, financial management, credit history, and budgeting, and the availability of community resources, including financial literacy instruction or counseling. Workers do not have to gather specific credit history information; however, if an individual indicates the possibility of credit problems when discussing credit cards in Question 1, the worker could refer the individual to the Federal Trade Commission website at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre13.shtm> for information and resources to help address credit issues. Additionally, the Cornell Cooperative Extension (CCE) Financial Economics and Resource Management (FERM) program helps individuals and families adopt management behaviors which lead to more secure financial situations and affordable use of resources through education and practice. Workers can contact the local CCE at <http://www.cce.cornell.edu/> for more information about the availability of financial literacy and household management resources. Additional financial literacy information and resources may also be found at <http://www.financeproject.org/publications/FESunbanked.pdf>.

## **Section VI – Legal Barriers**

This section collects information about any legal issues, including services, and obligations that may pose scheduling conflicts or interfere with employment or work activity assignments for the individual. The section also allows the individual and the worker to discuss disclosure issues that may arise when applying for employment. Provided below are links to non-profit groups that provide employment guidance for individuals with criminal backgrounds. These organizations include:

- The National H.I.R.E. Network, Washington DC, <http://www.hirenetwork.org/>
- Legal Action Center, New York, NY <http://www.lac.org/>
- Re-entry Net, Bronx, NY <http://www.reentry.net/>
- National Institute of Corrections [www.nicic.org/oes](http://www.nicic.org/oes)

Additionally, the New York State Department of Labor provides “The Prime Objective, A Guide to Preparing the Job Seeking Ex-Offender” [http://www.labor.state.ny.us/formsdocs/does/ES302\\_1.pdf](http://www.labor.state.ny.us/formsdocs/does/ES302_1.pdf).

Staff should review the applicable guidance with individuals with criminal histories during the assessment process and employment planning and should provide the individual with the information necessary to appropriately address the individual’s criminal history as it relates to applying for and maintaining employment (e.g. completing applications and during interviews)

## **Section VII – Military Service**

This section collects information about military experience that should be considered when developing a resume and employment goals. The worker should also confirm that the availability of veteran’s benefits, programs and assistance for the individual have all been sufficiently explored.

## **NEW YORK STATE EMPLOYMENT PLAN**

The New York State Employment Plan (Plan) uses the information obtained through the Assessment to identify:

- employment and other goals;
- challenges and barriers to the individual’s ability to attain his/her goal(s);
- how the barriers are to be addressed, including any reasonable accommodations that are needed;
- supportive services provided in response to needs identified in the Assessment; and,
- Assessment outcomes, including work activity assignment(s).

The Plan begins by summarizing the employment and other goals identified through the Assessment. Once WTWCMS changes are completed, any options chosen in Employment Preferences and Goals in Section I of the Assessment will automatically feed into the corresponding section of the WTWCMS Employment Plan and there will be additional space to elaborate further, describe short term and long term goals, and include additional goals. Both short term and long term goals can be identified in this section. The Goals and Preferences section also includes an area to record additional goals (educational, personal, family, etc) that have been identified during the assessment. The worker is then directed to indicate any challenges and barriers to the individual's ability to attain the goal(s), including for example, language barriers, medical barriers, criminal history and lack of appropriate training or education and how the barriers are to be addressed, including any reasonable accommodations that are needed. The next section addresses the supportive services provided to the individual in response to the needs identified through the Assessment.

The outcomes section records the decisions made regarding the individual's next steps and includes choices allowing for a description of why an individual's preferences and goals could not be accommodated if applicable. Workers may choose more than one outcome and should include additional information to describe the choice(s) as appropriate. The Plan then includes sections to record work activity assignments and worker notes. When determining appropriate work activity assignments, the worker should consider the following:

- information collected in the Assessment (e.g. scheduling conflicts, medical limitations);
- the individual and family goals;
- the individual's preferences (including training and education);
- the supportive services that are needed and available;
- the available programs;
- the local employment opportunities; and
- the need for the district to meet minimum participation rate requirements.

Work activity assignments should support the district approved goals and preferences identified through the Assessment. If an individual's goals and preferences cannot be accommodated, the Plan should describe why not and the district should work with the individual to develop appropriate goals that can be accommodated. Individuals who have not attained a basic literacy level and who are not otherwise subject to educational requirements should be encouraged to enroll in appropriate educational activities consistent with the requirements described in 09-ADM-16. The worker should also discuss an individual's liability for student loans, grants and scholarship awards if the individual is assigned to an education program.

An individual is not required to sign the Plan, and cannot be penalized for refusing to do so; however the Worker Notes section should include an explanation if this occurs. The individual should also be given a copy of the completed Plan.