



**NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY  
ASSISTANCE**

40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

**Andrew M. Cuomo**  
*Governor*

**Administrative Directive**

**Section 1**

<b>Transmittal:</b>	11-ADM-06
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports
<b>Date:</b>	July 19, 2011
<b>Subject:</b>	New York State Employment Assessment
<b>Suggested Distribution:</b>	Employment Coordinators Temporary Assistance Directors
<b>Contact Person(s):</b>	Employment Services Advisor or the Employment and Advancement Services Bureau at (518) 486-6106
<b>Attachments:</b>	<a href="#">Attachment A - LDSS-4980 New York State Employment Assessment</a> <a href="#">Attachment B-LDSS-4978 New York State Employment Plan</a> <a href="#">Attachment C - LDSS-4979 New York State Employment Assessment and Employment Plan Guide</a>
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

**Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
06 ADM 05 06 INF 17 09-ADM-14 09-ADM-16		18NYCRR §351 18NYCRR §385.2 18NYCRR §385.6 18NYCRR §385.7	SSL Title 9-B	Employment Policy Manual Sections 2, 6, and 7	

## Section 2

### I. Summary

The New York State Employment Assessment (Assessment), Employment Plan (Plan) and related Guide have been developed to provide social services districts (districts) with a rigorous model to help districts gather relevant information about an individual's strengths and barriers as part of a comprehensive strategy to help the individual obtain meaningful employment or otherwise help the family become economically secure. Districts must comply with assessment and employment plan requirements as established in State regulation (18 NYCRR §385.6 and §385.7). Districts are provided and may choose to use the model State Assessment and Plan to support and enhance these efforts.

### II. Purpose

The purpose of this Administrative Directive is to provide districts with the LDSS-4980 New York State Employment Assessment (see Attachment A), the LDSS-4978 New York State Employment Plan (Attachment B), and the LDSS-4979 New York State Employment Assessment and Employment Plan Guide (Attachment C) and related policy guidance.

### III. Background

Each social services district is responsible for developing effective strategies to help individuals applying for or receiving Temporary Assistance (TA) achieve financial independence through participation in meaningful work preparation activities while providing necessary and appropriate services and supports. Additionally, federal and State regulations include specific requirements for completing employment assessments and engaging recipients in appropriate work preparation activities. The documents included with this release are intended to help districts identify strengths and barriers, including health issues that may not be readily apparent, that can affect an individual's ability to engage in productive work activities and employment. The Assessment collects all of the information required by State and federal regulation, as described below, and collects additional information that may help districts identify factors that may affect an individual's ability to successfully sustain participation in work preparation activities and employment. For example, a housing barrier is often not addressed until the issue becomes a crisis that requires the individual's immediate attention, which can cause employment absences and job loss or disrupt participation in work preparation activities. Inquiring about areas (e.g. housing) that have the potential to interfere with full time participation in employment activities serves to both address potential issues before they become barriers and can also help individuals learn to address problems before they rise to the level of a crisis.

#### **Assessment Requirements for Public Assistance Recipients**

Districts are required to complete an employment assessment for all exempt and non-exempt adults aged 18 and older residing in households with dependent children (and 16 and 17 year olds not attending secondary school without a high school diploma or its

equivalent) no later than 90 days from when the individual is determined eligible for public assistance (see Social Services Law [SSL] §335 and 18 NYCRR §385.6). These individuals are required to comply with employment assessment requirements (SSL §335 and 18 NYCRR §385.6(a) (6)).

Districts are required to complete an employment assessment for all non-exempt adults in households without dependent children no later than a year following the recipient's application for Safety Net Assistance (see SSL §335-a, and 18 NYCRR §385.7) to the extent that resources are available. All adults (exempt and non-exempt) in households without dependent children applying for or receiving temporary assistance may be required to comply with employment assessment requirements (see SSL §335-a and 18NYCRR §385.7(a)(6)).

Districts describe local assessment and employment plan procedures in their biennial Temporary Assistance and Food Stamp Employment Plan, including when assessments are conducted and what information they collect. While districts are encouraged to provide assessments that are more detailed and comprehensive than what is required, assessments must include, at a minimum, a review of an 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 any special needs of a child.

As described above, districts are required to complete employment assessments within 90 days of the date on which eligibility is determined for households with dependent children and no later than 1 year of the application date for households without dependent children. However, districts are encouraged to complete the employment assessment as soon after an individual has applied for temporary assistance as is practicable and to thereafter reassess individual circumstances and work activity assignments as relevant changes occur, no less frequently than annually.

The purpose of the employment assessment is to identify an individual's abilities, skills, interests, experience (both work and life) and barriers to support the development of the individual's employment plan. The Employment Plan considers the information collected through the Assessment and outlines appropriate work activity assignment(s) based on an individual's abilities, available opportunities and supportive service needs. For example, if the employment assessment indicates an individual has prior work experience in a particular occupational field and retains the ability and interest in this field, it would be appropriate for the district to help the individual identify local employment opportunities in that occupational field. Additionally, when the employment assessment indicates that an individual has not attained a "basic literacy level," districts must encourage and may require non-exempt public assistance recipients to participate in educational activities as part of their work requirement as included in their employment plan, and non-exempt individuals who have attained a "basic literacy level," but who have not attained a high

school diploma or equivalent must be offered the opportunity to participate in educational activities consistent with the requirements described in 09-ADM-16.

All of the information collected during the employment assessment process, including the basic required elements, should be considered when developing an individual's employment plan and determining appropriate work activity assignments. The employment plan must be developed in writing in consultation with the individual and, at a minimum, 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.

Additionally, 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.

To address the required elements and develop a meaningful employment plan that is most suitable to an individual's specific circumstances, districts should collect accurate and complete assessment information. For example, it is important to assess an individual's education level, basic skills proficiency (including literacy level and English language proficiency), skills and prior work experience and training and vocational interests in order to determine appropriate work activity assignments and develop a relevant and appropriate employment goal. Additionally, before addressing supportive services in the employment plan, the district must assess an individual's child care and other supportive services needs.

## Additional Requirements

Districts are required to determine the employability of each public assistance applicant/recipient and inquire at application and recertification if there is any physical or mental health impairment that may prevent the individual from working. Additionally, districts are required to review employability whenever there is reason to believe an individual might have a physical or mental impairment that may prevent or limit participation in work activities, including employment (see SSL §332-b (1) and 18 NYCRR §385.2(d)). Districts must also determine the employability of an individual who is the caretaker of a disabled/incapacitated household member based on an evaluation of the medical documentation and the extent to which the caretaker is required to be available to provide care and then periodically review employability consistent with the requirements described in 08-ADM-07. For example, districts are responsible for obtaining updated medical documentation for situations which involve caring for a disabled household member with a permanent disability at least annually. While districts often conduct the employability determination concurrently with the employment assessment and collect physical and mental health related barriers information as part of the employment assessment process, any information regarding health related barriers and the need for accommodations obtained separate from their employment processes should be addressed in the employment plan if appropriate.

Districts are required to continue to address domestic violence (DV) and drug and alcohol issues consistent with the applicable requirements. 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 DV is an issue, clients must be provided with the opportunity to discuss their situation with the domestic violence 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 assignments to work activities are pended until the DVL meets with the individual and determines the waiver status. The assessment and plan may not include any reference to DV for individuals granted either full or partial DV waivers by the DVL. Individuals granted full DV waivers cannot be required to participate in any public assistance work activities for the duration of the waiver. Once the district confirms with the DVL that a waiver has ended, the district must determine employability and update the assessment and employment plan appropriately. Individuals granted partial DV waivers may only be assigned to work activities determined to be safe by the DVL and, as stated above, no reference to DV may be included in either the Assessment or the Employment Plan. Additionally, individuals who have disclosed DV but have chosen not to see a DVL and/or who have not requested a waiver may be assigned to appropriate work activities consistent with their Assessment; however, districts must consider known safety concerns when developing the employment plan.

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. 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.

## IV. Program Implications

### Administering the Assessment

The NYS Employment Assessment consists of several sections, each which contains questions designed to identify strengths and barriers in areas that may influence an individual's ability to attain and retain employment and achieve economic independence. Sections I and II collect the employment assessment information required by SSL §335, SSL §335-a, 18 NYCRR §385.6 and 18 NYCRR §385.7 including, as described above:

- 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.

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 model 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. 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 frequently lost jobs; and,
- Individuals who seem to have unstable circumstances that might interfere with employment (e.g. criminal backgrounds, frequent emergencies, CPS involvement).

The questions included in the Assessment are intended to help guide discussions between a worker and client in specific areas (e.g. education and training, the availability of family and community resources) and a worker is required to complete the Assessment with the client. Districts may not fulfill employment assessment requirements by solely having an individual complete a self-assessment; it is the district's responsibility to conduct and complete employment assessments and they may incorporate a pre or self-assessment as a component of their employment assessment processes. Consistent with this requirement, districts may give sections of the Assessment to individuals to first complete alone and then review together when the worker conducts 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.

The information collected during the employment assessment process provides relevant information that should be considered when developing an individual's employment plan and determining appropriate work activity assignments. Districts should therefore collect accurate and detailed assessment information as described above in order to develop a meaningful employment plan that is most suitable to an individual's specific circumstances.

In addition to the basic employment assessment information that districts are required to collect and address when developing the employment plan, Section III (*Health Review*) of the NYS Employment Assessment includes questions that inquire about current medical conditions and barriers to work as well as treatment history to allow the worker to assess the extent to which there may be health related barriers to employment requiring further evaluation. Districts are required to inquire at application, recertification or whenever there is reason to believe an applicant or recipient might have a physical or mental health condition which would limit his/her ability to participate in work activities consistent with the requirements of SSL § 332-b and 18 NYCRR 385.2(d). As part of this inquiry districts may choose to have trained staff administer validated screening tools to specifically identify the possibility of specific health related barriers (e.g. mental health, learning disabilities) to participation in work activities and employment. For example, the Learning Needs Screening Tool from Washington State identifies individuals who are likely to have learning disabilities. To the extent that the screening indicates the individual may have an issue, the district should obtain a qualified professional's evaluation of the extent to which a barrier exists, how it affects the individual's ability to participate in work activities, how long it might continue and how it can best be alleviated and/or accommodated. Once any physical and mental health limitations are documented, any corresponding accommodations should be included in the individual's employment assessment and plan.

Districts are encouraged to use the State model Assessment and Plan provided with this release. At a minimum, districts should develop processes to administer employment assessments that address the level of services and case management that families with significant barriers to employment may need to become economically independent. For example, districts may incorporate the State model Employment Assessment into employment assessment processes and:

- dedicate specialized staff to administer the State model Employment Assessment and provide follow up case management;
- incorporate multi disciplinary case conferencing for cases identified through the employment assessment as having multiple program and service attachments and requirements (e.g. child welfare services, probation, treatment); or
- administer the State model Employment Assessment during home visits when appropriate.

## Applicant and Recipient Noncompliance with Assessment Requirements

Districts need an accurate understanding of an individual's strengths and barriers to develop an employment plan that will best help the individual become self-sufficient. To obtain information important to developing an employment plan, districts should encourage cooperation by explaining how the information they are collecting will be used to support appropriate services, and conduct the employment assessment in an environment where the individual is likely to feel comfortable disclosing personal information. As described above, adults residing in either households with or households without dependent children are required to comply with employment assessment requirements and may be required to cooperate with the district to complete sections I, II, IV, V, VI, and VII of the Assessment. Failure to comply with employment assessment requirements will result in a denial for the entire applicant household and conciliation and a pro-rata reduction for a recipient household (regardless of household composition) consistent with SSL §335, SSL §335-a, 18 NYCRR §385.6 and 18 NYCRR §385.7. However, the requirements governing Section III (*Health Review*) of the Assessment differ as described below.

### Assessment Requirements and Voluntary Disclosure: Section III

An individual cannot be required to disclose a disability (physical or mental impairment) unless he/she claims to be unable to engage in work activities because of a medical issue, or demonstrates an inability to successfully participate in work activities consistent with the voluntary disclosure requirements described in Section Two of the Temporary Assistance and Food Stamp Employment Policy Manual. Because Section III (*Health Review*) of the Assessment asks the individual to disclose health related, and possibly ADA protected disability information, an individual may only be required to cooperate with the district to complete the section (and comply with any corresponding referral and documentation requirements) if he/she claims or demonstrates an inability to engage in work activities due to physical or mental limitations. To encourage disclosure of medical health information and to facilitate the completion of Section III, districts must discuss the following with the individual:

- disclosure of a disability is voluntary and the individual cannot be required to answer the questions in Section III if he/she can successfully participate in work activities without accommodation;
- the steps the district will take to document an impairment if indicated appropriate by the answers provided to questions in Section III;
- the benefits of making the district aware of health related factors that affect the ability to work, including the accommodations and services which are available to individuals with documented disabilities; and,
- that if he or she chooses to not answer any of the questions in Section III, he or she may be required to participate fully in work activities without accommodation.

Districts may want to use the state model "What You Should Know About Your Rights If You Have a Disability" form included in Section 15 of the TA and FS Employment Policy Manual and discuss the benefits of disclosure when asking an individual if he/she has any health related barriers to encourage the individual to disclose.



Districts must document in writing when an individual chooses to not disclose health related issues. Districts can document this information through the inquiry in Section III by checking the selection immediately following the introductory note indicating that the client has chosen to not complete Section III and agrees to participate in work activities without accommodations for any undisclosed disabilities. However, there are circumstances when identification and treatment for a disability is critical to program administration. Under these circumstances, an individual may be required to participate in efforts to evaluate a suspected disability and participate in necessary treatment. Therefore, districts may require an individual to answer the questions in Section III and comply with an evaluation of a suspected disability under the following circumstances:

- If an individual claims to be unable to work, or limited in his or her ability to work due to a health limitation, the district may require the individual to answer the questions in Section III and comply with an evaluation to verify the alleged disability/work limitation and to identify appropriate services. Failure to participate in efforts to document an alleged disability is considered to be failure to comply with an eligibility requirement and subject to public assistance case closure in accordance with 18 NYCRR §351 and 18 NYCRR §385.2(d).
- If an individual has demonstrated a recurring inability to successfully participate in work activities or employment and the district has reason to believe this is due to a disability/work limitation, the district may require the individual to answer the questions in Section III and/or comply with an evaluation and failure to participate in efforts to document a suspected disability is considered to be a failure to comply with an eligibility requirement and subject to public assistance case closure in accordance with 18 NYCRR §351 and 18 NYCRR §385.2(d).
- If an individual has been determined through a qualified evaluation/assessment to need treatment, he/she may be required to participate in necessary treatment in order to improve his or her ability to meaningfully engage in work activities as a condition of eligibility for public assistance in accordance with 18 NYCRR §385.2(e).

Individuals with confirmed disabilities must be provided with reasonable accommodations and services to support their participation in employment activities and programs.

### Staff Considerations

Many district staff have considerable experience and are proficient at interviewing and administering employment assessments; however, developing comprehensive strategies to address the needs of individuals with significant, multiple, and possibly hidden barriers is particularly challenging. The model Assessment was developed to help workers identify and address many of the elements that may affect a family's ability to achieve financial independence. While a less thorough employment assessment may adequately address the needs of many, some families require a more comprehensive approach.

The New York State Employment Assessment and Employment Plan Guide which is included as Attachment C has been developed to provide a resource to workers when using the model Assessment and explains in detail:

- the purpose and format of the model Assessment;
- employment assessment policies and requirements;
- the Assessment sections;
- the purpose of the questions within each section, including which questions may require follow up (designated by arrows);
- questions which identify potential strengths (designated by diamonds); and,
- follow up guidance and resources based on the information collected.

OTDA began providing Conducting an Effective Employment Assessment training in Fall 2009 for workers which focuses on developing effective interview strategies to maximize the quality of information gathered through an assessment and to apply that information to support quality employment plans. Through the combined use of the interview and the model Assessment, the training will help district staff develop in depth interviewing skills as a means of becoming competent and skilled at listening and responding. Regional offerings of the training for 2011 have been posted on the Statewide Training Automated Registration System (STARS) and districts are encouraged to work with their Staff Development Coordinators to enroll staff whose job duties include conducting employment assessments.

### Employment Plan

The model New York State Employment Plan is provided as Attachment C to this release. Districts may choose to use the State Employment Plan, a locally developed plan or the WTCMS or NYCWAY Employment Plan functions to facilitate the use of information collected through the employment assessment to develop appropriate employment plans intended to help individuals achieve economic independence through employment. The Plan is composed of 7 sections and addresses all of the required employment plan elements including the supportive services the district will provide, the work activity assignment(s) and the individual's employment goal. Additionally, the State Employment Plan includes a section to summarize an individual's challenges and barriers as determined through the employment assessment and describe how the barriers are to be addressed. The Outcomes and Client Activity Assignment(s) sections record the actions taken once the employment assessment and employment plan have been completed, including recording why an individual's preferences could not be accommodated, if applicable. The State Employment Plan will be reflected in the upcoming CMS employment plan changes.

## **V. Required Action**

Districts are required to complete employment assessments within 90 days of the date on which eligibility is determined for households with children and 1 year of the application date for households without children consistent with the requirements of SSL § 335, 18 NYCRR 385.6, SSL § 335-a and 18 NYCRR 385.7. Districts are encouraged to fulfill these requirements by completing Sections I and II of the State model Employment

Assessment for all required households. Districts are also required to inquire at application, recertification or whenever there is reason to believe an applicant or recipient might have a physical or mental impairment which would limit his/her ability to participate in work activities consistent with the requirements of SSL § 332-b and 18 NYCRR 385.2(d) and may fulfill this requirement by completing Section III of the Assessment. Please note that while districts must inquire about medical conditions at application, recertification, or whenever there is reason to believe a medical condition exists, they should also ensure that information regarding medical barriers is current when conducting or updating the employment assessment and developing the employment plan. Additionally, districts are also encouraged to conduct employment assessments using the entire State model Employment Assessment tool for households that would most benefit from a more comprehensive approach including; for example, households with repeated failures to comply with program requirements, long term receipt of assistance, or a history of ongoing household instability.

## **VI. Systems Implications**

Although districts are currently not required to record Assessment information into WTCMS and may maintain Assessments in alternate format(s), they are encouraged to utilize the WTCMS Evaluation function to record assessment information. Many of the questions included in the Tool are included in the current WTCMS Evaluation optional areas and districts currently have the ability to enter much of the information the Assessment collects into WTCMS. WTCMS is scheduled to be updated to incorporate the State model Employment Assessment and Plan. The Evaluation (assessment) area will be arranged in a manner consistent with the State model Employment Assessment and will maximize the use of quantifiable entries to simplify data entry by reducing the need to type narrative (although the ability to do so will be maintained) and to support improved reporting capabilities. Once WTCMS is updated, districts will be required to record approximately 11 quantifiable data elements from the State model Employment Assessment in WTCMS (or NYCWAY for the Human Resources Administration). The requirement to store the information on WTCMS or NYCWAY will permit State and local reporting and analysis of certain client characteristics. Additional guidance, including mandatory system entries, will be provided to districts upon the completion of changes to the WTCMS Evaluation function.

## **VII. Additional Information**

These documents will be available for ordering in July 2011. When ordering forms, include the form number and the number of copies you require in the request. Please allow approximately three weeks from the receipt of the request for delivery.

- To order forms online, submit a completed OTDA-876EL (Rev.2/00) ‘Request for Forms or Publications’ to [GG7359@otda.state.ny.us](mailto:GG7359@otda.state.ny.us). Include the form number and the number of copies you require in the request.
- To order forms by mail, submit a completed OTDA-876 (Rev.6/98) ‘Request for Forms or Publications’ to:

Office of Temporary and Disability Assistance  
Document Services  
P.O. Box 1990  
Albany, New York 12201

- Electronic versions of these documents will be available on the OTDA Intranet E-Forms website at: [http://otda.state.nyenet/ldss\\_eforms/default.htm](http://otda.state.nyenet/ldss_eforms/default.htm).

### **VIII. Effective Date**

The State model Employment Assessment Tool, Employment Plan and corresponding guide are being made available to districts effective immediately. The Conducting an Effective Employment Assessment training has been available as of September 2009. While districts are not required to use the State model Employment Assessment Tool, they are encouraged, at a minimum, to complete Sections I, II and III of the Assessment consistent with the requirements in SSL § 335, 18 NYCRR §385.6, SSL § 335-a, and 18 NYCRR §385.7. Additionally, districts are encouraged to complete the entire State model Employment Assessment for households they believe may most benefit from the more comprehensive approach (e.g. sanctioned, long term exempt, long term cases).

---

#### **Issued By**

**Name:** Russell Sykes

**Title:** Deputy Commissioner

**Division/Office:** Center for Employment and Economic Supports