

**Legislative Regulation
Review Committee**

2010-015

Department of Social Services

**CONCILIATION IN THE JOBS FIRST
PROGRAM**

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

Date: _____ **Transmittal:** _____ **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 [and/or] 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 subsection 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 [during conciliation] 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 [the] increases a penalty for failure to comply.

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.
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 his or her 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;
 - 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)

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

REGULATION OF

NAME OF AGENCY

Department of Social Services

Concerning

SUBJECT MATTER OF REGULATION

Conciliation in the Jobs First Program

SECTION _____

Statement of purpose: The purpose of the proposed regulation is to amend section 8530.50 of the Uniform Policy Manual (UPM). The problems, issues or circumstances that the regulation proposes to address are: to amend the UPM to provide additional requirements in the conciliation conference process to comply with the Raymond v. Rowland Settlement Agreement, Civil Action No. 3:03 CV 0118 (MRK). The main provisions of the regulation require (1) individuals receive notice of their right to receive reasonable accommodation 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 remain open during screening; (5) the department consider the screening findings in determining if a sanction is appropriate and (6) the department discuss reasonable accommodations with individuals that have disabling conditions related to participation in the Jobs First Employment Services program. The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws are: to provide additional requirements in the conciliation process to ensure that persons who may require reasonable accommodation are identified, advised of their right to request reasonable accommodation and have their need for reasonable accommodation considered when determining whether imposing a sanction is appropriate.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 17b-3 of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on 9/22/09, of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on _____ day of _____

WHEREFORE, the foregoing regulations are hereby:

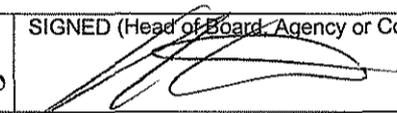
Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____

In Witness Whereof:	Date	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
	<u>11/13/10</u>		Commissioner

Approved by the Attorney General as to legal sufficiency in accordance with sec. 4-169, as amended C.G.S.	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
	 <u>2/18/10</u>	ASSOC. ATTY. GENERAL

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	Date	SIGNED (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission in Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY

INSTRUCTIONS

- One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
- Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
- Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
- Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.