

6/1/17

Bulletin No. 17-12

P-2374

P-2374 Conciliation

A. General Procedures

Conciliation is an intervention: a time to influence what happens next and help the participant work out a way to resolve the issues for the noncompliance.

Implementing Conciliation

1. Check for prior conciliations both on ACCESS and in the case file. Ensure all conciliations are entered into ACCESS. If a conciliation is found that is in the file but not in ACCESS, enter it in ACCESS with a start and end date for purposes of updating the history.
 - a. Remember that a participant can only have one conciliation within a calendar year (January – December).
 - b. To determine which calendar year the conciliation occurred in use the date the conciliation resolution was signed. If the participant does not attend the originally scheduled conciliation appointment, or a rescheduled appointment, and does not provide good cause, utilize the original conciliation appointment date to determine the calendar year.

(Note: If a participant has already had one conciliation in the calendar year, and another act of non-participation occurs without good cause towards the end of the year—the corresponding sanction can take place the following calendar year due to the adverse action timeframe.

Example: Participant conciliated in May 2016. Participant misses hours at WKEX without good cause end of November 2016. Adverse action has passed so sanction cannot begin 12/1/16. Sanction can be put in place for 1/1/17.

2. Case manager schedules a conciliation appointment by sending a conciliation letter written through ACCESS. If ACCESS is not available, [Conciliation Letter 617](#) may be used. The letter must be mailed within ten days from the case managers first awareness of the non-participation. The case manager schedules the conciliation meeting as soon as administratively possible, but no sooner than within four business days after the date the conciliation letter is mailed.
 - a. Participants can waive advance notice of the conciliation appointment, but must sign a statement verifying this request for waiver. The waiver request should include the same information that is provided on the conciliation appointment letter. The easiest way to ensure that all required information is included in the waiver is to print a conciliation letter for them to read and sign.
 - b. The conciliation letter should:

Indicate specific dates and activities of noncompliance (refer to FDP);

Implementing Conciliation (Continued)

Use strength-based language that can be understood by the participant.

Example #1: You did not come our scheduled meeting on Monday, 1/23/12 at 2:00pm or call to reschedule. I could not reach you by phone on 1/23/12, but left a voice mail message requesting a call back. To date, I have not heard from you.

Example #2: According to recent time sheets, you are not meeting your work requirement due to being absent from your worksite from 2/7/12 to 2/10/12. Your worksite supervisor reports that you did not call in or attempt to make up missed time. Your scheduled hours are Mon – Thurs from 8am to 1pm. You did not respond to my phone call on 2/13/12. We need to discuss how you will meet your work requirement.

Do Not include:

- i. the words “failure to [do an activity, meet with case manager, etc]”
 - ii. jargon such as “no-call, no-show” or
 - iii. abbreviations such as WKEX, CSP, VDO, VDOL, ABE, etc.
- c. If there is good cause for the noncompliance, the scheduled meeting will be a regular case management meeting. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliation within a calendar year as defined above. See P-2373 (B) (5) above.
 - d. If the participant requests a rescheduled appointment, provide a rescheduled conciliation appointment, but explain reschedules are used on a very limited basis. The goal is to hold the conciliation meeting within ten days from the awareness of the noncompliance, though this is not always possible. Indicate on the conciliation letter that this is a rescheduled appointment.
 - e. If there is not good cause and the participant shows up, follow through with the conciliation resolution process below.
 - f. If the participant does not show up, and no other form of good cause has been presented, the case manager must then mail a [Reach Up Good Cause Request \(GCR601\)](#) before moving to sanction. Indicate on the letter that the next step is sanction. Include as much information in the good cause request as possible, clearly indicating the initial non-participation, as well as the missed conciliation appointment. Request the participant to contact you four business days from the day you mail the Good Cause Request letter. See P-2373B above. If there is no good cause, the sanction process begins.

B. Conciliation Resolution

The conciliation resolution period is a **process** (less than 15 days) during which the case manager and participant meet to discuss and resolve issues that caused the non-participation and come up with ways to satisfy what is required of the participant to avoid sanction. In most cases, the conciliation resolution period will only last one day.

The Conciliation Resolution is a **plan** (from two weeks to three months) that contains what the participant needs to do for a sanction to be avoided.

1. During the Conciliation Resolution appointment case manager uses a strengths-based approach and focuses on next steps. Case manager uses open ended questions and listens to what the participant thinks is the reason for the non-compliance. Case manager explores any circumstances that may have interfered with their compliance and explores how to resolve any issues.
2. Case manager writes a Conciliation Resolution and updates the Family Development Plan to include the conciliation. Bulleted lists may be used. Conciliation Resolution must start within 5 calendar days and includes a description of how long it will last (from two weeks to three months). There is some case manager judgment in deciding how long a timeframe to choose though typically keeping a shorter timeframe is most effective. With a participant who has had a pattern of noncompliance, a longer timeframe may be appropriate.

Example: I will go to my work placement at Community Action every Monday, Wednesday, and Friday from 9:00 to 1:00 beginning next Monday, February 6th. I will attend all scheduled shifts for two weeks (from February 6th through February 17th).

- a. The Conciliation Resolution should only include the issue(s) of noncompliance that brought the participant into conciliation. Additional activities should not be included. If other new activities make sense, add them to the FDP- but those activities would not be part of this conciliation.

Example: A participant is being conciliated for not calling or showing up for their WKEX. If they then did not hand in their timesheet the following weeks, and this was not noted on the initial conciliation letter—do not include handing in timesheets on the resolution. However, these additional steps should be clearly outlined in the FDP if they were not already.

- b. There are times when what was previously required of the individual no longer makes sense. Rule 2374.2 talks about resolving any circumstance hindering compliance.

Example: A participant is being conciliated for not attending Job Club. When they come in for their conciliation meeting, they tell their case manager they have reconnected with Adult Basic Education and are starting to work on their Adult High School Completion program which conflicts with the Job Club schedule. The case manager could include on

B. Conciliation Resolution (Continued)

the Conciliation resolution a weekly update meeting to check in on the progress with ABE, instead of asking the participant to return to Job Club.

3. Have the participant sign both the Conciliation Resolution and the updated FDP. Keep a copy in the file and provide a copy to the participant.
4. Case manager enters a “C” (successfully completed) or “U” (unsuccessfully completed) as the “Outcome” code in ACCESS in WORK C.
 - a. Conciliation is successfully resolved when the participant has complied with the tasks on the conciliation resolution plan as well as the updated FDP. A conciliation still counts even if it is successfully resolved. The only time that a conciliation does not count is if it is later determined that the participant had good cause for the non-compliance.
 - b. If the participant does not comply with the tasks on the conciliation resolution the case manager must determine if the participant had good cause for not doing what is in the resolution plan. See P-2373B above. If there is no good cause, the sanction process begins.

C. Conciliation Process Flow Chart

