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**5.1 ASSESSMENT****5.1.1 ASSESSMENT**

Under W-2, assessment is the process of gathering the needed information to develop an Employability Plan customized for the participant that will result in either a successful employment outcome which starts the individual on a career path; or, if appropriate, a path to eligibility for Supplemental Security Income and/or Social Security Disability Income benefits.

Certain types of screening and assessment are required for all W-2 applicants and participants, including:

- Informal Assessment;
- Educational Needs Assessment; and
- The offer to complete the Barrier Screening Tool (BST).

The information gathered through these required processes will assist the FEP in identifying whether additional Formal Assessments are needed to develop the participant's EP.

**5.1.2 ASSESSMENT AT APPLICATION**

At a minimum, an informal assessment and an educational needs assessment must be conducted prior to placing an individual in a W-2 placement. In addition an applicant may be initially offered the BST during the application process. (See 5.4.2)

Persons requesting W-2 services meet first with a RS. The RS prescreens applicants and assists the applicant in determining what programs and services are likely to support their efforts at employment and self-sufficiency. (See [Chapter 1](#))

The RS may require an applicant who appears ready for unsubsidized employment and who can benefit from job search to participate in up-front job search and job readiness activities. Not all applicants are appropriate for up-front job search. For example, the following types of applicants would not be appropriate for up-front job search: applicants appropriate for caretaker of a newborn, applicants who meet the characteristics of a W-2 T placement, and applicants who are an 18 & 19 year old with no HSD or GED, etc.

For those who are appropriate for up-front activities, the assignment to up-front job search and job readiness activities must be based on the information gathered through the informal assessment and educational needs assessment. The W-2 agency must start an EP for any applicant who is required to complete up-front job search and job readiness activities. Applicants must meet with a FEP within five working days after the date the W-2 agency receives a signed application.

The FEP has seven working days from the initial meeting with the applicant to determine nonfinancial and financial eligibility and, if eligible, place the individual in the most appropriate W-2 placement.

The FEP may need to refer the applicant for additional services during the seven-day timeframe to gather further information that will facilitate appropriate placement. This may include:

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1. Further job readiness assessment and career planning activities in conjunction with up-front job search; or
2. Referral for vocational evaluation or formal assessment of employment barriers by a qualified assessing agency or individual. (See 5.5.1) However, the FEP must never delay making an initial placement solely because the results of a formal assessment are pending. The placement decision must be made using the best available information during the seven-day timeframe. The W-2 placement may be adjusted, if needed, when the formal assessment information is received. The application process can be extended up to 30 days only if the applicant needs extra time to meet eligibility verification requirements.

W-2 agencies are encouraged to consult with other employment and training resources, and accept previous assessments done by other agencies if appropriate, including assessments completed in the past by other W-2 agencies. The CARES Work Program Assessment Driver Flow must be completed at placement and updated at each placement change. Highly sensitive, confidential information must be documented in a way that protects the participant. (See [Chapter 4](#))

Initial W-2 placement is based on results of the initial informal assessment(s), educational needs assessment and when appropriate, the progress made during assignment to up-front job search and job readiness activities. In addition, as part of the informal assessment process, the FEP must take into consideration all family-related needs that may be impeding the participant's ability to find and retain a job. A family emergency or a participant's inability to access a particular supportive service is a factor that the FEP must consider when developing the EP.

When the informal assessment indicates that upfront job search is not appropriate, the FEP must immediately assign the individual to appropriate W-2 placement and activities.

### **5.1.3 ASSESSMENT AS A PART OF ON-GOING CASE MANAGEMENT**

An informal assessment must be made prior to moving an individual to W-2 placement. Informal assessments are considered an on-going activity and are part of general W-2 case management.

The educational needs assessment is also part of the ongoing case management process. Accordingly, the participant must be reassessed for education and training needs anytime there is a change in W-2 placement.

In some circumstances the BST must also be offered to W-2 participants as part of ongoing case management. (See 5.4.2)

The results of each assessment must be discussed with the participant and the participant must be given the opportunity to provide input on his/her W-2 placement and the activities that are assigned as part of the EP.

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**5.2 INFORMAL ASSESSMENT****5.2.1 INFORMAL ASSESSMENT**

The purpose of the informal assessment under W-2 is to gather information about an individual and his or her family to determine the:

- Individual's ability to become employed and remain employed;
- Services and activities necessary for the individual to become employed and remain employed;
- Appropriate placement of a participant;
- Need for further career assessment and planning;
- Need for vocational evaluation;
- Existence of potential disabilities or other specific limitations through screening with a validated screening tool; and
- Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

Informal assessment is an ongoing case management practice which starts during the W-2 application period and continues until the individual no longer receives W-2 services. Multiple approaches are generally used based on individual needs. The CARES Work Program Assessment Driver Flow is required to be completed at initial W-2 placement and must be redone at each placement change. Additional approaches to conducting informal assessment may include:

- Paper and pencil tools designed by the W-2 agency;
- Automated screening and assessment tools available within the W-2 agency;
- Information gathered through face-to-face case management meetings;
- Worksite Performance Evaluations;
- Goal setting exercises/tools (e.g., where do you want to be in six months? Two years?, etc.); and
- Experience with following through on job search and other assigned activities.

**5.2.2 INFORMAL ASSESSMENT INVENTORY**

The following inventory must be covered as part of the informal assessment and reviewed with each W-2 applicant/participant at application and as a part of ongoing case management.

- Personal strengths, interests and goals;
- Job skills (including transferable skills), prior education and training;
- Employment history and recent job search efforts;
- Recent career assessment results, if any;
- Emergency supportive service needs;
- Current living situation, neighborhood environment and schools;
- Household budgeting/money management strategies;
- If recent move, from where and when;
- Involvement in legal system that may impact ability to work;
- Employment support (i.e. Work Connection and Retention Services);
- Access to child care (including after-school);

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- Access to transportation, including current and valid drivers license;
- Concerns related to personal and family health including mental health;
- Educational experience, including any diagnosis related to learning disabilities;
- Behavioral and other issues that a child in the W-2 group may have that could impact W-2 participation;
- Service needs and accommodations related to domestic violence and sexual assault;
- Access to social supports (e.g., family members, church, friends);
- Other needs or barriers identified by the participant that impedes his or her ability to participate in W-2 activities or find and retain a job.

The FEP must gather information about applicants/participants personal strengths, interests and skills that may help them in their search for employment or that may be further developed through activities assigned in the EP. In addition, the FEP must work with the applicant/participant to identify resources that will address any unmet needs identified during the informal assessment process.

Informal assessment must also include observations by the worker about the individual's ability to follow through on assigned activities and/or perform job search. When an applicant/participant is having difficulty completing assigned activities, this may be an indication of underlying barriers to employment and should result in further conversations with the individual about the appropriateness of the activities being assigned and the need for additional supportive services.

### 5.3 EDUCATIONAL NEEDS ASSESSMENT

#### 5.3.1 EDUCATIONAL NEEDS ASSESSMENT

The W-2 agency is required to conduct an educational needs assessment with all new W-2 applicants and before making a change in W-2 placement. The assessment must:

1. **Identify the applicant/participant's current educational levels.** Agencies are encouraged to use a standardized educational assessment tool to determine educational levels. Assessment tools such as TABE and WRAT are already widely used by W-2 agencies for this purpose.
2. **Determine the applicant/participant's education and training needs.** In making this determination, the FEP must consider the following:
  - A. The information gathered on the applicant/participant's current educational levels. The FEP must document this information on the appropriate CARES screens (WPED, WPPE and WPAW) and in case comments;
  - B. The level of education and training necessary to obtain full-time employment in the local labor market. The Department of Workforce Development maintains a website with Wisconsin labor market information at <http://worknet.wisconsin.gov/worknet/default.aspx>. From this website you can link to many useful resources, such as:

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- *LMI – for Workforce Development Areas at [http://www.dwd.state.wi.us/oea/wda\\_map.htm](http://www.dwd.state.wi.us/oea/wda_map.htm)*. This site covers the occupations in demand for each region and county in the state.
- The *Occupational Information Network (O\*NET)*, at <http://online.onetcenter.org/>. This site provides comprehensive information on job requirements and worker competencies for employment sectors and occupations;

-and-

- C. The applicant/participant's personal employment goals. If the FEP determines that the individual is eligible for W-2 and s/he needs or would benefit from education or training activities, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the education and training activities must be included in the individual's EP.

**Example:** Holly is found nonfinancially and financially eligible for W-2. She has not completed high school and the educational needs assessment finds her to be at a 10th grade reading and math comprehension level. An aptitude assessment also shows that she is artistic and has good mechanical skills. Holly tells the FEP she has had several brief job spells as a short-order cook and her personal employment goal is to become a chef. However, all of her past employment has resulted in job terminations due to disputes with her supervisors. The FEP determines that Holly would be appropriate for a CSJ. For the first week, Holly is assigned to 40 hours of Job Readiness/Motivation training. After completing the first week, she is assigned to 30 hours per week at a work experience site that combines food preparation experience with culinary skills training, which is expected to last about six weeks. In addition, Holly is assigned to eight hours per week of tutoring to prepare her for her GED.

If the applicant or participant refuses to complete an educational needs assessment, such as the TABE, and there is no other information available as to the individual's current math and reading comprehension level, the W-2 agency may proceed to work with the individual as though there are no literacy barriers.

## 5.4 BARRIER SCREENING TOOL

### 5.4.1 BARRIER SCREENING TOOL

The W-2 BST is used to identify the potential presence or risk of a personal barrier to normal functioning in an employment setting. The responses to the BST questions provided by each applicant or participant will assist the FEP in determining if the individual could benefit from a formal assessment by a professional. The formal assessment results, in turn, will enable the FEP to make a more informed decision about the individual's W-2 placement, the activities s/he is assigned to and any special services or work site accommodations that s/he may need.

The BST is voluntary and applicants/participants may decline part or all of the BST.

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## 5.4.2 WHEN TO USE THE BST

The BST must be initially offered during the timeframe between the date a W-2 application is filed with the W-2 agency and no later than 30 calendar days after the initial placement of a participant into a W-2 T, CSJ or Trial Job.

**Example:** Cindy applies for W-2 on January 15. The informal assessment process is completed and her FEP places her in a CSJ on January 25<sup>th</sup>. The FEP has between January 15<sup>th</sup> and February 24<sup>th</sup> to complete the BST with Cindy or indicate that Cindy has declined the BST.

Note: A participant placed in W-2 T or CSJ, who is required by policy to be offered the BST, may not receive a payment reduction for failing to participate in any assigned activity prior to completing or declining the BST. (See 5.5.9)

CARES functionality allows a worker to create a completed or declined BST record for an applicant/participant anytime after the CARES Work Programs Referral date is captured. The ACEO/AIJR driver flow will allow workers to refer an individual to Work Programs prior to confirming W-2 eligibility or placing the individual in an employment position on CARES screen WPWW.

If the entire BST is initially declined (between date of application and 30 days after initial placement), the BST must be offered again at 6 months intervals until such time as the participant completes the BST or is no longer in a paid W-2 placement. An alert will be generated in CARES after 6 months has passed to remind the case worker that the BST must be offered again.

Once an applicant or participant has completed the BST, there is no requirement to offer the BST again, unless:

- The participant requests to have the BST readministered;
- The FEP has reason to believe that readministering the BST may help identify a barrier that is affecting the participant's ability to work or participate in work training activities. Examples include, but are not limited to:
  - Behavioral cues that may indicate the presence of a condition or barrier;
  - A low TABE score;
  - A pattern of non-participation without good cause;
  - Changes in family circumstances;
- The FEP is considering denying an *initial* 60-month W-2 time limit extension and the BST has not been completed or declined within 12 calendar months prior to the participant's 60th month. If the BST was not completed or declined within 12 calendar months prior to the end of the time limit, the FEP cannot deny an extension until the BST is offered to the participant using the BST Agreement form; or
- The participant's W-2 case has been closed for a period of one year or more.

Each time that a participant is assigned to a different FEP, or transferred to a different W-2 agency, the new FEP must:

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- Review the most recent BST results; and
- Review the CARES Work Program Assessment screens and any related case comments to determine if a formal assessment has been completed with the participant.

Completion of the BST does not replace the informal assessment process. The FEP must continue to use the informal assessment process to assist in making decisions about W-2 placement and assignment to W-2 activities.

When offering the BST, the W-2 agency must make the individual aware of child care options that may be used while completing the BST. If requested, the W-2 agency must assist with making the child care arrangements before completing the screening.

### **5.4.3 HOW TO USE THE BST**

Agencies have the discretion to determine who in their agency will administer the BST. Some agencies may assign each FEP to screen his/her own caseload. Other agencies may choose to have one staff person or contracted provider who specializes in this function. All individuals designated to administer the BST must have FEP training (or have equivalent training as determined by the BWF Partner Training Section) and participate in the BST training.

The designated screener must use the [W-2 Barrier Screening Tool Agreement form \(13578\)](#) to help explain to the applicant/participant the purpose of the screening and the type of follow-up services that may result from completing it. It is critical that the worker explain the BST using positive language that reinforces how the applicant/participant may benefit from completing the screening.

The applicant/participant has the choice to complete or decline the BST. If the individual chooses to complete the BST, s/he still has the option to decline any questions that s/he is not comfortable answering.

Participants must indicate at the bottom of the W-2 Barrier Screening Tool Agreement their decision to complete the screening process or decline to be screened. The participant may decline to be screened without risk of sanction or case closure. If the participant declines to complete the screening, the screener must document this information using the automated screening tool.

There are four sections to the BST:

1. Domestic Abuse Screen: This section of the screening helps the FEP and participant determine if a referral for a domestic abuse assessment and services are needed. The Domestic Abuse Screen must be completed with all new participants who agree to complete the BST.

If a participant voluntarily discloses that (s)he is or has been a victim of domestic abuse or is at further risk of domestic abuse, s/he is not required to be screened. A participant must never be asked to complete the Domestic Abuse Screen while his or her partner is present.

2. Functional Screen: This section screens participants for their ability to function in a work setting, work training and daily living activities. The Functional Screen must be

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completed with all new participants who agree to complete the BST. Specific instructions are provided in the screening tool to help the FEP determine if a formal assessment is needed and whether a participant must complete Screen 2.

3. Screen 2: This section screens participants to determine if they are at-risk for barriers that often go unidentified, including mental health issues, learning needs, post-traumatic stress disorder, traumatic brain injury, and alcohol or other drug abuse.

Completion of Screen 2 is only required when the Functional Screen indicates it is necessary. Specific instructions are provided in Screen 2 to help determine if a referral for formal assessment is needed.

4. Family Needs Screen: The Family Needs questions assist the worker with gathering information about special needs of other family members in the household that may affect W-2 activities and the participation schedule the participant is assigned to. The information gathered may also lead to referral for services by other community providers as determined by the worker. Unlike the other sections of the BST, there are no instructions provided for the Family Needs Screen on follow-up actions steps. Upon completing the Family Needs Screen, the FEP and the participant must discuss the results and determine if any follow-up action steps or changes to the participant's EP are needed.

The Family Needs Screen contains:

- Five mandatory questions, called Section I; and
- Two sets of follow-up questions (one for children and one for adults with special needs) called Section II, which are optional for the worker to ask the participant. The questions in Section II, gather more in-depth information about special needs such as medical, daily living, and child care needs. Workers should base whether or not to ask the Section II questions on the level of need uncovered in Section I. If the needs identified could have an affect on the W-2 participant's work and training assignments or participation schedule, then the Section II questions should be asked.

It is not necessary to administer all required BST screens during one meeting. The designated screener has the discretion to schedule multiple meetings to complete the required BST screenings. This is particularly important if the participant is uncomfortable or is having difficulty answering the questions. The designated screener must determine whether it is appropriate to administer the BST when a participant's children are present.

### 5.4.4 PARTICIPANTS WITH LIMITED ENGLISH PROFICIENCY

Agencies must make participants aware of the availability of qualified interpreters to assist in completing the BST for individuals who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with program service providers.

A Spanish and Hmong translation of the BST are available in a paper version online at <http://dwd.wisconsin.gov/w2/bst/default.htm>. In some parts of these translated tools, the questions were modified from the English version to be culturally relevant. Therefore, it

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is critical that when an interpreter or a bi-lingual FEP is administering the tool to a Hmong or Spanish speaking participant, s/he is reading the questions word-for-word from the translated tool.

**5.5 FORMAL ASSESSMENT****5.5.1 FORMAL ASSESSMENT**

A formal assessment is the process of establishing:

- The extent and severity of any disabilities or other conditions (e.g., domestic violence, learning needs, need to care for disabled child) that may interfere with normal functioning in an employment setting or with a persons' ability to meet W-2 program requirements;
- The effect of a disability or other potential barrier on the person's capacity to obtain and maintain unsubsidized employment, participate in employment-related activities (e.g., work training activities or education) or otherwise meet W-2 program requirements;
- The need for supportive services, accommodations, auxiliary aids or communication assistance;
- The conditions under which the person is capable of employment or employment related activities;
- The need to make reasonable modifications to policies, practices and procedures when necessary to ensure equal opportunity for people with disabilities; and
- The appropriateness of specific assignments in the W-2 program.

The formal assessment process may include gathering information about the participant from one or more qualified assessment agencies or individuals.

**5.5.2 WHEN TO USE A FORMAL ASSESSMENT**

A FEP can determine the need for a formal assessment at any point; however, a formal assessment is required when:

1. The applicant or participant discloses a medical condition or other barrier to employment that necessitates further assessment or definitive diagnosis by a qualified assessing agency or individual;
2. A participant is placed in a W-2 T position. Participants placed in W-2 T must have a formal assessment scheduled and documented in CARES within 30 calendar days of placement into W-2 T;
3. The FEP identifies or observes, through the ongoing informal assessment process, cues that necessitate further assessment or definitive diagnosis by a qualified assessing agency or individual; or
4. The BST results indicate that a formal assessment is needed. The formal assessment must be scheduled and documented in CARES within 30 calendar days after the BST is completed. Note: A participant who is initially placed in W-2 Transitions may already have a formal assessment scheduled or completed at the time the BST is administered. In these circumstances, the BST results are still

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important as they may help the FEP and the assessing agency determine if other unknown conditions exist that are causing barriers to employment or W-2 participation.

When a participant is referred for a formal assessment based on the results of the BST, those results must be shared with the assessing agency if the participant agrees to sign a release of information.

Consider a formal assessment acceptable if completed within one year prior to the BST screening or W-2 T placement. It may be necessary for the W-2 agency to follow-up with the agency or individual who completed the assessment to interpret the assessment results and determine if any new treatment is being explored. If the prior formal assessment results have an expiration date that indicates the results are no longer valid or there is reason to believe the formal assessment information does not reflect the participant's current circumstances, then a new formal assessment must be completed. Results from a prior formal assessment may only be used if the assessment contains the necessary elements and is relevant to the employment barrier in question. For example, if a formal assessment completed eight months ago evaluated the need for AODA services, but the employment barrier indicated in the BST relates to learning needs, then a new formal assessment must be completed.

### 5.5.3 HOW TO USE A FORMAL ASSESSMENT

Participating in a formal assessment may be counted as participation in an employment position. The FEP must use the best information available from an informal assessment to initially place an individual in an employment position when a formal assessment is pending. When the results of a formal assessment are received, the FEP must use the results to make necessary adjustments to the participant's W-2 placement and develop and carryout a participant's EP. The services and accommodations that are recommended in the formal assessment to help a participant succeed in a work setting must be considered by the FEP and those that fit within the guidelines of the W-2 program must be incorporated into the participant's EP.

This may include:

- Obtaining needed medical treatment or counseling;
- Receiving needed services from other providers in the community;
- Ensuring participants have the necessary accommodations to successfully engage in assigned W-2 activities; and
- Working with employers to put needed accommodations into place for participants making the transition to unsubsidized employment.

Any placement change based on a formal assessment must be discussed with the participant and the participant's EP must be updated accordingly. The FEP must document all assessment information in CARES utilizing the appropriate CARES screens, including case comments. The CARES Work Program Assessment Driver Flow must be completed at placement and updated at each placement change.

### 5.5.4 QUALIFIED ASSESSING AGENCY

Formal assessments must be completed by one or more qualified assessing agencies or individuals. A professional qualified to perform a formal assessment may include: a medical or mental health professional, social worker, psychologist, neuro-psychologist, Division of Vocational Rehabilitation counselor or similar qualified assessing agency or

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individual. Characteristics required of the assessing agency or individual include:

- Demonstrates a competency or successful completion of training in the appropriate field and is certified by an appropriate accreditation organization.
- Demonstrates an understanding of the objectives of the assessment based on W-2 referral information, referral questions, the initial interview and stated purpose of the evaluation.

**5.5.5 NECESSARY ELEMENTS**

The qualified assessing agency must provide an individualized written assessment that enables the FEP to adapt W-2 activities to accommodate the needs of the participant. The assessment must include at a minimum, the following elements:

- a. Personal conditions/diagnosis that impact ability to function in activities of daily living and the ability to perform work;
- b. Functional abilities;
- c. Functional limitations related to employment and employability;
- d. General aptitude/cognitive level (applicable for formal assessments related to learning needs and traumatic brain injury);
- e. Areas of deficit;
- f. Range of recommended accommodations /assistive technology for the participant's EP (i.e., both work training under W-2 and in unsubsidized employment);
- g. Summary of findings, including rationale for any disability determinations/diagnosis; prognosis; and recommendations for additional services, as appropriate.

The FEP must offer assistance to the participant when requesting a formal assessment. Selecting the appropriate assessing agency or individual is critical to the success of the participant. In some instances, a participant may need to be referred for multiple assessments if s/he is identified as being at-risk for two or more disabilities or conditions.

Those participants whose BST results indicate the potential for a particular disability or condition must be referred to one of the provider-types listed in the BST directions. All formal assessment information must be documented on CARES screen WPBD.

**5.5.6 OBTAINING A COMPLETE ASSESSMENT**

The process for gathering formal assessment information will vary depending on the medical condition or employment barrier being addressed:

1. For a learning or cognitive disability the case worker may need to specify in writing to the assessing agency what type of information is needed. This may include:
  - A specific diagnosis;
  - Test findings that document both the nature and severity of the disability;

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- Any limitations to learning or other major life activities resulting from the disability and the degree to which it impacts the individual in the context of learning;
  - Specific recommendations for accommodations as well as an explanation as to why each accommodation is recommended. The assessor should describe the impact the diagnosed learning or cognitive disability has on a specific major life activity.
2. For a mental health condition and/or AODA, assessment information may be gathered using the [Mental Health Report \(form 126\)](#). If the assessment information is collected through other methods such as a written evaluation developed by the assessing agency, it is important that the document covers the same content as the Mental Health Report to ensure that the caseworker is receiving adequate information to make case management decisions with the participant.
  3. For other types of medical conditions, assessment information may be gathered using the [Medical Examination & Capacity \(form 2012\)](#). Medical conditions that could be appropriately documented with the Medical Examination & Capacity form may include, but are not limited to:
    - Short-term medical conditions and injuries that may require surgery, medical treatment and/or physical rehabilitation;
    - Pregnancies;
    - Long-term medical conditions which may be disabling, such as multiple sclerosis, fibromyalgia, arthritis, etc.;
    - When a participant presents him or herself as unable to participate due to a medical problem(s), but the individual is unable or unwilling to articulate what the medical condition is;
    - When the BST instructs the case worker to refer the participant to a physician.
  4. When the barrier is related to the care for another household member, [The Need to Care for Disabled Family Member \(form 10786\)](#) form must be used to gather the needed information. (See Chapter 7) Although the information gathered with this form does not meet all of the requirements of a formal assessment, it will serve as a substitute for obtaining a formal assessment when the individual is placed in a W-2 T and assigned to care for another member of the W-2 group who is ill or incapacitated.

When a participant has both a mental health condition and another type of medical condition and both conditions are potential barriers to employment that require formal assessment, the agency may need to request that the [Mental Health Report \(form 126\)](#) and the [Medical Examination & Capacity \(form 2012\)](#) are both completed by the appropriate service providers.

### 5.5.7 INADEQUATE OR CONFLICTING FORMAL ASSESSMENT INFORMATION

When trying to address a participant's employment barriers, agencies are sometimes faced with the difficulty of having inadequate assessment information with which to make service and placement decisions. The W-2 agency should always consult initially with the provider who is treating the participant for the condition. However, if that provider is unwilling or unable to provide the needed documentation, the W-2 agency must work with the participant to take all reasonable steps to gather the necessary

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elements of a formal assessment. (See 5.5.5) This may include referring the participant to another service provider who has the ability to fully assess the participant.

If assessment information must be gathered from multiple sources, and there is conflicting information about the medical condition or what services or accommodations are needed to address the condition, the agency should use the information from the provider who is or has been treating the participant for the condition.

It is important to keep in mind that if multiple service providers are each treating the participant for a different medical condition (e.g., one is treating for a back problem and the other is treating for a mental health condition) and they provide different opinions about the hours the participant can work and the accommodations needed, this is not the same as conflicting assessment information. In these circumstances, the FEP must assign activities and provide needed accommodations taking into consideration recommendations from both assessments.

**5.5.8 PAYING FOR FORMAL ASSESSMENT**

When the cost of a needed assessment is not covered by a third-party source, such as Medicaid, the W-2 agency is responsible for paying for the participant's assessment.

**5.5.9 PAYMENT REDUCTIONS**

Under the ADA , an individual cannot be required to disclose that s/he has a disability or be required to participate in a separate program for disabled individuals. W-2 agencies must comply with this federal law when assigning activities to W-2 participants. A participant must be given the opportunity to disclose a disability before payment reductions are imposed. The following W-2 policies provide these assurances to participants:

1. W-2 payment reduction cannot be imposed on a participant for declining to complete a formal assessment;
2. A participant placed in W-2 T or CSJ, who is required by policy to be offered the BST, may not receive a payment reduction for failing to participate in any assigned activity prior to completing or declining the BST.
3. A participant placed in W-2 T or CSJ who has agreed to and is referred for a formal assessment may not receive a payment reduction for any assigned activity until:
  - a) The formal assessment results are received by the W-2 agency and the formal assessment activity has been end-dated on CARES screen WPCS; or
  - b) The W-2 agency has determined that the participant will not comply with the assigned formal assessment activity and the activity has been end-dated on CARES screen WPCS.

After the formal assessment has been completed and end-dated in CARES and the FEP, in consultation with the participant, has made necessary adjustments to the participant's EP, the individual may receive a payment reduction for failing to participate in assigned W-2 activities without good cause. This may include an activity recommended by the qualified assessing agency such as mental health counseling or physical therapy.

**5.5.10 DECLINING A FORMAL ASSESSMENT**

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When a participant is determined to be in need of a formal assessment, the FEP must fully explain the purpose and benefits of an assessment and encourage the participant to engage in assessment activity. Through the discussion, the participant should be made aware that assessment results will enable his/her FEP to make better-informed decisions about:

- The need for any adjustments in the participant's W-2 placement;
- The types of activities and the number of hours the participant is assigned to; and
- Any special services or worksite accommodations that the participant may need.

The participant's self-report of a barrier or a service provider's statement as to the inability to participate is not sufficient by itself to confirm the existence of a barrier. However, this information must be considered as part of the process of assessing for barriers to employment. The agency must use this information in conjunction with a formal assessment and other substantiating information (e.g., behavioral cues, low TABE score, pattern of non-participation without good cause) to make a factual determination of a barrier.

If the participant refuses to cooperate with obtaining assessment information and there are unresolved factual issues as to the participant's barrier, the W-2 agency should proceed to work with the individual as though s/he does not have that barrier. If the participant refuses to cooperate with obtaining assessment information, the case worker must continue to informally assess and revisit the importance of cooperating with assessment at each review of the participant's EP.

## **5.6 DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

### **5.6.1 DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICES INFORMATION AND REFERRAL**

If a FEP or other W-2 agency employee identifies a participant, or a participant self-identifies, as a past or present victim of sexual assault or domestic abuse or as being at risk of domestic abuse, the FEP or other W-2 agency employee must provide information on community-based sexual assault and domestic abuse services. Information must be provided on shelter and other programs for battered individuals, sexual assault provider services, medical services, sexual assault nurse examiners services, domestic abuse and sexual assault hotlines, legal and medical counseling and advocacy, mental health care, counseling and support groups.

The FEP must talk to the participant about these services and offer a resource list in writing that the participant may take with them. If a participant wishes to receive a referral to counseling or to a supportive service provider, the FEP or other W-2 agency employee must also make a referral to the appropriate local agency.

### **5.6.2 WORK PLACE SAFETY FOR DOMESTIC ABUSE VICTIMS**

When developing or modifying the EP, the FEP must take into consideration the results of the Domestic Abuse Screen and any follow-up assessment information to ensure the participant is not at-risk of violence by a partner while the participant is engaging in

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assigned W-2 activities. Consideration should be given to time of day, location and on-sight supervision for each activity.

**5.7 SHARING INFORMATION WITH SSA****5.7.1 SHARING INFORMATION WITH SSA**

The [Mental Health Report \(form 126\)](#) and the [Medical Examination & Capacity \(form 2012\)](#) may be used as a communication tool between SSA and the W-2 agency on SSI or SSDI applications. The form can be shared with SSA at any point in the application or appeal process as long as the FEP obtains a written release of information from the participant. The participant can complete a release of information form from the W-2 agency or hand write a note that grants permission for the FEP to contact SSA. A release of information allows the FEP to obtain information but it does not give the FEP authority to automatically get appointment letters or decision notices regarding a W-2 participant's case.

If information contained on either the [Mental Health Report \(form 126\)](#) or the [Medical Examination & Capacity \(form 2012\)](#) conflicts with SSA's decision, the FEP may need to follow up with both SSA and the provider to obtain correct information. Conflicting decisions can be detrimental to participants who are seen as completely restricted from activity by the provider and deemed able to work by the SSA.

See the SSI Advocacy section for more information on assisting a participant with the SSI application process. (See Chapter 18)