

**Project Dandelion**  
**Advocacy Skills Manual**  
*A Self-Help Guide for People in Transition*



# Advocacy Skills Manual

## **Project Dandelion Advocacy Skills Manual A Self-Help Guide for People in Transition**

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*The Only Difference Between a Weed and a Flower . . . is a Judgment.*

**Project Dandelion's Advocacy Skills Manual**  
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**©2004**

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# Introduction



## **Project Dandelion Advocacy Skills Manual A Self-Help Guide for People in Transition**

Welcome, and congratulations on taking your first steps toward self-sufficiency and self-advocacy! This manual is a written action-guide for individuals and families who are in transition, who are working their way off of public assistance, and for anyone who is facing barriers in their own lives.

Created in 1992, by Skadden Fellow, Michele Lang Palter, Project Dandelion's mission is to help low-income families and individuals attain self-sufficiency through training, peer group support, publications, volunteer opportunities, and legal information. Project Dandelion accomplishes this goal through legal advocacy, community education and outreach. Project Dandelion operates through Neighborhood Legal Services, Inc. in Buffalo, New York.

The original edition of the Advocacy Skills Manual was used by a group of women who began meeting regularly with Project Dandelion in 1992. This manual draws on the wisdom gained from these original "Dandelions." These women were all facing different barriers in their lives: domestic violence, poverty, lack of a formal education, and/or marital issues. But all of the participants had one thing in common: they wanted to make long-term, successful changes in their lives. Through their own strength, and the strength of the group, each became their own best advocate and made a series of positive changes in their own lives.

The Dandelion model has proven successful in many ways. Some Dandelions have learned the basics to become their own best advocate, while others have made dramatic changes in their lives. Over the years many women who once faced obstacles such as poverty or lack of education, have overcome their barriers. Dandelion participants have successfully secured higher paying jobs after going back to school; some becoming college graduates working in the science field; some now employed as teachers, mental health professionals and child psychologists. Other Dandelion participants have become employed as tutoring coordinators and home mortgage specialists. Additional Dandelion participant successes include women who have filed for divorces and child support orders, successfully secured transitional benefits, and have secured affordable housing. As you can see, whatever your goal is - big or small - you can reach it!

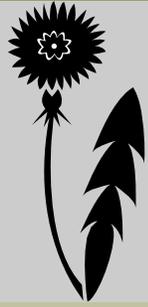
## How To Use the Manual

There is no right or wrong way to use this manual. You may find only bits and pieces that are pertinent to your life right now. You may read the manual from cover to cover, returning often to certain sections - or you may skip chapters that are not relevant. The important thing is that you are taking the first steps toward making long-term change a possibility in your life. You may find it more comforting to work in a group, or you may work through this manual on your own. Either way, know that you are not alone, and there are many people that are willing and able to help you, when you are ready, or need it. Take your time. You cannot expect to work through the manual, or resolve the issues that you are facing overnight. While change may occur slowly, with each effort you are one step closer to reaching your personal goals. Also realize that as time goes on, your goals may change as well. Be adaptable. Set a reasonable time-frame for yourself.

This manual does not have all the answers. But, with strength, creativity and a will - you have access to the answers that you are seeking. You will find working with others, or accessing your community resources will help you to make great strides in your journey toward self-sufficiency.

This manual is produced in Erie County, in New York State. Some laws, programs and agency names referred to are specific to New York State. It will be important to check into similar laws or programs in your area. Also, laws change frequently, so even if you are in New York State, do check with a legal services provider for recent updates in the law.

When confronting your obstacles, and attempting to accomplish a personal goal, the first step will always be the hardest. We hope that this manual will give you the courage and the skills to become your own best advocate and take that first step. The road may not be easy, but with the right amount of information and support, you can do it! **Good Luck!**



# Chapter One

## Facing the Barriers

A **barrier** is an obstacle, or something that is in your way, that keeps you from getting to where you want to go. People encounter barriers in all aspects of their lives each and everyday. Some are small problems that can be dealt with easily using patience, time, or a little help. Other barriers are much larger, and can even require legal assistance.

Often, the difficulties that you may face in accomplishing your goals could be greatly decreased if you first **identify the barriers** that are in your way, and then **create a plan** to work on these issues. Some problems that you have you may easily be able to name right now as issues that are barriers for you - while others may be issues that you have overlooked. In this chapter we look at the barriers that you may be facing and suggest a plan for you to overcome those barriers.

### Naming the Barriers that You are Facing

The list on the following page names many types of problems, or issues that you may be facing, or have faced in your life. Although it may be difficult to think about, it is important to be as honest as you can be in thinking about the things that stand in your way to personal success. This checklist is the first step in overcoming the issues that you are facing.

Place a check by each of the issues that you feel is a barrier in your way. We will refer to this list later in the workbook. Some people check off almost every item; others do not check any. Feel free to write others down that are not listed, but may be personal to you.

Following the checklist are some personal questions that will help you to assess where you are in your life. These questions are for just you to see, and will help you to determine what other issues you may want to change, or work on. These questions, and the checklist will be very helpful to look at in the future - to see how far you have come.



# Naming the Barriers



Which of these issues has kept you from going where you want to go? Check off as many as you feel pertain to you. Remember, you may be facing each of these issues, or only a few. Be as honest as possible, as naming the barriers that you are facing is the very first step towards overcoming them. We will refer to this list often in this manual.

- Q lack of formal education
- Q problems getting a job
- Q problems holding a job
- Q budgeting problems
- Q lack of financial resources
- Q domestic violence (between partners/family members)
- Q child support not getting collected
- Q child care problems
- Q divorce/custody case
- Q language barrier
- Q eviction or threat of eviction
- Q homelessness
- Q utility shut off or threat of utility shutoff
- Q trouble paying bills or student loans/being harassed by creditors
- Q medical crisis of self or family member
- Q fear of losing Medicaid/medical insurance
- Q hard to handle emergencies all alone
- 9 lack of emotional support
- Q other \_\_\_\_\_

## DESCRIBE YOUR CURRENT SITUATION

Income \$ \_\_\_\_\_/month

Current source of income: \_\_\_\_\_

# of people in household: \_\_\_\_\_ What are their ages? \_\_\_\_\_

Your education level: \_\_\_\_\_ high school/GED \_\_\_\_\_ 2 year college  
\_\_\_\_\_ 4 year degree \_\_\_\_\_ Other training program

Living situation: Do you rent? \_\_\_\_\_ Own? \_\_\_\_\_

Is your house large enough for your family? \_\_\_\_\_

How much does your housing cost per month? \$ \_\_\_\_\_

Current state of health \_\_\_\_\_

Do you have health insurance? \_\_\_\_\_

# Not All Problems Are Created Equal

Take a look at the assessment you just worked on. You've taken the time to carefully list the problems in your life right now. But not all problems are created equal. Some problems need action right away, while others can wait. Other problems may not be problems at all -- what seems like a problem can be a great opportunity in disguise.

**Prioritizing** your problems means that you decide which one to deal with first. It is an important first step towards taking control of your life and changing the things that hold you back. By planning which problems to deal with when, you will be able to concentrate on those issues that need your immediate attention. You will also be able to see more clearly how some barriers that you may be facing are entwined with others. By working on your top priority issues first, you may end up working on - or even solving - other issues!

## Top Priority Problems

Problems that affect your life in an immediate and life-threatening way unless you take action to solve them are top priority problems, and need to be dealt with first. While each individual person will consider different problems as their top priorities, some examples may include: threat of eviction, threat of losing utilities, violence or abuse, potential loss of child custody to a dangerous ex, homelessness, a medical crisis, or suicidal feelings.

What if more than one of your problems fits in this category? You still need to **rank them** in order of importance. This will help you to decide which problems to concentrate on first. For example, if you are homeless and want to regain custody of your daughter, you need to work on getting a home before you can take steps towards getting her back.

## Breathing Room Problems

Breathing Room Problems are issues in your life, that although they may be potentially harmful, they have not seriously hurt your family.

Though these problems are not life-threatening, you still should not ignore them in hope that they will go away.

Problems like the potential loss of your job, child care problems, problems collecting child support, or long term debt can quickly become emergencies if you do not take steps to solve them. In fact, taking care of these problems will go beyond prevention -- they may turn into new opportunities. For example, if you finally find a good day care for your child and get a subsidy to pay for it, you can start to focus on getting ahead at work or on getting higher grades in school.

## Opportunities Disguised as Problems

When you take a good look at some of your barriers, you may be surprised to find that these problems can challenge you into making your life richer and more satisfying.

For example, if you are in school and are unhappy with your classes, take action to find a subject that will lead you to long term success. Working on these problems may not be first on your list, but will help you in the long run to learn how to advocate for yourself, reach out to your community and develop your own personal power.

While this level of barriers may be your last priority to work on - they can have lasting effects for you and your family. Working on this level of barriers will make your everyday life much smoother, and more fruitful.

# Prioritizing the Barriers You Are Facing

In this section we will work on prioritizing the barriers that you may be facing. Return to the “Naming the Barriers” checklist on page 2. Prioritize the problems you are facing using the categories that we just described on the previous page.

It may be very apparent to you which issues are your top priority problems, or it may be more difficult to categorize. A good way to start is to return to the list on page 2 and give a number rank to each problem in the order of which you would like to, or need to work on first. In the next chapter we will discuss how to approach each type of problem that you prioritize, and how to find the help that you may need right in your own community.

## Top Priority Problems

List the barriers that you are facing that you need to, or want to work on immediately.

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## Breathing Room Problems

List the barriers that you checked off that you would like to work on, but are not currently emergencies, or threatening to you or your family.

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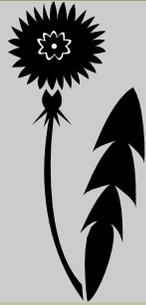
## Opportunities Disguised as Problems

List the remaining issues that you have identified that if worked on would result in positive changes in your life. These barriers are the “lowest priority” issues that you ranked. Use this space to also list issues that you may be facing, but that do not fit into the categories that we have described.

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# Chapter Two

## Community Support: Reach Out!

Now that you have begun to identify the issues in your life that you would like to work on, how do you tackle these issues? The first step in creating your plan for self-advocacy is to reach out to community supports that may be able to help you. Finding the right community contact can provide you with the information or the materials you need to get where you want to go. You may already be familiar with agencies, community groups, attorneys, or friends that you can rely on for assistance. Even if you do not have such resources currently, or are seeking others - you do have the power to find other levels of help.

A **community of support** exists within reach, but it is up to you to find the people in the community who can help you. This chapter is about the steps you can take to find these people. As with the other advocacy skills in this manual, working with community supports is part of an ongoing process. The more you use community resources as you go along, the more you will be able to find help fast if you are faced with a crisis.

### Never Give Up - Persistence is the Key!

You need to have persistence in order to find and make use of community supports. It is unlikely that someone is going to come to your door and offer you a service. However, there are many resources in your community, and all you have to do is find them and ask for assistance.

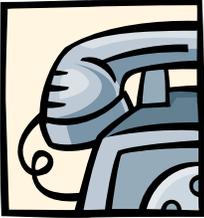
The rewards of reaching out are great, and the risks are few. However, the process of calling agencies for help frightens some people and keeps them isolated. If you have a hard time calling agencies for help, try starting this process by talking to one person who you think will understand what you are going through. If you don't have even a single person to talk to, start by calling a counselor at your local Crisis Services agency that will help you get started. Also, refer to Chapter 4 of this manual to learn more about how to effectively speak with agencies.



# Where To Reach Out

This section lists several of the places that you can turn to when researching community resources. Project Dandelion recommends using a combination of all of these resources in order to learn as much as you can about what is available to you. At the end of this chapter you will find a section on “community resources” for you to fill in. This list can be very helpful to you as you begin to work on your personal goals.

The **phone book** is a great source for names, addresses and phone numbers of resources in your community. The phone book can provide you with an organized list of agencies and groups that you may not even have known were out there! The first number that you call might not be the one you are looking for. However, even the “wrong” number can put you on the right track to the place that you need to help you accomplish your goals.



Another important networking resource is the **newspaper or your local Pennysaver**. Many times, these sources will list different groups that are forming or different services that are available. But remember, this information is usually not page one news. Instead, look for a community calendar, or read the fine print in the back of the paper to find what you are looking for.



Neighborhood and **community centers** are another important source for information and support. These centers have postings for activities and items available right in your neighborhood, and usually have someone on staff who is familiar with the area and can point you in the right direction.



**Bulletin boards** are everywhere -- libraries, community centers, churches, and at schools. These informal news sources can often give you a tremendous amount of information about services that are available or programs that you may be interested in.

**Attending meetings** can be a great way to meet people and learn more. Reach out to other people -- remember, people, not agencies, will make the most difference.

Go to your **public library**. The library is an amazing storehouse of written information. You can find out about how to conduct a job search, research potential job markets, and have the internet and all the local papers at your fingertips.

Once you start working with community agencies, you will most likely start meeting **other people** who are facing the same hurdles as you. These people who are fighting the same battles can become your most vital resource. Nothing is better than talking to a “veteran” who can give you very specific advice about how to achieve your goals. Don’t be surprised if you have valuable survival tips of your own to offer these “veterans.” You know a lot more than you think about how to survive, and even thrive, in your community.



# Organizing Your Own Community Resources



The following section lists agencies, companies and groups that may be located in your area. This list is meant to be a **resource** for you. It will be helpful for you when you need to contact an agency, or have a question that you can't find an answer to. Having all of the numbers and addresses in one place will cut down on your frustration level in trying find them, and will help you to keep organized and will help you to be more prepared if you or someone you know has an emergency.

You may already work with or use the services of some of these groups. Others you may not have had the need to contact. Take a few minutes to look up the phone numbers for each of them. While each of these may not be located in your area, be creative and find new agencies that provide similar services. Each agency is listed under a certain topic, but many of them provide services in many different areas. Become familiar with each agency, and what services they provide.

## Abuse and Domestic Violence Resources

<u>Agency</u>	<u>Phone</u>	<u>Address</u>	<u>Contact</u>
Department of Social Services	_____	_____	_____
Children and Family Services	_____	_____	_____
Family Court	_____	_____	_____
Battered Women's Counseling	_____	_____	_____
Crisis Services/hotline	_____	_____	_____
District Attorney's DV Unit	_____	_____	_____
Other	_____	_____	_____

## Aging and Senior Issues

<u>Agency</u>	<u>Phone</u>	<u>Address</u>	<u>Contact</u>
County Office of Aging	_____	_____	_____
Adult Protective Services	_____	_____	_____
Home Delivered Meals Program	_____	_____	_____
Senior Citizens Center	_____	_____	_____

## Alcohol/Substance Abuse

<u>Agency</u>	<u>Phone</u>	<u>Address</u>	<u>Contact</u>
Alcoholics Anonymous	_____	_____	_____
Mental Health Association	_____	_____	_____
Local Treatment Program	_____	_____	_____





### Employment

Phone                      Address                      Contact

DSS employment counselor \_\_\_\_\_  
Department of Labor \_\_\_\_\_  
Buffalo Employment and Training Center \_\_\_\_\_  
Temporary Employment Services \_\_\_\_\_  
Your place of employment \_\_\_\_\_



### Food and Nutrition

Phone                      Address                      Contact

Cornell Cooperative Extension \_\_\_\_\_  
Department of Social Services \_\_\_\_\_  
WIC \_\_\_\_\_  
Food Pantry/Food Bank \_\_\_\_\_  
Soup Kitchen near you \_\_\_\_\_



### Health

Phone                      Address                      Contact

Medicaid Office \_\_\_\_\_  
Your Health Insurance \_\_\_\_\_  
Your Doctor \_\_\_\_\_  
Nearest Hospital to you \_\_\_\_\_  
Medicare/Social Security \_\_\_\_\_



### Housing

Phone                      Address                      Contact

Municipal Housing Authority \_\_\_\_\_  
HUD/Section 8 \_\_\_\_\_  
Your Landlord \_\_\_\_\_  
Emergency Shelter \_\_\_\_\_





# Chapter Three

## Keep A File!

One of the most important self-advocacy skills that one can have is organization. Being organized is the most effective way to keep track of your expenses, goals, paperwork, schedule, and problems that you may be facing. Keeping a file can help you to challenge issues, even when they seem unbeatable. Putting your papers and information in an organized order can help you:

- \* show a fact finder what actually happened;
- \* make an agency (landlord, caseworker, teacher, etc.) keep promises they made;
- \* keep focused on a situation or problem;
- \* feel in control of a complicated situation;
- \* stick to your schedule.

### WHY IS KEEPING A FILE SO IMPORTANT?

**In any conflict, it's your word against theirs.** Agencies and companies deal with a lot of people, and they have developed their own systems of record-keeping. If the conflict goes to a Fair Hearing or a court case, the agency will often have the advantage in dealing with the courts. This is because they are familiar with the system, and will have extensive records of your issue. You can create your own advantage in any conflict by being organized, and having proof to back up your side of the story. Your proof will be from records that you keep. You need to keep accurate records before the trouble begins.

An organized approach can even help to win cases, even cases that seem like "losers" from a legal perspective. A woman we worked with had a record of every phone conversation she had with agency representatives. This record covered hundreds of calls over a span of nine months. Even though her legal claim was very weak, the fact that she could review her phone record for days on the stand during a jury trial worried the agency attorney. He worried so much that he agreed to settle.

Use the tips in this chapter to keep - or to get - yourself organized!



# How to Keep Organized: The Basics

Record keeping does not have to be difficult, complicated, or even time consuming. By making record keeping a habit, you will not only be protecting your interests in the future, it will become easier and easier to become a good record keeper. While keeping accurate records will not automatically mean that you will win every dispute that you have, it will provide you with an organized way to deal with problems as they arrive. The following section lists types of record keeping that are important, and then goes through what records should be kept and for how long.



## Record Every Telephone Contact

Every time you talk to an agency representative, write down the date of the conversation, the name of the person you spoke with, and what the person said. Follow up the conversation with a letter that repeats what you said, and send the letter to the person (always keep a copy for yourself).

This takes work. To make sure it happens, write the letter as soon as you get off the phone. You'll have a fresh memory of the conversation, and you can make a copy and mail the letter the same day. The agency representative will receive the letter when the conversation is fresh in his or her mind, and he or she will more likely remember what was said.

If the conversation was unpleasant, try to keep the tone of the letter as detached and professional as possible. The less "heat" in the letter, the more it will look like objective fact to a judge or other fact finder. This may take several drafts - but it will be well worth it in the end.

If the conversation went well and the person promised you something you need, write a thank you note for a job well done. Be sure to include what the person promised to do. The agency representative will appreciate it if you write their supervisor a letter telling what a great job he or she did. You can send the agency representative both the thank you letter and a copy of the letter you sent to his or her supervisor. Such little efforts may lead to that person being on your side the next time that you need them.

## Keep All Agency Correspondence

While it sounds a little overwhelming - keeping records of all correspondence you receive is very important. Written evidence is very important in proving the facts - especially in cases that may be old. The following example shows why it is important to keep agency correspondence for at least **10 years!**

Louise deals extensively with Social Security. She has papers going back to the early '80s. She asked, "Do you think it's okay for me to throw away these papers? They've been cluttering up my drawers for years." The answer is definitely "NO!" Social Security is a Federal agency, with offices all over the country. The agency's copies of her papers could be anywhere. It takes years for Social Security to bring overpayment actions. For all Louise knew, Social Security could eventually bring a case against her based on some of the papers she was thinking of throwing away! Be safe and keep everything!



## Keep Records of Money Received from Social Services, any Government Benefit, or an Employer

Why would this be important? In child support or benefits cases, you must be able to document when money arrives, and the amount you receive. If you are working and on public assistance, take special care to keep track of your day care expenses and the pay stubs you receive with your paychecks. We have seen too many cases where missing pay stubs, a lack of documentation, and faulty memories have made it difficult or impossible for us to represent a client.

Stay consistent, and keep track of every time you receive money. Some people use a calendar to record when they receive any income. Or, save your check stubs when you cash a check. Over time, you will have an ongoing record of when you receive money.



## Create a Phone/Contact Directory

Keep a "contact sheet" listing names, telephone numbers, and addresses of people you call about a particular problem. That way, when you write follow-up letters or need to give another person a referral, everything will be at your fingertips.

How many times have you had to search for a phone number? Keep such contact information on the front of each folder that you use for each issue or agency. Or, another way to keep this information organized is to use the Community Resources form that is in Chapter 2 of this manual. Yet another way to keep organized is to use a personal address/phone book, or Rolodex of people and agencies that you frequently contact. Keep such information right by the phone!

## Keep a Calendar of Meetings and Conferences that You Attend

Just as you keep a record of all of your phone conversations, a record of personal meetings and follow-up letters can be very useful as well. First, when you schedule a meeting, mark your calendar. Next, after each meeting you attend, document the conversations - or minutes of the meeting in writing. Mail a copy of your version of the meeting to whomever you met with, and keep a copy for yourself.



Why is this a good idea? First, keeping track of such information can be valuable proof of meetings and events in your life. Also, a well-used calendar can be a road map of personal change. You can see in black and white what you did and what you didn't do. You can also feel proud that things happened just as you scheduled them to! Such record keeping can help you stick to a schedule. Keeping a calendar is also a good way to organize a hectic schedule. For more information on time management, and scheduling advice - see Chapter 11.

# Keep Your Life Organized

Here is a list of important records to keep track of. Keeping your life in order will help you in a time of an emergency, will help you defend yourself if you need to - or can be used to advocate for yourself with landlords, creditors or caseworkers! This is only a sample list of records to keep. You may have other records that can be organized in the same way. Being organized is an excellent tool in advocating for yourself.

## Records Regarding Your House



Keep a copy of your lease, rent receipts, the name and phone numbers of your landlord, property manager, and contracts you have with public housing. Keep an inventory of your belongings, and photographs of your home, and insurance paperwork.

## Your Bills



You should keep files for each of your creditors - or people that you owe money to. These files should contain bills that you have already paid, and receipts for those payments or your canceled checks.

## Health records



You should have your health records together - including bills or receipts from doctors you have seen, your insurance paperwork, emergency phone numbers, lists of your allergies, and medical wishes in the case of an emergency.

## Job or Income records



Keep copies of your pay stubs, employment contracts, your resume, any records from Unemployment, Worker's Compensation or Public Assistance, and all of your income tax records.

# Choosing a Filing System that is Right For You

The system you choose should reflect your own style, and should respond to the needs of the topic you're working on, or the records that you are keeping. For example, for canceled checks, or bills - you may just need a box or folder. On the other hand, if you are involved with public assistance, or are in the midst of a court case, you may need more elaborate files. Some people report that keeping their papers in order actually helps them to keep calm, and to think about what is happening to them.

The next page contains several suggested ways that you can keep your files organized. Not all of them may be appropriate for the topic you are working on, for your house, or for where you are in your life now. Read the following list of file keeping systems with your own life in mind. Which system fits your needs?

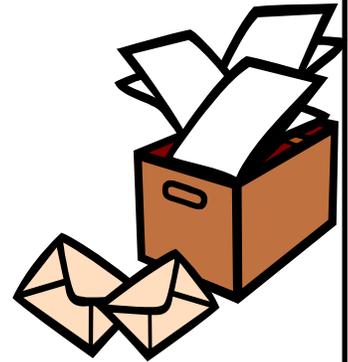
# Types of Filing Systems

## A Box or Drawer

If your situation is stable, a box or drawer can work as a filing system. Just throwing every important document into a box is good - as you are at least hanging onto your records, but it is not very organized. It is easy to see how this system could easily lead to a bigger mess than having no filing system at all!

One way to make this system more organized is to simply sort your receipts and papers by year, or by issue, and put each in a separate envelope. Then place each separate envelope into a shoebox or drawer. By doing so, you will have much less sorting to do if you need to access a certain record.

It is important to remember to keep each envelope labeled, or to have a list of the records that you are keeping. This will make it items easier to find, and will be one more way to keep organized.



## Three-Ring Binder

different parts of the binder.

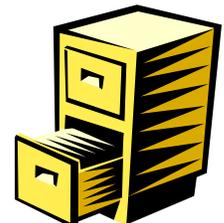
Attorneys who go to trial often use a "trial notebook" containing information organized in this way. A notebook like this pulls together a lot of information that can get rearranged as needed. One of the best ways to organize such materials is chronologically. You can also put in dividers, keeping different kinds of information in different parts of the binder.

## Folders

Lawyers use folders to keep a record of all phone conversations, a contact sheet of people often contacted, a record of all correspondence, and a copy of all the papers concerning the case. For a person who is juggling many complex problems, the folder system is the best. A folder is compact, inexpensive, easy to carry to hearings and court appearances, and keeps all of the information, only the relevant stuff, at your fingertips. If you need to take your case to a legal advocate, your folders will get them up to speed on your case very quickly. Also, agency representatives think "lawyer" when they see that legal-sized folder. When you use a folder, you look professional, and that can earn you respect when you work with agency representatives to resolve a situation.

## Filing Cabinet

A filing cabinet allows the most organized person to combine all of the different types of being organized described in this chapter. By taking the time and effort to break each of your records into individual issues, you can then have a file, or folder in your filing cabinet for each designated issue. When needed, it is very simple to find, and very easy to use!





# Chapter Four

## Stop, Look and Listen: How Active Listening Can Make a Difference

Personal presentation means a lot. How you act, speak, request, or give information to others can mean the difference between a friendly conversation and an argument, or between a quick question and very prolonged frustration. This chapter introduces you to the importance of being prepared when you are listening or talking. Preparedness is one of the most important self-advocacy tools for you to use both in daily interactions with friends or employers as well as with larger - more formal conversations with caseworkers or judges. Being prepared, and making the most of every conversation you have includes both active listening - as well as well thought out speaking.

### Why is Active Listening Important?

We all know how easy it is to let emotions cloud a potentially helpful conversation. When you call a person at an agency who seems to know more than you do, or is in control of a problem that you are having, it is easy to feel overwhelmed and intimidated. If you prepare yourself by writing a list of questions and if you have your papers in order, (see Chapter 3, Keep a File), you can make the end result of every conversation exactly what you want it to be.

Being prepared means that you have much more control over the outcome of every conversation that you have. Active listening can also protect your feelings during any interaction. When you have all of the facts straight, and your questions prepared ahead of time, it will be much easier to keep your emotions in check when a problem or issue arises.

Active listening is the act of carefully listening to, and understanding each part of a conversation that occurs. It is important to remember that every conversation that you have takes (at least) two sides. If you do not take the time or effort to listen to the other person's perspective, you are not only disrespecting that person, but you are probably not going to find the result that you want from the conversation. This chapter will give you tips on active listening and on how to prepare for each conversation you have.



# Two Conversations

In this section, compare the two following conversations. After each conversation, use the space provided to describe what you think of the conversation. The conversations are between Ms. Jones - a mother, and public assistance recipient with her caseworker, Ms. Overload. Ms. Jones has just gone to pick up her benefits, and received a notice saying, "Denied."

## Scenario #1: Conversation with caseworker

**Ms. Jones:** Ms. Overload? This is Anna Jones. Where is my money? I really need my money!

**Ms. Overload:** Who is this?

**Jones:** This is Anna, Anna Jones - I am a client of yours. I didn't get any money today, and I have to have that money, my kids are hungry, and my rent is due, and my phone is being shut off.

**Overload:** (sounding annoyed) Didn't you go to the machine?

**Jones:** Yeah, I did, but nothing happened. (Getting angry) Where is my money?

**Overload:** Did you use your proper PIN number?

**Jones:** Of course I did, do you think I am stupid? My landlord is going to evict me - and you are not helping me at all. You are supposed to help me!

**Overload:** You should try it one more time. If it doesn't work, you . . .

**Jones:** (now yelling) I am NOT going to go try it again, you have to fix this! The money is supposed to be there, and you must have done something to mess it up.

**Overload:** This is not my fault. I don't touch the money, or deal with accounts.

**Jones:** This must be because of all of the paperwork we went through at my recertification - did you lose all of that paperwork?

**Overload:** (now getting mad) Look - this is not my fault. I don't deal with accounts, you have to try again. Good bye. (Hangs up the phone).



## Scenario Two:

**Ms. Jones:** Ms. Overload? This is Anna Jones, a client of yours - my SS# is 555-55-5555.

**Ms. Overload:** Okay Anna, What can I do for you?

**Jones:** Ms. Overload, I don't know what is wrong, I tried to get my benefits yesterday, it is my normal pickup day, and nothing came out! It said I was denied!

**Overload:** Did you try it several times?

**Jones:** Yeah, I did, and I made sure I was using the right PIN. Is there something wrong?

**Overload:** No, not that I know of. You should try one more time today - sometimes the system is down. And if that doesn't work, you need to call the Accounting Office.

**Jones:** So, I should try once more, and then call Accounting if it doesn't work?

**Overload:** Yes, I don't handle these issues - Accounting does, so you can call them.

**Jones:** Okay, thank you so much. And Ms. Overload, do you happen to have the phone number for Accounting, just in case it doesn't work again?

**Overload:** Oh, sure, it is 847-0000.

**Jones:** Okay, thanks again, You have been a great help. I'll give it a try.



### **What is the Difference?**

In the following spaces, write what your feelings are about the two conversations between Ms. Jones and her caseworker, Ms. Overload. Which Scenario do you think is better? Which conversation ended with the best results? Describe what you think the difference in the two conversations are, and why you think so. Is there anything you would have done differently in the same situation? After you are done reflecting on these two conversations, continue with this chapter to learn more about how to have an effective conversation.

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# How You Can Prevent Scenario #1

In order to prevent a scene like the one above from happening to you, you need to use different skills to protect yourself. Most of the steps you can take are based on common sense, but someone like Anna Jones, who is in a crisis situation, may forget these steps if he or she doesn't prepare in advance.

## Be Prepared

When you pick up the phone, know exactly why you are calling. You may want to run through the following questions to make sure that you are focused and ready to go:

- What information do I need to get?
- Can this person help me with my problem?
- What do I want from the person I am calling?
- What information does the agent need from me to help me get what I want?
- What should happen as a result of the conversation?
- What's the next step? What if this person can't or won't get me what I want?

## Know Your Limits

You may want to go for help right away if your problem is very complicated. You can do a lot to protect your own interests by advocating for yourself. However, professional advocates quickly refer cases that they can't handle. Sometimes, the best advocacy involves getting to a trained expert as quickly as possible. When the problem is too big to tackle on your own, use your community resources to get help from an expert that knows exactly how to handle your problem. Use your list of Community Resources from Chapter 2 to access such an expert.

## Listen

This suggestion sounds like simple common sense. However, when your family's welfare is at stake, you might be so busy telling your side of the story that you miss what the other person really means. For example, in the scene above, Anna never heard Ms. Overload say that Accounting handled the problem. Anna kept insisting that she needed the money without noticing that Ms. Overload kept insisting that Accounting could help her, but she could not.

Listen for the words that never get said. Often the only way to get all of the information you are looking for is to carefully listen, and then ask questions to fill in the blanks that you are still wondering about.

## Know the Next Step

The first person you speak with may not be the person that can help you. Be prepared - research other people or agencies that may also answer the question that you have. When someone informs you that they cannot help you - remain calm and politely use their expertise as a resource to find out information about others that can help you.

## Combine the Steps

If Anna had listened first, she then could have asked Ms. Overload for the Accounting Office's phone number, or even for Ms. Overload's supervisor's phone number. Instead, she is left with no new information, and is frustrated. Being completely prepared with a list of questions and anticipating difficulties before they happen will make each situation less frustrating, and more successful, for you.



# Chapter Five

## The Law can be a Weapon ... Or a Tool

Many people who are confronting the barriers in their life feel as though the law is a weapon that is there to keep them down, make them feel frustrated, or to harm them. In this case, it may feel that the people who are in power, such as caseworkers or landlords, know more than you ever could about how the law affects your life. But, many people who seem to be in control are not actually lawyers themselves, and are often incorrect about how the law actually works. Many times they are just using a threat of the law to intimidate, or further frustrate you.

Instead of the law being a weapon to keep you from overcoming your barriers, you can use the law as a tool to your advantage while you are advocating for yourself. By using your community resources, your local public library, and your local legal services group to find out more about your rights and responsibilities under the law, you can very quickly become in control once again. Many issues that appear to be legal issues can truly be handled by you - as your own best advocate. This chapter will illustrate the importance of not being frustrated by the law, and how to access legal resources within your community.

### You Know More Than You Think

It is important to remember that the law is not as mysterious as it sometimes seems. If you take the steps outlined in this manual, you are already protecting your legal rights. You protect your legal rights by making a case for your position. By keeping a file, preparing for conversations with workers, writing letters, and keeping track of your records, you are doing the work an advocate would do to prepare a case and protect your rights. This preparation can then be enhanced with the actual law when necessary.

Knowing about the law can help you prepare for a discussion, win a case, or convince a person or agency to help you. For example, if you were denied public assistance, take a look at your denial. Right on the written denial must be a citation to the law that the Department of Social Services used to deny you. You can then take a look at this law in order to better understand what you will need to argue at a hearing. While you may want to consult an attorney about such a legal matter - you yourself can look up many laws on your own.



# How to Learn More About the Law

As with other kinds of information, it makes sense to find out as much about the law, and how it pertains to your life as you can. Knowing about the law can help you prepare for a discussion, win a case, or convince a person or agency to help you. Knowing what your rights and responsibilities are under the law will help you to feel more in control of your own situation. This section details several places where you can learn more about the law. Even if you are not a lawyer - do not be afraid of learning about the law, there are many people that are willing to help you become your own best advocate!



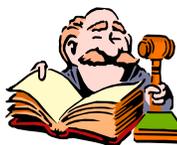
## Legal Resources

Use your community resource list to contact legal services groups, attorneys that you already know, or to contact a non-legal agency that may point you in the right direction. The person who gave you this book is a good first contact; ask them who you can call in the community for legal information. Even if this person cannot represent you, they can probably give you some guidance on how to find out more about the law. Many legal services agencies, Bar Associations, and law schools host free seminars, workshops or clinics that provide information on specific legal topics. Some are even *pro se* clinics - which teach you how to do a legal proceeding, such as small claims court, or a divorce, on your own.



## Agencies

Many agencies may be able to be a source of legal information for you. For example, you can ask your caseworker at the Department of Social Services to tell you what law allows them to take the action they have taken. Ask the worker for a photocopy of the regulation. If they cannot give you a copy, ask them who in the agency can help you get a copy of the regulation they cited. Also, remember that all notices that you receive from state or federal agencies usually must have a citation to the law on them. If the regulation is not provided to you by the agency, use the citation to look up the law on your own.



## Libraries

Libraries are great resources for legal information. First, the County Law Library is open to the public and contains most legal materials you might need. If you are looking for a case or regulation, the librarian can help you find it. Other public libraries always carry general books about your legal rights. The library is also a great resource for free access to the internet. There are many websites that provide legal resources, or answers to basic legal questions that you may have. Most libraries have librarians that specifically help with computer research.

**The law is there to both protect and govern you.** By learning more about the law before you encounter a problem, the better prepared you will be. While you may still need to consult with an attorney to represent you, or to explain some of the finer points of the law, basic research can be a great tool for you to use as you are advocating for yourself.



# Chapter Six

## Fair Hearings and Public Assistance: Be Your Own Advocate

Throughout this workbook we have stressed the importance of knowing your rights and being able to advocate on your own behalf. A **Fair Hearing** is your chance to use all of the skills you have practiced. There are Fair Hearings for many different types of issues including: unemployment benefits, worker's compensation, or public assistance to name a few. Although these are all different legal issues, you can prepare yourself in the same way for each of these types of hearings.

In the last chapter we discussed why knowing about the law is so important. As you can imagine, if you have done your research on the law before your Fair Hearing - you will be a much better self-advocate. Because the law can sometimes be complicated, you may want to consult with a legal services office on the issues before a hearing. In some cases, you may need representation, but in others, you may be able to effectively represent yourself. This chapter will provide you with these basic steps of self-advocacy, using a public assistance Fair Hearing as an example. Remember that this book is written in New York State. If you are reading this in another state, make sure to contact your local legal services about the laws regarding Fair Hearing issues.

### Why Should I Request a Fair Hearing?

As with any other self-advocacy, **the key is knowing when and why you should request a Fair Hearing.** Here are some examples of why you should call a Fair Hearing regarding public assistance benefits: Your benefits have been discontinued or reduced for reasons you do not feel are correct; you were denied benefits and you believe the denial was incorrect; or you do not believe that you are receiving the correct amount of benefits. You should **not** request a Fair Hearing to: Complain that your caseworker is rude, or argue that the amount of benefits that you receive is not sufficient to live on if you are receiving the correct amount.

**Before you request a Fair Hearing, you should try to contact your caseworker (or his/her supervisor) to attempt to resolve the issue.** In many cases there is either a cross of information or a mix-up and the case can be easily resolved.



# How to Request a Fair Hearing

As just discussed, it is important to know why you should call a Fair Hearing. Once you have established that you have a right to call for a Fair Hearing, you must make sure that you are requesting one at the right time.



## Timing

If contacting your caseworker does not work to resolve the issue, the first step to requesting a Fair Hearing is to look at your notice. **It is very important that you look at the date of your notice.** If your benefits have been discontinued or reduced, if you act quickly and request a hearing within ten (10) days from the date of the notice (or "notice date") you will be able to receive **aid continuing**. This means that your benefits must remain unchanged until after a hearing decision is received. However, if you lose the hearing, you could be required to pay back the amount of benefits that you received. However, there are some exceptions to this so always read your notice carefully. It will tell you the exact number of days you have to request a hearing.

**Keep track of deadlines!** If you received a denial notice or you decide not to request aid continuing, you have usually 60 days from the notice date to request a hearing in matters dealing with Public Assistance or Medicaid, and 90 days to request a hearing dealing with Food Stamps. These dates are extremely important because you may lose your right to request a Fair Hearing if you miss these deadlines.

## How to Request a Hearing

There are a few ways to request a Fair Hearing. One way is to call the Office of Administrative Hearings. The number is located on your notice (usually the top right hand corner or on the back). However, getting through to this number is often difficult. It is important that you be persistent and patient. The statewide toll free number for requesting hearings is 1-800-342-3334. The toll free number for adjournments is 1-877-209-1134. You can also request a fair hearing on-line at [www.otda.state.ny.us/oah/oahforms/erequestform.asp](http://www.otda.state.ny.us/oah/oahforms/erequestform.asp).

If you can't get through by phone, you can write to request a hearing. You do this by filling out the form on the back of your notice and mailing it to the appropriate address. Remember to always make a copy for your files. Do not request a Fair Hearing by calling your caseworker. S/he has no authority to request a hearing. Once you request your hearing, contact a legal services office in your area if you are seeking representation at your hearing, or to conduct legal research on the issue, as described in Chapter 5. Approximately 7-10 days after you submit your request for a hearing, you will receive a confirmation notice in the mail. Review this notice carefully to make sure your aid will continue if you have requested the hearing in time. Also make sure that all information on the notice is correct.

About six weeks after you request your hearing you will receive another notice by mail indicating the date, time and location of your Fair Hearing. (Most Fair Hearings in Erie County are held in the Rath Building on the seventh floor).



# Preparing for Your Hearing

## Organizing Your Personal Files

As we learned in Chapter 3, it is very important to be organized. By using the tips in Chapter 3, hopefully you will have been preparing a file, or record of all of your dealings with the agency that you are having a hearing with. If not, take a look at Chapter 3 for more information, and make sure you have the following information together. Put together a **list of all the contacts** you have had with your caseworker and his/her supervisor. Put your correspondence together with your notice and any additional information you will need. For example, if you are being discontinued because you did not show up for an appointment, you will have to show why you did not come for that appointment. If you did not receive the notice and you know you have problems with your mail, you may want to get a statement from neighbors who can back up your story that there is a problem with the mail. If you were ill and could not go in for the appointment, you will want to document that you contacted your caseworker and tried to reschedule. **Remember, whenever you contact someone, always document the date, time and the person you spoke to.** If you went to the doctor, you will also want to get a medical excuse.



## Review Your File with the Agency

You also have the right to review your Social Services file before the hearing. This can give you the opportunity to look for information that your caseworker may have overlooked, or for you to know what they were basing their decision on. You may also request copies of anything in your file which you believe will be helpful in preparing your case. To make an appointment to see your file, you should contact your caseworker and ask to set up a time to review your file. If s/he tells you that this procedure is not allowed, you should appeal to his/her supervisor.

## Request a Case Summary

A case summary is a packet of information that your caseworker plans to use to support her case. It is commonly referred to as a "summary and packet." The packet will include a number of photocopied documents as well as a cover page which details the Agency's position. A case summary should always be given to you at the time of your hearing. However, in order to maximize your case preparation, you should request the case summary in advance of the hearing. When you are notified of your hearing date, your next step should be to send your caseworker a letter requesting that s/he send you a copy of the case summary. As with everything, remember to keep a copy of the letter for your file. Your caseworker has a reasonable amount of time to prepare and send you a case summary if you request it at least 5 business days in advance.

If you do not receive your case summary within a reasonable amount of time, you should contact your caseworker and move up the chain if necessary. If you still can't get it before the hearing, you should notify the judge of your attempts to get a copy of the summary. Ask the judge to give you a few minutes before the hearing to review the case summary. If you properly requested a case summary and did not receive it prior to the hearing, you could request an **adjournment**. An adjournment will postpone the hearing so that you may have chance to review your file, or gain access to a representative.

## Using Witnesses

Still another aspect to consider when preparing for your hearing is whether or not you will be using witnesses. A person who can back up your story can be vital in obtaining a favorable decision at your hearing. For example, if you are alleging that you have a problem with your mail service, it would be beneficial to have a neighbor who can back up your story.

When using witnesses, it is important that they be credible. If the person cannot honestly speak on your behalf, don't use them. Another thing to remember is that you don't need to use a whole group of people. If one or two people can testify on your behalf, that's plenty. And, if a witness that could help your case cannot come to the hearing, it is possible that the Judge can call the witness on the phone during the hearing. You may also get sworn, notarized statements from witnesses that the Judge may also accept.



## The Hearing



As stated earlier, approximately six weeks after you request your hearing you will receive a notice indicating the date and time of your hearing. All hearings are scheduled for either 9:00 a.m. or 1:00 p.m. and you will be called on a first-come, first-serve basis. To assure that you will not have to spend all morning or afternoon waiting, it is best to arrive about ½ hour before your hearing is scheduled. Check in with the receptionist when you arrive at the fair hearing office.

Your hearing will be conducted in a small conference room. The only people in the room should be you, the judge (called an Administrative Law Judge or "ALJ"), your caseworker or other Agency representative, and any witnesses you decide to bring. It is best to leave children at home, if possible. The whole process is tape recorded and the judge will start by introducing him/herself and will then explain the hearing procedure. Usually, your caseworker will be given the opportunity to present her case first. She will usually start by going over what is included in the case summary and then she may ask you some questions. After this, you will have the opportunity to tell the judge your side of the case. You should be given the chance to ask your caseworker some questions. You should also have copies of anything you want to submit to the judge. Once you and the caseworker have had the chance to state your sides of the case, the judge will probably ask you both questions in order to clarify the issue.

After the testimony, the judge will close the hearing. In most instances, you will not find out if you won or lost at the hearing. About eight weeks after your hearing, you will receive a written decision in the mail. If you win, you should receive your benefits within a reasonable amount of time. If you do not receive your benefits, you should start calling up the chain of command. If you still are not successful in receiving your benefits, send a letter to the Fair Hearing Compliance Unit in Albany. The address should be on the front of your hearing decision.

# What if I Lose My Hearing?

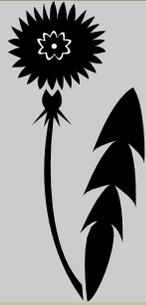
If you receive an unfavorable hearing decision, you have the option of filing an "Article 78" proceeding. An Article 78 is an appeal of the Administrative Law Judge's decision and is a court procedure. You have **four months** from the date of the hearing decision to file an Article 78. Although you do not have to have an attorney to file an Article 78, it is probably a good idea. Most legal services offices will help you to take a look at your case to see if it is appropriate to file an Article 78. Contact your local legal services office for more information.

## THE IMPORTANT POINTS

**You are now equipped with the basic knowledge you will need to advocate on your own behalf at a Fair Hearing. Here is a checklist of the important points you should remember:**

- \* **Always try to negotiate before a Fair Hearing.**
- \* **Watch for deadline dates ---- 60 days from the date of the notice for public assistance and Medicaid and 90 days for food stamps in most cases. -- 10 days from the "notice date" on your reduction/discontinuance notice for "aid continuing." Be sure to check your notice for the exact deadline.**
- \* **Keep copies of everything.**
- \* **Organize your personal file.**
- \* **Make sure you get a case summary before the hearing.**
- \* **Limit the number of people you take to your hearing.**
- \* **Don't go to the hearing with an adversarial attitude. By preparing, and using the listening and preparation skills covered in Chapter 4 you will be an organized and effective self-advocate!**





# Chapter Seven

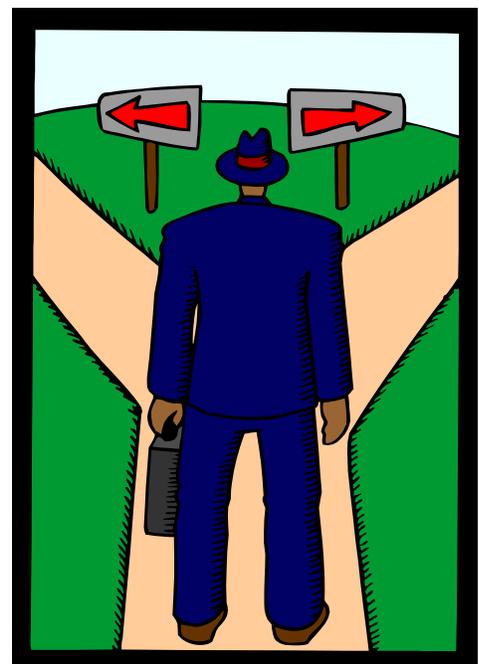
## **Transitional Benefits: A Road Map Off Public Assistance**

Many people think of welfare as an "on-off" switch -- either a person is on public assistance or she isn't. But anyone who has needed public assistance knows the picture is much more complicated than that. Public assistance is a rainbow of different experiences -- the mother who stays home with her very young children, the older woman going back to school, as well as people who work and still need public assistance to survive. Some people are actively trying to make it off public assistance, and others have never been on public assistance in the first place and are struggling to stay off public assistance.

The law deals with each of these situations in different ways. This chapter looks at each of these situations, and talks about how you can get help no matter which station you are at on your road off public assistance. This chapter also introduces tips so that you may be your own best advocate regarding public assistance. Don't be intimidated by the mountain of information in this chapter. Take it step by step -- some parts will relate directly to you, and some may not. Remember, the following section is information specific to New York State. If you live elsewhere, get more information you need from your local legal services office.

### **Welfare-to-Work and Transitional Benefits**

In 1996, many of the welfare laws that we once knew changed with Welfare Reform. It is important for people who are receiving public assistance to understand how these changes have worked. It is also very important for people who are not on public assistance, or who are getting ready to transition off of public assistance to know that there are many different forms of transitional benefits available. Transitional benefits can help individuals and families achieve and maintain self-sufficiency.



# Welfare Reform

## Time Limits



One of the changes that resulted from welfare reform was the addition of a five-year lifetime **cash** benefit cap for Family Assistance grants, and a two-year lifetime **cash** benefit cap for Safety Net grants. **After that, both Family Assistance and Safety Net Assistance recipients receive the same benefit level in a non-cash voucher system indefinitely.** If you have questions about these time limits contact your local legal services office.

## Work Requirements

A large part of welfare reform strengthened the work requirements for recipients. For both Family Assistance and Safety Net programs, almost all adult recipients must be engaged in work. Recipients will be required to work a minimum number of hours per week to continue to be eligible for benefits. The **work hours** are as follows: For single parents with a dependent child, the parent must work 30 hours. A single parent with a child under 6 must work 20 hours per week. For singles and childless couples, the recipient must work 35 hours per week.

There are a number of **work activities** that will satisfy the work requirements. However, these activities must be approved by Social Services through your employment counselor. At one time, recipients were allowed to participate in many educational programs. Unfortunately, that is no longer true. Social Services only approves a very limited number of educational programs. If you do choose to enroll in a 2-year college program, you must attend classes in addition to complying with the prescribed work requirements. You will not be approved for child care or any supportive services (i.e., transportation) for non-approved educational programs.

While just about everyone will have to participate in some type of work program in order to be eligible for benefits, there are several groups of people who are **exempt from work activities**:

- \*A child under 16 years of age or under 19 years of age and attending full-time a secondary, vocational or technical school;
- \*A parent in a one parent household or an other relative caring for a child under one year old, for a 3 month period, to a maximum of 12 months total in the parent's or caretaker's life;
- \*A pregnant woman after the eighth month of pregnancy;
- \*Persons who are unable to engage in work activities (i.e., because of a temporary disability);
- \*Persons who are 60 years of age or older; or
- \*Persons determined to be disabled after a disability determination is done by Social Services.



# Working and Partial Public Assistance

If you are working (at a job that is not your public assistance workfare assignment) and still receiving cash assistance, you should be aware of a number of factors that will affect you. If after reading this section, you realize that you are not getting the help you need, call your local legal services office or Project Dandelion to see what can be done. Many people have worked their way right off public assistance, so don't let these factors stop you. Good luck!

## Wage Reporting -- Protect Yourself!



Report your earnings to the Department of Social Services (DSS)!! Even if you are "on probation," or even if you work for a temporary agency you must report your earnings. You have **10 days** from the receipt of your first paycheck to report your wages to DSS. In New York, DSS uses a quarterly reporting system for recipients of cash assistance. If you start a job before your next quarterly report is due, you still must report the income immediately. Tell your worker when you will start or started work, how much your wages are, and that you need help with child care (if you do). Tell your worker **in writing**--and keep a copy of the letter you send! *Many times a person has stopped a fraud investigation cold by proving that she reported her wages on time to her worker. Your worker should not budget your wages until after you receive your first paycheck.*

In the quarterly reporting system, you will have to fill out a reporting form 4 times a year (every 3 months). Make sure you include the last 4 pay stubs from work and child care receipts. **MAKE COPIES OF YOUR REPORT**, keep a record of when you sent the report out, and call your DSS worker to make sure they received the report. You should also know the law allows you to keep more of your PA benefits while working. This is due to the increase of the work disregard. **Why do you need to report your wages on time?** There are three advantages -- you can avoid claims of welfare fraud and overpayments, you can get the disregard mentioned above, and your day care will still be provided for. Call your local legal services office for more information.

## What if I Do Not Report My Earnings?

Some people try to hide their earnings. Given the fact that a public assistance grant is far from reaching even the poverty line, and that your grant may be reduced because you report your earnings, it is understandable that some people try to get ahead in this way. **Please remember that the consequences for you and your family can be severe if you don't report income. Criminal, as well as civil penalties can be imposed.** Social Services has instituted higher and more severe penalties for intentionally concealing or falsifying information to receive benefits. The offending household member will be disqualified from receiving cash benefits for at least 6 months for the first offense, and longer for the second and third offenses. In addition DSS can begin recouping benefits from the remaining household members.

Protect yourself from fraud investigations. It can take years for a fraud investigation to become active. Too many people do not report their wages, and then lose their jobs years later when the fraud investigators finally catch up with them. Take steps to make sure this doesn't happen to you.

## Child Care



Many families do not realize that under certain circumstances DSS must help you with child care costs if you are working.

In order to be eligible for employment related child care, your child must be:

- \*Under 13 years of age;
- \*Under 18 years of age and a special needs child or under court supervision;
- \*Under 19 years of age, a full-time student in a secondary school, or in an equivalent level of vocational training and a child with special needs or under court supervision.

In order to receive child care assistance, you must provide verification of who your child care provider is and the amount the provider charges. If you use informal child care - such as a friend's home, your provider must complete a special enrollment form. The child care payments will be made up to the market rate. While the child care credits are now given in cash, they will not be considered as income for food stamp purposes. If you pay more than what you are given by DSS for child care (up to \$200 per child up to 2 years of age and \$175 per month per child over 2 years of age), then your food stamps can be increased.

## Make Sure You Get Work Incentives

It is hard to work while you're on PA. However, DSS has built in "work incentives" that let you keep part of your wages. Look at your budget and make sure you have gotten the right "disregards." New welfare reform laws have actually increased the work disregard!

Here's how it works. Everyone is allowed to keep the first \$90 they make. For households with minor children, if you make \$90 or less per month, you get to keep it all. On top of that \$90, there is a 43% disregard. What this means is that the first 43% of a family's gross monthly income will be "invisible" and will not reduce their public assistance grant. If you have not been getting your "work incentives," meet with your caseworker to negotiate. If that doesn't work, call your local legal services.

# Making the Transition Off

Once you have established a plan, and have been working steadily on taking steps to get off of public assistance . . . you may be ready to make the leap to self-sufficiency. Or maybe you have already made that leap! Congratulations -- this is the moment you have been waiting for!!! You can make a smooth transition off public assistance by being your best self-advocate and getting all of the transitional benefits that you are entitled to get.

There are programs designed to help you make it off and stay off public assistance. Let's take a look at **transitional benefits** that can help you stay off public assistance.

## Transitional Child Care

Transitional Child Care (TCC) is a benefit for people who have gone off public assistance due to increased income, or increased child support. If your child is under 13 and you have gone off PA due to **increased income**, you are entitled to 12 months of TCC. If you have gone off PA due to **increased child support**, you are entitled to a four-month extension of child care. TCC requires that you pay a **parent fee** and that the balance of the cost is paid as a subsidy directly to your day care provider. However, your parent fee can be as little as \$1/week for child care depending on your yearly income. You also get to choose the type of child care you want for your child.

There is no waiting list for TCC, but you have to apply. Ask your caseworker for an application for TCC or for a referral to the office that handles TCC applications. In Erie County, you call the Child Care Unit, 858-TYKE.

## Transitional Medicaid

Transitional Medicaid (TMA) is **AUTOMATIC** for six months for people who have gone off public assistance due to increased income. You can receive a total of 12 months of TMA if you meet income guidelines.

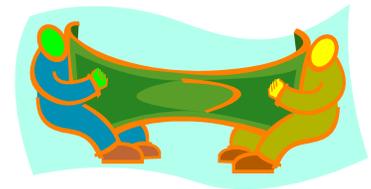


When you receive your discontinuance notice, check to make sure that your Medicaid case is still active. If your Medicaid has been discontinued and you received LIF Medicaid and went off public assistance due to increased earnings, it is very likely that your worker used the wrong closing code to close your case.

After six months, you will be asked to send copies of your pay stubs to see if you are still eligible for Transitional Medicaid. You will be eligible if you make under 185% of the poverty line. Most people receive this extension.

## Transitional Food Stamps

You may be eligible for Transitional Food Stamps if get off Public Assistance. You will receive 5 months of Transitional Food Stamps at your current level, even if your income goes up during that time.



# Staying Off : A Guide

Some people have stayed off public assistance for a while or have never been on cash public assistance. To these people -- congratulations! You are achieving a great accomplishment. However, we realize that you may be in financial trouble and need as much help as a person who has already been forced onto cash assistance. You can create a step-by-step action plan (see Chapter 1) to take control of the situation; call Project Dandelion if you are in Erie County for further assistance. No matter where you live, you can help beef up your family's income or reduce expenses by considering the following:

## Non-Temporary Assistance (NTA) Food Stamps

Depending on your income and household circumstances, you may be eligible for Non-Temporary Assistance (NTA) **Food Stamps**. To apply, call your local Social Services office for more information. The DSS will consider your income and all of your resources (such as a bank account or the value of your car). If you have been denied NTA Food Stamps and think the denial was incorrect, you could call a Fair Hearing. (For more on Fair Hearings, see Chapter 6).

Even if you cannot get help with Food Stamps, your **local food pantries** may be able to help you meet your family's food needs. In Erie County, call Central Referral (884-7777) for the food pantry nearest you; outside Erie County, use the techniques in Chapter 2 to find help.



## Non-Temporary Assistance (NTA) Medicaid

If you are not on cash assistance and do not receive any health insurance from your job, you can apply for NTA Medicaid for yourself and your family. Again, eligibility will vary depending upon your income, your children's ages, whether you are pregnant, whether someone is disabled and the amount of your medical expenses, if any. Call your local Social Services Department for more information. If you do not qualify for Medicaid, you may qualify for Family Health Plus. If your children do not qualify for Medicaid, in New York they can apply for **Child Health Plus** if they are under age 19. Call the Department of Health at 800-522-5006 for more information.

Also, some **health clinics** offer medical care on a sliding scale, which may help make out-of-pocket medical expenses more affordable. As a general rule, hospital-based medical clinics offer a sliding scale; call ahead to your local hospital clinic to make sure. If you are hospitalized and cannot pay your bill, speak with the hospital social worker about reducing or covering your bill with Hill-Burton funds.

## Low Income Child Care

Both state and federal programs can help low-income parents pay for day care with licensed providers. Eligibility standards vary county by county; call your local Department of Social Services to apply. In Erie County, the telephone number is 858-TYKE. These programs offer child care assistance on a sliding scale based on your income; and they cover children up to 13 years old.



# Chapter Eight

## How to Deal With a Crisis

The self-advocacy steps laid out in this manual take time and effort to work on - but the results can be great! There are many problems though, that we face each day that need immediate attention, or that have to be dealt with as an emergency. The steps that you have learned for your longer-term problems, can also be used for emergency problems - and will result in the same kinds of successes. Many people end up facing a crisis because they live their lives on an emotional track. They react to life emotionally instead of logically or rationally. They are led by their emotions from one crisis to the next, never understanding that life does not have to be like that.

Do you struggle with feelings of rage over what has happened to you in your life? Do not be afraid of these feelings - anger is a form of energy. The steps outlined below will help you to turn the energy of anger, into productivity.

### Step by Step

When you are faced with a crisis, it is important that no matter how urgent a problem it is, that you **step back** - even just for a moment, and assess the real problem.

Then, quickly **plan** the most effective course of action. If you take the time for these simple steps - you will be less likely to face the same emergency again in the future, or at the very least, will be better prepared if you do face a crisis.

On the following page there is a list of questions. Think very seriously about these questions, it may save you from another crisis in the future. With each crisis that you face, consider these questions in order. While it would be helpful to consider these questions ahead of time - with any issue that you may be facing, make sure that you have them in mind when an emergency occurs.



# How to Think About a Crisis

If you are faced with a crisis, take the time to consider the following four categories of questions. If you use this simple method you will find that you will be better prepared to deal with any emergency that comes your way.

## First: Assess the Situation

What is the real problem?  
How did you get to the point that you are at?



## Second: Evaluate Your Options

How can I deal with this situation?  
Try to think of at least three different ways to approach the problem.

## Third: Reach Out to Others

Refer to your community supports.  
Who do you know that can help you?  
What agency will be better able to assist you?



## Fourth: Organize yourself!

The more organized you are, the better prepared you will be to deal with an emergency. Even at the last minute being organized will save you time and effort in handling a crisis.

## After the Emergency is Over

After the crisis is over, now **step back**. Don't just forget about the problem now that things are easier. Think about how much better prepared you could have been. Reorganize yourself and set a plan up for the next time this, or another unexpected emergency arises. Remember, you do not have to wait for an emergency to occur to use these steps. Use this approach for any type of issue that you are facing, big or small!



# Chapter Nine

## Consumer Rights

Many people find themselves confronted with problems that arise out of consumer issues. These problems could include credit card debt, defaulted student loans, confrontations with sales clerks, or debt collectors who hassle you. You have many **consumer rights** that are important to be aware of. Following the self-advocacy steps in this chapter, you can easily exercise these rights for yourself. The results can help you on your road map away from public assistance, and out of debt. There are many other consumer issues that you may face that are not listed. For more information on other consumer problems, consult your local legal services agency, or check to see if there is a Consumer Credit Counseling agency near you. You can also find out a lot about consumer issues at your local public library.

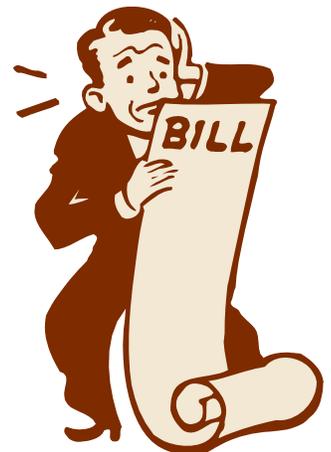
### Keep a File!

As with all self-advocacy, your best weapon will be your records and files. If you are ever questioned about bills that you have paid, if you are ever overcharged, if you are being evicted, accused with non-payment of a bill, or need to prove what you owe in court - often the only way to defend yourself is with receipts or records of your bills. There are different categories of records: current, past and permanent. Use the organizational skills we covered in Chapter 3 in order to keep your consumer affairs in order.

**Current records:** Current records are bills that are currently due, and bank records that you use often. These should be easy to find, and well organized so that you can pay your bills on time.

**Past records:** Past records can be organized by topics into envelopes or files. These files would contain for example, your paid bills (separated by company or creditor), insurance records, a copy of your lease and rent receipts, or your canceled checks and bank statements. Keep these records for at least a year.

**Permanent records:** This file will contain items that you want to keep longer than a year. These will include your tax records, warranties and receipts for items that you buy, your health records and an inventory of your house.



# Your Credit Report

## Get a Copy of Your Credit Report

Your credit report is a history of your borrowing and paying-back. If you have paid your bills on time, and have paid bills off over time - you will have good credit. Good credit will enable you to access credit when you need it in the future - to go back to school, buy a car, buy a house or get a new credit card. If you have bad credit, banks and creditors will be unlikely to lend you money when you need it. All items stay on your credit report for 7 years (and if you have declared bankruptcy, this will be on your report for 10 years).

**Equifax 1-800-997-2493**  
**Experian 1-888-397-3742**  
**TransUnion 1-800-916-8800**

Everyone has the right to have a copy of their credit report. First, if you have been turned down for a credit card, or loan, you have 60 days in which to request a free copy of your credit report. Second, if you are on public assistance, or are unemployed - you may have a free copy of your credit report once a year. Third, other consumers are entitled to one free credit report each year. In order to request a copy of your credit report, call one of the three main credit bureaus listed in the box to the right.

## Credit Report Advocacy Tips

There are several important advocacy tips to remember regarding your credit report.

\*If you find a **mistake** on your report, you may write a letter to the bureau to request that they investigate the matter. Include copies of your own records or canceled checks to show that there is a mistake.

\***No one can “fix” your credit for you!** You can do the same thing that a credit repair agency can do. A credit repair agency promises to erase your “bad credit.” This is impossible to do instantly, your credit only gets better over time. Credit repair agencies sometimes negotiate better deals or payment arrangements with creditors. You can do this yourself! Sometimes by just calling and explaining your situation, the creditors will lower your interest rates, take away late fees, or arrange a better payment schedule for you. To do this, make a plan of what you want, why you want it, and what you will say. If the company agrees to a new payment schedule - get it in writing. If they will not send you a letter - take your notes from your phone conversation and put it into a letter. Send a follow up letter to the company, and keep a copy for your own files.

\***Cancel old cards** that you do not use, they are only weighing down your credit report.



# Debtor - Creditor Relations

Most bills that you have are legal obligations. This means that they are contracts between you and your creditor (the person or company that you owe money to). The creditor has given you a service, an item, or a loan, and in return, you have to repay them, according to their rules. If you do not pay your bills, your creditor has the right to try to collect those debts, but you have certain rights as well - that are there to protect you from creditor abuse. This section will show you how to deal with your creditors and will teach you about the debt collection process.

## What To Do when You are Behind on Your Bills



While it can feel terrible to owe a lot of money if you don't have the means to pay off your debts, this does not mean that debt collectors have the right to make you feel even worse. Use this section to help you take steps to get out of debt, and to stop creditors who are harassing you.

The first thing to remember with your budgeting and bill-paying - **never ignore a bill**. Unfortunately, unpaid bills do not just disappear, and in fact they may make your debt situation worse in the long-run. While it is easy advice to just say “**pay your bills,**” this is always the best advice. It is best to deal with each debt as it arises.

If you cannot pay your bill in full, you may be able to arrange an **alternative payment schedule** with your creditor. As soon as you know that you are having trouble paying your bill, contact your creditor to inform them of your hardship, by phone, or by letter. Explain what your current situation is, and why it is difficult to pay the bill in full. In most circumstances creditors are willing to lower monthly payments, lower interest rates, or sometimes even defer payments until a later date. The best strategy is to offer the creditor some amount of money. Most creditors will accept payment agreements with payments as low as \$5 a month. This is an important step in order to show the creditor that even though you are facing tough times, you are making a good-faith effort to repay your debt.

It is also important to remember though, that the **lower your payments are, the longer it will take you** to repay your debt, and the higher your debt may ultimately be, when you add in interest or fees. Remember to use all of your advocacy skills - negotiate! Do not settle for just any offer that the creditor gives you if it will still be difficult for you to comply!

Carefully consider offers to **consolidate** your bills. Consolidation usually means that all of your bills, no matter how many you owe, can be rolled into one payment. Then the consolidation company will pay each of your creditors a small amount. While these plans are convenient, they may not always be the best plan for you. Often you would be able to negotiate a better payment plan with each creditor on your own. Call your local legal services office, or consumer credit agency to find out more about consolidation.

# Debt Collection

## The Fair Debt Collection Practices Act

The debt collection process begins with your bill. Once you are behind on your bills, you may receive letters or phone calls from your creditor directly. When you receive these calls or letters, try to work with the creditor to set up a deferred payment agreement. If you do not do this, and continue not to pay your bill, your creditor may give your debt to a **collection agency**. This is an outside company that has the right to come after you for the money that you owe.

Collection agencies must follow certain rules, and it is important that you know what your rights are. If the collection agency that you are dealing with does any of the actions listed below, they may be in violation of the Fair Debt Collection Practices Act (FDCPA). Some of the most frequently complained about **violations of the FDCPA** include a collection agency that: contacts your employer or neighbors to harass you (although they can call them to find out your location); calls you later than 9 p.m. and earlier than 8 a.m.; threatens you by phone or uses abusive language; or uses false information in order to coerce you into paying your debt. There are many other violations covered by the FDCPA. Contact your local legal services in order to find out more.

If this happens to you, you should **document all illegal collection acts** in writing, and send a copy to the collection agency. This letter should explain what they have done, and how it violates the FDCPA. Under the Act, any agency that violates one of the collection rules may be fined up to \$1000. Usually just a letter of this kind will put a collection agency in their place.



## The Medicaid Defense

If you have Medicaid as your medical insurance, and a hospital or health provider is trying to collect a debt directly from you, when the debt should be being handled by Medicaid, you have a Medicaid Defense.

Once a health provider has accepted you as a Medicaid patient, they are agreeing to deal only with Medicaid - or the Department of Social Services for these debts. If this happens to you, inform the collector that you received Medicaid at the time the services were rendered and they cannot contact you directly. They must deal solely with the Department of Social Services.

Once the collection agency finds out that you were a Medicaid recipient at the time of the service, they should close your collection account. You may need to send proof of your Medicaid status. As with all phone calls, document who you speak with, and when, and keep copies of all letters that you write. Contact your local legal services office if the collectors continue to contact you.

## The Cease Letter



If you are being harassed by a creditor, or if you have tried to negotiate a deferred payment agreement over the phone that hasn't worked - try writing a cease letter. A cease letter explains why you cannot pay right now, and requests that the creditor **stop their collection** efforts for now. It is best to describe your past efforts with the creditor in this letter. Also, if there has been harassment, include the documentation of the creditor harassment, as explained in the last section. Always **keep a copy** of this letter. The cease letter will make the creditors stop calling, at least temporarily. A third party creditor must stop calling you once they get this letter from you. While the cease letter may not make your creditors go away forever, it should give you some room to breathe for a little while.

## Warranties and Purchasing Rights

Anytime that you purchase goods or a service, you have certain rights that insure that your purchase is in good condition or will last a certain amount of time. Often there are warranties or guarantees that come with a purchase. You also have rights regarding when products can be returned, or refunded. The most effective method of self-advocacy and product-purchasing rights is **the complaint letter**.

When you are disappointed by a service, a product, or an event that you have paid for - and there is a **warranty** you want to enforce, or even if there is not a remedy through a warranty, your best defense is to write a complaint letter. A **complaint letter** tells the company that you are dealing with that you are disappointed with their product, and why. Often when you complain by phone, a company has no way to deal with it, or will ignore you. Putting your feelings into writing will let the company know that you are serious. The letter may propose a remedy (such as a refund, an exchange, a new part) or it may just put the company on notice of a problem that you see, and you can state, "I look forward to your explanation of what you intend to do about my problem."

### Your complaint letter should include the following information:

- Your account number, the serial number or model number of the product.
- The date of purchase, location of purchase.
- The date that the problem occurred, and where.
- What the problem is.
- Ask for specific action by the company.
- Enclose copies of any warranties, receipts or tickets.
- Allow time for the company to react.
- State how you can be reached.

Always **keep a copy** for your records.



# Student Loans



If you have student loan debt that you are behind on, or have not paid in a long time, there are several things you can do. If you are up to 9 months behind on your student loan payments, you are considered **delinquent**. If you are more than 9 months behind on your student loan payments your loan maybe considered to be in **default** status. Both positions are bad for your credit report, and may stop you from getting student loans or other loans in the future. You can easily use the advocacy tips below to get your credit back on track, and become one step closer to your goals.

## How to Deal with Being Delinquent

As with all creditors, the first step is to get in contact with your lender, and explain your current situation. If you cannot afford to start repayment at the same level, first try to negotiate a lower payment agreement. If you need to make arrangements to avoid paying your loan for the present time, you can apply for a deferral or forbearance.

A **deferral** is a temporary way to delay making payments, and during which time interest will not accrue. A **forbearance** is a temporary suspension of or reduction in your student loan payments. It is not as advantageous as a deferment, because interest continues to accrue. There are certain qualifications for both a deferral and forbearance. Contact your lender about the specific requirements, or your local legal services agency.

## How to Deal with Default

There are a number of things you can do to get yourself out of default: you can consolidate your loans, renew your eligibility for new loans, rehabilitate your loans, or discharge your loans.

**Consolidating** your loans combines all of your student loans into one monthly payment. This payment may be lower than you were paying, but will be spread out over more time, possibly making it more manageable for you. To do this, contact your lender and ask about a consolidated program that you can start repaying your loans with. You can also contact the William D. Ford Consolidation Program at 800-557-7342, or go on-line at [www.ed.gov/DirectLoan](http://www.ed.gov/DirectLoan) for more information.

If you are interested in going back to school, or want to become eligible for new student loans, you may want to **renew your eligibility**. To do this, contact your lender to make a repayment agreement. Make sure that you ask for a “reasonable and affordable repayment plan.” You have the right to a plan that you can afford, and these payments could be as low as \$5 a month. Once you keep up these payments for 6 consecutive months - you will be eligible for new student loans and grants. Remember that this is a one-time shot! If you miss just one payment, or stop paying - you will automatically return to default status, and may run further collection risks. You will never be offered another “reasonable affordable” payment arrangement again.

You are still considered to be in default status until you make 12 consecutive monthly payments. Once you have done this, you will have **rehabilitated** your loan. Once you do this, you are out of default, you are again eligible for a deferral and/or forbearance, and your credit report will no longer show that you are in default.

If you went to a vocational school that closed, or a school you did not attend or graduate from, you may be eligible for a discharge of all the loans. You may also be eligible for discharge if you are disabled. For more information, call Project Dandelion at 847-0650.

# Social Services as a Creditor

Sometimes, the Department of Social Services - who has been providing you with your public assistance, food stamps or other benefits - actually becomes a creditor, or someone that you owe money to. This can happen when you are charged with an **overpayment**. You can be charged with an overpayment if your wages were not budgeted correctly, or somehow you received more assistance than you were entitled to. While the consequences of an overpayment may be extreme, you are not helpless. There are several self-advocacy tips that you can use in order to deal with this situation.

## Never Ignore an Overpayment Letter

The first self-advocacy step that you should take: **never ignore a letter** from the Department of Social Services regarding an overpayment. Even if you do not understand the charges, or where this bill came from - do not ignore it! Call the caseworker whose name is on the overpayment letter, or your local legal services office for help understanding the overpayment or fraud letter. Next, go to all meetings or interviews that are scheduled about the matter. You have the right to review all of the calculations that the Department is using in charging you with this bill when you go to these meetings.

## Payment Agreements

If you agree that you have been overpaid, you will be able to enter into a **payment agreement** with the DSS. This agreement is like the deferred payment agreements discussed above, and will be based on your income, or how much you are able to pay. If you do not agree with the amount of the overpayment, in many instances you have right to ask for a fair hearing. Call a legal services office to find out more about this.

## Legal Action

It is important to know that if you do not meet with DSS and ignore their letters, legal action can start and if you default a **judgment** can be filed against you for the overpayment. Not only will you have to pay the original amount of the overpayment, but you will be charged fees and interest on top of the amount that you originally owed. This can be very expensive! Consider this cost before you ignore any letter or interview about an overpayment. Repayment plans can be as low as \$5-10 a month. Make sure to pay each month if you enter into a plan. Once you sign a confession of judgment or a repayment agreement, DSS will file a judgment against you if you don't pay for several months in a row. Also, by paying each month, DSS will not be able to take your taxes or to garnish your wages. If you are faced with this situation, call your local legal services office.



## Bankruptcy

Certain governmental debts under Public Assistance, Food Stamps, SSI and Medicaid overpayments can be discharged in bankruptcy (as long as the overpayment wasn't caused by fraud). Contact your legal services for more information on bankruptcy.



# Chapter Ten

## Workplace Advocacy

Just like the welfare system, the workplace has its own rules. The more you can learn about your rights on the job, and about the rules at your own workplace, the more prepared you will be to deal with situations as they come up. Even better, you can make a plan for growing out of your current job and into the next one. As you go, it is important to get information and support, as we describe in earlier chapters of this book.

This chapter is here to give you some general information about the different rules and regulations that apply on the job, and how you can use your growing tool kit of advocacy skills to protect your job and your rights. It is not a detailed description of your legal rights. As in any other area, these laws, however powerful, mean nothing if you don't know how to get them enforced. For more information about these issues, contact your local legal services.

### The “Workplace” – What does your workplace look like?

Here are some questions to answer about your own job:

\*Where do you work and how long have you been there? How many people work there? What do you do? How much do you make?

\*Who are the people at the workplace who are your allies? Work allies are those people who know about your good work and would be able to give you advice or information in your job situation. These people may be able to help you before you lose your job, if your employment situation gets a little shaky.

\*What are the barriers that prevent you from being able to work? Examples: disability, domestic violence, language barriers, child care problems, pregnancy, health problems of a family member, lack of work clothes?

\*If you got fired: Why? Have you applied for unemployment compensation yet?

\*What are your work goals? What kind of work do you want to be doing 5 years from now? 3 years? 1 year? 6 months? Try to be as specific as you can, and list as many steps to your goal as you can.



# The Rules of the Workplace



## At Will Employment

It is important to remember that, in most states in the United States, the general rule is that you can be hired, or fired, for any reason or no reason at all. This rule is called “at will employment.” New York is an at will employment state. Many people believe that they cannot get fired without the employer having a good reason to fire them. Unfortunately, this is not true. Your employer is not allowed to break the law, but if no law applies, **you can be fired for any reason.** You might get fired because your employer has a personality conflict with you, or because you are too good at your job.

If you are a member of a union, or if you have a written contract with your employer, you probably are not an “at will” employee. If you are a union member, get a copy of the contract so you understand what your rights and responsibilities are on the job. It is important to read the contract and understand it, in order to help prevent disputes from ever growing in the first place.



## If I’m in a Bad Situation, Should I Quit?

Many people have asked us, “I’m in a bad situation and I think I might get fired. Should I quit to protect my work history?” This is a difficult question. Sometimes, quitting is a good idea, for example, to take another job immediately that pays more than the job you are quitting. But, usually quitting is a bad idea for lower-income workers. It is a bad idea for a lot of reasons.

First, you might not be able to get unemployment benefits if you quit instead of being fired. Second, if you are getting public benefits, you might be sanctioned for quitting if your DSS worker doesn’t think you had good cause for quitting your job, or reducing your hours. Third, if you quit and don’t have another job lined up, you lose your income, and you might not have been as close to getting fired as you had thought. So, don’t quit without getting some legal advice first!

## What if I’m a Temp Employee? Do I have any rights?

Some people work as “temps.” This is where a temporary agency places employees at job sites, usually for a set amount of time. Sometimes, people working as temps get fired for illegal reasons. It is important to remember that you do have legal rights, even if you work as a temp employee. You might be able to show that you work for both the job site and the temp agency, and are protected against illegal acts by both of them. If you are not getting paid, or if you are being harassed on the job, or if you think you qualify for unemployment, you probably are covered by most, if not all employment laws, so you should try to get help if you think illegal activities are happening on the job.



# What are My Rights on the Job?

There are laws that outlaw discrimination and harassment in the workplace based on your gender, race, national origin, disability, and pregnancy. Some laws are federal - meaning that they protect workers in all states, while others are state-based, and you should check the laws where you live.

Depending on the state where you live, you can file a claim of **workplace discrimination or harassment** either with the EEOC (Equal Employment Opportunity Commission, the federal agency that investigates civil rights complaints) or the state agency that investigates discrimination claims (for example, in New York the State Division of Human Rights investigates workplace and housing discrimination).

If you are **disabled** within the meaning of the Americans with Disabilities Act (ADA), you should be able to negotiate with your employer to accommodate your disability, if you need to, so that you can do the job as well as someone who is not disabled.

Also, if you are covered under the **Family and Medical Leave Act** (FMLA), you can take 12 weeks of leave to take care of a sick family member, for the birth or adoption of your child, or for your own serious medical condition.

In addition, state and federal laws protect the **wages** of workers. These wage protections extend to workers in workfare programs or temp workers.



# What are My Responsibilities on the Job?

You got hired to do your job because your employer thought that you could help get the job done. As an employee, the law expects you to be loyal - that is, no stealing from your employer, no working on another job while you are on your job's time clock, and generally to do your job as well as you can. Aside from the law's requirements, it helps to do your job as well as you can, for your own benefit.



It is also very important that you are familiar with the work rules and policies of your employer. If there is a handbook, or if you were given information at orientation, or in the form of memos while you are working there, make sure to read and understand them.

The best employees are usually able to show employers that they would benefit from hiring them, or from keeping them on the job. Use the advocacy skills detailed on the next pages to make the most of any job you have, and to protect yourself in case things go wrong.

# Advocacy Skills in the Workplace

## Know Yourself



Answer the questions included at the beginning of the chapter. The more you understand what your job is and what it isn't, and the more you can define your goals on the job, the more you will be able to plan ahead. Also, if you do ever have problems on the job, you will have done some of your background thinking in advance and will be able to make a plan much more quickly.

Another reason to do this interview, even if you don't have a job yet, is to try to figure out the barriers you might have to getting or keeping your job. Is child care a barrier? Unpaid bills or creditors? Do you need a uniform for your job? By figuring out all the hurdles in advance, you can hopefully address them before you start working.

## Community Contacts

Knowing as many people as possible in the community may be the best way to get a job in the first place. A recent study showed that as many as 85% of all jobs are not advertised, they are filled through word of mouth. So, you might be able to find a good job, or a better job, by talking to people.

Once you are on a job, your community contacts can help you meet the challenges of staying on the job. People have organized car-pools, child care circles, dinner-cooking circles, and other group efforts to help each other deal with hurdles on the job. There are many agencies that can help you with problems that you may encounter, like consumer counseling or getting help with day care payments, getting a voucher to get a uniform, or help with car repairs from the Department of Social Services. Remember, the phone book is your best friend, and refer often to your list of community resources that we worked on in Chapter 2.

## Keep a File and make a Paper Trail

Just like when you deal with any other big agency, keep all the information about your job in a separate folder. If you have trouble on the job, keep notes at home about what is happening - remember to keep track of names and dates of incidents, anything that can help you reconstruct what happened. If you get an employee manual, read it, and keep it handy - the employee manual is like the rules of the job, and you might have some protections right in the manual.

If you get any job descriptions, keep them. Any notes from customers or from supervisors telling you that you did a good job, keep them. If there are people on the job who praise your work or encourage you to succeed, remember them, because they can help you to advance your career. Even bad performance reviews, keep them! If you are looking for a job, keep notes on all the places you looked, the people you talked to, and the dates of interviews or phone calls. Especially if you are receiving public assistance or unemployment, it is important that you are able to prove that you've been looking hard for a job with many different employers.



# Active Listening and Communication on the Job

**Active Listening** skills are very, very important on the job. Whether it's negotiating a raise, or keeping your cool as you get fired, it is really important to remember how to actively listen and communicate in stressful situations. In addition to the workplace-communication-tips included in this section, refer back to Chapter 4 in this manual.

In order to be as **prepared as possible** for these situations, be alert to warning signs that things are not going so well on the job. Some **warning signs** to watch out for:

- \*Warnings or poor performance reviews;
- \*Changes in your work assignments and duties;
- \*Changes in management;
- \*Financial problems at the company; or
- \*Actions taken against you such as reduction of hours, probation, etc.

If these warning signs are present, you need to address them before it is too late. Now is when your allies can help you the most. Ask for their help and advice, explain what you need to know, and how they can help. Try to stay positive about the situation and do not talk negatively about the company.

Get as much **information** from the company as possible. Find out if you are an at-will employee who can be fired for any legal reason, or if you are covered by union rules or a contract that says you can only be fired for good cause. Ask to look at your **personnel file**, in some states, you have a right to inspect it, and you can review your file just to make sure it is complete. Call a local legal services to find out if you have this right. If you find anything in your personnel file that is wrong or that you disagree with, you may be able to get a copy of your personnel file to have for your records and to use to later dispute it.

If necessary, you can **negotiate** with your employer to try to clear up the problems. Keep the lines of communication open, and ask if there is a way to work together. If despite your best efforts you do not find a solution, do not automatically quit your job. Keep a record of what is happening and keep investigating your options.



## What if I Get Fired?

It is really important to stay calm. Focus on getting as much information as you can, and listen carefully to the person who is speaking. Ask questions. Set the date for another meeting if possible. Do not sign anything at this meeting. Right after the meeting, write down as much as you can remember about what happened at the meeting. Date your notes and hold on to them.

**Remember: your cash benefits, unemployment benefits, and housing subsidies can all be affected by what happens on the job. Before you quit or get fired, call your local legal services office for help.**



# Chapter Eleven

## Time Management

### How to Enjoy Time on Your Side

While you may feel ready to tackle your barriers, it is very easy to feel overwhelmed and overburdened. Many people fall into bed each night exhausted - feeling as if they did not accomplish all that they had to do that day. Then, they wake the next morning overwhelmed by all that faces them. This is understandable, today's modern family is torn between family, work, chores, community, faith, education and more! With all of the rules and requirements of public assistance, the workplace and the responsibilities of a family life, it is obvious why we all feel behind on our work and sleep.

Being organized, keeping a schedule, and becoming a time-manager will help you succeed in accomplishing all of your goals. Using your time wisely will also allow you to free up time that you can use for new activities, for your family, or just to relax!

### Evaluate Your Time

Before we can introduce ideas to you on how you can save time, or create extra time in your life, it is important for you step back and evaluate how you currently spend your time each day. By doing this simple exercise on the next page, you will see where your time goes, and how you can reevaluate your schedule.

After you complete your own personal time evaluation, use our step by step guide to getting organized, and soon you will have time on your side! Pretty soon your list will be much more balanced, and you will have more time for the categories that you enjoy most!



# Evaluate Your Schedule

Under each of the categories, approximate how much time you actually spend at each activity. Factor in the time that it takes you to get where you are going as well. (For example, if you work for 7 hours a day, but it takes you 20 minutes each way to get there, write down 7 hours, 40 minutes). There may be categories you want to add to this list. When you are done, the list should equal 24 hours.



**SLEEP** \_\_\_\_\_

**COOKING AND EATING** \_\_\_\_\_

**WORK OR SCHOOL** \_\_\_\_\_

**CLEANING AND CHORES** \_\_\_\_\_

**TIME WITH FAMILY/FRIENDS** \_\_\_\_\_

**ON THE TELEPHONE** \_\_\_\_\_

**RELAXATION/ENTERTAINMENT** \_\_\_\_\_

**HOBBY** \_\_\_\_\_

**PERSONAL TIME** \_\_\_\_\_

**CHILDREN'S TIME** \_\_\_\_\_

**RECREATION/FITNESS** \_\_\_\_\_

**COMMUNITY ACTIVITIES** \_\_\_\_\_

**OTHER PERSONAL** \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ (this should = 24 hours)

# Start Your Calendar!

It is a good idea to keep a calendar with all important dates and appointments listed for the entire year. This calendar serves as a long-term planner for you, and allows you to keep your personal, business and family life organized all in one place. There are many methods for long-term planning. You may prefer desk-calendars, or planners that you can carry with you. Others prefer wall-hanging calendars that can easily be seen in your home.

Sometimes it is easiest to sit down at the beginning of the school year, or in January, and mark off each of the days that your children will be out of school, or each day that your work is closed for a holiday. Fill in special days to remember for the entire year: birthdays, anniversaries, and annual events. Fill in all recurring events - for example, if you go to a community meeting every two weeks, mark that meeting down for the entire year. With a permanent calendar established, you can easily and accurately schedule anything that comes up.



## The Long Haul and Week-to-Week Planning

**The Long Haul:** Refer to your list of goals, and barriers in Chapter 1. Using this list, think of the things that you would like to accomplish over the next few months, or year. Realistically think of how much time needs to be devoted to each item, or to each step per week in order to reach your goal. At this stage we are not making the actual plan of attack for these goals (for more on that, see Chapter 1), but it is a good idea to constantly be thinking about fitting your long term goals into your every day life.

For example, if one of my long-term goals, is to find a better job in the next three months, I need to allocate a certain number of hours, or minutes per week to look in the papers, call for information, fill out applications, and work on my resume, I must add these hours to my weekly schedule, in the next step.

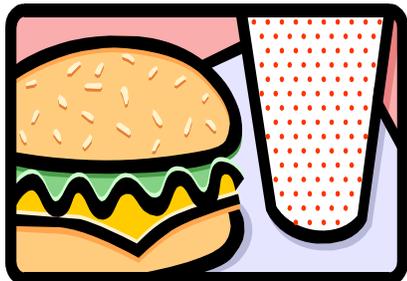
**Week-to-Week:** While many feel overwhelmed by their schedules - and feel it is hard to plan from moment to moment, let alone day to day - the best way that you can be effective in your time management is to plan week to week. And then, each day, as you prepare for the next day, your time is freed up that much faster.



On the weekend - take a look at your week to come. Look at your calendar. What is scheduled? Where do you have to go? What do your children have to do? Are there any special meals you need to plan, or will you need special transportation?

Once you have planned your week, it will be easier to create a list of things to do each day. Review your list each night, changing it as you need to.

# Save Time Where You Can!



## Food

First, while looking at your calendar for the week, determine how many meals you will need that week - lunch, school, snacks, everything. Make a menu plan for each meal, and for all other grocery items that you need. By making just one trip to the store, you will save time on all of the short trips that you take to a corner or convenience store. You will also save yourself a lot of money.

Plan meals that carry from day to day. If you make a roast one night, can you turn the leftovers into stew for the following day? If you are chopping vegetables for tonight's meal, and know you need some for tomorrow's meal - chop them and put them in a container in the fridge. This will save you time tomorrow. You can also save a lot of time by cooking large batches of soups or sauces on the weekends, and freezing smaller containers for easy use through the week. Crock-pots or slow-pressure cookers also can save you time. Just put all ingredients in together before bed, and by dinner the next day - the entire thing is done for you. The public library has many cookbooks on time-effective cooking! Pack all lunches and snacks the night before. By doing so you may be able to sneak in a few extra minutes of sleep, and will also cut down on the stress of getting ready in the morning.

## Household

Look at the number of hours you spend on chores and household duties. How can you make this number decrease, while still keeping up?

First, if you **clean** as you go, you can save a lot of time and effort. Sneak cleaning in - do dishes as you cook, sweep while you are on the phone, or pick one item up as you walk through a room.

Second - **delegate!** Assigning chores, and duties for the household can be a good lesson for your children, as well as a good way to accomplish small tasks around the house. If there is a weekly "clean-up" time - the whole family gets involved. By working together for an hour you can accomplish what it would have taken you a week to do alone in little bits of time.

Do your washing and ironing only once a week if possible. Take a look at the family calendar. Plan your clothes for the entire week on the weekend. If each piece is pressed and washed before the week even begins, you will eliminate many minutes from your busy schedule each day. You can even make it into an event! One Dandelion borrows a movie from the library on the weekend, and irons while she watches the movie. This way, it is a relaxing reward while you work, or a good way to keep your kids occupied. Hang all the outfits in the closet for the week, and you are ready to go. There is no thought or conflict in the mornings when it is all planned for you in advance.



## Save Time on Your Errands

If you take a trip to the grocery store, and another trip to the cleaners, and another to the post office, yet another to the bank, and another to the gas station - you have wasted a lot of your time, and even a lot of your money. All of these trips cost you precious hours, as well as gas for your car, time on the bus, or money for babysitters. If you coordinate your errands into one or two trips - you will save a lot of time and effort.

Shop at “one-stop” grocery stores that have a bank machine, a pharmacy, and that allow you to buy stamps right at the service desk. All of a sudden one trip takes the place of four. By planning ahead you will minimize your stress, and get a lot more done! Sneak errands into your day. Run errands during your lunch hour, and consider having your paycheck directly deposited. Also consider sharing errands with friends or neighbors so that you don’t waste time by duplicating trips.



## Timing

Let’s say you have an appointment with your caseworker at 1:00 on Monday. You write it on your calendar, and you’re all ready to go when you remember you don’t have the right form to bring in. Once you find it, you run out of the house to see your bus just leaving. The next bus arrives, but not for another 15 minutes. You are late for your appointment, and all of a sudden you’ll have to make another appointment - which means doing the same thing all over again, or maybe you will even face a sanction for missing another appointment. Where did you go wrong?

Well, the start was right - marking the appointment on your calendar is always the first step. But, if you had planned the night before - you would have had your files organized, and ready with your bag - so you could have gotten out the door faster.



Sometimes though, you are prepared, and you are still late, or miss an appointment. Why? **Because you can never depend on anyone else’s time!**

You should never rely on the bus being on time, or that there won’t be traffic, or that there isn’t a line at the store, or at the Department of Social Services. Also - just because an appointment is very important to you, or is the only thing that you have to do today does not mean that the person you are going to meet is sitting and waiting for you to arrive. More than likely they have their own schedule - with their own list of things to do, and you cannot count on their time schedule to exactly match yours.

Look to the next page for more ideas on how to solve the timing problem!

# What is the Solution to the Timing Problem?

One of the best methods to being on time, and saving time is to pretend that all of your appointments are 15 minutes earlier than they are. This will leave you extra time to make it! Mark the earlier time on your calendar - and you are well on your way to being on time!

**Don't waste this extra time!** If you do plan to leave earlier, and have to wait longer because of it - use this time. Review your calendar, or your list of things to do. Organize your list for the following day. Use this time to write bills, balance your checkbook, or write a letter. Take the time to review who you are meeting with, what you are going to say, and all of the tips from Chapter 4. Even better - if these things are already done, do something special like read a book, or bring something you like to do - like knitting or playing with your children.

## Stay Up Later

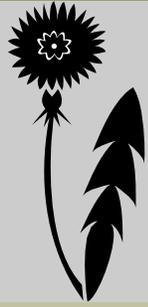
At the end of the day, if there are still a few things left from your list - do not worry. Make sure that you transfer these things to the next day - so that they do get accomplished. Better yet, stay up a little bit later to wash the dishes, organize your bag for the next day, or lay out your clothes. These extra moments will be recaptured when you can sleep a little longer tomorrow, or have a few extra minutes to relax, or to work on your long-term goals.

Like a savings account where every penny counts - every minute counts, and will save you time, money and stress in the future. Planning ahead is always the answer. By following these simple steps you will find your days, and weeks much easier to handle. While these scheduling tips will not make all of your appointments and duties disappear - it will be much easier to handle the day to day responsibilities that have been piling up around you. It is a great accomplishment to cross things off your list. By being organized and planning ahead you will be able to complete your list of things to do every day - and will be further on your way to reaching your goals!

## Allow Yourself to Relax

Many people do not make time for themselves. Giving yourself a break once in a while will help you in your overall mood, productivity and energy. A rest can mean a nap, quiet time with a book, time with your kids, or time away from home. Just as young children need "nap-time" to rejuvenate, you may need a relaxation time for yourself to reflect and rejuvenate.





# Chapter Twelve

## The Big Picture

In conclusion, revisit the list of priority problems that you created in Chapter 1. With the help of this manual, you may now be ready to plan a step-by-step approach for tackling your problems.

Always remember the following steps:

- 1. Reach out to others!**  
**Use your community supports!**
- 2. Organize yourself!**
- 3. Stop, look and listen!**
- 4. Use the law to your advantage!**  
**Recognize your rights and responsibilities.**
- 5. Look forward to the time when you will not be faced with the barriers you currently face.**

By using these steps to approach any problem that you have - big or small - you can succeed in reaching all of your goals! The transition off of public assistance, or toward self-sufficiency is often much closer than you think!

No matter what point you are at on your journey off, or away from, public assistance, remember that agencies and programs exist to help you. Reach out; start with the person who gave you this manual. Call Project Dandelion for more information; in Erie County, we can provide information, legal referrals, and representation for people if necessary. You are not alone; many women who have made the journey themselves want to help you make it yourself!

**Congratulations on taking the first step in learning how to be your own best advocate!**



