

# VR Employment

Monday, February 5, 2018

2:00pm to 4:00pm (CT)

**NOTE: The audio for everyone is muted until the session starts. This session will be recorded for future reviewing.**

**\* 6 mutes your phone - # 6 unmutes your phone**

**This presentation can be downloaded at**

**<http://dhs.sd.gov/rehabservices/providerresources.aspx>**

If you have questions during the presentation, use the chat feature

# **This training will cover the changes, definitions and requirements of:**

- Competitive Integrated Employment
- Customized Employment
- Supported Employment

**NOTE: These definitions are for the purchase and reimbursement of Vocational Rehabilitation Services**

# What is Driving These Changes?

- Workforce Innovation and Opportunity Act July 22, 2014 <http://dhs.sd.gov/rehabservices/rulesandregs.aspx>
- VR & Supported Employment Regulations 8/19/2016 <http://dhs.sd.gov/rehabservices/rulesandregs.aspx>
- Types/Availability of VR Funding Sources

# Competitive Integrated Employment

- full or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work,
- and fully integrated with co-workers without disabilities, and
- opportunities for advancement are available similar to other employees without disabilities.
- Exact Definition in Rehab Act Sec. 7(5) and 34 CFR, §361.5(9)

# 1<sup>st</sup> Part of CIE - 34 CFR, §361.5(9)

Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—

- Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
- Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
- In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
- Is eligible for the level of benefits provided to other employees; and

## 2<sup>nd</sup> Part of CIE - 34 CFR, §361.5(9) & (32)

Is at a location--

- Typically found in the community; and
- Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g. customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons;

## **3<sup>rd</sup> Part of CIE - 34 CFR, §361.5(9)**

Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

# Summary of Competitive Integrated Employment

- Typically contract arrangements with the Provider do not meet this requirement.
- Work situations can be individually evaluated.
- This does not prohibit providers from developing contracts, enclaves or other group situations, VR funding cannot be used for these employment outcomes.
- This also does not exclude Providers from hiring individuals with disabilities as staff.



# Competitive Integrated Employment

Program Guide and Evaluation Form are available

Questions ???

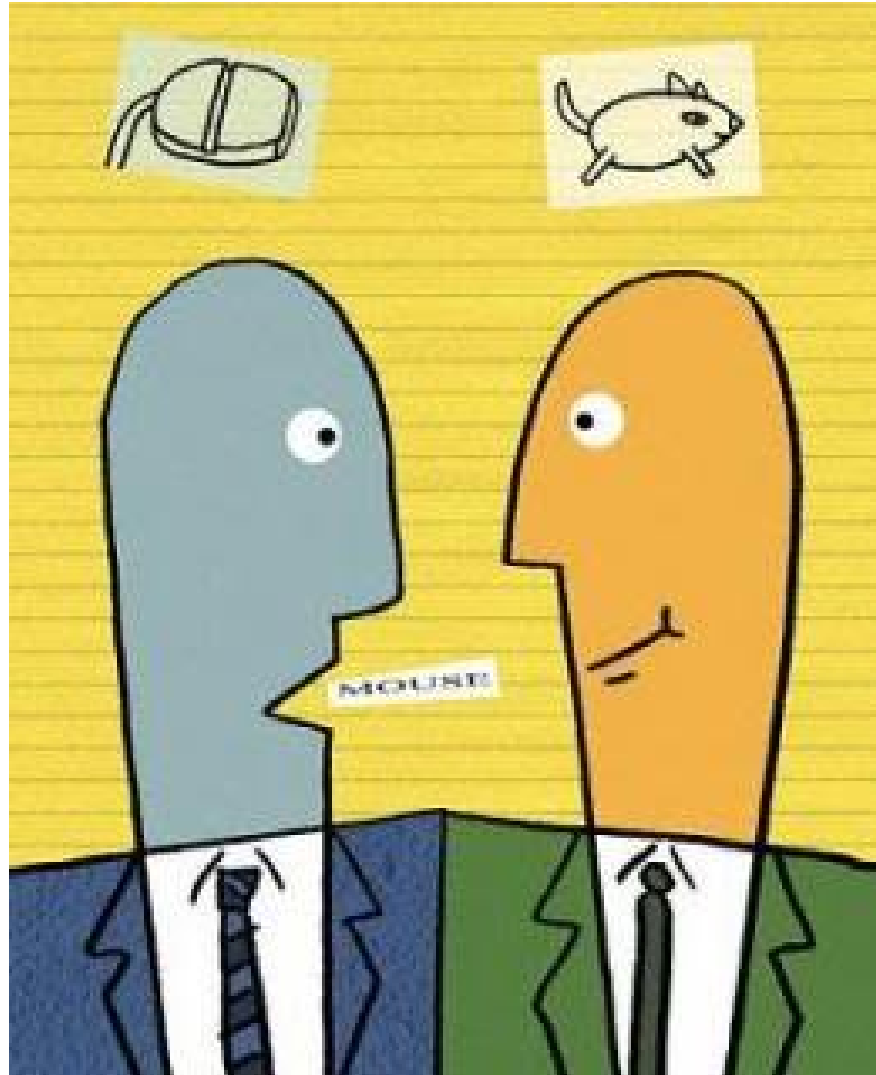
# Customized Employment

means competitive integrated employment, for an individual with a significant disability, that is—

- (i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;
- (ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
- (iii) Carried out through flexible strategies, such as—
  - (A) Job exploration by the individual; and
  - (B) Working with an employer to facilitate placement, including—
    - (1) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
    - (2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
    - (3) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
    - (4) Providing services and supports at the job location.

- Exact Definition in Rehab Act Sec. 7(7) and 34 CFR, §361.5(11)

# Customized Employment



# Customized Employment

## Additional Requirements

- Needs to occur with a community business as the employer, and
- Includes Discovery

# What is Discovery?

- Determination of individual's strengths, needs, and interests.
- Include qualitative research
- View employment seeker descriptively rather than evaluatively
- Interviewing employment seeker, family, natural supports and friends.
- Optimistically focused review of records pertaining to employment seeker.

# What is not Customized Employment

- Provider brings in a person to VR to apply on Monday. The person will have job at ABC employer because a previous person with a disability lost the job. So the employer wants a person to take over this job.
- Provider assists a VR client obtain a job that is carved out for the person. However there was no discovery, interviews, review of records, interests review and person centered planning related to employment.

# What we need to further Develop/Define

- How do we document Customized Employment?
- Customized Employment & Discovery cross over both VR and DDD description of Services.
- How is it going to be funded?
- Development of DDD Supported Employment Tool Kit.
- Training to Providers and VR Counselors
- How does the VR system track it.
- Currently updating Memorandum of Understanding with DDD and Mental Health

# Customized Employment

Questions????

The 1<sup>st</sup> Word is?



# Research Project

Center for Disabilities is looking for Job Coaches and Employment Specialists to participate in a research project to assess the outcomes of customized employment for job seekers with psychiatric disabilities. For Information Contact:

USD Center for Disabilities  
1400 W. 22nd Street  
Sioux Falls, SD 57105  
[ed@usd.edu](mailto:ed@usd.edu)  
(605)357-1439

# What is the purpose of the Supported Employment program?

Under the Supported Employment program, the US Department of Education Secretary provides grants, in addition to the VR program grants, to assist States in developing and implementing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities, including youth with the most significant disabilities, to enable them to achieve supported employment outcomes in competitive integrated employment.

(Section 602 of the Act and §363.1 of the implementing regulations)

## **What Funds are used for Supported Employment?**

- Title VI – Supported Employment. \$300,000
- Title I – Basic VR Funds
- Social Security Reimbursement Funds
- State Funds

## **Title VI - Supported Employment Funds?**

- Only used for Supported Employment Eligible VR Clients.
- Only used when the client has the job such as job coaching and time limited follow-along
- ½ of the \$300,000 is to be used for Youth with Disabilities. This also has a 10% State Match
- If the SE funds are all used, VR can use Title I or other funds.
- Supported Employment funds have not been approved in FFY 2018 and may not be approved.

# What is Supported Employment?

Supported employment is—

- Competitive integrated employment, including customized employment; or
- Employment in an integrated work setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment; and
- Employment that is individualized and customized, consistent with the individual's unique strengths, abilities, interests, and informed choice, including with ongoing support services for individuals with the most significant disabilities.
- (Section 7(38) of the Act and §363.1(b))

# Who does the Supported Employment program serve?

Individuals with the most significant disabilities, including youth with the most significant disabilities, for whom—

- Competitive integrated employment has not historically occurred; or
- Competitive integrated employment has been interrupted or intermittent; and
- Intensive supported employment services and extended services are needed in order to perform the work involved, because of the nature and severity of their disability.

(Section 7(38) of the Act and §§361.5(c)(53) and 363.1(b))

# Who is eligible for supported employment services?

A State may provide supported employment services to any individual who—

- Has been determined eligible for vocational rehabilitation services;
- Is an individual with a most significant disability; and
- Has had supported employment identified as the appropriate employment outcome based on a comprehensive assessment of rehabilitation needs and an evaluation of rehabilitation, career and job needs.

(Section 605 of the Act and §363.3)

# How SD VR Funds Supported Employment Services

- When an individual is determined eligible for VR and also Supported Employment, the services are identified on the Individual Plan for Employment.
- Authorizations are issued to the provider typically for job coaching and follow along with the units of services.
- Provider delivers the service and submits invoice to VR for payment.
- Units of services on the authorization are an estimate and only actual services provided will be paid.



# Other VR Services

All other VR services will use Title I funds such as:

- Job Placement Package
- Situational Assessments
- Assistive Technology
- Clothes for Interview or the job
- Other Skills Training
- Other services necessary for employment and on the Individual Plan for Employment.

# Overview of Significant Changes to the Supported Employment Program Made by WIOA

Significant changes include:

- Extending the time frame for the provision of supported employment services from 18 months to 24 months;
- Requiring that supported employment be in competitive integrated employment or, if not in competitive employment, in an integrated work setting in which the individual is working toward competitive integrated employment on a short-term basis;
- Requiring the availability of supported employment funds and/or VR program funds for providing extended services to youth with the most significant disabilities;

# Overview of Significant Changes to the Supported Employment Program Made by WIOA (cont.)

- Requiring a reservation of 50 percent of a State's allotment under the Supported Employment program for the provision of supported employment services, including extended services, to youth with the most significant disabilities;
- Requiring not less than a 10 percent match for the 50 percent of the allotment reserved to serve youth with the most significant disabilities; and
- Reducing the amount of funds that may be spent on administrative costs.

# **Extended Time Frame for Provision of Supported Employment Services**

The time frame for the provision of supported employment services was extended from 18 months to no longer than 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment (IPE).

(Section 7(39)(C) of the Act and §§361.5(c)(54)(iii) and 363.50(b)(1))

# Competitive Integrated Employment and Short-Term Basis

Supported employment is now required to be in competitive integrated employment or, employment in an integrated work setting in which the individual is working on a short term basis toward competitive integrated employment.

(Section 7(38) of the Act and §363.1(b))

# Short-Term Basis

In the definition of supported employment, short-term basis is described as follows:

Short-term Basis. For purposes of supported employment, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in 34 CFR 361.5(c)(9), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment—

## Short-Term Basis (cont.)

(1) Within six months of achieving a supported employment outcome; or,

(2) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

(Section 7(38) of the Act and §363.1(c))

# Requirements for an Employment Outcome in Supported Employment

Requirements that must be satisfied for an employment outcome are set forth in §363.54 of the implementing regulations:

- First, the individual must have completed supported employment services, which may be received for up to 24 months, or longer if the counselor and the individual have determined that such services are needed to support and maintain the individual in supported employment.



# Requirements for an Employment Outcome in Supported Employment (cont.)

- Second, the individual has transitioned to extended services provided either by the VR agency for a youth with the most significant disability, or another provider, consistent with the provisions of §§363.4(a)(2) and 363.22;
- Third, the individual has maintained employment and achieved stability in the work setting for a minimum of 90 days after transitioning to extended services, and;
- Finally, the employment must be individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individual.

# Supported Employment

Questions ???

The 2<sup>nd</sup> Word is?

# Need Continued Education Credits such as CRCC or CESP?

**Complete the on-line survey by 2/12/2018:**

**<https://www.surveymonkey.com/r/VREmployment>**

**You must enter in the CEU Code to receive credits**

**This presentation can be downloaded at**

**<http://dhs.sd.gov/rehabservices/providerresources.aspx>**