March 2017 Section 511

IVRS is currently tracking and providing follow-up AT LEAST ANNUALLY to two separate groups:

1. Jc's closed in extended employment since 7/22/14 who had an open case with IVRS, and

2. Individuals who are known to us but sign a form refusing services from IVRS.

GROUP 1. There have been 24 individuals known to IVRS closed in extended employment since 7/22/14. Anyone entering extended employment and earning subminimum wages after July 22, 2016, is reviewed every six months and annually thereafter. (Youth under 25 closed in extended employment after July 22, 2017 are reviewed semi-annually the first two years and annually thereafter).
Six cases have been closed in extended employment after July 22, 2016.

TRACKING GROUP 1.
Lee Ann Russo track's responses and sends a follow-up email if IVRS doesn't re-open a case (after informed choice) every 6 months for anyone who began extended employment AFTER 7/22/16, and annually to those who entered extended employment between 7/22/14 - 7/21/16.

IVRS staff receive this email:
You are receiving this email because a former job candidate assigned to you (or your office) was closed in Extended Employment, earning subminimum wages with a Community Rehabilitation Provider (CRP). ***The individual in the excel tracking sheet requires outreach from your office****. This outreach should consist of a review to document the interests, priorities, and what is needed to assist this individual in achieving competitive, integrated employment using the attached WORD document:* ***REVIEW of INDIVIDUALS WORKING IN EXTENDED EMPLOYMENT****.*

PROCESS FOR REVIEW:

- *ü Schedule a review to complete by phone or in-person with the individual and guardian.*
- *ü Document the review results on the attached form.*
- *ü Obtain a signed acknowledgment that the individual or their representative provided input to the review,* ***AND***

the date the review was done.

- *ü Keep the completed form in your office and provide a copy to the individual for their team.*

If additional information is needed let me know, otherwise please ***PROVIDE ME THE COMPLETED COPY OF YOUR REVIEW WITHIN THE NEXT 30 DAYS****. Thank you!*

In GROUP 1. a jc signs off on and is provided a copy of the form below *"REVIEW OF INDIVIDUALS WORKING IN EXTENDED EMPLOYMENT*" and encouraged to share with the CRP to document Career Counseling and Information and Referral services.

GROUP 2. IVRS also follows-up on individuals who have refused our services and since they are known to us, we provide at least annual reviews. These amount to 18 individuals who have refused IVRS services, primarily to remain in their community's CRP. Depending on age, a person refusing IVRS that's known to us signs off on one of the two refusal forms attached. IVRS staff provide me with a copy of the ***REFUSAL FORM*** which indicates:

You have, through your own choice, refused to participate in services including career counseling and information and referral leading to competitive integrated employment offered through IVRS. Reason for refusal:
You have, through your own choice, refused to participate in the following activities and have chosen instead to work in extended employment: Reason for refusal:
You further understand that IVRS will contact you every six months for the first year following the date of this refusal and annually thereafter, to discuss employment options and the services available to assist you in finding a job. IVRS will retain copies of all documentation related to your refusal to participate.

TRACKING GROUP 2: I receive ***REFUSAL FORMS*** forms from staff throughout the month and based on the date they were signed, track when another review is required. The Career Counseling and Information and Referral services in these cases are provided by the individual's case manager or whomever is paying for them to be involved in an entity paying subminimum wages.

The following email was sent to partners and VR staff in August of 2016:

IVRS has received a number of inquiries from staff and partners regarding how to proceed and steps to take in relationship to individuals who are currently receiving services at subminimum wage. The communication below outlines the process IVRS will use. Additionally, the PowerPoint attached has been adapted by the IVRS Bureau Chief to assist staff and partners in understanding limitations on subminimum wage.

Under the Workforce Innovation Opportunities Act, if an individual with a disability, regardless of age, wants to maintain his or her employment at subminimum wage with an entity holding a special wage certificate under the FLSA, he or she must obtain from the Designated State Agency (in Iowa that is IVRS): Career counseling and referral services.

IVRS may provide these services directly or may contract with another provider of such services in the community.

In Iowa, IVRS works closely with DHS case managers and Managed Care Organizations, who meet at least quarterly with individuals who are earning subminimum wages. Case managers provide these individuals comprehensive information regarding working in competitive integrated work. The work of the case managers and case coordinators - whether employed by DHS or a MCO - is comprehensive and focuses on competitive integrated employment opportunities, which satisfies WIOA requirements as long as this is addressed in an Individual's Service Plan. The requirements for these services includes:

- They are provided in a manner that facilitates independent decision-making and informed choice; and

- May include benefits counseling, particularly with regard to the interplay between earned income and income-based financial, medical and other benefits.

- The individual is provided with the documentation, which is also included as part of the record maintained by the CRP entity.

- Individual, parent/guardian sign a statement indicating they are refusing to consider work outside of the subminimum wage placement if they are electing to remain in subminimum wage as part of informed choice options.

For individuals employed at subminimum wage prior to July 22, 2016, the services listed above must be carried out once before July 22, 2017 and annually thereafter.

For individuals with disabilities hired at subminimum wage on or after July 22, 2016, required services must be carried out every 6 months for the first year and annually thereafter for as long as the individual is employed at subminimum wage.

In the State of Iowa, IVRS has determined that the following documentation is needed by the provider to satisfy Section 511 documentation requirements of counseling on competitive integrated employment and referral services:

1. Case manager's plan for the individual and/or bi-annual reports on the individual that discusses:
    a. the individual's interest in competitive integrated employment
    b. information and referral to other programs (State, Local, Federal)

2. CRP progress reports on the individual earning subminimum wages.

3. If the individual, parent or guardian states they do not want to work in the community in competitive employment, that statement must be in the record and signed by the individual, parent or guardian. This document should be completed at the appropriate benchmark review date and retained as a part of the record.

4. This information should be provided to the individual participant and/or their representative.

There is a separate process necessary for Youth with a disability (defined as an individual aged 14 to 24) and what is required prior to the youth beginning work at subminimum wage. This specific message only applies to requirements related to individuals of any age who wants to maintain his or her employment at subminimum wage with the entity holding the special wage certificate under the FSLA.

Individuals of any age who desire employment in the community should be referred to IVRS for services. Such referral may simply be a phone call to the local office or a completed application sent in with corresponding documentation of disability to expedite the VR intake process.

There has been continued efforts to fine tune the MOA between DHS and IVRS surrounding implementation of the Section 511 process. Trainings have occurred across systems during the past six months and we are still finalizing the MOA through DHS. Information has been exchanged with Disability Rights Iowa also responding to questions regarding the process. Below is one of those exchanges from Lee Ann Russo:

What you've written summarizing our discussion is correct - with the exception of the sentence that says: ***Additionally, VR will utilize its own documentation process to document these services, and will provide that documentation to CRP's as needed for the purposes of maintaining compliance with the Department of Labor.***

IVRS **will** provide a copy of our documentation to the individual with a disability (or their guardian), <u>not the CRP</u>. Our staff will ask the individual with a disability to provide the CRP with a copy of the documentation we provide them. We have also encouraged CRPs to **<u>ASK</u>** an individual for any needed IVRS documentation since IVRS does not currently provide an individual's documentation directly to a CRP. We've talked about reviewing this process but everything I read in WIOA appears to require that **VR's provide documentation to the individual,** who then provides it to the CRP.

I'd also expound on the second to last sentence where you indicate: ***It is only after a refusal for VR services is signed that a "known" individual's I&R and career counseling service responsibility and documentation process will be transferred back to DHS***.

While **this is true**, IVRS is also providing the required follow-up for individuals who were known to us but refused our services. You're right, the career counseling and information and referral services would be provided by a case manager in cases where a person refused VR services but since they're still "known to us," <u>IVRS continues to do outreach and follow-up with these individuals at least annually.</u>

Let me know if I need to clear up anything I just wrote and thanks!

On Wed, Mar 8, 2017 at 8:05 AM, Emmanuel Smith <esmith@driowa.org> wrote:
Dear Lee Ann,

Thank you so much for taking the time to explain elements of the MOA to us, and go over some of the finer points of the new process IVRS envisions for those working at subminimum wages. Our main question coming into the discussion was to what degree being made known to VR modified the manner in which Information and Referral services, as well as Career Counseling would be provided. Coming out of our meeting, our understanding is as follows:

Upon being made known to VR, IVRS has ten days to make initial contact with the individual, and then proceed on with educating the individual on VR services. VR at this point will take on the responsibility of I&R and career counseling the known individual for the purposes of WIOA. Additionally, VR will utilize its own documentation process to document these services, and will provide that documentation to CRP's as needed for the purposes of maintaining compliance with the Department of Labor. It is only after a refusal for VR services is signed that a "known" individual's I&R and career counseling service responsibility and documentation process will be transferred back to DHS. Obviously, for non-youths unknown to VR, DHS will take on the responsibility of providing I&R and counseling services, making VR referrals when appropriate.