

## Changes to Policy under WIOA

8/16

### **EMPLOYMENT OUTCOMES, COMPETITIVE INTEGRATED EMPLOYMENT, SUBMINIMUM WAGE EMPLOYMENT**

#### **Employment Outcomes:**

1. Customized employment is a form of competitive integrated employment.
2. Uncompensated outcomes, such as homemaker and unpaid family worker, are eliminated as something that VR staff may plan for or receive a successful closure as an employment outcome.
3. If an individual wants to pursue an uncompensated outcome he or she may do so but not under the VR program and may be referred to independent living and other appropriate programs.
4. The employment goal on the IPE must be consistent with a general goal of competitive integrated employment.
5. IVRS funds cannot be used to alleviate deficiencies in funding for other programs that can more appropriately serve individuals seeking IL that are not necessary for the achievement of an employment outcome.

#### **Competitive Integrated Employment:** Competitive Integrated Employment requires that the employment outcome satisfy all three components of the definition for competitive integrated employment:

1. Competitive earnings:
  - a. Equal to or greater than the Federal, State or local minimum wage (whichever is higher) where the place of employment is located;
  - b. Comparable to the customary rate paid by the employer to employees without disabilities in similar positions with comparable skills, experience and training;
  - c. Benefits are comparable to those of employees without disabilities in similar positions;
  - d. Self-employed individuals in the start-up phase of a business venture can meet the definition even if making less than the applicable minimum wage.
2. Integrated location: the employment site must satisfy two criteria –
  - a. It is in a setting typically found in the community and:
    - i. It is in a setting in which the individual with a disability interacts while performing job duties with employees without disabilities to the same extent that employees without disabilities in similar positions interact with these persons (quality of interaction and level of interaction standard.)
    - ii. Setting established by CRPs specifically for the purpose of employing individuals with disabilities are not integrated settings.
  - b. Level of Interaction among employees without disabilities with employees with disabilities – applies to co-workers not supervisors, job coaches, and customers. The interaction is during the performance of the work, it is not the interaction during break or lunch type periods. It is not the casual conversational or social contact, but the interaction during the performance of work.
    - i. Group and enclave settings in which the interaction is with persons visiting the work site, job coaches, etc., and not the non-disabled co-workers do not satisfy the definition of competitive integrated employment.
    - ii. Work that is performed in group settings where the co-workers are individuals who would be considered as having barriers under the core programs and are working in groups as part of their social service program would not be considered competitive integrated work.
3. Opportunities for advancement: the employee with a disabilities must be eligible for the same advancement opportunities as are available to employees without disabilities in similar positions.

#### **Limitations on the Use of Subminimum Wage:** Focuses on the payment of subminimum wage and not the nature of the work setting-

1. Requires youth with disabilities to satisfy certain service-related requirements prior to starting work at subminimum wage;
2. Requires individuals of any age to satisfy certain service-related requirements in order to continue to work at subminimum wage;
3. Requires IVRS and LEAs to document the provision of the requisite services; and
4. Requires IVRS to provide the documentation, within the specific timeframes, to the individual with a disability and, if applicable, his/her parent/guardian. Documentation may not be provided by VR to the CRP.

**Service-Related Requirements Regardless of Age:** If an individual wants to maintain his/her employment at subminimum wage he/she must obtain:

1. Career counseling on competitive integrated employment; and
2. Information and referral services, including benefits counseling;
3. If the individual is known to IVRS, IVRS provides this;
4. If the individual is unknown to IVRS the Case Manager provides this at six months and annual meetings.

**Documentation Requirements:** Individual already in subminimum wage employment and refuses to participate in IVRS services and is known to IVRS and must be provided within 10 calendar days of the refusal:

1. Name of individual;
2. Reason for refusal;
3. Dates and signatures of the individual with a disability and, if applicable, his/her guardian;
4. Statement that the records will be retained by IVRS and follow-up will occur every six months the first year and annually thereafter.

**Referral to IVRS of an Individual Employed at Subminimum Wage by an Entity that has fewer than 15 Employees:**

1. The following information on opportunities in the community must be provided within 30 calendar days, and may not be provided by an entity which has a financial interest in the subminimum wage employment:
  - a. Self-advocacy
  - b. Self-determination; and
  - c. Peer mentoring training.

**Service-Related Requirements of Youth with Disabilities:** Prior to beginning work at subminimum wage, a youth with a disability must demonstrate through documentation and completion of the following:

1. Receipt, as applicable, of –
  - a. Pre-employment Transition Services under the VR program; or
  - b. Transition services under IDEA;
2. Application for VR services and eligibility determination;
3. An approved IPE;
4. Had been working toward an employment outcome as identified in the IPE for a reasonable period of time and with appropriate supports without success:
  - a. Reasonable period of time must be consistent with the disability-related and vocational needs of the youth;
  - b. Anticipated length of time to complete services in the IPE; and
  - c. For supported employment goals, up to 24 months, or longer if an extension is agreed to and needed;
5. A closed VR service record; and
6. Receipt of career counseling, and information and referral services:
  - a. Not for subminimum wage employment;
  - b. Was provided within 30 calendar days of being known to VR to be seeking subminimum wage.

**Documentation Requirements:** VR provides the following regardless if it was provided by IVRS or the LEA- Documentation requirements for a youth requires the following to be provided to the youth:

1. Youth's name;
2. Determination made or activity/service completed;
3. Name of individual making the determination or providing the service/activity;
4. Applicable signature and dates;
5. Method by which the documentation was transmitted to the youth listed on a cover sheet;
6. Statement that the records will be retained by IVRS.

**Documentation Requirements if a youth's parent or the youth refuses to participate in activities – must be provided to them within 10 calendar days of the refusal to participate:**

1. Youth's name;
2. Statement of refusal and reason for refusal;
3. Date and signatures of youth, parent, LEA (if applicable) and VR;
4. Statement that the records will be retained by IVRS and the method of transmittal.

**Eligibility:** an eligibility justification is required to determine eligibility that considers the individual's experiences in competitive integrated settings:

1. Other's Eligible – are individuals for whom a significant disability only requires a single service in achieving an employment outcome.
2. Job Retention – individuals who are at risk of losing their job documented by their performance evaluations and statements from supervisors may move directly into service, but may only receive the services needed to retain employment.
3. Advancing in Employment – individuals who have been unable to advance in employment due to their disability, and not an educational, economic, or other factor may be determined eligible for services. However advancing in employment does not impact their priority of service rating.

## **TRANSITION OF STUDENTS AND YOUTH WITH DISABILITIES FROM SCHOOL TO POSTSECONDARY EDUCATION AND EMPLOYMENT –**

What IVRS staff may not already know:

### **Frequency of Contact:**

1. Is one time per month.

**Pre-employment Transition Services:** These services are an early start at job exploration and apply to students.

1. Intended to provide the necessary job exploration, experiences and counseling to assist students with identifying career interest to be further explored through additional VR services, if applicable;
2. Provided or arranged in collaboration with LEAs;
3. May begin once a student is recommended or requests Pre-employment Transition Services regardless of whether or not the student has applied and been determined eligible for services, and documentation of a disability is provided to IVRS.

### **Potentially Eligible:**

Students are considered potentially eligible if they are:

1. In an educational program,
2. 21 – 14 years of age, and
3. Receiving special education or related services under an IEP or is an individual with a disability for purposes of section 504 of the Act.

### **Educational Programs include:**

1. Secondary education programs (includes TAP & Making the Grade);
2. Non-traditional or alternative secondary education programs, including home schooling;
3. Postsecondary education programs; and
4. Other recognized educational programs, such as those offered through the juvenile justice system.

**Order of Selection:** Neither the statute nor the regulations exempt students with disabilities from any of the order of selection requirements.

1. A student who requires individualized intensive VR services, in addition to Pre-employment Transition Services,

must apply for and be determined eligible for the VR program and have an approved IPE.

2. Should a student with a disability be determined eligible and placed in a closed category, but had received Pre-employment Transition Services prior to the eligibility determination, may continue to receive Pre-employment Transition Services.
3. If the student had not received Pre-employment Transition Services prior to the determination of eligibility, the only Pre-employment Transition Services he/she could receive are those Pre-employment Transition Services provided to groups of eligible and potentially eligible students.

#### **IPE Projected Post-school Outcome:**

1. Is based on informed choice;
2. May be amended during the career development process; and
3. Must be revised to a specific vocational goal once this process is complete.

#### **Financial Responsibilities and Coordination with LEA:**

1. Under the MOA, LEAs are responsible for job coaching services, IVRS is assisting by providing this service until June 30, 2017 at which time the LEA must resume this responsibility.
2. LEAs are responsible for paying for any transition services that are considered special education or related services necessary for ensuring a free appropriate public education as required under IDEA.
3. IVRS may not supplant the requirements of the LEAs obligations.
4. Pre-employment Transition Services are the joint responsibility of both IVRS and LEAs.

### **SUPPORTED EMPLOYMENT**

**Supported Employment Services:** Frequency of contact is one time per month with the team, and once every three months with the job candidate. The amendments are consistent with the Act, namely to maximize the potential of individuals with the most significant disabilities to achieve competitive integrated employment and to expand services to youth with the most significant disabilities and serves those for whom:

1. Competitive integrated employment has not historically occurred; or
2. Competitive integrated employment has been interrupted or intermittent; and
3. Intensive supported employment services and extended services are needed in order to perform the work involved, because of the nature and severity of the disability; and
4. Supported employment would not ever be provided to a potentially eligible student because of the intensive services needed and such need clearly demonstrates a need for IVRS services and eligibility.

#### **Timeframe:**

1. May last up to 24 months,
2. Or longer if agreed to by the individual with a disability and IVRS and it is needed (requires an exception approved by the supervisor.)
3. Employer development is authorized and provided for the point in time in which the youth starts the "career" job.
4. Authorizations for supported employment as part of work-based learning should identify that it is part of a work-based learning, work-readiness program.

#### **Extended Services means:**

Job coaching services that are needed after stabilization on the job and the 90 days of follow-along have been completed.

**Extended Services for Youth:** In rare and unusual circumstances a youth (24 years and younger) may be on the waiting list for the waiver and, as such, extended services funding is not available. In these situations IVRS may fund extended services on a time-limited basis according to the following:

1. The supervisor approves IVRS to fund the extended services in advance of the service;
2. The individual on the waiver waiting list is in the age range of 24 and under;
3. The funding is paid at a rate of no more than 3 units per month and only when a plan of natural supports has been implemented;
4. The staff are working to identify alternative funding options (private pay, waiver, PASS, IRWE, etc.);
5. The funding does not exceed six month intervals without supervisory approval; and
6. The funding by IVRS terminates by the 25th birthday.



**Developing a Plan for Natural Supports:** Before a plan for supported employment can be initiated at a work site, a plan for natural supports must be developed. Developing a plan must be well documented in which the following items are addressed:

1. Identification of the natural support and backup natural support should one of the supports be absent or resign;
2. Training of the natural supports that includes:
  - a. Disability awareness for the natural supports, and best practice would include the entire work unit;
  - b. Training strategies and techniques, taught to the natural support, that facilitates the learning and skill acquisition of the person with a disability;
  - c. Communication strategies and person-first language that foster teaming and a welcoming environment;
  - d. Communication and business culture specifics that aligns the work and chain of command protocols between the person with a disability and the employer;
  - e. Work station design that facilitates co-worker relationship development;
  - f. Reasonable accommodations and assistive technology that enhances the skill development without disrupting the workflow.

## CASE SERVICE GUIDANCE

### Working with the Workforce System:

While WIOA requires that IVRS maximize resources and avoid duplication of services, and that IVRS is an integral partner to the workforce system, IVRS still has the statutory requirements to ensure that the work that IVRS does within the system is for and with individuals with disabilities. Nothing in the statute or the regulations allows IVRS to work with or support the work of serving individuals who do not have disabilities. Other barriers to employment, as served by the Core partners, do not qualify an individual to receive services or support through IVRS. IVRS does implement the Continuum of Services Model both with the workforce partnership and with potentially eligible students. **Requirements in Working with the State Workforce Partnership** – New policy, nothing we haven't already discussed.

**Referral/Application/Request for Services:** IVRS is required to make changes to the referral and application process to ensure compliance with the statutory requirements and the regulations. The following changes have been made:

1. **Referral for Services Form** – once this is received IVRS has two weeks to schedule the individual for an orientation or an intake appointment. If the referral is simply called into the office, or the individual calls the office, the same time standard applies.
2. **Request for Services/Application Form** – once the individual with a disability and, if applicable, his/her parent/guardian dates and signs the Right and Responsibilities section of the form the 60 day clock begins if the document is received and date stamped within 10 days of the signature. If it is received later than 10 days, the date stamp starts the 60 day clock.
3. **Continuum of Services** – Complete description is found on page 2.
4. **Counseling Methodology** – Motivational Interviewing techniques encouraged to be used for job candidates that may be resistive, unmotivated, or when decision-making is a struggle.
5. **Case Transfers** – requirements for case transfer described page 9.
6. **Shared Cases** – requirements described on page 9.
7. **Correcting Dates of Case Actions** – no backdating beyond the Federal reporting quarter is allowed. Backdating case events no longer requires supervisory approval and will be an action that can occur in IRSS. *(Staff will be notified when IRSS has been developed for this change.)* Backing out closures within the current quarter will still require supervisory approval.
8. **Medical and Diagnostic and Treatment Authorizations** – payment for records should not exceed \$50 to any vendor. The maximum amount paid to a vendor when they researched for records but did not produce any records may not exceed \$35.

## Eligibility:

1. Any applicant who has been determined eligible due to his/her disability, and is in immediate risk of losing the job due to the disability, and is determined to be in a category not currently being served, may only receive the services or goods needed to maintain the job.
  - a. The job must be in a competitive integrated setting. If services are needed for other purposes, they may not be delivered and the applicant must wait until his/her name is removed from a waiting list category and placed into active service. This means that if the individual needs services that are not directly tied to maintaining current employment, the individual's ability to receive those services from the VR program depends on the individual's placement on the waiting list.
  - b. Immediate need means that the individual would almost certainly lose his/her current job if not provided specific services or equipment in the very near future that would enable him/her to retain that employment.
  - c. Immediate risk of losing the job due to the disability does not include economic conditions and non-disability related factors.

## IPE Development:

1. **Options for Developing the IPE-**
  - a. Assistance from IVRS: all job candidates and, if applicable, their representatives may receive assistance from a qualified vocational rehabilitation representative employed by IVRS after being removed from the waiting list;
  - b. Assistance from Other Professionals: all job candidates and, if applicable, their representatives may receive assistance from a vocational rehabilitation counselor who is not employed by IVRS but any costs associated are the responsibility of the job candidate;
  - c. Assistance from Advocacy Organizations: all job candidates and, if applicable, their representatives may receive assistance from an advocacy organization of their choosing to include the Client Assistance Program, Disability Rights Iowa, and any other advocacy organization they choose; and
  - d. Assistance from Peer Mentors and Others: all job candidates and, if applicable, their representatives may receive assistance from peer mentors or others that the job candidate identifies.
2. **FAFSA** – All job candidates that intend to or are attending college training must apply for Federal Student Aid. Individuals who are private pay must still apply, as must graduate students, because IVRS must comply with the Higher Education Act and the financial aid offices on campus ensure those standards are met. Students who are only attending part-time must also apply for the same reason as well as the fact that at some point they may desire to attend full-time. IVRS must also insure that the job candidate and IVRS explored all potential grant assistance available.
3. **Standards for students with disabilities** – the IPE must identify the specific transition services and supports needed to achieve the student's employment outcome. The employment outcome may be "competitive integrated employment" but this goal must be more specific by the time of graduation if it is not specified earlier.
4. **Maintenance** – the rates have increased to the following maximums:
  - a. Subsistence increased from \$75 to \$95/day to reflect the increase in motel rates from \$55 to \$65 and evening meals of \$10 for supper.
  - b. Meals where no overnight lodging occurs remains at \$5 per meal, \$15 per day, with a total of \$105 per week.
  - c. Placement clothing increased to a maximum of \$200, but nothing in this policy requires the purchase to total \$200.
  - d. Authorizing directly to the job candidate is an exception.
5. **Transportation** – the rate increased to \$.30/mile and still requires documentation that the trip was for vocational rehabilitation purposes such as a job log. Staff are encourage to use the gas cards and pay for the purchase at the gas station. Otherwise a payment directly to the job candidate goes through the regular case authorization system. A third party payment approach requires an exception.
6. **Rehabilitation Technology** – when the only vendor is available from out of state, the vendor must be advised that IVRS pays only the State of Iowa established travel costs. If the vendor will not accept those rates, then arrangements should be made for the job candidate to travel to the vendor out of state and paid according to the appropriate costs. (This has been standard practice, however some staff have been confused so this is being highlighted as a reminder.) The rate for home modifications increased from \$2000 to \$5000 per home.

### Scope of Vocational Rehabilitation Services:

1. **Services to Groups** – new policy
  - a. Requires a class roster and documentation that the individuals involved in the class have disabilities such as evidence they are on an IEP or covered under Section 504.
2. **Services to Employers** – new policy, nothing that hasn't already been discussed.
3. **Counseling and Guidance** – motivational interviewing is highlighted in the policy. Frequency of Contact is one time per month.
4. **Physical and Mental Restoration Services** – updated the Qualified Professionals section. Frequency of contact is monthly.
5. **Training Services** – Frequency of Contact for all training statuses is 1 time per month, for college students who are stable in their program it is one time per semester.
  - a. Post-secondary education in a college or university setting:
    - i. Funding for on-line courses is part of the credit hours funded by the year the student is in school not to exceed the semester maximum;
    - ii. Students who maximize their funding at a Regent's/university institution by taking courses at a community college receive the rate they are in college, not to exceed an unmet need;
    - iii. Dental School rates are being added to the fee schedule;
    - iv. Students may use the amount they normally received for tuition and fees to purchase a computer but if they desire tuition and the computer it requires an exception and computer purchase requirements;
    - v. Purchasing a computer for a student more than one time per degree program requires an exception regardless of whether or not the student is using the normal tuition and fee schedule;
    - vi. FAFSA evidence must be on file;
    - vii. Authorizing for more than an unmet need requires an exception;
    - viii. Funding requires that the job candidate has not been convicted of possession or sale of a controlled substance according to the Higher Education Act;
    - ix. Remedial courses paid according to the year the student is in school as part of the post-secondary program;
    - x. Students may attend part-time but must take a sufficient number of classes in order to be able to progress toward graduation without having to repeat the class due to an extended delay between the course taken and graduation. Students must present a plan that shows how they will achieve the degree on a part-time basis;
    - xi. Students enrolled in Continuing Education Courses that do not qualify for FAFSA, need not apply for FAFSA as the courses do not fall under the Higher Education Act.
  - b. OJT – Frequency of contact is one time per month. IVRS does not supplant the work that is the legal responsibility of another entity (i.e. unpaid work experience required of the LEA by IDEA is commensurate with OJT-Trainee, etc.) When a job candidate is injured on the job as part of the Trainee OJT:
    - i. The first report of injury form must be completed;
    - ii. The ASB human resources officer is contacted concerning the injury;
    - iii. The injury is covered under IVRS Worker's Compensation;
    - iv. The job candidate is informed that the stipend is only provided while in training and not during any medical recovery;
    - v. The job candidate must be informed that only the first emergency appointment is covered automatically and future follow-up medical appointments must be approved in advance by the Human Resources Officer of ASB.
6. **St 20- Ready for Employment** – requires meeting bi-weekly with job candidates seeking employment.
7. **St 22 Employed** – Frequency of contact is monthly.
8. **St 24 Interrupted** – Frequency of contact is monthly.
9. **St. 32 Post Employment** – Frequency of contact is monthly.

