

Guidance to DVR Staff on Supported Employment / Long Term Support (LTS) July 2008

**For the purpose of this paper the term extended employment also refers to facility based employment and sheltered workshop settings.*

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Background Information and Definitions

Mandatory Components of a Supported Employment IPE:

An IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must--

- (1) Specify the supported employment services to be provided by the designated State unit;
- (2) Specify the expected extended services needed, which may include natural supports;
- (3) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
- (4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
- (5) Provide for the coordination of services provided under an IPE with services provided under other individualized plans established under other Federal or State programs;
- (6) To the extent that job skills training is provided, identify that the training will be provided on site; and
- (7) Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

Employment Outcome Definition:

With respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5(b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Competitive Employment Definition:

Work--

- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Extended Employment Definition:

Work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

Extended Services Definition:

Ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after an individual with a most significant disability has made the transition from support provided by the designated State unit.

Supported Employment Definition:

- (i) Competitive employment in an integrated setting, or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities--
 - (A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and
 - (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or

- (ii) Transitional employment, as defined in paragraph (b)(54) of this section, for individuals with the most significant disabilities due to mental illness.

Supported Employment Services Definition:

Ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by the designated State unit--

- (i) For a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and
- (ii) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

Extended Employment

Is extended employment considered a successful employment outcome?

No. For DVR, extended employment does not meet the definition of an “*employment outcome*”. For consumers or individuals whose employment goal is to work in an extended employment setting, a referral to a local provider should be made.

Can DVR work with individuals who are working in an extended employment setting?

Yes. If an individual working in an extended employment setting is interested in gaining employment that meets DVR’s definition of an “employment outcome”, he/she can apply for and receive services. DVR can also provide services to consumers who obtained employment in an extended employment setting as a job “in the mean time” while looking for a job that meets their goals. DVR can continue to serve these individuals as long as they are working and making timely progress at achieving the benchmarks included in their IPE.

Can DVR provide services in an extended employment setting?

There are times when services may be purchased and provided in an extended employment setting that are necessary to assist consumers in achieving their IPE goal (e.g. work adjustment training, assessments). While services in these settings are not prohibited and may be appropriate in some cases, it is encouraged that services occur in an integrated community setting as much as possible. Staff must also ensure that any technical specifications that exist for services are followed as some of these specify the setting in which those services must occur.

Providing Supported Employment

How do I determine if supported employment is needed for a particular consumer?

Together the counselor, consumer and as appropriate consumer's representative, will identify an appropriate vocational goal that meets the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Through discussion and the use of existing documentation, services needed for the consumer to overcome his/her functional limitations to achieve his/her goal, including *supported employment services*, will be identified.

If supported employment is identified as needed, a Supported Employment IPE would be developed including Employment Support Planning (ESP) services, exploration of Long Term Support (LTS) funding, and other needed services known at the time the IPE is developed. Please refer to the [Supported Employment Technical Specifications](#) for additional details.

What if existing documentation is not available but there is an agreement that supported employment services may be necessary?

If there is no existing documentation but it appears that supported employment services would be necessary, a Supported Employment IPE can be developed to include a Supported Employment Assessment following the [Supported Employment Technical Specifications](#). Other services identified as needed to achieve the IPE goal should also be included.

What if there is disagreement on the supported employment needs for an individual?

If there is not an agreement on the need for supported employment, a general IPE can be developed to include ESP services and a Supported Employment Assessment to assist in determining the consumer's needs. The plan type can then be updated if supported employment is identified as needed.

Should trial work experiences be provided when determining a consumer's supported employment needs?

Trial work experiences can be a great way to determine the consumer's support needs as well as other assessment questions, if there is no existing documentation. As part of the Supported Employment Assessment, as outlined in the technical specifications, a minimum of 8 hours direct observation at one or more job sites is required during the assessment. Work experiences should be used as needed to assist the consumer towards achieving their IPE goal.

What if it appears that the consumer is too severely disabled to benefit from services?

A case cannot be closed too severely disabled from applicant status. If at any other time in the process it appears the consumer will not be able to benefit from services, an IPE should be written to assess this. Trial work experiences are required services for these plans (if trial work experiences are not available, alternate evaluation services (e.g. situational assessment, or other assessment as appropriate) must be provided in integrated settings and consistent with the individual's informed choice). Only after a variety of work experiences over a sufficient period of time result in clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome can a case be closed. No one assessment strategy alone can result in clear and convincing evidence.

What sources of LTS should be explored for supported employment consumers?

All possible sources of LTS should be explored. Some of the possibilities include: County of Residence, Family Care, private pay, family pay, PASS Plan, IWRE, natural supports, etc. A Benefits Analysis may be utilized, as needed, to assist in exploring some of these options.

What if there is a long term support source identified for an individual?

If there is a reasonable expectation that an LTS funding source for extended services exists, then the plan should be amended to reflect this, including progress measures/benchmarks for implementation. The plan should also include any other agreed to services to assist the consumer in progressing towards his/her IPE goal.

If the consumer does not achieve the progress measures agreed to in the IPE then a discussion should occur regarding whether or not the LTS funding source identified will meet their ongoing needs and how to move forward.

What if there is not a long term support source identified for an individual?

If no long term support sources were identified, there should be a discussion on how to proceed. In some instances, it may be determined that competitive employment is not the appropriate option at this time. In other instances, it may be agreed by the consumer, counselor, and other team members that it would be appropriate to attempt to work without long term supports.

If the decision is to work without long term supports, the plan can be amended as a general IPE. Job coaching can be provided on a short term basis to assist the consumer in learning the job. There should be a clear understanding that DVR is not agreeing to provide long term services, and that after the agreed to services have been provided, there is the possibility that the consumer will not be able to maintain his/her employment.

If it is agreed that pursuing competitive employment is not appropriate at this time, the consumer and consumer's representative, as appropriate, should be provided with referral information that may be of assistance to him/her (e.g. referral to an extended employment setting). The DVR file would then be closed after full consultation is provided.

Transitioning to Long Term Support

When would a case be transitioned to the identified LTS source?

A consumer's IPE should include progress measures that once met will clearly identify when transitioning to long term support should occur. This transition will typically occur when a consumer is stable on a job (met the IPE progress measures), as identified and agreed to in the IPE and has received the services identified in the IPE. Before transition to LTS can occur, the consumer, counselor, consumer's representative, and LTS provider, as well as other team members, should agree on the timeframe for transitioning to the LTS.

When would a consumer be considered "stable" on a job?

A consumer is considered stable on a job when he/she has met the agreed to level of stability as identified by the team and agreed to in the IPE progress measures. While further independence and progress may still be made, the consumer has learned the job, and is performing at a level with supports where he/she is able accurately complete the required job tasks in the timeframe agreed upon with the employer, and maintain employment.

What is the maximum amount of ongoing support DVR can provide?

DVR can provide ongoing supported employment services for a period of time not to exceed 18 months. Under special circumstances (e.g. We have identified an ongoing LTS provider, that will now not be available until a month or two beyond our 18 mo. limit) the consumer and counselor may jointly agree to extend the time beyond 18 months, to achieve the employment outcome identified in the IPE. While 18 months is usually the maximum time period, in many cases, ongoing support is for less than 18 months. Keep in mind, that transitioning to the LTS should occur as soon as the consumer reaches the agreed to stability on the job.

When can I close a case successfully in supported employment?

A supported employment case can be closed a minimum of 90 days after the case has been transitioned to the long term support and after all services agreed to in the plan have been provided. If a consumer's agreed to goal is to work above SGA and go off of cash benefits, the case would be followed for a minimum of 9 months.

Items to Consider when Determining Long Term Support needs and Sources:

How much long term support (hours) will the consumer need per month at time of transition to extended services?
How many hours is the consumer expected to work per month?
What is the consumer's expected hourly wage?
What is the consumer's expected monthly earned income?
How much is the employer willing to commit to natural (unpaid) support for this consumer (hours per month)?
How much is the employer willing to commit to paid supports (through tax credits) for this consumer (dollars per month)?
How many hours of paid support is the employer willing to commit to this consumer?
What is the average cost of job coaching for extended services?
What is the expected cost of extended services per month?
How much is the County of Residence or Managed Care Organization, as appropriate, willing to commit to extended services for this consumer (hours per month)?
Is the consumer willing and able to contribute to the cost of extended services through an IRWE, PASS plan, income, other sources (dollars per month)?
How much is the consumer's family able to contribute to the cost of extended services (dollars per month)?

Progress Measures for Supported Employment IPE's:

When developing progress measures for supported employment plans it can be helpful to keep the following points in mind:

- Progress measures for all IPE's should be developed and agreed to with the consumer and other team members involved in the case, as determined appropriate.
- Progress measures should assist everyone in the process know where the consumer needs to get and by when.
- Progress measures for all IPE's should follow the "SMART" acronym:
 - **Specific**
 - **Measurable**
 - **Achievable**
 - **Realistic**
 - **Timeframe**

Examples:

By October 31, 2008, I will learn to perform my assigned job tasks at 123 Store correctly 90% of the time as reported by the employer

After 2 months on the job, I will be able to take the bus back and forth to work by myself.

By August 2008, I will be able to work my scheduled hours per day with no more than 3 reminders to stay on task as reported by my job coach.

Long Term Support Decision Matrix

