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| Supported Employment definitions and practice under Workforce Innovation and Opportunity Act (WIOA) | M.Teng Simms Originator |  |

# Supported Employment (SE) definitions and practice Under WIOA

Title IV of Workforce Innovation and Opportunity Act (WIOA) addresses the federal regulations on Supported Employment (SE) definitions and practice. Definitions for these terms are included in this ICF.

As the VRSBD VR Services Manual has not been revised to reflect the updated definitions under SE Section 7(38) of the Act and §363.1(b) of the regulations, this supplement to Section 401.1-31 of the VRSBD VR Services Manual transmits definitions and practice for the provision of SE services to those determined eligible under SE in accordance with Title IV of WIOA.

The State of Hawaii Division of Vocational Rehabilitation (DVR) provides supported employment (SE) services to eligible individuals with a most significant disability who require intensive services to gain competitive integrated employment (CIE).

# Definitions

## Supported Employment-

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) of the regulations)

SE serves individuals with the most significant disabilities, including youth with the most significant disabilities, 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 their disability.

## Customized Employment (CE)

Customized employment is a flexible process designed to personalize the employment relationship between a job candidate and an employer in a way that meets the needs of both. It is based on an individualized match between the strengths, conditions, and interests of a job candidate and the identified business needs of an employer. Customized Employment utilizes an individualized approach to employment planning and job development.

One aspect of CE is the Discovery Model:

**Discovery-**

The discovery model gathers information from the job seeker and network of support (i.e. teachers, family, peers, coaches, co-workers, case managers) to determine the job seeker’s interests, skills, and preferences related to potential employment that guide the development of a customized job. Discovery is one of the strategies utilized as part of CE as a model to gather information from the job seeker

**Competitive Integrated Employment-**

Competitive, integrated employment is defined as work that:

1. 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; and
2. 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
3. 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
4. Is eligible for the level of benefits provided to other employees; and 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; and
     + 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.

## Short-Term Basis-

An individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment 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.

* 1. Within six months of achieving a supported employment outcome;

Or,

* 1. 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 has demonstrated progress toward competitive earnings based on information contained in the service record.

## Community Rehabilitation Program (CRP)-

CRP provides vocational rehabilitation services to individuals with disabilities, to enable those individuals to maximize opportunities for employment including:

* Assessments for determining eligibility and vocational rehabilitation needs;
* Job coaching
* Job development, placement, and retention services;
* Support in transitioning to extended services, long-term supports and/or natural supports
* Short term work site assessments
* Social, emotional and behavioral intervention strategies implementation

**Job Coaching-**

Provides clients with one-on-one support during placement at a job site, to teach and reinforce the essential skills needed to maintain employment. In addition, the job coach provides strategies to support the individual in the new work environment along with the necessary prompts, appropriate behaviors and the natural supports to ensure continued success at work.

The goal of the job coach is to provide job support services allowing the client to achieve employment stability; effectively fading job coaching hours on the job site as the client transitions to natural and other non-VR funded supports.

* Some of the job coaching duties may entail the following:
* Attending employer orientation and training
* Facilitating meetings with work-site supervisors
* Reviewing, training, and teaching essential job duties
* Perform onsite follow ups and quality assurance assessments
* Provide direct interventions on the job
* Shadowing and observation
* Transitioning client into adopting appropriate work place behavior habits
* Work conditioning and hardening
* Support and encouragement.

## Ongoing Support Services

## Ongoing support services refers to those services:

* 1. Needed to support and maintain an individual with most significant disabilities in supported employment
  2. Based on the individual’s need as specified by the counselor in the Individualized Plan for Employment (IPE);
  3. Furnished by DVR and/or a community based agency from the time of job placement until transition to extended services; except as provided in 34 CFR 363.4 (c)(3) and following transition.
  4. Ongoing support services consist of any assessment needed to supplement the comprehensive assessment of rehabilitation needs, skilled job trainers providing intensive work site training, job development/placement, social skills training, follow-up and any other service identified in the scope of rehabilitation services. These services are obtained and maintained through contracts (and/or MOUs) and via authorizations (purchase orders) in partnership with CRPs and other vendors.

## Natural and Other Non-VR Funded 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:
   * Disability awareness for the natural supports, and best practice;
   * Training strategies and techniques, taught to the natural support, that facilitates the learning and skill acquisition of the person with a disability;
   * Communication strategies and person-first language that foster teaming and a welcoming environment;
   * Communication and business culture specifics that align the work and chain of command protocols between the person with a disability and the employer;
   * Work station design that facilitates co-worker relationship development; Reasonable accommodations and assistive technology that enhances the skill development without disrupting the workflow.

**Extended Services-**

Extended Services refers to ongoing support services and appropriate services, which are:

1. Needed to support and maintain an individual with most significant disability including a youth with MSD in supported employment;
2. Made available, either individually or in combination, in such a manner as to assist an eligible individual in maintaining supported employment;
3. Based on the needs of the eligible individual as specified in the IPE;
4. Provided by a State agency, a private nonprofit organization, employer or applicable resource after the individual has made the transition from support from the designated entity.
5. Services are provided to youth with the MSD, as set forth in the requirements, not to exceed four years, or at such a time that the youth reaches 25 years of age or no longer meets the definition of youth with a disability, or whichever comes first. DVR will not directly provide extended services to an individual with a most significant disability who does not meet the definition and criteria for a youth with a MSD.

## Requirements for Transitioning to Extended Services

Means extended services provided by a state agency, natural support, and/or any other appropriate resource.

* 1. The funding source for this service is any organization other than DVR which makes the commitment with the exception of youth with the most significant disability, the financial support for the extended services is paid from funds other than those received from the state and federal VR program.
  2. Youth who require extended services after achievement of a supported employment goal in a competitive integrated environment may require services when they are on the waiting list for extended services. After the youth graduates from high school, if the job is stable and consistent with the IPE and the youth is on a waiting list, support for extended services can be discussed on a time-limited basis.
  3. After six months, the case must be reviewed and evaluated to determine if continued funding is necessary and supervisory approval is obtained each time it is evaluated. This process continues every six months until one of the following conditions are met:

1. The service is no longer needed;
2. Another funding source is identified;
3. The service has been funded for four years; or
4. The youth’s 25th birthday.
   1. For youth who are age 24 and younger, and for whom extended services have not yet been identified at the time the plan for supported employment was first developed, the VR counselor will discuss the options of extended services funding:
5. Private pay
6. Waiver funding
7. Plan to Achieve Self Support (PASS) plan
8. Impairment Related Work Expenses (IRWE)
9. County Funding
10. Other

# Practice

Supported employment funds are meant to be used to support and maintain an individual with a most significant disability in employment, the provision of supported employment services may not be provided prior to an individual being placed into an employment position requiring supported employment services. All Federal expenditures for an individual that occur prior to the individual being placed into a supported employment position, must be provided with VR funds.

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

1. Individuals may receive SE services 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. Any other vocational rehabilitation services listed on the IPE provided to individuals who are working on a short-term basis toward the achievement of competitive integrated employment in supported employment need not be completed prior to satisfying the achievement of an employment outcome;
2. A youth with a disability may receive SE services for a period not to exceed four years or until the youth reaches the age of 25 and no longer meets the definition of “youth with a disability” or whichever occurs first.
3. The individual has transitioned to extended services provided either by the VR agency for a youth with the consistent with the provisions of §363.4(a) (2) and 363.22 of the regulations;
4. The individual has maintained employment and achieved stability in the work setting for a minimum of 90 days after transitioning to extended services; and
5. The employment must be individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individual.
6. The service record of an individual who has achieved an employment outcome in supported employment will be closed in accordance with §363.55 of the regulations.

**Closure of the service record-**may occur at the time of the supported employment outcome or at a later time, depending on whether individuals with the most significant disabilities, including youth with the most significant disabilities, achieve competitive integrated employment or work toward competitive integrated employment on a short- term basis and whether they are receiving extended services and/or any other VR services from the VR agency or from other service providers.

BA’s/Supervisors: Distribute and review with staff for clarity and consistency in implementation of procedures.

File in VR Services Supplement Manual – create new tab entitled “Supported Employment definitions and practice under WIOA”.

Supplemental ICFs to SE

Part 1. SE Eligibility and Planning

Part 2. SE Intensive Skills Training and Support

Part 3. SE Extended Services and Case Example