

010.00P Employment Outcome Procedure

February 2003

See corresponding policy: 010.00 Employment Outcome Policy

Note: Vocational Rehabilitation procedures provide internal guidance for ACCES-VR staff only and create no procedural or substantive rights for any individual or group.

Table of Contents

- Description
- Intention to Achieve an Employment Outcome
- Definitions
 - Competitive Employment Outcomes
 - Non-Competitive Employment Outcomes
 - Integrated Setting
 - Work Statuses at Closure
 - Extended Employment
- Criteria for Closure
- Documentation
 - Consumer Involvement
 - Substantial Services
 - Notification of Status 26 Closures
 - Closure Case Note
 - Closures into Extended Employment
- Data Folder

Description

These procedures, prepared in conjunction with Employment Outcome Policy 010.00, describe the actions required to carry out the policy requirements effectively. The procedures:

1. contain definitions of key terms, especially those contained in the Rehabilitation Act, and Federal Regulations;
2. describe the process for determining when an individual has achieved an employment outcome;
3. provide documentation requirements for the record of services; and
4. list data folder requirements.

Intention to Achieve an Employment Outcome

During the application process, individuals must be informed that ACCES-VR services are only provided if they intend to achieve an employment outcome. Once the individual is informed, the completion of the ACCES-VR application process for vocational

rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome.

1. Responsibilities of Eligible Individuals

Once the vocational rehabilitation process begins, it is reasonable to expect that individuals will stay engaged and fulfill their responsibilities as active participants by:

- A. completing assessments as required for determining eligibility and plan development;
- B. developing and signing an Individualized Plan for Employment;
- C. participating in job seeking efforts; and
- D. communicating with ACCES-VR staff throughout the process.

Definitions

Competitive Employment Outcomes

Competitive employment is defined as work that is performed on a full-time or part-time basis in an integrated setting when the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by that employer for the same or similar work or job duties performed by individuals who are not disabled. Customary wages means the starting salary paid to anyone first beginning employment with that employer. Competitive employment outcomes can include employment with supports, employment without supports, and self-employment when the wages meet the income standard.

1. Although Supported Employment Services are not available to the general public, the jobs and job duties themselves exist in the general labor market and are typically competitive in nature.
2. Employment in enclaves or mobile work crews, where the employment relationship is with a community rehabilitation program, is competitive when the individual is working in an integrated setting and earning a wage at or above minimum wage, but not less than the customary wage. It is a non-competitive status 26 closure if the wages are below this standard.
3. Individuals who are employed through Javits-Wagner-O'Day Act contracts (commonly referred to as NISH contracts), may be considered as employed in an integrated setting if it is determined that the job meets the definition of an integrated setting. The terms and conditions specified in these contracts require that both individuals with disabilities and without disabilities are hired to perform the work. At the time of closure, it must be verified on a case by case basis that the work setting is integrated. If the individual's wage is at or above the minimum wage, but not less than the customary wage and level of benefits, their case will be closed in status 26 as competitively employed with supports in an integrated

setting. If the individual's wage is less than this, the case can still be closed in status 26, but as non-competitive.

Non-Competitive Employment Outcomes

Federal regulations and ACCES-VR Policy allow vocational rehabilitation services to be provided to individuals interested in pursuing employment outcomes that yield wages below the competitive employment wage standards.

1. The following employment outcomes yield no earned income; however, they are valid non-competitive Status 26 closures:
 - A. Homemaker, as defined by ACCES-VR Policy; and
 - B. Unpaid Family Worker, in which the individual is employed in a family owned or operated business, including family farms, but does not receive wages, salary or other monetary compensation.

2. The following employment outcomes yield earned income. When wages are less than the competitive wage standard, they are valid non-competitive Status 26 closures:
 - A. Employment Without Supports in an integrated setting;
 - B. Self-Employment; and
 - C. Employment With Supports in an integrated setting. Supported Employment Services and other types of ongoing support services, such as are found in enclave programs and mobile work crews, can result in a non-competitive employment outcome. In these instances, the individual is working toward the competitive employment wage but has not yet achieved that standard. The case may be closed in Status 26, non-competitive, when wages are below minimum wage but consistent with the requirements of the Fair Labor Standards Act.

Integrated Setting

1. Integration of each employment situation should be evaluated on an individual basis, reflecting the individual's employment factors and the guidelines listed below. For ACCES-VR consumers to meet the criteria for work in an integrated setting, the following guidelines must be met:
 - A. Individual is employed in a type of job available to the general public;
 - B. Individual is employed under the same working conditions as others in similar positions (e.g. rest room facilities, lunch or other break arrangements, entrance/exits);
 - C. Individual has ongoing interaction with other workers with disabilities, supervisors, and the general public to the same degree as workers without disabilities in the same or comparable occupations;

- D. General working conditions demonstrates integration with other workers rather than separation/segregation;
 - E. Individuals may receive additional employment supports from and be paid wages through community provider agencies; and
 - F. Settings such as enclaves and mobile work crews can be regarded as employment in an integrated setting when the above listed conditions exist. If earnings are less than minimum wage, then it is non-competitive employment, but still to be closed in status 26. At the time of closure, it must be verified on a case by case basis that the work setting is integrated.
2. An additional factor to consider in applying the guidelines can include whether supervision is provided by the employer or by the contract agency. This would be one indicator that the setting is integrated.
 3. If an ACCES-VR consumer works part time in an integrated setting for the maximum hours s/he is able, due to issues related to her/his disability, ACCES-VR has met its responsibility to assist the individual to achieve integrated employment.

Work Statuses at Closure

Within CaMS, the data folder closure tab contains the work status at closure field. A selection must be made from the drop down list before a case can be successfully closed in status 26. Free text is not allowed, as the drop down contains all of the federally allowable work statuses. This drop down list includes the following work statuses:

1. Employment in an integrated setting without supports. This can be either full or part-time employment. This is work performed for wages, salary, commissions, tips or piece-rates, below, at, or above the minimum wage. It does not include self-employed individuals.
2. Employment in an integrated setting with supports. This is full-time or part-time employment, with ongoing support services for individuals with significant disabilities. Compensation for such employment may be below, at, or above the minimum wage.
3. Self-employment is work for profit or fees including operating one's own business, farm, shop or office.
4. Homemaker refers to individuals whose activity is keeping house. A homemaker is a person who maintains an independent household and personally performs substantial work in that respect.
5. Unpaid family worker refers to individuals who work without pay on a family farm or business.

Extended Employment

1. Extended employment, formerly referred to as "sheltered" employment, is work in a non-integrated setting for a public or private nonprofit agency or organization that provides compensation according to the Fair Labor Standards Act. Extended employment is not an employment outcome as defined by the Rehabilitation Act or Federal Regulations.
2. ACCES-VR cannot close an individual's case as rehabilitated, Status 26, if they are employed in a non-integrated setting.
3. ACCES-VR can provide services to individuals in extended employment settings to prepare those individuals for employment in integrated settings. The individual must understand however, that extended employment represents an interim step in the rehabilitation process rather than an end to that process. Placement activities leading to employment in an integrated setting will need to be in place as early in the process as possible.
4. Individuals may still receive services, such as vocational evaluation, trial work and work adjustment services at rehabilitation facilities that also offer extended employment. If it is determined that an extensive amount of time working in extended employment may be necessary before an individual can achieve placement in an integrated setting, then the individual's case should be closed. It can be reopened when the individual is ready for an integrated placement.

Criteria for Closure

1. An employment outcome is considered achieved and the case should be closed in status 26 when the employment outcome is:
 - A. consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice (the individual's employment factors);
 - B. consistent with the employment goal as described on the individual's Individual Plan for Employment (IPE). In cases where the employment goal changes from that as described on the IPE, the individual must be involved in developing, agreeing to and signing a change to the IPE reflecting the new goal; and
 - C. the result of services provided to the individual, as described on the original IPE and any amended IPEs.
2. At the time a case is closed in status 26, the individual must have been employed for a length of time adequate to ensure the stability of the employment outcome (a minimum of 90 days).
3. If an individual has changed jobs during the 90-day period, the combined period of actual employment in both jobs may count towards the 90 days if the break in employment does not exceed 30 days and the individual was performing well on each job. The combined period of actual employment in each job may count towards the 90 days when the individual remains in the same job, that is, the

employment goal remains the same but the employer or employment site changes.

4. The counselor and/or provider will continue to work with the individual during the period of unemployment to resolve any issues that caused the break in employment. The second placement must be sustained for at least 30 days before case closure. This is the minimum and the case should remain open for as long as it takes to ensure that the placement will be sustained. The period of unemployment does not count towards the 90 days. If the break in employment is greater than 30 days, the calculation of the 90-day employment period must be restarted.
5. The individual may be employed on a full or part time basis, so long as the employment is in an integrated setting. There is no minimum number of hours required for a status 26 closure, so long as the individual is afforded the opportunity for involvement in the decision to close the case in status 26.

Documentation

Consumer Involvement

For a status 26 closure, the record of services needs to include the following points.

1. Individual has been employed for a minimum of 90 days;
2. Individual is approaching the 90-day mark in employment, efforts have been made to contact the individual directly to inquire as to the success that the individual is having on the job and to seek the involvement of the individual in the decision to close the case;
3. Employment has been verified. Placement reports received from providers are adequate to verify that the individual has achieved an employment outcome, but the record of services must document the counselor's effort to seek the individual's involvement in the decision to close the case;
4. Wages have been verified. This is needed to determine if the employment outcome is competitive. Wages can be verified by any credible source, such as the eligible individual, a provider, family member or employer. Pay stubs, while acceptable as verification, are not required;
5. Employment outcome is consistent with the employment goal, as agreed to by the individual, and a signed IPE is in the record of services. If the employment outcome is different from the employment goal on the Original IPE or the most recent IPE Change agreed to by the individual, an IPE Change must be prepared and a signature requested from the individual. The first three digits of the DOT code at closure must match the first three digits of the DOT code on the IPE;
6. Employment outcome is consistent with the individual's employment factors, that is, the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice; and
7. Individual was afforded the opportunity to participate in the decision to close the case.

Substantial Services

For a status 26 closure, the record of services needs to reflect that vocational rehabilitation services were provided that resulted in the employment outcome.

Notification of Status 26 Closures

At the time that the case is to be closed a letter must be sent to the individual:

1. advising the individual of the closure decision and the right to further discuss the decision with ACCES-VR;
2. informing the individual as to whether Post Employment Services are to be provided;
3. providing the individual with information regarding the availability of the Client Assistance Program and the ACCES-VR appeal process; and
4. advising the individual of the availability of benefits advisement, if there are potential benefits issues, i.e. SSA overpayment, related to earnings from work.

Closure Case Note

1. The Status 26 Closure Summary Case Note summarizes the critical information that needs to be documented in the record of services. If not clearly documented elsewhere, i.e. in previous case notes, correspondence or progress reports, this case note must contain job placement information, including:
 - A. The job title;
 - B. The employer name and address;
 - C. A statement describing the job duties;
 - D. The date employment started, including an explanation of any interruptions in continuous employment since the start date;
 - E. Weekly hours and salary;
 - F. Any medical benefits;
 - G. How the individual obtained the job;
 - H. How the individual was involved in the decision to close the case; and
 - I. How the closure information was verified.
2. While a summary of the services provided to the individual is not required for this case note, it is considered a best practice to establish that the employment outcome was the result of the vocational rehabilitation services.
3. The individual is to be notified of closure with the Notification to Consumer of Status 26 Closure Letter (C026LTR).

Closures into Extended Employment (Status 28)

1. In cases where the individual has received vocational rehabilitation services but has chosen to work in a non-integrated setting or is too significantly disabled to

work in an integrated setting, a referral to a local extended employment provider is to be made. In these situations, ACCES-VR is required to carry out the following actions and document that these steps have been carried out:

1. Explain to consumers that the purpose of the vocational rehabilitation program is to assist individuals to achieve employment in an integrated setting.
2. Inform the individual that services from ACCES-VR can be provided in an extended employment setting if necessary for training or preparing for employment in an integrated setting. Consumers may continue to receive training or other services in non-integrated settings as long as the goal is integrated employment.
3. Refer the individual to the Social Security Administration or the Benefits Planning, Assistance and Outreach programs to obtain information about the ability of individuals with disabilities to work while receiving benefits from the Social Security Administration.
4. Provide the individual with information regarding the availability of employment options and vocational rehabilitation services in integrated settings.
5. Refer an individual with a disability, who makes an informed choice to pursue an extended employment outcome as an employment goal, to local extended employment providers.
6. Inform the individual that, if he or she initially chooses extended employment, he or she can seek services from ACCES-VR at a later date to pursue employment in an integrated setting.
7. The reason for closure at status 28 is extended employment. The individual is to be notified of closure with the Notification to Consumer of Status 28 Closure Letter (C028LTR).

Data Folder

1. The following information in the data folder closure tab is required data for a status 26 closure:
 - A. Work Status at Closure;
 - B. Weekly Earnings;
 - C. Weekly Hours;
 - D. Primary Source of Support;
 - E. Highest Education;
 - F. Competitive Employment;
 - G. DOT Code;
 - H. Medical Insurance at Closure;
 - I. Placement Agency Type;
 - J. Employer Name;
 - K. Employer City;
 - L. Employer State; and SIC.

2. A special effort should be made at the time of closure to make certain that the Public Support Tab in the Data Folder is completed, even if the individual did not receive any public support at application, during services or at closure. The "zero fill" feature that CaMS has on this screen will make quick work of filling in the fields. When the individual has not received public support, the zeros will confirm that. If the individual has received public support, once the zeros are entered, the CaMS user can then go to just those types of public support that were received by the individual and enter the dollar amounts.
3. A special effort should also be made in making certain that the data folder contains any Available Special Programs that need to be associated with the case. These special programs (formerly described as program codes) are contained on the Case Assignment Tab. They have important usages in seeking reimbursements from other agencies, such as the Social Security Administration, the Office of Temporary and Disability Services, the Human Resources Administration (NYC) and others. The special program feature also flags cases that are associated with particular types of services that ACCES-VR needs to carefully track to evaluate the successful delivery of those services. These can range from small projects, such as the Traumatic Brain Injury Special Project to much larger projects, such as transition services for In-School Youth.
4. In addition, non-required data fields should be reviewed and where "not available," "other," or "null" is recorded, if information is available to change these entries to actual values this should be done. Overuse of the non-specific values will lead to difficulties in gaining RSA acceptance of the VES-911 report, filed each year in October. This will cause an additional work effort for ACCES-VR staff, both in Central Office and in the District Offices, as efforts will be required to comply with the expectations of ACCES-VR's federal regulatory agency. When known, these fields should be contain actual values:
 - A. Race/Ethnicity
 - B. SSN
 - C. Veteran Status
 - D. Medical Insurance at Application
 - E. Medical Insurance at Closure
 - F. Primary Source of Support at Application
 - G. Primary Source of Support at Closure
 - H. Date of Birth
 - I. Work Status at Application