

## Employment Questions

### Question 1:

If a client is already employed and is in need of additional assistance with skills (time limited) to be successful, what service would you use?

*Answer:*

Community Employment (used to be supported employment) is defined as follows: Community employment services are delivered in the community at large when seeking employment **and** in integrated business work settings (including self-employment situations) where the individual with a developmental disability has chosen to become employed. Ongoing support consists of continuous or periodic job skill training as specified in the individual's service plan to enable the individual to perform the work. Community Employment services may include:

- Individualized job development and placement;
- On-the-job training in work and work-related skills;
- Ongoing supervision and monitoring of the person's performance on the job; and
- Training in related skills needed to obtain and retain employment such as using community resources and public transportation.

### Question 2:

Does the provider of Waiver Employment Services have to be CARF accredited to be a provider?

*Answer:*

In order to be a vocational rehabilitation provider, CARF accreditation is a requirement. At this time that is not a DMH provider requirement. CARF or DMH Certification meets the DD waiver provider qualification. Questions about CARF accreditation procedures should be directed to CARF.

### Question 3:

Can a person who is workshop certified also receive community employment services out in the community? The workshop has some mobile crews that currently go out and do lawn mowing, recycling, etc. under the workshop; they want to authorize these under community employment and be able to do community employment and workshop. Community employment for part of the day; the workshop the other part of the day.

*Answer:*

- Individuals who are working in a workshop may receive waiver employment services as long as it is understood that individual, integrated, community employment is the highest priority for expansion of work and under the following circumstances:
- The ISP must contain transition strategies and timelines for moving the individual towards increasing hours of integrated, competitive employment while reducing hours in segregated employment.

- Employment services may not be billed during the same period of the day as when the individual receives services in a sheltered workshop.

**Question 4:**

May waiver employment services be provided by a sheltered workshop?

*Answer:*

No, the CMS Participate Services Section, Page 132, states that “Waiver funding is not available for the provision of vocational services, (e.g. sheltered work performed in a facility) where individuals are supervised for the primary purpose of producing goods or performing services under contract to third parties. However, sheltered workshop providers may either contract with or form a not-for-profit organization to provide waiver services (i.e. Job Preparation, Job Discovery, etc). Services may not be delivered in the building of the sheltered workshop.

**EXCEPTION:**

**CMS guidance issued on September 16, 2011, provides that Prevocational services (Job Preparation in Missouri) may be furnished in a variety of locations in the community and are not limited to fixed site facilities. (See attached CMS guidance) For agencies/providers who own and operate multi-use or multi-purpose facilities where the sheltered workshop or extended employment program occupies only a portion of the space, the agency/provider may appeal to the Regional Office Director who will consult with Central Office to consider an exception for providing pre-vocational (Job Preparation or Career Preparation) in the multi-use facility. In preparing the appeal proposal, please consider the following elements:**

- 1. What is the square footage of the facility?**
- 2. How much square footage is devoted to extended or sheltered employment?**
- 3. Pre-vocational services must provided by a corporation or LLC distinctly separate from the sheltered workshop corporation. The corporation or LLC must also have a separate Board of Directors.**
- 4. Do the individuals receiving prevocational services have employment related goals in their person-centered services and supports plan?**
- 5. Verify that prevocational services are not used *primarily* for the production of goods or services, but may include short term work trials in a variety of settings that are limited to no more than 25% (in the aggregate) of a person’s prevocational training.**
- 6. Describe the prevocational process and curriculum you will use to measure individual’s progress towards employment outcomes.**
- 7. This service is time limited, not to exceed two years.**
- 8. Any other information that will be useful to considering the granting of an exception such as:**
  - **Prevocational services should enable each individual to attain the highest level of work in the most integrated setting and with the job matched to the individual’s interests, strengths, priorities,**

**abilities, and capabilities while following applicable federal wage guidelines.**

- **Competitive integrated employment is considered to be the optimal outcome for prevocational services.**
- **Prevocational services are associated with building skills necessary to perform work and, optimally, to perform competitive integrated employment.**

**Source document includes CMS Informational Bulletin dated September 16, 2011. (Attached)**

**Question 5:**

A day program provider or a sheltered workshop would like to open a business onsite. They would like to hire individuals with and without disabilities. Is this considered community employment?

*Answer:*

CMS does not allow the provision of waiver employment services by Sheltered Workshop organizations. A separately formed not-for-profit organization, with a separate board of directors that is enrolled as both a MoHealthNet provider and Division of Developmental Disabilities provider, may provide waiver employment services. Please reference the distinction between Community Employment-Individual and Community employment –Group and the description of the difference between Integrated Community Employment and Supported Employment found in the EMPLOYMENT SUPPORTS AT-A-GLANCE document dated 10/17/2011.

In Community employment:

- The business must be located outside of a facility or day program.
- The individual with a disability must also interact with non-disabled persons – a minimum ratio of disabled to non-disabled peers is 75% to 25%. Staff do not count towards the non-disabled ratio.
- Individuals are paid minimum wage or better.

In order to utilize waiver services, the business must not be owned or operated by a sheltered workshop or day program. This can be accomplished by creating a separate not-for-profit organization with a Separate Board of Directors.

Additional information may also be found at the Employment Services – at – a Glance document (Attached).

**Question 6.**

If a Workshop decides to create a corporation or LLC distinctly separate from the sheltered workshop corporation with a separate board of directors, may there be an overlap in the membership of the two boards. If so, how much overlap is allowed?

*Answer:*

1/3 of the board members may overlap. For example, if the board of directors of the new LLC has 9 members, up to 3 of those members may also serve on the board of the sheltered workshop.

**Question 7:**

An individual is receiving job coaching services funded by Vocational Rehabilitation. The individual has expended all VR services (either services have been provided for 9 months or the job coaching has been reduced to 25% below the total hours worked). What documentation is necessary for the DD system to begin to provide long term follow along services through the waiver?

*Answer:*

The following should occur:

- The VR counselor and CRP provider staff should have a case coordination meeting or telephone conference with the DD case manager.
- A consensus should be reached regarding VR discontinuing funding of job coaching services and DD waiver community employment services being needed and appropriate for the individual to continue in their job.
- Once consensus is reached, the DD system service coordinator and VR counselor must document this decision in the individual's case record.
- Once this documentation is in the case record and VR services have ceased, waiver services may begin.

The intent is to make the transition for funding supports as “seamless” as possible for the individual supported

**Question 8 (added 12-27-11):** An individual needs/would like to receive community employment services (group/enclave) through a DD provider. This is not a service that is currently available in the VR system. Is it necessary to receive written denial of services from VR?

*Answer:*

This is not a service that is currently available in the VR system. The DD waiver states that waiver dollars may be used if

- a) VR services have been expended
- b) VR feels the individual is not appropriate for services at this time – or
- c) the service is not available under the VR services system.**

The service coordinator for the individual should document, in the case record, that group community employment services are necessary for successful employment. The case record should state that Group employment services are not available through Mo VR and therefore must be accessed through the DD waiver. The case note should also state that this has been confirmed through case consultation with DD and VR staff.