

Improving lives THROUGH  
supports and services  
THAT FOSTER self-determination.



Promoting Employment First

**Missouri Division of Developmental Disabilities:  
Promoting integration and independence in  
employment**

# Objectives

- Enhance knowledge of Federal and State Initiatives related to employment.
- Increase capacity (and confidence) in providing person centered planning of employment services.
- Refine and harmonize our employment efforts.



## Promoting Employment First

- The Division of Developmental Disabilities is committed to enhancing employment options for all individuals with intellectual and developmental disabilities. As such, “Promoting Employment First” is one of the Division’s priorities.
- The guiding principle of Employment First is that all individuals who want to work can work and contribute to their community when given opportunity, training, and supports that build upon their unique talents, skills, interests and abilities.

# Why is Employment Important?

- Employment is a fundamental part of adults' lives and helps promote self-identity, self-confidence, self-determination and self-sufficiency.
- Research has shown that meaningful work leads to greater physical and mental health benefits, positive lifestyles and personal satisfaction.
- Financial and social capital are increased through employment.
- According to National Core Indicators, individuals with disabilities want to work.

# Employment First Principles

- All individuals have the right to explore the full range of employment options to empower informed choice and foster self-determination.
- Career Planning is a requirement for all individuals currently receiving services to ensure supports, services, and outcomes on ISP's are consistent with each individual's interests and desires.
- All individuals have the right to earn a living-wage in a job of their choosing; based on their unique talents, gifts, skills, and interests.
- As with all employees, persons with disabilities should have access to services and supports necessary to succeed in the workplace.

# Federal Perspective

- Americans with Disabilities Act (ADA) (1990): Civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as every US citizen-- The ability to participate in the mainstream of American life; to participate in employment; to purchase goods and services and to participate in State and local government programs and services. ([www.ada.gov](http://www.ada.gov))
- Olmstead Decision (1999): Required the elimination of unnecessary segregation of individuals with disabilities and requires services be provided in the most integrated setting.

# Federal Perspective

- The Center for Medicare & Medicaid Services (2011): Technical guidance which further clarified the importance of employment and the use of Medicaid 1915(c) funds to support the employment efforts of individuals with disabilities.
- Lane v. Kitzhaber/U.S vs. Oregon (2012): Segregation in employment and day services is a violation of ADA and Olmstead Decision.
- US vs. Rhode Island Consent Decree (2013 & 2014): Olmstead and Title II of the ADA assure all individuals with disabilities the opportunity for typical employment and typical wages similar to anyone without a disability would be afforded. Required person-centered career development planning, transition services, supported employment and integrated day services for all individuals.

# **Final HCBS Rule (March, 2014)**

## **Setting Requirements**

### **42 CFR 441.30(c)(4) and 441.710**

- **HCBS Rule requires that an HCB Waiver Service setting:**
  - Is fully integrated in and supports access to the greater community
  - Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
  - Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community based services
  - Is selected by the individual from more than one setting option, including non-disability specific settings and an option for a private room in a residential setting



# HCBS Support Coordination Assurances

- Person-Centered Planning process which drives the ISP
- Assess individual needs
- Supports and services monitoring
- Knowledge of the HCBS Rule in order to inform and educate individuals and families

# Final HCBS Rule

## Individual Rights

- Individuals have the right to receive services in the community to the same degree as those not receiving HCB waiver services:
  - Individuals must be allowed to select the services they receive, where they live among available options, and the providers of those services.
  - Individuals have the freedom to control their own schedules, personal resources, and other aspects of their living arrangement.
  - Individuals must be treated with dignity and respect, and be free from coercion or restraint.

# Waiver Manual

- Individual Community Employment must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those work places.
- Provider supervision supports in this service are over and above those normally provided by the employer to any employee without a disability.
- Individual Community Employment providers must maintain service documentation as described in Section C of this manual, including detailed progress notes per date of service and monthly progress notes associated with objectives listed in the ISP.
- Providers must also document hours worked, wages earned and deductions taken; and regularly assess the continued presence and extent of involvement of the job coach as part of the review process. Written data shall be submitted to DMH authorizing staff as required.
- ISP Guidelines reads as follows:
  - The ISP must be revised as necessary to add or delete services or modify the amount and frequency of DD Waiver services. ISP changes may be necessary due to a change in the individual's needs.

# Person Centered Plan – Federal Regulations

## Title 42 Chapter IV(C) 441.301

(2) *The Person-Centered Service Plan.* The person-centered service plan must reflect the services and supports that are important for the individual to meet the needs identified through an assessment of functional need, as well as what is important to the individual with regard to preferences for the delivery of such services and supports. Commensurate with the level of need of the individual, and the scope of services and supports available under the State's 1915(c) HCBS waiver, the written plan must:

- (i) Reflect that the setting in which the individual resides is chosen by the individual. The State must ensure that the setting chosen by the individual is integrated in, and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.
- (ii) Reflect the individual's strengths and preferences.
- (iii) Reflect clinical and support needs as identified through an assessment of functional need.
- (iv) Include individually identified goals and desired outcomes.
- (v) Reflect the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of 1915(c) HCBS waiver services and supports.
- (vi) Reflect risk factors and measures in place to minimize them, including individualized back-up plans and strategies when needed.
- (vii) Be understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient, consistent with §435.905(b) of this chapter.
- (viii) Identify the individual and/or entity responsible for monitoring the plan.
- (ix) Be finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.
- (x) Be distributed to the individual and other people involved in the plan.
- (xi) Include those services, the purpose or control of which the individual elects to self-direct.
- (xii) Prevent the provision of unnecessary or inappropriate services and supports.
- (xiii) Document that any modification of the additional conditions, under paragraph (c)(4)(vi)(A) through (D) of this section, must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan:
  - (A) Identify a specific and individualized assessed need.
  - (B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
  - (C) Document less intrusive methods of meeting the need that have been tried but did not work.
  - (D) Include a clear description of the condition that is directly proportionate to the specific assessed need.
  - (E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification.
  - (F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
  - (G) Include informed consent of the individual.
  - (H) Include an assurance that interventions and supports will cause no harm to the individual.



# Expected Outcomes for Employment

- Competitive employment – employment that results in wages at or above minimum wage.
- Integrated employment – employment in a setting that is comprised of co-workers with and without disabilities.
- Individualized– the type of job, work environment, employment supports and accommodations are unique to each individual’s needs, desires, interests and capacities.

# Employment First in Missouri

- Employment and Career Planning must be addressed in the person centered planning process for everyone of working age (16 to 64) and is best case practice for students beginning at age 14.
- Career exploration must occur in a way that is meaningful to the individual and accommodating to his/her communication and learning style.
- Employment services and service definitions have been developed to promote individualized supports with attaining successful employment

# Employment Services

- There are 5 Employment Services which may be funded through the DMH-DD Waiver system to assist individuals with preparing, exploring, securing and maintaining employment.
- All 5 services have the same intended outcome....competitive employment in an integrated setting with individualized support.
- These 5 services may not all be required or needed for each person expressing an interest in employment. It is the Support Coordinator and Service Provider's responsibility to assess each individual's need based upon his/her unique talents, skills, capacity, barriers and limitations.



# Employment Services

1. Job Discovery
2. Job Preparation
3. Group Community Employment
4. Individual Community Employment
5. Co-worker Supports

# Creating harmony

- Support coordinator
- Utilization Review
- Service Provider
- Person-centered-team
- Individual

Our talent,  
gifts and  
abilities

# Job Discovery

- A time limited person-centered approach to employment planning.
- Assists an individual in discovering his/her unique skills, talents, abilities, interests, challenges and barriers as it relates to employment.
- Must result in a career objective and a career plan for achieving competitive, integrated employment which is commensurate with the individual's interests, talents, abilities and identified support needs.
- The career plan guides the ongoing supports and services needed to achieve the career objective.

# Job Discovery

Job Discovery must be individualized and can include any of the following activities:

- Job exploration
- Job shadowing
- Informational interviews
- Job analysis
- Review of labor market analysis
- Career discovery activities
- Other activities which will further assist in discovering one's career objective and facilitate the development of his/her career plan.

# Job Preparation

- A time limited pre-vocational service designed to assist the individual with learning and developing skills necessary to perform competitive, integrated employment.
- Can be completed in a variety of locations in the community, to include a fixed-site facility, based upon person centered planning.
- Can be completed individually or in a group setting based upon person centered planning.
- Skills being developed must be underlying habilitative skills necessary for employment and cannot be job-task specific skills.

# Job Preparation

Job Preparation must be individualized and could include the following areas of development:

- Attention span
- Motor skills
- Interpersonal skills
- Learning skills
- Workplace conduct
- Appropriate dress and hygiene
- Workplace problem solving skills
- Workplace safety
- Other areas of habilitative need which promote employment retention.

# Group Community Employment

- Competitive employment in an integrated setting.
- Services and training activities which occur in a business, industry and community setting for a group of individuals who are performing employment duties.
- Group size must be no more than 6 individuals (can be up to 8 with Regional Director written approval).
- Goal is sustained employment, work experience leading to further career development and individual community employment.

# Group Community Employment

- Supports are provided on an individualized basis within the group in a manner that promotes integration and independence.
- Support should not exceed individual needs as outlined in the ISP and person centered planning process.
- Ongoing monthly progress should be conducted to determine the amount of support and whether the individual can transition to individual community employment.
- Cannot be provided in facility-based work settings.



# Group Community Employment

Group community employment services and supports may include the following:

- Job Development
- Job Analysis
- Job Placement
- Job Coaching
- Negotiation with employers
- Supervision/monitoring of job performance
- Training in related skills to obtain or retain employment such as use of community resources and transportation.

# Individual Community Employment

- Competitive employment in an integrated setting.
- Services and training activities which occur in a business, industry and community setting where the individual has been hired.
- Employer is educated on the needs of the individual/employee and educated on the business' long term responsibilities of support, training and supervision.
- Goal is sustained employment and work experience leading to further career development.

# Individual Community Employment

- Supports are provided by a contracted service provider on an individualized basis in a manner that promotes integration and independence.
- Support should not exceed individual needs as outlined in the ISP and person centered planning process.
- Ongoing monthly progress should be conducted to determine the amount of support.
- Support declines as the individual becomes more independent and the employer is confident in the employee's performance.

# Individual Community Employment

Individual community employment services may include the following:

- Job Development
- Job Analysis
- Job Placement
- Job Coaching
- Negotiation with employers
- Supervision/monitoring of job performance
- Training in related skills to obtain or retain employment such as use of community resources and transportation.

# Group and Individual Community Employment

- Individual Community Employment is more self-determined and considered to be the national preferred outcome as it is consistent with the typicality of all individuals' work setting, regardless of disability.
- The type of Community Employment service should be determined based upon the unique talents, skills, capacities, abilities and needs of the individual.
- The development and utilization of the business' natural supports in the workplace are expected. Natural supports in the workforce should be maximized and promoted to increase integration and independence.

# Tools, examples and resources

- UR Checklists
- Task Analysis
- Employment Support Plan
- Employment Monitoring Guide
- Employer feedback
- Work Inclusion Checklist
- Work Culture Survey

# Employment Collaboration

There are many entities in the community whose primary roles are to assist individuals with employment support and services. Collaboration and partnering will facilitate individuals with achieving their desired outcomes. A few of the community partners are:

- Vocational Rehabilitation
- Division of Workforce Development
- Chambers of Commerce
- Society for Human Resource Managers (SHRM)
- University of Missouri Extension Offices
- Missouri Career Centers
- Department of Elementary and Secondary Education
- Institutions of higher education

# Reminders

- As with all DMH services, comparable benefits must be accessed prior to the use of Medicaid services.
- All services must be outlined in an individual's ISP using person-centered planning and must be approved through the Utilization Review process before the services are provided.
- Support and services must plan for integration, independence and promote self-determination.



# Technical Assistance

For additional information or technical assistance, please contact the State Employment First Specialist assigned to your Region.

# Resources

Missouri Division of Developmental Disabilities – Employment Tools and Resources

<http://dmh.mo.gov/dd/progs/youthtransitionemploymentcoortoolsresources.html>

Missouri Career Discovery Guide

<http://www.moddcouncil.org/uploaded/Career%20Discovery%20Guide%20-%20Updated.pdf>

Disability Benefits Calculator

<http://mo.db101.org/>



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