

Supported Employment Guidelines (SEP) ND Division of Vocational Rehabilitation

I. BELIEFS - VALUES - PRACTICES

Supported Employment is intended to provide services that lead to employment for people with the most significant disabilities who have traditionally been excluded from consideration for community employment. Supported employment services are authorized through the federal Rehabilitation Act, as amended. Official North Dakota Vocational Rehabilitation policy regarding supported employment is located in Administrative Code 75-08-01. This document reflects guidelines for implementing supported employment policy and does not in any way pre-empt official policy.

Supported employment emphasizes the following beliefs and values:

- People with disabilities are capable of being employed.
- People with disabilities who want to work have the same right to work and earn a living wage as people who do not have a disability.
- Facilitating community employment allows people who have traditionally been excluded from community life the fullest community participation.
- People learn a job best on the job, not in simulated segregated environments.
- Employment options are based upon preferences, skills, and needs of the applicant.
- Jobs may be carved or created to fulfill the specific needs of an employer and the specific skills of the employee.
- Employer/employee consultation and support is provided during job search and after a job has been found for as long as the employer and employee feel it is necessary.

II. WHAT IS THE DIFFERENCE BETWEEN “EMPLOYMENT” AND “MEANINGFUL ACTIVITY”?

There is a distinction between the terms “employment” and “meaningful activity”. The intent and focus of Supported Employment is on employment and not on meaningful activity. The definitions of both terms are as follows:

Definition of Employment

- The activity looks like work to the ‘person on the street’,
- The activity must produce a product or service which someone would be employed to do even if a supported employment relationship was not in place,
- An employer/employee relationship exists, or a producer/customer relationship exists,
- Constant intervention is not required,

- The cost of job coaching should not exceed the earnings of the individual,
- The essential functions of the job must be performed by the individual,
- The employment relationship is not time limited, and
- The setting is not primarily a learning, evaluative, or experiential activity.

Definition of Meaningful Activity

- There is a personal outcome in which the product or pay is not necessarily significant or consequential,
- The product may be significant to someone but there is no significant market for the product, or
- The setting is primarily learning, experiential, or evaluative activity for the individual.

III. WHO SHOULD BE CONSIDERED FOR THE SUPPORTED EMPLOYMENT PROGRAM (SEP)?

In identifying potential participants for SEP, it is best to describe the characteristics of those who achieve the desired outcome. Then, the potential participant can be assessed to determine what supports and services would be necessary to become successful in an employment setting.

The ultimate goal of SEP for the individual with a most significant disability is to be working in an integrated setting where, with wages and benefits, they reduce or eliminate their need for public financial support. Since this is not always possible, there must be some options in place to accommodate the individual's informed choice and/or the impediments caused by the physical or mental impairment.

At a minimum:

- The individual should be employed at least 50 hours per month.
- The cost for the individual to maintain employment should not exceed their earnings at entrance to Extended Services.
- The individual earns at least minimum wage or a wage commensurate with people without a disability performing the same or similar tasks.

Exceptions to any of the above issues may be made with the concurrence of the individual (or guardian), case management, and funding agents.

Additional Factors to Consider

Since training, stabilization, and continued employment occur at a place of business, case managers must also consider the following additional factors prior to referral to the Supported Employment Program. The presence of any of the factors does not automatically preclude someone from receiving services.

- Does the individual demonstrate control over unacceptable behaviors such as theft of property, self-stimulation, physical/verbal aggressiveness, etc.?
- Does the individual take all necessary medication?

- Does the individual demonstrate the ability to take care of personal needs such as toileting and feeding, or are there accommodations in place such as personal assistance services when necessary?
- Can the individual communicate wants and needs to employers, fellow employees, job coaches, etc.?
- Does the individual want to be employed or just have something to do?
- If the individual cannot demonstrate the ability to perform certain expected tasks, can the appropriate supports be put into place to make the accommodations?

IV. SEP SERVICES

SEP services are **intense** services to prepare clients to enter the workforce. Intervention may include one on one coaching when employment begins with gradual fading throughout the training. Service is provided as direct engagement with the client and employer to obtain, maintain, and retain employment.

SEP services should not exceed 24 months, unless under special circumstances a longer period to achieve job stabilization has been jointly agreed to by the individual and VR counselor. Should SEP take longer than 24 months, it must be approved by the state office and documented in the IPE/case notes.

V. THE PROCESS

Extended Services

Secure extended services after SEP eligibility is complete (determining SEP eligibility is not contingent on securing extended services). The VR counselor **must** establish that the individual is able to access Extended Service funding before SEP and the IPE begin. If there are no extended services available, the client may go on a wait list.

Informed Choice

Individuals are informed of their choice of providers and may interview each provider if they would prefer.

IPE

- The IPE must list SEP and Extended services in the “Service Section”.
- Estimate the dollar amount to put on the plan by using the payment rate schedule and your best judgment of how long they will need SEP.
- Counselor prepares SFN 1092 and any other pertinent information to give to the provider.

Employment Proposal

- The employment proposal (SFN 1840) will be used for students with disabilities who are receiving SEP. It is optional for all other individuals.
- It is developed by the provider and client with the counselor present for input. It outlines the job development, placement, and training strategies that will be used to assist the client to become successfully employed.

Job Placement and Coaching

- You may use the SEP Tracking Sheet to log monthly payments.
- At months #3 and #6, make contact with the provider and the individual to review progress. Continue to review a minimum of every 3 months.

Training and Stabilization

Clients are considered stabilized in employment if:

- They require 20% or less intervention for a minimum of 2 months before receiving Extended Services, or
- They are stabilized at more than 20% intervention but less than 50% intervention for at least 4 months before receiving Extended Services.
- Once the client has reached a point of stabilization, move to “employed status” (the status may be back dated up to 90 days in the case management system).
- Counselor completes SFN1842 (service review form) after client has moved towards stabilization and forwards a copy to the state SEP administrator.

Transfer to Extended Services

- Prior to transitioning to Extended Services, the team must concur that the percentage of intervention is at an acceptable level.
- The counselor will notify client and provider with projected date to transfer.
- The client must be in “employed status” for a minimum of 120 Days prior to transfer (a minimum of 60 days are paid by VR and a minimum of 60 days are paid by extended Services) before successful VR case closure.

Case Closure

- Sixty days after the individual has remained successfully employed with Extended Services support, final payment may be issued to the provider and the case closed successfully rehabilitated.
- If successful closure criteria are not met, the final payment is not released.
- You must have the final progress report to release the final payment.
- Document which Extended Service category (SMI, DD, TBI, HDBS or MOS NOS) the individual transferred to in the case notes.

VI. EXTENDED SERVICE FUNDING SOURCES

Home and Community Based Services (HCBS) Waiver

If a client with a TBI screens “nursing home eligible” they may qualify for extended services through the Home and Community Based Services waiver. Contact your local county social service HCBS worker to determine eligibility.

Serious Mental Illness (SMI)

Most Significantly Disabled, Not Otherwise Served (MSD-NOS) formerly titled “other”

Brain Injury (for Traumatic Brain Injury and Acquired Brain Injuries except for strokes)

For SMI, MSD-NOS, and Brain Injury Extended, the VR counselor will complete the application for services on the Rocky Mountain Rehab (RMR) website

(www.ndextended services.org). The regional SMI Extended Services (ES) Coordinator will determine eligibility and forward his or her decision to RMR. If the ES Coordinator deems the applicant eligible, RMR will then place the client's name on the list for the appropriate Extended Service category and notify the counselor. If funding is not available, the individual's name is placed on a waiting list. When funding becomes available, Rocky Mountain Rehab contacts the VR counselor and SEP begins.

For MSD-NOS Extended, the counselor must verify and document in the case notes that the individual **does not** qualify for DD, SMI, or HCBS extended services.

Developmental Disabilities

The VR counselor contacts the (DD) Case Manager to get approval for Extended Services funding. Approval from the DD Program Administrator or Case Manager must come back to VR in writing. The employment plan for transition students is written the spring of their exiting year which could be up to 24 months prior to their eligibility date for extended. Transition Students who receive Developmental Disability (DD) Case Management and waived services will typically be able to transfer to Extended Services at age 21. Confirm that date with the DD case manager. Some students who turn 21 on or after August 1st may opt to stay in school for an additional year.

If none of the above are options, alternative resources could include a PASS Plan, IRWE, Natural Supports, or self-payment.

VII. RE-EMPLOYMENT FOR INDIVIDUALS IN EXTENDED SERVICES

Re-employment will be paid by the Extended Services funding agency at the Extended Service rate. However, supported employment training and stabilization may be used for re-employment if a different disability is involved or the disability becomes more severe, provided that a change in jobs or type of intervention is also required.

VIII. PAYMENTS AND PROCEDURES

Individual Payment

Complete monthly progress reports from providers (SFN 1101) are due to DVR by the 15th of every month and are processed for payment at that time. **Providers will receive final payment only after VR is able to confirm that all closure criteria are met and the case can be closed as successfully employed.** If final payment is made and VR is unable to close the case rehabilitated, the provider must refund the full amount of final payment to VR.

- DVR's preferred outcome for people with disabilities is integrated competitive employment. In rare circumstances group placement may be considered. Reimbursement for an individual in a group placement will be paid at a percentage of the rate for individual placements. Final payment for group placement is the same as final payment for an individual placement.

Job Loss Prior to Successful Closure

Payment for re-placement will be determined on a case-by-case basis. No provider shall receive payment at the Month 1 and Month 2 rate for the same individual more than twice during a 48 month period. The provider, DVR counselor, and DVR Regional Administrator will meet to discuss the circumstances surrounding the job loss. Factors to be considered include the reason for the job loss, if a new employment goal is necessary, if the disability has worsened, if there is a new disability, etc.

To ensure statewide consistency, all situations where job loss occurs and reimbursement will exceed the original milestone payments, the additional payment will be approved by the DVR Chief of Field Services. The necessity of continuing this level of approval will be assessed every six months.

SUPPORTED EMPLOYMENT PROGRAM (SEP) GUIDE

