

<b>Topic:</b>	How to Plan Supported Employment Services with the Standard of Working at Least 20 Hours a Week
<b>Date Issued/Updated:</b>	

## Overview

**Description:** How Service Coordinators (SC) and Personal Agents (PA) will assist individuals receiving or interested in receiving Supported Employment Services to achieve their goal for number of hours worked per week using the standard of 20 hours per week.

### **Purpose/Rationale:**

All individuals who are receiving an employment service through the Office of Developmental Disabilities Services (ODDS) or who are interested in working in Competitive Integrated Employment should have the opportunity to make an informed decision regarding how many hours they would like to work. An individual's choice should be based on consideration of all available information, meaningful employment opportunities, as well as service and support options which would support them to work full time, part time, or another individually identified goal. In order to ensure that individuals are able to make an informed employment decision, the Service Coordinator (SC) or Personal Agent (PA) must have a discussion and engage in service planning with the individuals they work with regarding the hours they would like to work, using the standard of 20 hours per week described below. For additional information regarding how to have this conversation and engage in employment service planning, please see the Employment Discussion Guide:

<http://www.dhs.state.or.us/spd/tools/dd/cm/Employment%20Discussion%20Guide%20for%20PA%20%20SC.pdf>

Additionally, this policy is designed to ensure compliance with the *Lane v. Brown* settlement agreement which states: "DHS will establish and promote a goal that all persons with I/DD who want to work in the community will be afforded an opportunity to pursue competitive employment that allows them to work the maximum number of hours consistent with their abilities and preferences. DHS will issue guidance to VR counselors, ODDS staff, CDDPs, and brokerages that the recommended standard for planning and implementing Supported Employment Services will be the opportunity to work at least 20 hours per week. This guidance will recognize that based on individual choice, preferences, and circumstances, some people may choose to work at that level while others may not."

**Applicability:** Service Coordinators and Personal Agents

## Procedure(s) that apply:

### **Individuals currently using ODDS Supported Employment Services:**

When the Career Development Plan (CDP) is completed as part of the annual ISP, or upon the individual's request, a discussion must occur regarding the individual's current hours of work, and a goal of working the maximum number of hours consistent with their interests, preferences and circumstances. If the individual wishes to work more than their current hours of work the Service Coordinator (SC) or Personal Agent (PA) must complete the following:

- Document the number of hours the individual wants to work in the ISP addendum, under the "How many hours per week does the person want to work?" section, for the desired number of hours per week. The standard for this goal is at least 20 hours a week. This must be consistent with individual choice, preference, and circumstances, meaning some people may choose to work full time, part time, or another individually identified goal that is less than 20 hours.
- If the number of hours the individual wants to work is different from their current hours, also indicate the goal in the "Desired Outcome" section of the CDP, along with Key Steps outlining how that desired outcome will be achieved.
- Ensure that the provider implementation strategies support the goal of increasing work hours.
- Monitor and document progress towards obtaining the stated goal, and ensure that an individual's choices are based on consideration of all available information and/or meaningful opportunities that offer 20 hours of work per week.

**Benefits Planning:** Benefits Planning is important for any individual whose income may affect his or her Social Security benefits. If an individual chooses a goal that will increase their work hours, and the individual and/or their employment team is concerned with how this will affect their benefits, the SC/ PA will refer the individual to a benefits planner.

**Individuals that do not wish to increase their work hours:** If the individual does not wish to increase their current work hours or hours goal, despite discussing the advantages of increasing their work hours and being offered employment services that would assist with that goal, documentation of the discussion must be in the Person Centered Information. A decision to work less than 20 hours per week must be based on the individual's choice, preference and circumstances.

**Vocational Rehabilitation Services:** If the individual has an open case with Vocational Rehabilitation, the SC/ PA will obtain the Individual Plan for Employment (IPE) from VR before the annual ISP, as well as when the individual transfers to long-term supports from VR services. The goal for hours in the CDP should align with the corresponding goal in the individual's IPE. If they do not, the SC/ PA will have a conversation with the individual and their employment team, including the VRC if applicable, to determine which goal is currently accurate. Despite being stable in their current job, the individual may be interested in increasing their hours over time. If so, the CDP goals should reflect this. The goal in the CDP should reflect the most current immediate and long term goals of the individual.

Communication with the VRC for an individual who has been referred to VR is crucial. VR shall invite

the individual's PA/SC to a pre-plan/ intake meeting, where the goal for hours worked is discussed. The PA/ SC is encouraged to attend this meeting, and at a minimum must supply the individual's CDP and any other relevant employment documents to the VRC prior to this meeting.

### **Individuals not currently using ODDS Supported Employment Services:**

Individuals not using Supported Employment Services includes anyone in other Employment Services, such as Employment Path. Because individuals using any Employment Service must be interested in pursuing Competitive Integrated Employment, the conversation at the annual ISP must include a discussion of the number of hours the person would like to work at a competitive integrated job.

Individuals not using Supported Employment Services also includes individuals not utilizing any waiver funded Employment Services. If an individual not utilizing waiver funded Employment Services asks about or expresses an interest in pursuing Competitive Integrated Employment, the conversation at the annual ISP must include the number of hours the individual would like to work.

The standard for both discussions is at least 20 hours a week, and any Desired Outcome written for hours worked must be consistent with individual choice, preference, and circumstances. Some people may be interested in working full time, part time, or another individually identified goal that is less than 20 hours.

Documentation of the discussion must occur in the Person Centered Information.

### **Form(s) that apply:**

The Individual Support Plan (ISP) and all related documents. The ISP is available at <http://oregonisp.org/forms/>.

### **Definition(s):**

"Career Development Plan":

(a) Means the part of an ISP that identifies:

(A) The employment goals and objectives for an individual;

(B) The services and supports needed to achieve those goals;

(C) The people, agencies, and providers assigned to assist the individual to attain those goals;

(D) The obstacles to the individual working in an individualized job in a competitive integrated employment setting; and

(E) The services and supports necessary to overcome those obstacles.

(b) A Career Development Plan is based on person-centered planning principles.

"Competitive Integrated Employment" means work that is performed on a full-time or part-time basis (including self-employment):

(a) For which an individual:

(A) Is compensated at a rate that:

(i) Is not less than the higher of the rate specified in federal, state, or local minimum wage law, and also 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; or  
(ii) 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

(B) Is eligible for the level of benefits provided to other employees.

(b) That is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

(c) That, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

"Employment Service" means a home and community-based service that supports the primary objective of exploring, obtaining, maintaining, or advancing in an individual job in a competitive integrated employment setting in the general workforce.

(a) Employment services under these rules include:

(A) Supported Employment.

(i) Individual Employment Support.

(I) Job Coaching.

(II) Job Development.

(ii) Small Group Employment Support.

(B) Discovery; and

(C) Employment Path Services.

(b) Employment services do not include vocational assessments in sheltered workshop settings or facility-based settings. Employment services do not include new participants in sheltered workshop settings.

"Employment Path Services" means services to provide learning and work experiences, including volunteer opportunities, for an individual to develop general, non-job-task-specific, strengths and skills that contribute to employability in an individual job in a competitive integrated employment setting in the general workforce.

"Supported Employment" is any one of the following services:

(a) Individual Employment Support.

(b) Job Coaching.

(c) Job Development.

(d) Small Group Employment Support.

## **Reference(s):**

Oregon Administrative Rules Chapter 411, Division 345, "Employment Services for Individuals with Intellectual or Developmental Disabilities".

Oregon Administrative Rules Chapter 407, Division 25, "Integrated Employment Services to Individuals with Intellectual and Developmental Disabilities".

Current Administrative rules can be accessed on the Oregon Secretary of State website at [http://sos.oregon.gov/archives/Pages/oregon\\_administrative\\_rules.aspx](http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx).

Settlement Agreement in Lane et al. v. Brown et al., United States District Court Case No. 3:12-cv-00138-ST, available on the [www.iworkwesucceed.org](http://www.iworkwesucceed.org) website under 'Latest News'.

### **Frequently Asked Questions:**

See "20 hour standard: Policy Changes for June 30, 2016 Office of Developmental Disability Services/Vocational Rehabilitation Frequently Asked Questions (F.A.Q.) For Service Coordinators/Personal Agents/VR Counselors", released with this guidance and available online at <http://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/Publications.aspx>.

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