

Lilia Teninty

**Authorized Signature**

**Number: APD-PT-15-017**

**Issue date: 6/15/2015**

**Topic:** Developmental Disabilities

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other: \_\_\_\_\_

**Applies to (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> All DHS employees                     | <input type="checkbox"/> County Mental Health Directors   |
| <input type="checkbox"/> Area Agencies on Aging                | <input type="checkbox"/> Health Services  |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services(ODDS)   |
| <input type="checkbox"/> Self Sufficiency Programs             | <input type="checkbox"/> ODDS Children’s Intensive In Home Services   |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)   |
| <input type="checkbox"/> ODDS Children’s Residential Services  | <input checked="" type="checkbox"/> Other (please specify): Brokerages, Service Coordinators and Personal Agents, ODDS Provider Organizations |
| <input type="checkbox"/> Child Welfare Programs                |   |

Policy/rule title:	New Wage Requirements for ODDS Employment Services.		
Policy/rule number(s):	OAR 411-345	Release no:	
Effective date:	12/28/2014	Expiration:	
References:			
Web address:			

## REASON FOR ACTION REQUIRED:

### **New Wage Requirements for Supported Employment**

Oregon's Employment First policy is being implemented through a number of ongoing initiatives, including implementation of new wage requirements for Supported Employment services. Under its Employment First policy, Oregon presumes that, with the right training and support, each individual who has an intellectual or developmental disability (I/DD) can succeed in an individual integrated job that pays competitive wages and benefits. This means both minimum wage as well as the customary wage.

New wage requirements for ODDS-funded Supported Employment services take effect on July 1, 2015. These new wage requirements are outlined under Oregon Administrative Rule 411-345 which went into effect on December 28, 2014. The new wage requirements are outlined as follows:

- People using either **Individual Employment Support - Job Coaching (also called "Job Coaching")**<sup>1</sup> or **Small Group Employment Support**<sup>2</sup> for support to work in jobs obtained after December 28, 2014, must be paid at or above the federal, state, and local minimum wage, but also no less than the customary wages and benefits the employer pays to individuals who do not have disabilities for the same or similar work.
- Until July 1, 2015, individuals utilizing either Job Coaching or Small Group Employment Support for jobs obtained before December 28, 2014, are optimally compensated at or above the minimum wage. However, all jobs obtained before December 28, 2014, must also pay the supported person minimum and customary wages to continue as Job Coaching or Small Group Employment Support after July 1, 2015.
- If the supported person earns less than the minimum wage after July 1, 2015, the correct service would be Employment Path Community (Plan of Care service code OR541 W2). This service includes support to learn and develop skills that can be used in an individual integrated employment setting where the person does earn minimum wage or better. This service is a time-limited service. Time limits are determined by an individual's ISP. See OAR 411-345 for additional details.

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<sup>1</sup> The Plan of Care billing code for Job Coaching is OR401 W5 and W6.

<sup>2</sup> The Plan of Care billing code for Small Group Employment Support is OR 542 W2.

## **ACTION REQUIRED FOR SERVICE PROVIDERS:**

Providers are required to bill for the appropriate service. In many circumstances, employers are making changes to pay at or above the minimum wage. However, if after July 1, 2015, a supported person's job does not pay minimum wage or better, then the more accurate service would be Employment Path Community. Employment Path includes support to learn and develop skills that can be used in an individual integrated employment setting where the person does earn minimum wage or better.

If a provider reduces an individual's service hours due to these new wage requirements, the provider must give the individual 30 day advance written notice. This requirement is outlined under Oregon Administrative Rule 411-345-0140. See also Information Memorandum 15-004 found here:

<https://www.dhs.state.or.us/policy/spd/transmit/im/2015/im15004.pdf>

## **ACTION REQUIRED FOR SERVICE COORDINATORS AND PERSONAL AGENTS:**

If the individual has been authorized to receive Small Group Employment Support or Individual Employment Support in Plan of Care, but will not be paid minimum wage or better after July 1, 2015, then a service change is required. The Service Coordinator or Personal Agent will need to take the following steps:

### **Plan of Care**

On or before August 14, 2015, the service coordinator or personal agent must end both the individual's Service Plan Line(s) and provider Service Prior Authorization(s) for Job Coaching or Small Group in the Plan of Care billing system.

### **ISP/CDP**

On or before August 14, 2015, the service change must also be documented in the Individual Support Plan (ISP) and Career Development Plan (CDP) with the attached plan amendment.

The supported person does not need to sign the change form.

### **Notification to the person**

If service hours are reduced as a result of these wage requirements:

- The Service Coordinator or Personal Agent must reconvene a meeting with the individual and his or her ISP team.
- As outlined under the provider requirements above, the provider must also give 30 day notice to the individual.
- The individual must be given an opportunity to review all Employment Service options in order to ensure his or her service needs continue to be met.

If service hours are not reduced as a result of these new wage requirements:

- By August 14, 2015, the individual must be notified of the change via phone or email.
- During the individual's annual planning process, the individual must be given an opportunity to review all Employment Service options in order to ensure his or her service needs continue to be met.
- The individual must also be given an opportunity to review all Employment Service options upon request.

**Field/stakeholder review:**       Yes       No

**If yes, reviewed by:**    CDDPs, Brokerages, DHS Employment First, Vocational Rehabilitation, Oregon Department of Education, and Oregon Council on Developmental Disabilities.

**Filing instructions:**

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	Allison Enriquez		
<b>Phone:</b>	503-569-1710	<b>Fax:</b>	
<b>Email:</b>	allison.enriquez@state.or.us		

# Change Form

Person's legal name: John Doe

SC / PA

Initiated by: Jane Doe

Date initiated: 8/1/2015

Effective date: 7/1/2015

Reason for change(s)	List specific change(s)
<p>John Doe uses Small Group Employment services for support to work in a job that does not pay minimum wage or better.</p> <p>OAR 411-345 includes new wage requirements for Supported Employment (Individual Employment Support – Job Coaching, and Small Group Employment Support).</p> <p>The nature of the support and service provided will remain the same however.</p>	<p>Effective 07/01/2015, Employment Path Community is authorized in place of Small Group Employment Support.</p>

Name	Title/Relationship	Date notified of change	Date approved, if required	Signature or note of how approval or notification was given (e.g. phone, email)
Jane Doe	Self / Person receiving services	8/1/2015		Notification by phone

Person receiving services: John Doe

Date of change: 7/1/2015