

010.00 Employment Outcome Policy

(February 2003)

See corresponding procedure: 010.00P Employment Outcome Procedure

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Description

ACCES-VR works with individuals with disabilities to obtain an employment outcome in the most integrated employment setting consistent with the individual's unique employment factors: strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice.

During the application process, individuals must be informed that ACCES-VR services are only provided if they intend to achieve an employment outcome. Individuals with disabilities are active partners with the vocational rehabilitation counselor and together work to establish employment goals and the steps to reach those goals.

An employment outcome means an individual entering or retaining:

1. full time or if appropriate, part-time competitive employment in an integrated setting;
2. supported employment that meets the definition of competitive employment;
3. supported employment where an individual is working toward competitive employment;
4. other types of employment in integrated settings consistent with the individual's employment factors, including self-employment, telecommuting and business ownership.

Intention to Achieve Employment Outcome

Any eligible individual who receives ACCES-VR services must intend to achieve an employment outcome consistent with the individual's employment factors. Completion of the application process (See 200.00 Referral and Applying for Services) for ACCES-VR services is sufficient evidence of the individual's intent to achieve an employment outcome.

Definitions

1. Competitive Employment

Competitive employment is:

- A. work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- B. for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

2. Extended Employment

Extended employment is work in a non-integrated setting for a public or private nonprofit agency or organization that provides compensation according to the Fair Labor Standards Act.

Extended employment (previously known as sheltered employment) is not recognized as an employment outcome that can be supported by ACCES-VR services.

3. Integrated Setting

An integrated setting is defined as a work situation where all employed individuals have equal opportunity to interact with non-disabled individuals. Individuals providing services to employees with disabilities are not included when evaluating integration.

4. Self-Employment

Self-employment is usually considered as an individual owning, managing and/or operating a business to generate income. Self-employment is an employment outcome that can be supported when consistent with the individual's employment factors. ACCES-VR will only develop plans leading to self-employment after careful consideration of the full range of employment options available to the individual. In developing the Individualized Plan for Employment (IPE), the eligible individual and the counselor should assess the individual's employment factors as related to being an employee of another person, business or organization and consider the risks and responsibilities of self-employment. Only sound business plans that will result in a reasonable income for the level of investment will be considered by ACCES-VR.

5. Supported Employment

Supported Employment, open to individuals with the most significant disabilities, is:

- A. Competitive employment or employment in an integrated work setting in which individuals are working toward competitive employment, with ongoing support services.
- B. For individuals who have not traditionally worked in competitive employment or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and,
- C. For individuals who need intensive supported employment services from ACCES-VR and extended services beyond the initial intensive coaching and/or training, due to the nature and significance of the disability, in order to perform work; or
- D. Transitional employment for individuals with the most significant disabilities due to mental illness.

Determining an Integrated Setting

For ACCES-VR eligible individuals to meet the criteria for work in an integrated setting, all of the following conditions must be met:

1. General working conditions must demonstrate integration with other workers rather than separation or segregation;
2. The job is available to the general public;
3. Individual is employed under the same working conditions as others in similar positions (e.g. work hours, rest room facilities, lunch or other break arrangements, entrance/exits); and,
4. Individual has ongoing interaction, on the job site as part of their work responsibilities, with other workers without disabilities, supervisors, and the general public to the same degree as workers without disabilities in the same or comparable occupations.

Individuals may receive additional employment supports from and be paid wages through community provider agencies.

Settings such as enclaves, mobile work crews and offsite employment offer a wide range of experiences, and must be evaluated based on each individual's employment experience. Even when individuals receive additional employment supports or wages from community providers, it doesn't preclude being considered an integrated setting.

Note: The provision of reasonable accommodations or the use of affirmative action programs, such as 55 a/b/c, is consistent with a determination of employment in an integrated setting.

Services in Extended Employment Settings

Service providers who offer extended employment often offer other vocational services such as vocational evaluation, work adjustment and related employment services. Participants in these services may perform contractual work in a non-integrated setting within the rehabilitation agency. These services can be used as preparation for achieving an employment outcome when they are the most integrated option for the service available to the individual.

If, as a result of these types of vocational services, it is determined that the individual's employment goal is extended employment, ACCES-VR cannot further serve the individual. The case should be determined ineligible or closed.

ACCES-VR (Central Office) will review those individuals closed into extended employment at least annually for two years to determine if the case should be reopened with an integrated employment goal.

Criteria for Closure - Employment Outcome Achieved

An employment outcome is considered achieved when all the following criteria are met:

1. The individual has achieved an employment outcome, as defined above, that is consistent with the Individual Plan for Employment (IPE) and the individual's employment factors (unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice).
2. The services provided under the individual's IPE, whether provided directly by ACCES-VR or through service providers, contributed to the achievement of the employment outcome.
3. No minimum number of hours worked is required. For supported employment, there is a waiver requirement for supported employment under 20 hours per week.
4. If the individual obtains competitive employment, verification is needed to substantiate that the individual is paid at or above the minimum wage. In addition, verification is needed that the individual's wage and that level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in the same employment setting.
5. For supported employment, if wages are above minimum, it is a competitive employment outcome. If wages are below minimum, i.e. "working toward competitive," the outcome is non-competitive.
6. The individual is employed for a length of time adequate to ensure the stability of the employment outcome (a minimum of 90 days).
7. The individual and the ACCES-VR counselor agree that the employment outcome is satisfactory and the individual is performing well.
8. The individual is informed of post-employment services, including a consideration of the need for rehabilitation technology services, as appropriate.
9. If the employment outcome is different from the work goal in the IPE, the individual must be involved with the ACCES-VR counselor in developing, agreeing to and signing a change to the IPE reflecting the new goal.

References:

Rehabilitation Act:

- Section 7(21)(A) of the Act, Sec.102 (b)

Federal Regulations:

- §361.5; §361.37; §361.47; §361.56.

Policies:

- 200.00 Referral and Applying for Services
- 202.00 Eligibility for Services
- 204.00 Assessment
- 206.00 Individualized Plan for Employment
- 435.00 Post-Employment
- 1310.00 Supported Employment