



Adults with Cognitive and Physical Disabilities Services

An Office of the
Department of Health and Human Services

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Supported Employment- The following definitions and guidelines are being adopted as guidance by The State of Maine, DHHS-Developmental Services for interpretation of Supported Employment.

These are effective beginning January 1, 2008

What is Supported Employment?

Supported employment facilitates competitive work in integrated work settings for individuals with the most severe disabilities (i.e. psychiatric, mental retardation, learning disabilities, and traumatic brain injury) for whom competitive employment has not traditionally occurred, and who, because of the nature and severity of their disability, need ongoing support services in order to perform their job. Supported employment provides assistance such as job coaches, transportation, assistive technology, specialized job training, and individually tailored supervision.

Supported employment is a way to move people from dependence on a service delivery system to independence via competitive employment. Recent studies indicate that the provision of on-going support services for people with severe disabilities significantly increases their rates for employment retention. Supported employment encourages people to work within their communities and encourages work, social interaction, and integration.

Definitions

An Employment Specialist/Work Support staff is a person who is hired by the placement agency to provide specialized on-site training to assist the employee with a disability in learning and performing the job and adjusting to the work environment.

Natural supports are support from supervisors and co-workers, such as mentoring, friendships, socializing at breaks and/or after work, providing feedback on job performance, or learning a new skill together at the invitation of a supervisor or co-workers. These natural supports are particularly effective because they enhance the social integration between the employee with a disability and his/her co-workers and supervisor. In addition, natural supports may be more permanent, consistently and readily available, thereby facilitating long-term job-retention.

Basic Components

Supported employment services should achieve the following outcomes: opportunity to earn equitable wages and other employment-related benefits, development of new skills, increased community participation, enhanced self-esteem, increased consumer empowerment, and quality of life. The types of supported employment services used depend on the needs of individual consumers. The following are the basic components of supported employment:

Paid Employment--Wages are a major outcome of supported employment. Work performed must be compensated with the same benefits and wages as other workers in similar jobs receive. This includes sick leave, vacation time, health benefits, bonuses, training opportunities, and other benefits. (Section 21 and Section 29 allow for the use of a Federal Special Worker Certificate)

Integrated Work Sites--Integration is one of the essential features of supported employment. Individuals with disabilities should have the same opportunities to participate in all activities in which other employees participate and to work alongside other employees who do not have disabilities. (For further guidance refer to page 5)

Ongoing Support--A key characteristic which distinguishes supported employment from other employment programs is the provision of ongoing support for individuals with severe disabilities to maintain employment.

Supported Employment Models

Several supported employment models are being used to provide the benefits of work for people with severe disabilities.

Individual Placement Model--A person with a disability is placed in a job in a community business which best suits his/her abilities and preferences. Training is provided on the job site in job skills and work related behaviors, including social skills, by a job coach. As the employee gains skills and confidence, the job coach gradually spends less time at the worksite. Support is never completely removed. The private or public vocational

rehabilitation agency furnishing the job coach is always available to the employer for retraining for new assignments, assisting in dealing with challenging behaviors, supplying periodic consultations with co-workers and employer, giving orientation and training for co-workers. (Self employment is encouraged and supported within this model)

Enclave Model--A small group of people with disabilities (generally 5-8) is trained and supervised among employees who are not disabled at the host company's work site. Persons in the enclave work as a team at a single work site in a community business or industry. Initial training, supervision, and support are provided by a specially trained on-site supervisor, who may work for the host company or the placement agency. Another variation of the enclave approach is called the "dispersed enclave." This model is used in service industries (e.g., universities, restaurants, and hotels). Each person works on a separate job, and the group is dispersed throughout the company.

Mobile Work Crew--A small crew of persons with disabilities (up to 6) works as a distinct unit and operates as a self-contained business that generates employment for their crew members by selling a service. The crew works at several locations within the community, under the supervision of a job coach. The type of work usually includes janitorial or grounds keeping. People with disabilities work with people who do not have disabilities in a variety of settings, such as offices and apartment buildings.

Small Business Model--Within a small business, there may be up to six employees with disabilities, but not more than the number of employees without disabilities. The small business operates like any business, generating work and paying employees from revenues received. The small business is located within the community¹

¹All of the above, is taken from, The Department of Labor, Federal Guidelines for Employment.

Guidelines for use of Employment Services in Medicaid Programs for Developmental Services

Employment Services are presently available within Developmental Services through Home and Community Based Waiver Programs: Section 21, Comprehensive Waiver and Section 29, Support Waiver. There is a very limited amount of grant dollars available to individuals who are not eligible for MaineCare. This document is to provide guidance for planning and provision of employment services. Please refer to Sections 21 or 29 of the MaineCare manual for further information.

The following are the service definitions for Supported Employment for both Section 21 and Section 29:

Employment Specialist Services include services necessary to support a member in maintaining Employment. Services include: (1) periodic interventions on the job site to identify a member's opportunities for improving productivity, minimizing the need for formal supports by promoting natural workplace relationships, adhering to expected safety practices, and promoting successful employment and workplace inclusion; (2) assistance in transitioning between employers when a member's goal for type of employment is not substantially changed, including assistance identifying appropriate employment opportunities and assisting the member in acclimating to a new job. Employment Specialist Services are provided by an Employment Specialist who may work either independently or under the auspices of a Supported Employment agency. The need for continued Employment Services must be documented in a member's personal plan as necessary to maintain employment over time.

Employment Specialist Services are provided at work locations where non-disabled individuals are employed as well as in entrepreneurial situations. Employment Specialist Services may be utilized to assist a member to establish and or sustain a business venture that is income producing. MaineCare funds may not be used to defray the expenses associated with the start up or operating a business.

A member may not receive Employment Specialist Services while enrolled in High School.

On Behalf of is a component of Employment Specialist Service; and is included in the established authorization and is not a separate billable activity.

Employment Specialist Support must be provided by a Certified Employment Specialist.

Work Support is Direct Support that is a therapeutic and supportive service provided to improve a member's ability to independently maintain productivity and employment. This service is commonly provided after a period of Employment Specialist Services to provide long term employment support and encompasses adherence to workplace policies and productivity. It may also include offer training and assistance in areas such as hygiene, self-care, dress code, and related issues. Work Support is provided in a member's place of employment and may be provided in a member's home in preparation for work.

On Behalf of is a component of Work Support; and is included in the established authorization and is not a separate billable activity.

A member may not receive Work Support while enrolled in High School. A member may have services authorized while still enrolled in High School; however, the start date of the service may only begin after the date of graduation or termination of enrollment.

Work Support must be provided by a Certified Direct Support Professional.

Caps for Employment Services:

- Section 21: Employment Specialist- up to 120 hours/year (Hours used in this category are deducted from the 600 hours of work support
Work Supports- up to 600 hours per/year
- Section 29 Employment Specialist-up to 60 hours/year (Hours used in this category are deducted from the 300 hours of work support
Work Supports- up to 300 hours/year

Supported Employment under Section 21 and 29 Waiver Programs

1. People who are interested in pursuing work should discuss this with their planning team and assure it is a goal within their plan. They should then be referred to Vocational Rehabilitation. No persons should request supported employment services through the waiver program without utilizing the services of Vocational Rehabilitation Services. Supported Employment Supports are not to be used for services that are available under section 110 of the Rehabilitation Act of 1973), thus it is V.R.'s role to work with the person to develop an employment plan, assess abilities, and determine whether long term support is needed.
2. The statewide standard agreement form developed between VR. and Developmental Services should be utilized after the VR. worker has done an assessment and determines the projected need for support.
3. The person centered plan should identify the needed employment services as well as the support allocation needed. This information should be provided through Vocational Rehabilitation and/or the provider agency
4. Supported employment does not include sheltered work or other similar types of vocational services furnished in specialized facilities (federal guidelines). The employment setting needs to be in an integrated setting. (See below*)
5. If a person is found to be “too severe” and denied Vocational Rehabilitation services an appeal processes should be considered. If an appeal is not successful or not sought by the consumer and he/she desires to pursue work, job development and on going support can occur under Section 21 and Section 29. The time used for development and on going support must fit within the yearly allocation.
6. If an individual has gone through VR, obtained a job, and loses his/her position and needs re-employment support in a similar position or profession Section 21 and 29 funds may be used to support re-employment. If the person requires significant re-training or is seeking employment in a new profession then they should reapply to V.R.
7. People are still eligible for accessing Community Supports in conjunction with Employment Supports.

8. If more than one person is working at a business using Section 21 or Section 29 Employment Supports, billing can only occur for the support person's time at that site for those individuals, not the time worked by each consumer.
9. Sub-minimum wage is allowed in a competitive setting utilizing an appropriate Department of Labor Special Worker Certificate. It should be noted that it is the goal however to support people wherever possible to receive earnings at or above minimum wage. The person and their team should review annually and make recommendations for achieving minimum wage or above. In addition it also should be noted that VR cannot close a case successfully under sub-minimum wage.

*** Integrated Setting in Employment Services**

Determining whether an employment site is integrated should be evaluated on an individual basis, reflecting the following environmental and employment factors

- The job is one that is available to the general public;
- The individuals with disabilities employed work under similar work conditions as others without disabilities in similar positions including access to lunch rooms, restrooms, breaks, performance and attendance expectations
- The individuals with disabilities perform their work duties with ongoing interaction with other workers without disabilities, supervision and contact with customers, suppliers and general public to the same degree as workers without disabilities in the same or comparable occupations;
- The individuals with disabilities are part of the fabric of the company, organization or individual acting as the employer, including invitation and participation with company-wide events such as holiday parties, outings and social activities.
- Individuals with disabilities may receive additional employment supports from a provider agency. While the preferred model has individuals with disabilities on the employers' payroll, it is permissible that wages through community provider agencies; and
- On a case by case basis, support models that rely on enclaves, and mobile work crews can be regarded as employment in an integrated setting when the above listed conditions exist.
- The preferred model of employment for Individuals with disabilities has the employer providing primary supervision to the employee with disability in a manner identical to other employees. It is permissible, one a case by case basis to have the support agency offer and provide this supervision as long as the above conditions are met.²

² Adapted from the New York Employment Network

