

Intellectual Disability/Autism (ID/A) Waiver Employment Service Definition

Question and Answer Document Version 3

*ID/A waivers include the Consolidated, Person/Family Directed Support (P/FDS) and
Community Living Waivers

Advanced Supported Employment (ASE)

- **ASE Q. 1 [Updated]** - What happens when the first two outcomes are met – Discovery Profile and Securing a Job – but the third outcome – Retention of a Job- is not being met?
 - Does the provider continue with the third outcome- Retention of a Job- for however long it takes the individual to work that minimum of 5 hours/week for at least 4 months and have the outcome-based unit account for all of that time, or would it only be 4 months' worth?
 - How does the provider sustain for this period of time if they can't bill or get paid until this outcome is met?
 - Or does the provider need to go back to the previous outcomes (2 and/or 1)?

- ❖ **Answer** - Since providers will receive payments at the completion of each outcome, the provider must bill after the individual has been working at their job for 4 months at a minimum of 5 hours per week. If the third outcome – Retention of a Job – is not met, then the provider should re-evaluate the Discover Profile and look for reasons why retention had not been met; for example, were the conditions for success evaluated prior to the job offer? The provider cannot bill for Outcome # 3 – Retention of a Job – until the conditions for this outcome are met.

The ISP team may also consider whether Supported Employment is a more appropriate service.

- **ASE Q. 2** - Does an individual need to work for 4 consecutive months at a minimum of 5 hours per week for the provider to submit for the third outcome-based payment – Retention of a Job?

- ❖ **Answer** - The ASE service definition describes Outcome #3 – Retention of a Job – as follows: “Successful retention on the job, as evidenced by the participant working a minimum of 5 hours per week for at least 4 months.” In most circumstances, 5 hours per week for 4 months should be counted consecutively. However, in rare circumstances where an individual is on leave from work (paid or unpaid), but is not officially separated from employment, ODP will allow for the provider to bill for Outcome #3 – Retention of a Job – once the individual has worked 5 hours per week for a total of a 4-month period (not counting the time that the individual was on leave since they would not have worked their minimum of 5 hours). If at any time the individual is officially separated from employment (by resignation, termination, etc.) prior to meeting the 4-month minimum period (consecutively or not consecutively), then the evidence of job retention is not met and the provider may not bill for Outcome #3 – Retention of a Job.

- **ASE Q. 3** - How does the Advanced Supported Employment service work with individuals who want to start their own business?

- ❖ **Answer** - The information developed through Outcome #1 – Discovery – allows for activities of typical life to be translated into possibilities for self-employment, including business ownership.

During the ISP meeting, the individual may indicate they are interested in pursuing self-employment. If they meet the eligibility requirements and are authorized to receive ASE services, they may tell their Discovery facilitator, at the outset of the service, that they are interested in pursuing self-employment.

➤ **ASE Q. 4** - Are providers required to have all 3 certificates from Marc Gold & Associates?

❖ **Answer** - To be recognized by ODP, the Advanced Supported Employment certification must meet all of the following criteria:

1. Require at least 20 hours of classroom instruction;
2. Require at least 40 hours of supervised, mentored field work;
3. Include competency-based testing;
4. Require certification renewal at least every 3 years; and
5. Be nationally recognized and acceptable to ODP.

The Marc Gold & Associates Discovery Certificate meets these requirements. Providers may take the second and third trainings – Customized Employment Job Development and Systematic Instruction – in the Marc Gold & Associates series of Customized Employment trainings, but just completing the Discovery Certificate meets ODP’s requirements.

➤ **ASE Q. 5** - Our staff went through the Griffin Hammis training. Is that an acceptable certificate for Advanced Supported Employment?

❖ **Answer** - Griffin Hammis has developed an Advanced Supported Employment training course for providers who have not previously taken Griffin Hammis’ 40-hour ACRE course, which will qualify them to provide Advanced Supported Employment through ODP.

Providers who have completed Griffin Hammis' 40-hour ACRE training and wish to provide Advanced Supported Employment through the Consolidated, Community Living, and/or P/FDS Waiver may reach out to Griffin Hammis to schedule and complete the necessary amount of hours of additional field work that will meet ODP's minimum of 40 hours of supervised mentored field work as outlined in the service definition. This will be dependent upon how many hours of supervised mentored field work the staff person underwent within the course of their ACRE training.

The number of hours will likely fall between a minimum of 8-10 additional hours (which OVR requires for providers to provide their Customized Employment Service) but could be up to 20 hours if the person needs those additional hours to reach ODP's requirement of 40 hours of supervised, mentored field work.

Course instructors will issue any necessary corrective feedback on all assignments. Griffin Hammis verifies that staff have successfully completed this component, they will issue the person an Advanced Supported Employment Certificate. Providers should submit this certificate to their Administrative Entity to officially qualify them to provide Advanced Supported Employment.

Providers who satisfactorily complete all required assignments qualify for the Advanced Supported Employment certificate and must continue to qualify by participating in Griffin Hammis's continuing education requirements of 24 hours over 3 years.

➤ **ASE Q. 6** – May a provider submit their Discovery Portfolio (including the Profile, Customized Plan for Employment, and Visual Resume) that they created as part of their certification process for Outcome-Based Payment #1 – Discovery Portfolio?

❖ **Answer** - The Advanced Supported Employment service definition states, “In addition to the education and experience requirements...staff who will work directly with the individual must also have an Advanced Supported Employment certification, which is in good standing, by an ODP-recognized training organization.” Since providers are required to be certified at the time they are rendering the Advanced Supported Employment service, providers who are in the process of becoming certified may not submit their Discovery Portfolio they complete as part of their certification for Outcome Based Payment #1. This is because they do not meet the provider qualification criteria at that point in time.

However, a provider who is qualified to render Supported Employment who is becoming certified in Advanced Supported Employment may bill for Supported Employment – Career Assessment – throughout the course of their Advanced Supported Employment certification process.

If the individual with whom the provider is conducting discovery activities as part of their Advanced Supported Employment certification process is enrolled in the prevocational component of Community Participation Support, and the provider and staff are enrolled, qualified, and authorized to render Community Participation Support (CPS), the provider may bill for CPS during the course of their ASE certification process.

Supported Employment (SE)

- **SE Q. 1** – Is it permissible for providers to hire individuals to work in their programs/company to whom they provide Supported Employment services?

- ❖ **Answer** - No, it is not allowable for providers of Supported Employment services to also be the employer of the individual to whom they provide Supported Employment services. To ensure that Supported Employment services lead to competitive integrated employment, providers must support individuals in seeking jobs with employers outside of their own agency. Providers can help prepare, guide, and coach individuals toward opportunities in the broader community, but cannot serve as both the employer and the Supported Employment provider.

- **SE Q. 2** – Our organization's Supported Employment department provides services to an individual who is also employed by our organization. However, their employment is in a completely separate department. Is this allowable?

- ❖ **Answer** - No, an individual who works within a separate department from the one in which they receive Supported Employment services still works for the same provider agency and thus cannot receive Supported Employment services from the provider while also employed there.

- **SE Q. 3** – Is it permissible for providers to use different Employer Identification Numbers (EINs) so that they can provide Supported Employment while simultaneously being the employer of record?

- ❖ **Answer** - No, it is not allowable for providers of Supported Employment services to also be the employer of the individual to whom they provide Supported Employment services. A provider that uses multiple EINs is still considered the same entity and thus, may not provide Supported Employment services to individuals they employ.

- **SE Q. 4** – Can providers bill for Supported Employment as soon as they start transporting the individual or can they only start billing once at the job site?

- ❖ **Answer** - Transportation costs associated with driving the individual to and from activities related to Supported Employment are included in the rate for this service. As such, providers of Supported Employment services are responsible for any transportation needed by the individual to complete Supported Employment activities, with the exception of driving the individual to their employment. If providers are transporting an individual to their place of employment, they would bill for the Transportation service as defined in the waiver.

The direct portion of Supported Employment may not be provided at the same time as the direct portion of the distinct Transportation service.

- **SE Q. 5** – Is vocational skill development a component of the Supported Employment service?

- ❖ **Answer** - No, vocational skill development is a component of the Community Participation Support service.

- **SE Q. 6** – If an individual is job matched for a position with a business that is a nursing home, can we still provide Supported Employment and count the position as competitive integrated employment?

❖ **Answer** - Yes. A provider may match an individual for a job in a nursing home or hospital while providing Supported Employment services. If the job that the individual obtains in the nursing home or hospital meets the definition of competitive integrated employment, the provider may continue to provide Supported Employment – Job Coaching and Support – to train the individual on specific job assignments, provide periodic or ongoing support as needed, and will deem the position as competitive integrated employment.

The direct portion of Supported Employment – Job Finding or Development and Supported Employment – Job Coaching and Support services may not occur in an Adult Training Facility (55 Pa. Code Chapter 2380), a Vocational Facility (55 Pa. Code Chapter 2390), or any other licensed facility-based setting, to include the following:

- 6400 Community Homes for Individuals with an Intellectual Disability;
- 6500 Family Living Homes;
- 5310 Community Residential Rehabilitation Services for Mentally Ill;
- or
- 3800 Child Residential and Day Treatment Facilities.

- **SE Q. 7** – If an individual has a 1:1 supervision requirement through the ODP Safer Options program and has residential services, how do employment services operate? Would an Employment Specialist provide the Supported Employment service while the 1:1 staff person follows the guidelines of the Safer Options Program?

- ❖ **Answer** - Yes, both services can occur at the same time as long as roles and billing are clearly separated. Residential staff may continue to support the individual in a 1:1 capacity at the individual's job. Residential staff would bill this time as Residential Habilitation. Employment Specialist may also provide appropriate Supported Employment services and would bill would provide the Supported Employment service and bill as appropriate for the services provided.

- **SE Q. 8** - Businesses with whom we are trying to negotiate jobs on behalf of the individuals we support are hesitant to allow our job coaches on site at their establishments. Can ODP mandate that businesses must allow job coaches on site at their establishments?

- ❖ **Answer** - No, ODP cannot force businesses to allow job coaches to support individuals on site at their establishments. A crucial element of being a Supported Employment provider is cultivating relationships with employers. Developing positive, trusting relationships with businesses is key to helping the individuals ODP supports obtain jobs that are a good match for them and the business.

One of the ACRE Skill Competencies is developing relationships with businesses, which includes the following:

- Targeting and identifying businesses to contact based on job seekers' needs, interests, and personal networks;
- Use informational interviews, tours, and observations to better understand the business culture and build a relationship with the employer;
- Provide information about disabilities, inclusive hiring, accommodations, etc. to potential employers;
- Respond to businesses' concerns about job seekers' abilities, interests, and challenges in the workplace.
- Maintain the business perspective by emphasizing to employers the benefits of hiring diverse staff.
- Conclude employer contact with clear next steps (interview, job offer, situational assessment, etc.).

Some other examples of ways in which a Supported Employment provider can develop relationships with businesses and employers is by sharing information about incentives to businesses when hiring job seekers with disabilities, such as tax credits, on-the-job training, and promoting the provider agency as a resource to help businesses meet their hiring needs.

Additionally, OVR has a Business Service and Outreach Division that providers may reach out to for additional resources and best practice tips.

- **SE Q. 9** – If a person wants to increase or decrease units between Supported Employment – Job Finding and Development and Supported Employment – Job Coaching and Support – is a critical revision to their ISP required?

- ❖ **Answer** - Yes, a critical revision to the ISP is required if the increasing or decreasing of units between Supported Employment - Job Finding and Development and Supported Employment – Job Coaching and Support, occurs outside of the annual planning meeting.

- **SE Q. 10** – The Supported Employment service definition states that Career Assessment may include discover activities and may be provided within a variety of settings, including residential habilitation settings when identified as a need in the service plan, or vocational facilities and adult training facilities when these facilities are where the individual’s employment or volunteer experience occurred that is being assessed and when identified as a need in the service plan. Does this mean that the entire portion of Career Assessment can happen in a licensed prevocational facility or licensed adult training facility?

- ❖ **Answer** - No, the entire portion of Career Assessment should not occur in a license prevocational facility or adult training facility.

As part of the career assessment process, an employment specialist will want to have the opportunity to conduct informational interviews with people who know the individual well, including support staff, family, friends, etc. If the individual who is undergoing the Career Assessment would like their employment specialist to interview their former program specialist and direct support professional who supported them during the scope of their prevocational services that occurred in a licensed 2390 facility, and those staff and individuals still work at the 2390 facility, the employment specialist may travel to the 2390 facility to interview them. These informational interviews will offer the employment specialist a

glimpse into the individual's interests, skills, and work or volunteer history from the perspective of people who have a positive view of the individual. Conducting informational interviews is the only type of Career Assessment activity that should occur in a licensed 2380 or 2390 facility. All other components of career assessment should occur in community locations (i.e., situational assessments) or provider office settings (i.e. developing the career assessment report.)

- **SE Q. 11** – The waivers state that for individuals who are utilizing ongoing Job Coaching and Support, providers are expected to develop a fading plan or fading schedule that will address how use of this service will decrease as the individual's productivity and independence on the job increases and as they develop unpaid supports through co-workers and other on-the-job resources. The waivers also state that ongoing use of Job Coaching and Support is limited to providing supports for individuals not otherwise available through the employer, such as support offered through regular supervisory channels, reasonable accommodation required under the Americans with Disabilities Act, available and appropriate natural supports, or on-the-job resources available to employees who do not have a disability.

Our agency is in the process of developing a fade plan for an individual who has been receiving ongoing Job Coaching and Support for three years. We met with them and their ISP team, and the consensus is that they still need some on-the-job support in addition to what their co-workers and supervisors can provide. What should our agency consider in terms of how to address these additional needs on a consistent basis without the ongoing use of Job Coaching and Support, barring any periodic follow-up with the individual and their employer that may occur throughout the year?

- ❖ **Answer** - A comprehensive fade plan includes how the Supported Employment provider will help the individual become more independent in performing their job tasks, foster relationships with co-workers, and develop natural supports. The provider may also establish a routine “check in” schedule with the management at the job to follow-up on how the placement is progressing and what, if any, adjustments may need to be made.

Some ways that a job coach can begin fading supports (which can be incorporated into a fade plan) are as follows:

- Observe co-worker social interactions and figure out ways to include the employee.
- Get to know some co-workers and their interests, to find possible common interests with the employee.
- Teach co-workers and supervisors how to best work with the employee.
- Teach supervisors how to evaluate the employee’s progress.
- Conduct a disability awareness or diversity workshop for the company.
- Look for ideas and talk with managers about creating new jobs for people your agency serves within the company.
- Analyze other jobs at the company, explore ways to increase work efficiency, or develop an evaluation tool that can be used for all the employees.

Additionally, the ISP team, with input from the Supported Employment provider, may consider if Companion services can be utilized to support the individual with elements that cannot or would be inappropriate to be provided with support from co-workers or other natural supports and that are outside the scope of a job coach. Companion services may be provided at the same time as Supported Employment services.

➤ **SE Q. 12** – ODP’s ISP Manual states that authorized waiver services should begin within 45 calendar days after the effective date of the waiver enrollment date, unless otherwise indicated in the ISP (e.g. individual’s choice of provider delays service start, individual’s medical or personal situation impedes planned start date). What happens in a situation where, for example, an individual is authorized for Supported Employment, but it likely won’t start within 45 days due to them securing a job and reaching job stability through the Office of Vocational Rehabilitation?

❖ **Answer** - An exception may be made to the 45-day rule for individuals who are newly enrolling in one of ODP’s waivers and working with OVR to obtain competitive-integrated employment. This exception only pertains to Supported Employment services. Any delays in the initiation of a service after 45 calendar days must be discussed with the individual and agreed to by the individual.

➤ **SE Q. 13 [New]** – Can Supported Employment Services be used to support self-employment?

❖ **Answer** - Yes. All components of the Supported Employment service may be used to support individuals to obtain and sustain self-employment. ODP defines self-employment as an individual earning income directly from their own business, trade, or profession, rather than as a specified salary or wages from an employer. Besides traditional business ownership, self-employment may also include work as an independent contractor, freelancing, and gig work, involving short-term or on-demand tasks, such as ride share services or delivery drivers.

- **SE Q. 14 [New]** – If someone earns money within their household by doing chores or babysitting, is that considered self-employment?

- ❖ **Answer** - No, completing chores or other work done as regular contributions to one's household would not qualify as self-employment. Self-employment is earning income through one's own business, trade, or profession rather than being paid by an outside employer. For tasks such as chores or babysitting, the individual would need to have a professional housecleaning or childcare business.

- **SE Q. 15 [New]** – Can individuals use the Supported Employment service for transportation which is required as part of their employment? For example, can a provider provide transport if the individual is working as a Door Dash driver?

- ❖ **Answer** - No. When there is no set work location and travel/transportation is part of the job and built into the reimbursement that the participant receives as part of their job duties, e.g. delivery of food, that travel/transportation becomes a business expense which the Supported Employment service cannot cover.

- **SE Q. 16 [New]** – Can Supported Employment services be used to support an individual in employment at a business established and managed specifically for the purpose of employing individuals with disabilities?

- ❖ **Answer** - Supported Employment services may only be used to support individuals in obtaining and sustaining competitive integrated employment. Competitive Integrated Employment, as defined in 34 C.F.R. § 361.5(c)(9)(ii), and consistent with the definition of Competitive Integrated Employment found in Sec. 7 of the Rehabilitation Act of 1973 (29 U.S.C. §705(5)), and further amended by the Workforce Innovation

and Opportunity Act (WIOA), must occur at a location typically found in the community. Employment locations established specifically to employ individuals with disabilities, despite having a physical location or storefront in the community, may not be considered as typically found in the community if they affirmatively seek to hire only individuals with disabilities, are not part of the competitive labor market, and the positions available at these locations are not open to all applicants regardless of disability status. ODP recommends that businesses established and managed specifically for the purpose of employing individuals with disabilities request OVR to perform an analysis of the work location for a formal determination that employment with the businesses qualifies as competitive integrated employment.

Small Group Employment (SGE)

- **SGE Q. 1** – May providers deliver Small Group Employment services at provider-owned sites?

- ❖ **Answer** - Providers may deliver Small Group Employment services in any provider-owned, rented, or leased sites, as long as the sites are not subject to 55 Pa. Code Chapter 2380 or 2390 regulations.

- **SGE Q. 2** – Is it allowable for our organization to provide Mobile Workforce services under Small Group Employment in a licensed 2380 or 2390 facility, after hours?

- ❖ **Answer** - No. Small Group Employment Services may not be rendered at an Adult Training Facility (55 Pa. Code Chapter 2380) or Vocational Facility (55 Pa. Code Chapter 2390), regardless of the time of day.

- **SGE Q. 3** – We understand that Small Group Employment may not occur in sites where licensing occurs. Is this specific to 2380 and 2390 facilities? We have folks who work in the kitchen, laundry, or housekeeping departments in personal care homes, nursing facilities, etc. where they do get licensed.

Is it okay for us to support individuals at these sites?

- ❖ **Answer** - Yes. The two types of licensed facilities in which Small Group Employment may not occur are Adult Training Facilities (55 Pa. Code Chapter 2380) and Vocational Facilities (55 Pa. Code Chapter 2390).

- **SGE Q. 4** – You state that Small Group Employment may be provided on the grounds or portion of the building that is not subject to licensure, but in the service definition for Mobile Work Force, it states that “The provider agency contracts with an outside organization or business to perform maintenance, lawn care, janitorial services, or similar tasks and the individuals are paid by the provider.”

Can you please clarify what is meant by “outside organization?”

- ❖ **Answer** - Individuals receiving the Small Group Employment service must have a competitive integrated employment outcome in their service plan, and providers must document how and when the provision of this service is expected to lead to competitive integrated employment.

Small Group Employment services consist of supporting individuals in transitioning to competitive integrated employment through work that occurs in a location other than a facility subject to 55 Pa. Code Chapter 2380 or 2390 regulations, regardless of whether the facility has any affiliation with the Small Group Employment provider.

An “outside organization” is one in which the provider is unaffiliated and shares no agency or business ownership. For example, a provider may contract with a bank to clean the lobby after hours or during operating hours, or contract with a local café to clean the eating area and/or do landscaping during normal operating hours.

In the spirit of ODP’s *Everyday Lives* philosophy, the CMS Home and Community Based Settings Rule, the Workforce Innovation and Opportunity Act, and in upholding our obligations to operate as an Employment First State, ODP wants to afford individuals with the most appropriate opportunities possible to gain the skills and experience to confidently transition into competitive integrated employment. Providing Mobile Work Force Services at a location unaffiliated with the Small Group

Employment provider will allow individuals to experience what it is like to work in a community location and will help providers expand the realm of employers with which they may network to help facilitate job matches between their individuals and the employers. For these reasons, providing Mobile Workforce Services at a location affiliated with the provider is allowable, but not ideal.

- **SGE Q. 5** – Under Affirmative Industry, for a provider to determine and comply with the 51% level of employees without a disability, are the service staff who provide the Small Group Employment services to be considered part of the 51% non-disabled ratio?

- ❖ **Answer** - No. Affirmative Industry employees who provide Small Group Employment services are not considered in the determination of the ratio of at least 51% of the employees who do not have a disability.

- **SGE Q. 6** – We are experiencing some confusion related to who pays individuals' wages within the context of each of the four options under Small Group Employment. Should the Small Group Employment provider pay individuals' wages, or the employer?

- ❖ **Answer** - Each of the 4 components under Small Group Employment contain context clues that can help a reader determine whether the provider or employer may pay an individual's wages. The Mobile Work Force component of Small Group Employment explicitly states that the provider pays the individual's wages.

1. Mobile Work Force: Uses teams of individuals, supervised by a training/job supervisor, who conduct service activities at a location away from an agency or facility. The provider agency

contracts with an outside organization or business to perform maintenance, lawn care, janitorial services, or similar tasks and the individual is **paid by the provider**.

The other three options do not explicitly state that the provider pays the wages. Since Work Station in Industry, Affirmative Industry, and Enclave do not explicitly state one way or other whether the provider or the employer pays an individual's wages, readers may infer that for these three options, the provider or the employer may pay an individual's wages.

- 2. Work Station in Industry:** Involves individual or group training of individuals at an industry site. Training is conducted by a provider training/job supervisor or by a representative of the industry and is phased out as the individual(s) demonstrates job expertise and meets established work standards. A Work Station in Industry is an employment station arranged and supported by a provider within a community business or industry site, not within a licensed facility site. An example would be three seats on an assembly line within a computer chip assembly factory. The provider has a contract with the business to ensure that those three seats are filled by individuals with disabilities that they support.
- 3. Affirmative Industry:** A business that sells products or services where at least 51% of the employees do not have a disability.

4. Enclave: A business model where individuals with a disability are employed by a business/industry to perform specific job functions while working alongside workers without disabilities.

➤ **SGE Q. 7 [New]** – Can Small Group Employment services be used to support an individual in employment at a business established and managed specifically for the purpose of employing individuals with disabilities?

❖ **Answer** - Yes. Small Group Employment services may be used to support an individual to work in a job with a business or employer established and managed specifically for the purpose of employing individuals with disabilities, if the business or employer meets the relevant requirements for the Small Group Employment service. Businesses which fit into this category could qualify as an affirmative industry, if they are operated as an integrated business, where employees with and without disabilities work together to carry out the job functions of the business.