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Scope of Vocational Rehabilitation Services

Collaboration with other agencies

1. The team

- The participant plus staff from the referral source along with others chosen by the participant (e.g., parents, guardian, housing staff, facility staff) will be invited to the first (intake) meeting. This group is referred to as the participant’s “team”.
- The participant, referring staff, and other members of the participant’s team plus the VR Counselor become core members of the participant’s employment team.
- During the intake meeting, the team will review information brought to the meeting by the referring staff or the participant.
- Ideally, members of the core team will continue to participate in key planning meeting(s) as the IPE is developed and implemented. The VR counselor will keep them informed about progress toward IPE goals including all reports from employment contractors (e.g., job developer and/or job coach).

2. The team is a source of valuable information about the participant

- Availability of documentation and information make it likely that this meeting ends with completion of a VR application and opening a VR file.
- Team sharing of documentation can shorten the timelines for eligibility and plan preparation.
- When working with a youth, WIOA requires VR to align with and reflect the youth’s Individualized Education Program (IEP). The team can be helpful in gathering school materials and data.

3. Information that the team may bring to meetings:

- Communication devices and/or communication strategies, as needed
- The completed Service Questionnaire
- Documents for Employment Authorization Verification
- Documents showing SSI/SSDI benefit
- Documents verifying the participant’s disability
- A history of prior employment;
- Employment related services received before coming to VR
- Guardianship Letter and Order describing the Guardian’s authority
Supported Employment Procedures

1. Application to VR and referrals

   A. Orientation
   
   i. Is an optional service that helps a person decide whether to apply for VR services.

   ii. If the participant chooses to not attend orientation, he or she will be scheduled for an intake appointment without attending an orientation meeting.

   B. Referral

   An agency or school makes a referral by using the referral form mandated by DHS. When the referral is received a VRC will be assigned and they will schedule an initial, intake meeting. In some instances, a VR Counselor is contacted directly by the referral source. Each branch will follow internal protocols for assigning new applicants who are likely to need supported employment, to a specific counselor.

2. Eligibility

   A. Supported Employment Eligibility criteria follow current Eligibility policy and procedures

   i. First, eligibility for VR services must be determined;

   ii. Then needs must be determined, including need for supported employment services.

   B. Notes about extended services in relation to eligibility:

   i. Federal regulations do not allow a participant to be found ineligible because the source of extended services is not formally identified during the eligibility process.

   ii. Identification of the source of extended services is a pre-plan activity and will be discussed later in this document.
3. Plan development (pre-plan decisions and activities)

A. Assessment for Supported Employment
   i. Assessment for Supported Employment follows current Assessment policy and procedures.
   ii. Information brought by the participant and members of their team will, to the maximum extent possible, replace the need for extra assessments.
   iii. All VR assessments will be located in the community to the greatest extent possible.

B. Services and providers (contractors)
   i. VR will provide services in a community setting that meets supported employment criteria.
   ii. Participants will exercise informed choice when selecting their employment provider from those available.

C. Extended Services Availability
   i. Sources of extended services could be funded through Medicaid funding; Social Security Administration work incentives (e.g., PASS plan, IRWE) private funds; participant or family funding; or natural supports.
   ii. The provision of extended services is fundamental to supported employment and the Counselor should make every effort to locate a source of extended services while developing the IPE. Identifying extended services, including natural supports, is important to try and achieve but cannot delay signing the plan. The plan may include a service to assist the Participant in seeking needed extended services.
   iii. Natural Supports

   • One goal of supported employment is that natural supports replace job coaching to the maximum extent possible.

   • Even those who require onsite job coaching ideally develop some natural supports at the worksite. The expectation is that the employment contractor will, to the maximum extent possible, include development of natural supports in every participant’s Placement Strategies Report and Job Coaching Plan.
• When a participant makes the choice to rely on only natural supports to sustain their employment, the job developer and job coach must include natural support development in job stabilization discussions, Job Coaching Plan, and monthly reports.

D. (New) Making decisions about Youth and extended services

i. Based on unique and individualized circumstances, VR can pay for extended services only for youth with significant disabilities. While youth is defined as age 14–24, normally with Oregon VR, the age is 16–24.

ii. Before a VR counselor can write an IPE with VR funded extended services, decision points must be passed. The first step is to answer a few quick questions about the participant.

If you are deciding whether to provide extended services to youth with a significant disability, answer the preliminary questions in the chart on the next page. Document the answers to the questions in a case note. Then go to the appendix and refer to (New) Special Guidance 1: Deciding about Extended Services for Youth (page 37).
Preliminary questions about deciding whether to fund extended services for a specific youth with significant disabilities:

- Are they under 25 and either wanting or needing to work as soon as possible?
- Are they likely to need extended services? What is the evidence?
- Are they likely to become eligible for waiver or other funding for job coaching? Can comparable benefits be developed and secured in the time allowed? What is the evidence?
- Are they likely to develop natural supports that will support them over time? What is the evidence?
- Do they (and you) need more information before deciding?

iii. For more information, see *(New) Special Guidance 1: Deciding about Extended Services for Youth* (page 37).

**E. Benefits planning**

i. Through benefits planning, participants learn how work will affect their benefits as well as potential work incentives they can use to help them overcome barriers.

ii. Without benefits planning, it is difficult for participants to set plan objectives like how many hours of work per week.

iii. The VR Counselor will make a referral for benefits planning as early as possible and at least by plan development.

**4. The Individualized plan for employment (IPE)**

**A. Before coming to VR,**

The participant is likely to have already had conversations about the kind of work they want to do and the number of hours they want to work per week.

*♦ Information about those conversations and employment related services participant received before coming to VR are ideally available from the*
referring staff. (e.g., Discovery Profile, Career Development Plan, Individual Support Plan, Individual Education Plan, Summary of Performance)

♦ That information is a place for a counselor to begin discussing the participant’s plan objectives. Pertinent experiences and decisions will be documented in the notes. Those notes include a description of why any changes occurred and describes the informed choice process used to help the participant decide.

B. The IPE follows current Plan Development policies and procedures

i. General Information about the Plan:

• The participant, support agency, service provider(s) and other significant parties coordinate with VR as the Participant and VR Counselor develop the IPE.

• To increase the potential for success, roles and responsibilities for participant, VR, and other support agencies will need to be articulated as part of the IPE.

• Each team member must clearly understand their roles and responsibilities.

ii. Plan Elements — The Supported Employment Plan mirrors the customary IPE with these additions:

• A statement noting how many hours the participant will work per week. Document the discussion of maximizing employment and beginning the discussion at working at least 20 hours/week

• A description of integration with non-disabled co-workers and development of natural supports.

• Stabilization criteria and who will be responsible for collecting and reporting about stabilization.

• A description of the supported employment services needed by participant including how many months they will be needed (up to a maximum of 24).

• A description of the extended services needed and how they will be funded. (When participant with a significant disability is under 25 years old they may receive extended services paid by VR if they fall into specific criteria).
• Changes in the plan require signatures.

iii. VR will follow all confidentiality and privacy procedures in supported employment as with other VR participants.

5. Monitoring and managing progress of the IPE

A. WIOA requires that employment be competitive and integrated. For a discussion about this, see Chart 2: Is that Job Competitive and Integrated? in the Appendix (page 23).

B. VR will monitor employment providers (e.g., job developers and job coaches) through the job placement contract, assuring that reports are timely and helpful to the progress of the participant.

C. Job developer and job coach updates will be shared with the team on a regular and timely fashion (as agreed on by the team) to better assist the participant and to help the team understand how the participant is progressing toward job stabilization.

D. (New) When a participant chooses to take a supported employment position paying at least minimum wage but lower than local comparable wages and benefits, on a short-term basis:

i. Oregon VR will apply this category when the employment specialist finds a job that participant chooses to accept and that job pays a lower hourly wage and/or amount of benefits than other new employees of that business (or local comparable businesses) who are doing similar work at a similar number of hours per week.

ii. This placement is approved by the VR counselor with the provision that the wage will be increased when participant increases their targeted knowledge and skill and the employer agrees.

iii. When a participant chooses to accept such a job offer, VR can only accept it as a placement on a short term basis (six (6) months with a limited provision for an additional six (6) months). See the closure section of this document for more information.

iv. In order for the VR counselor to accept the placement, the following will occur:

• The job developer and/or job coach will work with participant to create, as part of the Retention Plan, a written plan to increase per hour salary and/or benefits; and
• The employer agrees with the plan; and

• The record of services must contain documentation of planning, monitoring of the plan, and agreements made between the VR counselor, participant and the employer.

E. Supported Employment Services — length of service

i. VR provides supported employment services between placement and record of services (case file) closure (may include monitoring during extended services and post-employment services).

ii. Participant need and the time it takes that participant to reach job stabilization are used to determine how long VR provides the services up to transfer to extended services.

• The VR counselor and participant define stabilization and jointly decide on length of Supported Employment Services.

• This information and any agreed on changes will be documented.

iii. **(New)** The maximum number of months VR can provide supported employment services is 24 months.

• The file notes will document discussion(s) between the VR counselor and participant about length of time VR Supported Employment Services are likely to be needed.

• This will include information about progress toward stabilization that is provided in monthly Job Coaching Reports.

• Documentation of the VR counselor and participant’s agreement on the decision to end this period of services will be in the file, as are all changes in service.

F. Job Stabilization

i. Job stabilization is the point where transition to extended services funded by other than VR (or by VR in limited circumstances with youth) or to natural supports ideally happens.

ii. Stabilization in employment will be part of the conversation from the beginning of IPE development so that everyone on the team understands and recognizes job stabilization for participant. The team, recognizing that
stabilization in employment is close can facilitate timely transfer to extended services.

G. All Plan changes require documentation and notification

6. Closure

A. An employment outcome must be met, demonstrating that the following have been reached:
   i. Have received number of months of supported employment services agreed on by VR counselor and participant (and documented in the plan).
   ii. There is documentation that counselor and participant agree that no more supported employment services are needed.
   iii. Participant transitions to extended services provided by other than VR (or to natural supports).
   iv. Participant has reached stability
   v. Participant has maintained employment for 90 days after transition to extended services paid by other than VR (previously was 60 days).

B. Closure for Supported Employment follows current Closure policy and procedures, with these additions and/or exceptions:
   i. Participant’s job meets the vocational goal in the plan including type of work and hours worked per week.
   ii. Any changes in type of employment or hours worked per week must be documented, with signatures, and will include the information/experiences that preceded the informed choice used by the Participant when making the changes.
   iii. Participant is performing work and receiving compensation with the same benefits and wages as other workers in similar jobs and is performing these tasks on a regular basis to the employer's and their own satisfaction;
   iv. There has been a smooth and effective transition to extended services (or natural supports) with no break in support services;
   v. The VR record of services (case file) is kept open at least 90 days after transfer to extended services provided by other than VR.
C. At closure VR documents all issues normally covered in a general program successful closure with these additions:

   i. Document the community-based employment situation (type of work, designated employer issuing the paycheck, weekly hours, wage per hour and level of benefits).

   ii. The level and adequacy of ongoing, follow-along support.

   iii. A comprehensive summary of participant's service needs after closure that: 1) identifies specific services the ongoing support agency will provide; 2) determines the need for and appropriateness of rehabilitation post-closure VR services.

   iv. Must document that VR counselor and participant agree that no more employment services or time are needed.

D. **(New) Closure in Special Circumstances:**

   i. For closure when the position is seasonal or intermittent, see Appendix.

   ii. If participant who worked for a short term basis in integrated but not competitive employment makes an informed choice to keep the job and does not increase pay and/or benefits to meet the salary and benefits of other employees, the file would be closed as other than rehabilitated (they are employed but not in competitive and integrated employment).

   iii. Closure when VR funded extended services for a youth (16–24 years old):

      - Before closure, VR must have completed their plan to implement natural supports or have facilitated participant’s access to extended services by other than VR.

      - When VR chooses to provide extended services, to a youth, the record of service (case file) will not be closed until 90 days after transfer to other than VR extended services. This closure will be described in the amended IPE that includes the annual plan for attaining extended services from other than VR.

      - In no instance can VR provide extended services beyond four (4) years and past participant’s age of 24, whichever comes first.

   iv. Extended services by other than VR: The record of service (case file) remains open for at least 90 days after transfer to extended services funded by other than VR.
v. Natural supports: The Job Developer/job coach will be requested to provide information about the natural supports that have been developed to help the participant maintain employment.

That information will be provided to the agency that provides case management/services (i.e., Brokerage, CDDP, MH center). The intent of this information is to assure that ongoing management of natural supports extends beyond the participant’s exit from VR.

7. Appeal rights

Appeal Rights for Supported Employment follow VR Appeal Rights criteria. Client Assistance Program (CAP) brochures are given to VR clients in ways that are understandable and encourage informed choice.

8. Supported employment timelines

A. **VR Services generally are to be delivered within a specified amount of time, with provision for extension of the time in specified situations:**

   i. Eligibility must be determined within 60 days after application (with provision for necessary extensions).

   ii. Participant’s IPE must be completed within 90 days after eligibility determination (with provision for necessary extensions).

B. **VR Supported Employment Services follow the above list of timelines, with these two additions:**

   i. Supported employment services can be provided up to 24 months between job placement and transfer to extended services, but **only** if indicated by participant’s documented need.

      • There will be documentation in the file that the VR counselor and participant agree on how long supported employment services will last.

      • After that time passes, participant and VR counselor document agreement that no more VR supported employment services are needed at the point of stabilization.

      • Transfer to extended services can then occur.

   ii. When stabilization is reached, participant transfers to extended services provided by other than VR. The VR file is closed at least 90 days after transfer.
Chart 1: Supported Employment Process and Timelines

Application
Team gathers information

Eligibility
Determined within 60 days of application. Extension in limited, approved situations.

Plan Development
Completed within 90 days after eligibility. Plan development extension when needed (document with signatures).

Managing the Plan (IPE) and Plan implementation

Placement

Stabilization

Transfer to Extended Services

Closure 90 days after transfer (longer if needed)

Notes about Supported Employment Timelines:
- VR ideally transfers to extended services at job stabilization.
- VR record of service (case file) remains open at least 90 days after transfer to extended services based on individual individualized needs.
- At closure, the record of service (case file) will document that the individual and the VRC agree that no more time or services are needed.

9. Post-employment services

A. Post-employment services are based on the individualized plan for employment and the needs of the individual; and

B. These services are intended to meet rehabilitation needs that do not require a complex and comprehensive provision of services; and

C. are limited in scope and duration.
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Supported Employment Terms

Competitive integrated employment

Competitive integrated employment means work that:

A. **Is performed on a full-time or part-time basis (including self-employment) and for which participant is compensated at a rate that:**
   
   i. Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under in the applicable State or local minimum wage law;

   ii. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not participants with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

   iii. In the case of participant who is self-employed, yields an income that is comparable to the income received by other participants who are not participants with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

   iv. Is eligible for the level of benefits provided to other employees; and

B. **Is at a location:**

   i. Typically found in the community; and

   ii. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not participants with disabilities (not including supervisory personnel or participants who are providing services to such employee) to the same extent that employees who are not participants with disabilities and who are in comparable positions interact with these persons; and

   iii. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not participants with disabilities and who have similar positions.

WIOA Rule 361.5(c)53
Customized Employment

Customized Employment means competitive integrated employment for a participant with a significant disability, that is:

A. Based on an individualized determination of the unique strengths, needs and interests of the participant;

B. Designed to meet the specific abilities of the participant and the business needs of the employer; and

C. Carried out through flexible strategies, such as:
   i. Job exploration by the participant
   ii. Working with the employer to facilitate placement, including:
      • Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
      • Developing a set of job duties, work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
      • Using a professional representative chosen by the participant, or self-represent, to work with an employer to facilitate placement; and
      • Providing services and supports at the job location

WIOA Rule 361.5(c)(53)

Employment outcomes

Employment outcome means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in §361.5(c)(9) (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in §361.5(c)(53), that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

WIOA Rule 361.5(c)(15)
Extended services

Extended services are ongoing support services and other appropriate services that are:

A. Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;

B. Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;

C. Based on the needs of an eligible individual, as specified in an individualized plan for employment;

D. Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and

E. Provided to a youth with a most significant disability by the designated State unit (VR) in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under 34 CFR 361.5(c)(58), whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

WIOA Rule 361.5(c)(19)

(New) WIOA allows VR to fund extended services, in limited circumstances, for youth with significant disability between the ages of 14–24.

Good fit

Good fit means employment that meets the unique strengths, needs, interests, and informed choice of the participant. Good fit applies to the essential function of the employment and the culture of the worksite. The closer the employment meets individualized criteria, the greater the likelihood that natural supports can be developed and sustained over time. (WIOA and Work Source Oregon)

Integrated not competitive employment

(New) Integrated not competitive employment means that participant accepts, on a short term basis, employment in an integrated setting paying at least minimum wage but paying less per hour than other employees of the business are paid when they begin their job. When this situation arises, it will be with the provision that the employee will (through VR supported employment services) gain in productivity to the
point where they are paid the same amount that others are paid when starting their employment with the business.

**Integrated setting**

**Integrated setting** means:

A. With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and

B. With respect to an employment outcome, means a setting:

   i. Typically found in the community; and

   ii. Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons.

WIOA Rule 361.5(c)(32)

**Natural supports**

Natural supports are approaches that emphasize integrating participants into the workplace culture in ways that are natural and typical, rather than accentuating limitations of participants and supporting participants with specialized assistance from a professional. [http://tacesoutheast.org/myportal/toolkit/topic5/docs/topic5_q3.pdf](http://tacesoutheast.org/myportal/toolkit/topic5/docs/topic5_q3.pdf)

**Post-employment services**

Post-employment services are one or more of the services identified in §361.48(b) that are provided subsequent to the achievement of an employment outcome and that are necessary for participant to maintain, regain, or advance in employment, consistent with participant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**Short term basis**

(New) Short term basis means an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of
competitive integrated employment, as defined in 34 CFR 361.5(c)(9), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment:

A. Within six months of achieving a supported employment outcome; or,

B. In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

WIOA Rule 363.1(c)

Stabilization

Stabilization is the point where transfer to extended services provided by other than VR can take place. Job stabilization has four components and is also individualized based on plan objectives, past work experiences, experiences gained during employment services either before or during VR plan development and known support needs.

The four components of stabilization are:

♦ Participant has reached the employment outcome in their IPE
♦ Participant has met their hours-per-week work goal (or amended goal)
♦ Participant and VRC consider the employment outcome to be satisfactory and agree the participant is performing well on their job
♦ Employer is satisfied that the participant is performing well on their job

Note about stabilization: Stabilization is the point where transfer to extended services ideally occurs. A source for extended services must be located and available before transfer can occur.

Supported employment

Supported employment (SE) means:

A. Competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities,
interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities:

i. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

ii. Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work.

B. For purposes of this part, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in paragraph B.iii. of Competitive Integrated Employment definition, is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment:

i. Within six months of achieving a supported employment outcome; or

ii. In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

WIOA Rule 361.5(c)(53)

**Supported employment services**

Supported employment services means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are:

A. Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;

B. Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;

C. Provided by the designated State unit for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the
rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and

D. Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

WIOA Rule 361.5(c)(54)

(New) Supported employment services may be provided by VR for up to 24 months. The number of months of supported employment (including job coach) services is based on the individualized needs of each participant. Before closure there must be documented agreement that no further months of service are required.

W.I.O.A. (Workforce Innovation and Opportunity Act)

(New) The W.I.O.A. (Workforce Innovation and Opportunity Act) was enacted July 22, 2014. Published in the National Register, August 19, 2017.

Youth with a disability

Youth with a disability means an individual with a disability who is not younger than 14 years of age; and older than 24 years of age.

Youth for purpose of Oregon VR providing extended services to youth

Youth for purpose of Oregon VR providing extended services to youth generally means someone who is between the ages of 16–24.
### Oregon VR Chart 2: Is that Job Competitive and Integrated?

<table>
<thead>
<tr>
<th>Criteria — WIOA 361.5(9) and (32)</th>
<th>How to decide: Clarification from WIOA regulations and discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compensation the person receives for their work</strong></td>
<td></td>
</tr>
<tr>
<td><strong>1. Pay and benefits</strong> Are they paid:</td>
<td></td>
</tr>
<tr>
<td>• Not less than minimum wage?</td>
<td></td>
</tr>
<tr>
<td>• Not less than customary rate?</td>
<td></td>
</tr>
<tr>
<td>And do they qualify for benefits at same level as other employees?</td>
<td></td>
</tr>
<tr>
<td><strong>2. Do they have similar opportunity for advancement as other employees?</strong></td>
<td>Compare the VR participant with participants who do not have disabilities and who are similarly situated in similar occupations by the same (or similar) employer and who have similar training, experience, and skills.</td>
</tr>
<tr>
<td>• If the VR participant is planning to work part time, look to part time workers without disabilities to find the comparison.</td>
<td></td>
</tr>
<tr>
<td>• Use the minimum wage for place of employment, not where they live, if different.</td>
<td></td>
</tr>
<tr>
<td>• Don’t stop at minimum wage; compare to others doing similar work for similar hours at employer and/or local labor market to determine whether they receive comparable pay per hour; benefits; and advancement.</td>
<td></td>
</tr>
<tr>
<td>• Look to the local labor market for comparisons.</td>
<td></td>
</tr>
<tr>
<td>If you choose, you can involve the job developer in this activity. As they look for jobs, they can be asking for much of this information. You can ask them to do this in the Referral Form and then make sure it is included in the Job Placement Strategies.</td>
<td></td>
</tr>
<tr>
<td><strong>The location/setting</strong></td>
<td></td>
</tr>
<tr>
<td><strong>3. Is the business integrated and does the participant interact with others without disabilities at the worksite and throughout the business?</strong></td>
<td>To determine if the business is integrated, compare to typical businesses in the local labor market.</td>
</tr>
<tr>
<td>• The business must be typically found in competitive labor market.</td>
<td></td>
</tr>
<tr>
<td>• A business, group or enclave formed for purpose of employing participants with disabilities will not satisfy the definition.</td>
<td></td>
</tr>
<tr>
<td>For all interactions compare workers with a disability to other workers of the same or similar business who do not have a disability.</td>
<td></td>
</tr>
<tr>
<td>• Of primary importance: the purpose of the interactions is performing the duties of the position.</td>
<td></td>
</tr>
<tr>
<td>• Do they interact with other persons without a disability (e.g., customers and vendors)?</td>
<td></td>
</tr>
<tr>
<td>• Interactions with supervisory personnel or those providing services do not count.</td>
<td></td>
</tr>
<tr>
<td>• Must not be congregated or isolated from non-disabled workers or in settings where compliance with a mandated direct labor-hour ratio of persons with disabilities is required.</td>
<td></td>
</tr>
<tr>
<td>Casual contact (e.g., lunchroom or break room) is never the determining factor.</td>
<td></td>
</tr>
<tr>
<td><strong>NOTE: To be Competitive Integrated Employment, all three of the above criteria must be examined.</strong></td>
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</tr>
</tbody>
</table>
Competitive Integrated Employment Fact Sheet

Workforce Innovation and Opportunity Act (WIOA)

The Workforce Innovation and Opportunity Act (WIOA), 2014, places extensive emphasis on the achievement of competitive integrated employment for individuals with disabilities. Per WIOA regulations, competitive integrated employment outcomes under VR must meet the following three criteria: (1) competitive earnings; (2) integrated location, and (3) opportunities for advancement. A participant’s employment must satisfy the three components. Additional details regarding these three components are provided below:

Competitive Earnings

♦ Earnings are equal to or greater than the federal, State, or local minimum wage rate, whichever is higher, where the place of employment is located; and
♦ Comparable to the customary rate paid by the employer to employees without disabilities in similar positions with comparable skills, experience and training.

Integrated Location

♦ Employment is in a setting typically found in the community (a setting in the competitive labor market), and
♦ It is in a setting with the individual with the disability interacts while performing his or her job duties with employees without disabilities in the work unit and the entire employment site, and others (e.g., vendors and customers) without disabilities to the same extent that employees without disabilities in similar positions interact with these persons.

Opportunities for Advancement

♦ The employee with the disability must be eligible for the same opportunities for advancement as are available to employees without disabilities in similar positions.

Under 34 CFR 361.37(b), VR must refer any individual wishing to pursue an outcome other than employment in a competitive integrated setting to other organizations that might best meet the needs of that individual. This means that this individual is either not eligible for VR services or no longer eligible for VR services. The only exception is when the job is integrated but not competitive on a short term basis in supported employment only.
**Customized Employment Fact Sheet**

**WIOA final rules, 361.5(11): Customized Employment**

Customized employment means competitive integrated employment, designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer. Flexible strategies are used to develop customized employment.

**Customized employment consists of:**

- Specific task(s) that the business owner (employer) needs to have done
- Tasks that the participant can do (generally with support) when they would not want or be able to perform all employment tasks in existing jobs in the business
- May be part-time work that may be as few as one or two days a week, and may be fewer hours than a normal work day for that business

**Customized employment may look very different from the jobs others do** within the same business. When determining if a job is competitive integrated, look for other individuals who work part time and on specific tasks in the same or similar businesses.

**How to determine if customized employment is competitive and integrated:**

A. **Is it Competitive** (e.g., same hourly wage, benefits and opportunity for advancement)?
   
   i. Is the individual making the same starting hourly wage as other employees?
      
      - What is the hourly salary for new employees of the business?
      
      - If the individual works part time, are there part time workers without a disability, in the business? If yes, what hourly salary do they receive?

   ii. Is the individual receiving the same benefits as other employees?
      
      - What employee benefits are provided by the business?
      
      - If the business employs other part-time employees, do they receive benefits (prorated to their hours worked)?
B. Is it integrated (e.g., typical business for the labor market, interacts for purpose of work with individuals without disabilities to the same extent as employees who do not have disabilities and who are in comparable positions)?

i. Is the business one that is typically found in the community?
   **It is not, if:**
   
   - It was created to hire people with disabilities
   - There is compliance with a mandated direct labor-hour ratio of persons with disabilities is required
   - It is identified as a sheltered workshop setting identified by agencies (ODDS, Mental Health)
   - Group or enclave setting operated for the purpose of employing individuals with disabilities

ii. Does the individual interact for the purpose of performing the duties of the position with coworkers without disabilities? (not counting supervisory or support staff)

   - The degree of interaction is important — must be to the same extent as employees who do not have disabilities and who are in comparable positions
   - Interaction with vendors or customers are important if they are typical for individuals without disabilities in comparable positions
   - Casual interactions, like those in lunchroom or breakroom do not count toward this requirement
   - Interaction with supervisory or support staff does not count toward this requirement

C. Does the individual have the same opportunity for advancement as other employees who have similar positions?

   - Is there an opportunity for advancement for other employees?
   - If yes, do any part time staff have an opportunity for advancement?
Supported Employment for participants with IDD

VR’s goal is that all persons with intellectual and/or developmental disabilities (IDD) who want to work in the community are afforded an opportunity to pursue competitive employment allowing them to work the maximum number of hours consistent with their abilities and preferences. The recommended standard for planning and implementing Supported Employment Services is the opportunity to work at least 20 hours per week. Based on participant informed choice, preferences, and circumstances, some may choose to work more or fewer than 20 hours (Lane v Brown et al., US District Court Case No: 3:12-cv-0038-ST: Settlement).

Supported Employment is a strategy where agencies collaborate to provide employment services for participants with the most significant disabilities. ODDS provides short term pre-employment services; VR provides short term, time limited employment services (often in conjunction with ODDS pre-employment services) and then ODDS provides extended services.

Collaboration includes participation in meetings where client eligibility and planning takes place. This is a strategy that enables team management of transfer points where the participant switches from services from one agency to services provided by another.

Key meetings to invite Brokerage or CDDP staff and other team members chosen by the participant, include:

♦ The first meeting with the VR Counselor where the applicant’s eligibility, strengths, interests, and accommodation needs are discussed. The referring staff from these DD agencies are the most likely to know all the information needed and their history with the applicant adds a wealth of information that can dramatically shorten the eligibility AND planning timelines as well as support and assistance to the applicant.

♦ At least one planning meeting where services, timelines and expectations are discussed and job stability is defined for the participant.

♦ **Nationally**, the Rehabilitation Act of 1973 as amended by the Workforce Innovations and Opportunity Act (WIOA), seeks to empower participants with disabilities to maximize employment and economic self-sufficiency.

The Office of Developmental Disability Services (ODDS) applied for employment specific waiver funding in 2014. Participants with I/DD, who are eligible for DD waiver funding, are eligible for waiver-funded short term pre-employment services and long term job coaching.

**ODDS Worker Guide: Employment stabilization**

Released on 3/3/17; available on VR Intranet, directs staff to:

♦ Ensure that the VRC has all relevant employment related documents
♦ Authorize job coaching in the individual’s CDP and Plan of Care prior to the date of stabilization

♦ Authorize job coaching (as employed) only if the job is Competitive Integrated Employment

♦ Authorize job coaching without going to VR, if three factors are true:
  o Working preferred number of hours in CDP, Discovery process or in another form of documentation
  o Working in the field identified in the CDP, Discovery process or in another form of documentation
  o Is not at risk for losing the job as identified by the individual and the employment team.

Pre-employment services like Career Development Plan, Person Centered Planning, Employment Path, and Discovery are important tools in assisting participants to identify plan objectives and needed supports.

The Office of Developmental Disabilities Services (ODDS) expects that at referral to VR each applicant will have a Career Development Plan (as a part of their ISP) and may have a Discovery Profile or have participated in other pre-employment services.

Supported employment is collaborative; when applicants come without needed pre-employment services, the Counselor may ask the applicant’s PA or SC to approve DD funded employment service(s) after they have applied for VR services.

**Definitions from ODDS Final Employment Rule (411-345; revised 12/28/14)**

**Career Development Plan**

♦ Career Development Plan means the part of an ISP that identifies: The plan objectives for a participant; (b) The services and supports needed to achieve those objectives; (c) The people, agencies, and providers assigned to assist the participant to attain those objectives; (d) The obstacles to the participant working in an individualized job in an integrated employment setting; and (e) The services and supports necessary to overcome those obstacles.

**Discovery**

♦ Discovery is a comprehensive and person-centered employment planning support service to better inform a participant seeking an individualized job in a Competitive Integrated Employment setting and create a Discovery Profile. It includes a series of work or volunteer related activities to inform the participant and the Job Developer about the participant’s strengths, interests, abilities, skills, experiences, and support needs, as well as to identify the conditions or employment settings in which the
participant will be successful. It is also an opportunity for the participant to begin active pursuit of competitive integrated employment. [DHS, Developmental Disabilities Oregon Administrative rules 411-345-20(17)].

**Employment Path Services**

♦ Employment Path Services are services that provide learning and work experiences, including volunteer opportunities, for a participant to develop general, non-job-task-specific strengths, and skills that contribute to employability in competitive integrated employment settings.

**ISP**

♦ ISP stands for "Individual Support Plan". An ISP includes the written details of the supports, activities, and resources required for a participant to achieve and maintain personal goals and health and safety. The ISP is developed at least annually to reflect decisions and agreements made during a person-centered process of planning and information gathering. The ISP reflects services and supports that are important for the participant to meet the needs of the participant identified through a functional needs assessment as well as the preferences of the participant for service providers, delivery, and frequency of services and supports. The ISP is the plan of care for Medicaid purposes and reflects whether services are provided through a waiver, the Community First Choice state plan, natural supports, or alternative resources. The ISP includes the Career Development Plan.

**Person-Centered Planning**

♦ Person-Centered Planning means a timely and formal or informal process driven by a participant, includes people chosen by the participant, ensure the participant directs the process to the maximum extent possible, the participant is enabled to make informed choices and decisions. Person-centered planning includes gathering and organizing information to reflect what is important to and for the participant and to help: Determine and describe choices about personal goals, activities, services, service providers, service settings, and lifestyle preferences; Design strategies and networks of support to achieve goals and a preferred lifestyle using participant strengths, relationships, and resources; and Identify, use, and strengthen naturally occurring opportunities for support at home and in the community.

The methods for gathering information vary, but all are consistent with the cultural considerations, needs, and preferences of the participant.
Supported Employment for IPS clients

Supported Employment is a strategy where agencies collaborate to provide employment services for participants with the most significant disabilities. The Workforce Incentive and Opportunities Act of 2014, requires cooperation and coordination with new entities, including agencies responsible for providing mental health services.

Participant Placement and Support (IPS)

Participant Placement and Support (IPS) is a model of supported employment for participants with serious mental illness that has been included for Medicaid funding by the State of Oregon, Addictions and Mental Health (AMH). IPS has been designated an evidence based practice by the Center for Mental Health Services and the State of Oregon. Components of this model include:

♦ The only outcome accepted by IPS model is competitive integrated employment
♦ Every person who is interested in work is eligible for services regardless of symptoms, substance use disorders, treatment decisions, or any other issue
♦ Employment services are integrated with mental health treatment
♦ Client preferences for jobs, and preferences for service delivery, are honored
♦ Rapid job search (within 30 days of entering the IPS program) and quick placement
♦ Individualized follow-along support is provided by a variety of people, including treatment team members (e.g., medication changes, social skills training, encouragement) family, friends, co-workers (i.e., natural supports) and employment specialist. Clients receive different types of support for working a job that are based on the job, client preferences, work history, needs, etc.
♦ Access to personalized benefits planning
♦ Peer support services
  https://ipsworks.org/index.php/what-is-ips/

VR recognizes that the IPS model has been proven successful for those with most significant mental health disabilities. VR and IPS collaboration includes:

♦ IPS programs apply to become VR Job Placement Vendors
♦ As much as possible, VR expedites intake procedures to provide rapid job search, as needed
♦ IPS Employment Specialists use a weekly tracking form to document employer contacts during employer outreach/job development
♦ VR recognizes that when a client makes an informed choice not to disclose their diagnosis to a potential employer, job development may be done “behind the
scenes.” In that case, documentation should show that although a job developer does not accompany the client to the work site, job development was done.

Collaboration between VR and IPS Mental Health Employment providers includes participation in meetings where shared clients and potential referrals are discussed; not replicating work that has already been done with a VR applicant; and, as closely as possible respecting the timelines and other fidelity components for the IPS model.

State and federal rules mandate that VR use existing information to the maximum extent possible. Therefore, the first step is to check to see what happened prior to an IPS client coming to VR. Examples of existing information include:

- Verification of diagnosis
- Employment assessment and vocational goal determined
- Vocational/Career Profile
- Motivational interviewing used prior to referral

**Definitions and Features**

**Assertive Community Treatment**

Assertive Community Treatment (ACT) is an evidence based practice that provides team based comprehensive treatment and support services for participants with serious mental illness. In addition to clinical services, this model has a focus on employment and educational attainment and includes a team approach, in vivo services, time-unlimited and flexible services, life skills training and/or peer support services. [http://oceact.org/act-model/](http://oceact.org/act-model/)

**Early Assessment and Support Alliance**

The Early Assessment and Support Alliance (EASA) provides information and support to young people who are experiencing symptoms of psychosis for the first time. The website lists Oregon Counties with EASA programs and other resources. [http://www.easacommunity.org/](http://www.easacommunity.org/)

**Employment Specialist**

Employment Specialists are the IPS staff who provide employment counseling, assessments, job development, on the job training/coaching, and follow along services (long term on-going job coaching) for IPS clients. They come to VR already having learned about the applicant. Complete Vocational/Career Profile; some also complete the VR Service Questionnaire. IPS Employment Specialists are VR Job Placement Vendors.
Hubs

Hubs are community-based support and services for young adults in transition. Hubs provide health care access for young adults (ages 17–25) who have lived in state systems of care, been referred to EASA but don’t meet diagnostic criteria, and those who are not connected to health care and other supports. There are five regional Hubs in Oregon. [http://www.oregon.gov/oha/amh/youth-hub/pages/index.aspx](http://www.oregon.gov/oha/amh/youth-hub/pages/index.aspx)

Oregon Supported Employment Center for Excellence

Oregon Supported Employment Center for Excellence (OSECE) offers training, technical support, and program fidelity reviews to Oregon IPS programs. A list of Oregon IPS programs can be found on the OSECE website. [www.osece.org](http://www.osece.org)

References

Oregon Health Authority (OHA), Health Systems Division, Addictions and Mental Health (AMH) Oregon Administrative Rule (OAR) Division 172 — Fidelity-Based Supportive Employment and Assertive Community Treatment Services.

♦ OAR 410-172-0440-0470 Supported Employment (SE)
♦ OAR 410-172-0490- 0510 Assertive Community Treatment (ACT)
[http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_410/410_172.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_410/410_172.html)

Vocational Rehabilitation Oregon Administrative Rule (OAR) 582-050-0000 — Referrals and Application.
[http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_582/582_050.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_582/582_050.html)


Workforce Innovation and Opportunities Act, Proposed Rules: Section 361.24. Released April, 2015.
[https://www.federalregister.gov/articles/2015/04/16/2015-05538/state-vocational-rehabilitation-services-program-state-supported-employment-services-program](https://www.federalregister.gov/articles/2015/04/16/2015-05538/state-vocational-rehabilitation-services-program-state-supported-employment-services-program)
Supported employment with natural supports

Natural supports are human or technical resources that are available or can be developed in a setting to facilitate a person's integration, acceptance and satisfaction.

Natural supports refers to the anticipated outcomes, not that support occurs naturally and/or is preexisting. Many natural supports require extensive planning, development and negotiation.

Note: the best solution might not be the ideal solution (if someone needs assistance in the restroom, the team may decide that having a coworker help the employee use the restroom may seem different and inhibit integration and the team may feel that having a personal assistant come in to assist is less of an inhibitor. The role of the team is to select supports that are more “natural” than “unnatural” and to develop a support network that is predominantly “natural.”

Employment settings inherently have supports that service providers should use in order that the employer and setting takes ownership of and feels responsibility for that job.

For a person with disabilities, the more employment looks like existing jobs and the work setting assumes responsibility for success, the more we can expect the supported employee to resemble the coworker in terms of wages, benefits and integration. In other words, we must minimize job coach presence and redefine the job coach position and responsibilities so that the coach serves as a consultant to the employer.

Strategies for supporting natural supports include:

1. All training is done by the employer (with support by the job coach, as needed)
2. For part-time and customized positions, ask the employer to create a job description
3. Assure that the person is included in employee meetings and events
4. To the greatest extent possible have the person lead (e.g., in conversations with co-workers and bosses; asking for directions; meeting co-workers; and even as simple as always standing back so they are first in the door!)
Natural Work Place Supports Quality Checklist

From Developing Natural Supports in the Workplace: A Manual for Practitioners. Developed through a grant funded by RSA.

1. General Employment Considerations
   □ Job is typical, valued work found in the community
   □ Hours, pay, benefits are consistent with those of other employees doing the same or similar work.
   □ Job is consistent with person’s interests and preferences.

2. Job Related Support Consideration
   □ Job matches individual's abilities and is challenging.
   □ Position offers possibilities for task diversity and/or advancement.
   □ Identified work area is physically and socially proximate to other employees. Job tasks are similar to those performed by co-workers.
   □ Duties and routines permit typical social interactions and supports.
   □ Workers are friendly and, if considered important, appear to reflect similar characteristics as the supported employee, e.g., age, sex, interests, etc.
   □ Employees seem to like their jobs; morale seems good.
   □ Worker attrition is low.
   □ General work environment seems cooperative, not competitive.
   □ Employer seems interested in, and open to, promoting employee diversity and providing a supportive atmosphere.
   □ Job orientation, instruction and supervisory support is an established part of the employer's practices.

3. Ancillary Support Considerations
   □ The setting, tasks, and training strategies have been elected with attention to the job site's routines and the new employee's expressed preferences.
   □ Supported employee's daily activities and work routines have been agreed upon.
   □ Employer orientation, training, and supervision roles have been clearly delineated.
   □ Potential, on-site support persons are identified, and agreed upon.
   □ Role of consultant is clearly understood by all parties.
☐ Plan and strategies for reducing direct consultant involvement in training and supervision are discussed by everyone involved.

☐ Transportation that minimizes consultant role has been planned and agreed upon by all participants.

☐ Responses to any expressed employer concerns around training issues have been considered, and dealt with.

4. Job Training Issues

☐ New employee is introduced in the most positive, typical, and valued way.

☐ Supported employee is oriented and trained as much as possible in the same way and by the same people as other new employees.

☐ Plan and strategies for reducing direct consultant involvement in training and supervision is in effect.

☐ Orientation and training includes pre-work, break time, and post-work activities and interactions, if necessary.

☐ New employee is socially interacting with co-workers regularly and typically during training.

☐ The employment consultant, employer/supervisor, and new employee have opportunities to modify training methods.

☐ Transportation, health, social, and other problems that may have arisen have been addressed through the collaborative efforts of all involved parties.

5. Ongoing Supports

☐ Employee is socially involved with other co-workers on a regular, ongoing basis.

☐ Supported employee is socially interacting with co-workers in typical ways before and after work, and during breaks.

☐ Co-workers are providing on-site job supports.

☐ Co-worker supports are greater, or will become greater, than those provided by consultant.

☐ Transportation is being provided by co-workers or sources other than the employment consultant.

☐ Supported employee is included in employer initiated social events such as picnics, retirement and holiday events, sports leagues, etc.

☐ Supported employee is invited to outside social events by co-workers, such as after work get-togethers, birthdays, parties, etc.

☐ Co-workers support individual at outside social events.
6. Employer Indices of Quality

Employers often measure quality according to their own criteria, some of which are different than the indices cited above. Consultants should understand and anticipate employer perspectives and attempt to balance their own concerns, and those of supported employees, with employer issues. The following list of indicators were compiled in collaboration with the project's Employer Advisory Board.

☐ Employee has been adequately described to employer in terms of work skills, motivation, and behavior without violating individual's privacy, exaggerating labels, or minimizing expectations.

☐ Employer supervisory duties have been negotiated early and clearly.

☐ Consultant roles are clearly communicated, especially his/her anticipated reduced on site presence.

☐ Employee's expected level of productivity is discussed, and communicated to relevant others.

☐ Employee training period and methods are specified and agreed upon by all participants.

☐ Contingencies for training and production extensions are agreed upon by relevant parties.

☐ Supported employee production is regularly monitored and discussed until it reaches acceptable levels.

☐ Supported employee's relationships with co-workers are facilitated.

☐ Co-worker supports and supervision have stabilized and/or lessened.

☐ Consultant assistance has been available when needed.
Special Guidance 1: Deciding about Extended Services for Youth

WIOA allows VR to provide extended, services to youth (ages 16–24 in Oregon) who have a significant disability and are eligible for VR Supported Employment Services.

If a comparable benefit is available to provide extended services to the youth, generally VR should not consider funding extended services.

If the youth does not have access to extended services, follow this process:

The VRC, Participant/Guardian, and Regional Program Manager must agree on A, B and C, below:

A. The labor market accessible to the participant supports the participant’s plan objectives and the employment will be a good fit for the participant (see definitions), better ensuring development of natural supports; and

B. The source of extended services (including natural supports, if appropriate for the participant) will be available after VR funded extended services ends; and

C. One of the following three circumstances is true for this participant:

i. A job offer has been made and the youth needs ongoing job coaching but has not applied for SSA disability benefits (SSI) and/or for DHS or OHA waiver funded services.

   • The VR counselor and their branch manager must agree that participant is likely eligible for SSA disability benefits and/or for DHS or OHA waiver funded benefits.
   
   • Participant and guardian (if one exists) must agree to apply for SSA disability benefits and/or DHS or OHA services.
   
   • Application for SSA disability benefits and/or DHS or OHA services must occur before job development can begin.

Or

ii. The Youth’s employment and/or assessment experiences convince the VR counselor and Youth that the extended services provided for the time specified in the plan will enable the youth to develop adequate natural supports.
• The VR counselor and youth must agree that the plan objectives includes natural supports.

• The need to develop natural supports must be noted in the job development referral document as a requirement.

• Documentation is required.

Or

iii. Employment experiences and/or assessment experiences convince the VR counselor and Youth that technology and job accommodations combined with on-the-job training and support will, in the time specified in the plan, develop the structure the youth needs to stay on the job with natural supports. The need to develop natural supports must be noted in the job development referral document as a requirement.

• The VR counselor and youth must agree that the plan objectives includes natural supports.

• The need to develop natural supports must be noted in the Job development referral document as a requirement.

Further Requirements WIOA imposes on this new service:

♦ VR may provide Extended services service only to a youth with a significant disability up to the age of 24. He or she is no longer eligible for this service when they are 25 years old. Extended service can only be provided by VR with written authorization by the Regional Manager and notification to the VR Senior Management Team.

♦ The record of services must contain documentation of planning, monitoring of the plan, participant’s progress in development and use of natural supports, agreements made between the VR counselor and the Youth or Guardian, and agreements with the employer if applicable.

IPE development when VR funds Extended services for youth:

♦ When VR funds cover extended services (including long term job coaching), the IPE will not include more than a maximum of one year of extended services.

♦ In limited individualized circumstances, the plan might be amended for an additional time period, up to one year at a time; but only with permission from the Regional Manager.
♦ VR cannot extend the plan for more than a total of four (4) years of extended services for any youth. VR cannot provide extended services after the youth turns 25 years old. There are no exceptions.

♦ The expectation is that VR will locate a source of funding for youth who require extended services after VR is no longer able to provide extended services to that youth.

♦ The provision of extended services is so fundamental to supported employment that an IPE including VR funded extended services cannot be written when extended services will continue to be needed and would not be available to the youth after VR is no longer allowed to provide the service.

**Closure when VR provides extended services to a youth**

VR cannot provide extended services beyond a total of four (4) years and beyond the participant’s age of 24. There are no exceptions.

Ongoing extended services, if needed, must be determined before the record of service (case file) can be closed.

For more information, contact your Branch Manager, Regional Manager or VR Policy staff: vr.policy@state.or.us
Finding the new minimum wage by location

Senate Bill 1532 establishes annual minimum wage rate increases beginning July 1, 2016 through July 1, 2022. The bill sets out a separate rate for employers located in the urban growth boundary of a metropolitan service district. Finally, a third rate will apply within certain "nonurban" counties named in the bill:

For a map showing the Standard, Portland Metro and Nonurban Counties: [http://www.oregon.gov/boli/WHD/OMW/Pages/Minimum-Wage-Rate-Summary.aspx](http://www.oregon.gov/boli/WHD/OMW/Pages/Minimum-Wage-Rate-Summary.aspx)

<table>
<thead>
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<th>Date</th>
<th>Standard</th>
<th>Portland Metro</th>
<th>Nonurban Counties</th>
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<tbody>
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<td><strong>$9.50</strong></td>
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<tr>
<td>July 1, 2017</td>
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<td>July 1, 2020</td>
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<td>July 1, 2021</td>
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<tr>
<td>July 1, 2022</td>
<td>$13.50</td>
<td>$14.75</td>
<td>$12.50</td>
</tr>
<tr>
<td>July 1, 2023</td>
<td>Adjusted annually based on the increase, if any, to the US City average Consumer Price Index for All Urban Consumers</td>
<td>$1.25 over the standard minimum wage</td>
<td>$1 less than the standard minimum wage</td>
</tr>
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</table>

**Portland Metro**

The Portland Metro rate applies to employers located within the urban growth boundary (UGB) of the metropolitan service district (which includes portions of Multnomah, Washington and Clackamas counties). To find out the minimum wage for an address, go to the [Metro's Urban Growth Boundary lookup tool](http://www.oregonmetro.gov/library/urban-growth-boundary/lookup).
### Alphabetic list of Standard, Nonurban and Portland Metro Counties

<table>
<thead>
<tr>
<th>Portland Metro Counties</th>
<th>Standard Counties</th>
<th>Nonurban Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Clackamas</td>
<td>♦ Benton</td>
<td>♦ Coos</td>
</tr>
<tr>
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Part-time employment that is Temporary, Seasonal, or Intermittent

Prior to 2014, Oregon VR rarely approved placement in temporary, seasonal or intermittent employment, and then only with assurance that the employment would resume at a determined point. The Workforce Innovation and Opportunity Act (2014) and the final Code of Federal Regulations (34 CFR 361 & 363) added approval for seasonal, temporary or intermittent employment, with the provision that the employment must comply with CFR definitions.

The VR Counselor and Participant must be assured that “yes” is the answer for each of these question before VR can support the employment:

- Is the employment Competitive Integrated Employment?
- Does the employment meet the needs of the Participant?
- Will this employment meet closure criteria? And, if yes; when?

A. Closure criteria when the employment is temporary or seasonal:

Participants who receive supported employment services must be employed (at least one day a week), have become stable in the employment and transferred to extended services, and then maintained stable employment for at least 90 calendar days.

Once the participant has worked long enough for their case to be closed, returning to that temporary or seasonal job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services. The expectation by VR is that the participant’s extended services provider will provide any support needed by the participant to continue to maintain (and advance in) their employment.

B. Closure criteria when the employment goal is on-call (intermittent):

For participants who work at least one day per week, the closure criteria for part time employment apply:

- Those who receive supported employment services must maintain employment at least 90 calendar days after stabilization and transfer to extended services.
- Once the participant becomes stable and has worked long enough for their case to be closed, returning to that on-call (intermittent) job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services.
The expectation by VR is that the participant’s extended services provider will provide any support needed by the participant to continue to maintain (and advance in) their employment.

C. For participants in intermittent employment, who do not work at least once each week (or where the job has fallen to few to no hours per week), the number of days worked must total 90. If they are not called in regularly, this can take many more than 90 calendar days

- For those who do receive supported employment services, beginning the first day of work after transfer to extended services, count the days worked only, until reaching at least 90 (this can take many more than 90 calendar days).
- Once the participant has worked long enough for their case to be closed, and the employment is stable, returning to that on-call (intermittent) job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services.

The expectation by VR is that the participant’s extended services provider will provide any support needed by the participant to continue to maintain (and advance in) their employment.

D. Talking to the Participant about Seasonal, Temporary or Intermittent employment:

i. A suggested list of topics to discuss with a Participant who is considering temporary or seasonal employment:

- The IPE must document that this is the informed choice of the participant and meets their unique strengths and needs, and
- The job must be competitive integrated employment, and
- The work is reasonably expected to continue into the next recurring work period or if not (this is sometimes the case with temporary employment) it must last long enough to meet closure criteria.

ii. The Temporary or seasonal work often fits into at least one of these scenarios:

- Common to the local labor market (e.g., work in the fishing industry or at vacation destinations; harvesting and/or processing local produce); and/or
• The strategy used by a specific employer in the local labor market for hiring all their employees (e.g., specific jobs in a labor market are filled by temp agencies); and/or

• Taking a seasonal or temporary job is part of the participant’s plan to increase specific skills and/or knowledge, or to meet immediate financial need.

E. Working with a Job Developer when the Participant Chooses to accept employment that is Seasonal, Temporary or Intermittent:

Any successful job placement requires that it meet closure requirements, including length of employment. If there is ever any doubt that the employment will ever meet the criteria, then it is not employment. A VR counselor must have a reasonable expectation that any employment can reach the required length of time before a placement can be paid.

When discussing this with the Job Developer and Participant, make clear that a retention payment will not be made until the required time has accrued and with seasonal or intermittent jobs, that can take many months.