



Department for Aging And Rehabilitative Services (DARS)
Division of Rehabilitative Services (DRS)
Employment Service Organization Steering Committee (ESOSC)

DARS Central Office, Richmond, Virginia
1st Floor Conference Rooms (also see VTC sites below)
Tuesday April 14, 2014 9:30 AM
Meeting Minutes

Members Present: Paul Atkinson Jr., Rachael Rounds, Gary Cotta, Megan Bergen, Sharon Bunger, Demis Stewart for Dave Wilber, John Brauer for April Keeler, Emily Gebhart for Michelle Howard Herbien, Dan Reichard, Robin Metcalf, Marshall Henson, Chuck McElroy, Phil Nussbaum, Nova Washington, Greg Ellison, Natalia Yu, Lance Wright, Mark Keith

Members Absent: Linda LaMona, Stephanie Lau, Tonya Fowler

Guests Attending: George Homan, Michael King, Ajai Blue-Saunders, Chris Lavach, Greg Ellis, Pierre Ames, Joanne Ellis, Chris Hicks, Lance Elwood, Jason Harper, Veronica Hunter, Deanna Messer, KK Stroop, Heather Norton, Karen Tefelski,

VTC: Fairfax, Abingdon, Portsmouth, Marion

DRS Staff Attending: Donna Bonessi, Kathy Hayfield, Matthew Deans, Doug James, Ella Barnes

9:30 – 10:30 Subcommittee Meeting

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| • Funding Sub Committee | East Conference Room |
| • Public Policy Sub Committee | Conference Rooms 103-105 |
| • Nominations Sub-committee | West Conference Room |

10:45 – Full Committee Call to Order

Robin Metcalf

Introductions

Reviewed and approved of Draft minutes of January 13, 2015 meeting-
Motion and Seconded to approve the minutes

Commissioner Remarks

Commissioner Rothrock reported to the committee that we will take 1300 clients of the waiting list effective May 1, 2015. General Assembly and advocate efforts gave DARS \$1 million in General Funds which will provide relief in our budget. LTESS also saw restoration for FY 2016.

We are doing some exciting work on Ticket to Work and ROI. Joe Ashley and David Leon will be presenting on this later. Kathy Hayfield, Donna Bonessi and Heather Norton have had discussions on how to work together better between DARS and Behavioral Health, deinstitutionalization efforts going on throughout the state.

Project SEARCH is up and running, we have 13 sites and graduation time is coming soon, the Commissioner encouraged the council to go to a ceremony to see what the model is all about.

The General Assembly passed legislation this session directing DARS to study employment support programs. DARS will be using an independent consultant to help with certain portions of the study. We used a quick quote process to select the consultant. The QQ closed last night and proposals will be reviewed this afternoon. One component is stakeholder meetings as well as getting input from other agencies. The report is due to the General Assembly by November 1, 2015.



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Didlake has a new AbilityOne Contract that has resulted in 108 new jobs in Hampton Roads. Of the 108 new hires 47 will need job coaching supports. Didlake staff has worked closely with local office staff to hire candidates.

DRS Directors Update

Kathy Hayfield

Kathy Hayfield reported that we will be in a better fiscal situation next year (July 2015) than we are this year. We started this fiscal year off (July 1 2014) infusing about 3 million into the system at the beginning of the year. We're not going to this again this year in an effort to be more efficient. This year we're going to do about half as much as we have in the past, which will hopefully loosen up the fiscal pressure and alleviate the "feast or famine".

Currently there are 2500 on the waiting list. On May 1st we'll open services up to about 1300 clients who applied prior to January 31st. The goal is to not allow anyone to stay on the waiting list for more than 4 months at a time. We encourage people to apply and go on the waiting list. We're seeing a drop in referrals but we're also seeing about 800 come out of the system each month. Midsummer we should have another group come off the waitlist.

Project SEARCH: Two new sites will be starting up next Fall, Chesapeake Schools, and the "Valley" Augusta/Waynesboro/Staunton schools. DARS entered into a statewide contract with PS Cincinnati to develop up to 3 new sites.

DARS as part of a Collaborative relationship with DBHDS developed 4 positions to increase integrated competitive outcomes for clients with ID/DD, the first position will be an ID/DD specialist in Northern Virginia. They will help us to braid the Medicaid dollars and navigate the systems more effectively than we do now. DARS has not had a great deal of experience working with clients that also have a Medicaid Waiver. The goal is to have 4 positions throughout the state. These folks will be working with a number of community providers including the training centers and school systems who utilize the day support programs to better serve these individuals with VR services and Medicaid Waiver services.

Ms Hayfield discussed the Payer of last resort issue – Heather Norton is here to discuss this policy. Federal policy states that if VR dollars are available they must be used prior to Medicaid dollars. Heather Norton and Donna Bonessi are working to provide guidelines to help individuals navigate Supported Employment Waiver and DARS Services. When individuals are on a wait list for DARS, they may access their Waiver

Question: Will documentation be provided stating that individuals are on the wait list? This can be requested from the counselor for the standard wait list assignment letter from the case record at DARS.

Lance Wright: Q: Regarding the Waitlist change, and the effect on Job Development.

Kathy, there will be a few months delayed in costs on those that are coming off the waitlist, funding will remain the same through June and budgets will go up in July locally.

“What’s up with WIOA Part 2” (Handouts attached)

Liz Smith reported WIOA includes about 2000 pages of proposed regulations; of which VR encompass about 500 pages. Today’s discussion will be those that are most applicable and interesting to the ESO-SC.

DOL and DOE have put up a website to review the Notice of Proposed Rulemaking regarding the proposed regulations on WIOA. The Notice of proposed rulemaking will be out for comment for 60 days www.regulations.gov. In some situations RSA will be seeking specific comment on proposed regulation changes. January 2016, final regulations will be published based on the comments and feedback received during this time period. Many proposed changes made effective when the act was signed however, without regulations and understanding, we've been working towards meeting those changes.

Liz encouraged the ESOSC to read the background information to explain how they got to the point and Congress thinking on WIOA.

See attached handouts for additional information



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Guidance Re: Waiver/DARS clients

Heather Norton presented a joint Guidance document regarding providing services to Medicaid Waiver clients. Regulations dictate that Waiver be payer of last resort.

Regulations require Documentation of the conversation and details on waitlist status. Documentation must be readily available in the future should questions come up. ESOs should not have to wait to provide services, as long as documentation of their wait list status (letter not needed if documentation of a conversation about status).

This also includes people that are found ineligible for DARS services.

Services should be seamless, so waiver services should not stop (JD/PT) until an authorization for funding is in hand. There should not be a gap in services when DARS is ready to pick up funding of those services.

Collaboration is encouraged; sharing Waiver plans was discussed as an example of a good practice when DARS looks at the big picture of who this person is.

Discussions about the DBHDS Data Review: DMAS and DBHDS Survey (semi-annual) data and what the “other” funding source means. 44% return on the surveys showing that 1900 individuals are working among other data points. If you have questions or comments contact Adam.Sass@dbhds.virginia.gov or heather.norton@dbhds.virginia.gov.

Subcommittee Meetings:

Funding Subcommittee

Phil Nussbaum Reported – Ella Barnes provided some information on looking at reallocations for LTESS this year, proposed a different process:

Instead of using the current reallocation process, she suggested looking at it from a percentage of how much is outstanding as a whole rather than a specific average for each ESO. In some instances organizations may receive more than they would have in the past, with a percentage format those orgs that have spent more based on their clients’ needs. Guidance was provided to ESOs to accurately report their LTESS

- Ella Barnes provided more details about the methodology
- It was brought to a motion out of the committee to go with a percentage format.
- All in Favor of changing: 17
- All opposed: 1
- Abstain: 0
- Absent: 3

Public Policy Subcommittee

Lance Wright reported the LTESS/EES policies are close to being complete with one more teleconference planned. There are 16 vendors on the waitlist for LTESS. The current policy allows for 2 new vendors to enter into the system based on the amount of increase.

At this point 4 vendors are on the waiting list that has been waiting for longer than 2 years. The committee will look at if all four vendors may be brought into the system,

More information was needed regarding if the vendors or the waiting list are actually providing the services. The subcommittee will meet via conference call on May 5th

Nominations Sub Committee –

Sharon Bunger reported that 5 members will be rolling off and 5 nominations were presented for. Recommendations were to accept the nominations as submitted.

Next Meeting July 14 2015.



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Employment Service Organization Steering Committee Meeting
April 14, 2015 Presentation
What's Up With WIOA?

Implementation Status

- Titles I, II, III and V: Effective July 1, 2015
- Title IV (Rehab Act): Effective upon signing- with one exception
 - However, *WIOA* gives the Secretaries of ED and HHS authority to ensure an orderly transition.
- April, 2015, DOL and DOE concurrently publish five NPRMs. Preview of NPRMs has been released- www.federalregister.gov/public-inspection
- 60-day comment period following release. <http://www.regulations.gov>.
- One will be a joint NPRM involving jointly administered activities including unified and combined state plans, performance, and aspects of the one- stop system.
- Another NPRM will implement the remaining provisions of Title I and Title III that are administered by DOL.
- Three additional NPRMs involve DOE programs:
 - One implementing Title II Adult Education and Literacy
 - Two implementing the Title IV Amendments to the *Rehabilitation Act of 1973* of *WIOA*.
 -
- Final rules published January, 2016.

Title 1 Workforce Development

- WIOA designates certain programs as “core programs” in the workforce development system. Public VR is among those designated as a core program, and as such will continue to be a mandatory member of state and local workforce boards. Other core programs are Adult, Dislocated Worker, and Youth workforce investment programs, the state Employment Service (Wagner-Peyser), and Adult Education and Literacy.
- Virginia will develop and submit a four-year strategy – in the form of a single Combined State Plan for core programs and one or more additional programs (possibly TANF, SNAP, Community Service-Older Americans Act, veterans). Plan describes the State's vision for the workforce development system and how will achieve goals to prepare and educate a skilled workforce and meeting the workforce needs of employers. Plan due March, 2016.



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- VR will be subject to the same common indicators of performance as other WIOA core programs. The RSA Standards and Indicators will no longer exist. The core performance indicators are:
 - (1) percentage of participants in unsubsidized employment during second quarter after exit,
 - (2) percentage of participants in unsubsidized employment during fourth quarter after exit,
 - (3) median earnings of participants during second quarter after exit,
 - (4) percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit,
 - (5) achievement of measureable skill gains toward credential or employment, and
 - (6) effectiveness in serving employers.

- Expected levels of performance contained in the State Plan.

Title IV Vocational Rehabilitation and SE Amendments

- Amends definition of “employment outcome” to include only outcomes in competitive integrated employment and supported employment. Does not include homemakers or unpaid family workers. Does include self-employment and business ownership.
- Defines customized employment and is now listed as an available service from VR (see attachment).
- Order of Selection – **may** elect to serve eligible individuals to help them maintain employment.

Supported Employment

- Amends definition of SE to clarify that SE outcomes must be in integrated competitive employment, or an individual working on a short-term basis (six months) in an integrated employment setting towards integrated competitive employment.
- Must reserve and expend 50% of SE (Title VI) funds for eligible youth with the most significant disabilities (up to age 24). These youth can also receive extended services (i.e on-going supports to maintain in SE) for up to 4 years. Cannot use for adults.
- SE includes customized employment.
- SE services allowed for up to 24 months.

Section 511- Effective July, 2016

- Limitations on the payment of subminimum wage for those who hold 14C Certificate.
- Applies to youth 24 years of age or younger.



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Guidance for Navigating Supported Employment Waiver and DARS Services

When an individual that is eligible for services through the Virginia Medicaid Waiver system is seeking employment services, state and federal policy governs how the individual can access these services.

- All individuals interested in employment should apply for DARS vocational rehabilitation (VR) services.
- If an individual is determined eligible for VR services, is most significantly disabled, and placed in service status, DARS will provide supported employment services necessary to achieve the consumer employment outcome, as contained in their Individualized Employment Plan.
- If an individual is determined eligible for VR services and is placed on the Order of Selection Priority Category 1 (most significantly disabled) waiting list, an ISAR can be completed and the individual can access services through waiver funding.
- If an individual with a Waiver is determined not eligible for DARS VR services, an ISAR can be completed requesting employment services through waiver funding.
- Documentation of lack of DARS funding can be in the form of a progress note documenting the conversation that includes, the name of the DARS VR counselor, the day and the time of the discussion, and what was discussed. This documentation should remain available in the consumers current file for the length of employment, so in the event of an audit, the original documentation indicating that funding was not available when services began will be readily available for review.
- When DARS brings the individual off of their Order of Selection wait list the current service the individual is receiving determines if the funding source should change to DARS or remain as waiver. In cases where the individual is in Job Development or Placement and Training, funding for the services must be transferred from Waiver to DARS VR for the remainder of time limited services. If the individual has reached stabilization and is in follow along then Waiver services should continue.
- Any changes in funding systems should be seamless and be coordinated with the DARS VR counselor, the Case Manager, and the Employment Service Organization. This change should not affect the individual's services. Therefore, effective communication between DARS, CSB and ESO is critical.



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- When DARS is in Order of Selection with Priority Category 1 (most significantly disabled) closed, the way services are delivered to the individual should not be impacted and the responsibility to refer the individual to DARS for application and eligibility determination remains. Additionally, expectations outlined in the DBHDS Employment First Policy and the DBHDS Performance Contract remains intact. Case managers/Support coordinators should continue to discuss with individuals if they want to work. If the individual indicates that they would like to work, the individual should be referred to the DARS VR program.

From the *Mental Retardation/Intellectual Disability Community Services Manual* Chapter IV page 78

Providers for persons receiving supported employment services funded under §110 of the Rehabilitation Act of 1973 (through DRS) or §§ 602(16)(17) of IDEA (through special education services) cannot receive payment for this service through MR/ID Waiver services. The case manager must assure that supported employment services are not available through these sources and document the findings in the individual's case management record. When services are provided through these sources, the Individual Support Plan will not include them as a requested waiver service. Supported employment under the MR/ID Waiver is usually a long-term service and is generally provided following time-limited DRS supported employment.

Lack of DRS or special education funding for the service must be documented in the individual's record, as applicable. If the individual is older than 22 years, and, therefore not eligible for special education funding, documentation is required only for the lack of DRS funding. Acceptable documentation would include a copy of a letter from DRS or the local school system, or a record of a telephone call (the name, date, and person contacted) documented in the case manager's case notes. Unless the individual's circumstances change, the original verification can be forwarded into the current record, through documentation on the annual Individual Support Plan or Social Assessment. As DRS is not responsible for "extended services" (or "follow along") in supported employment for people with MR/ID, documentation that an individual remains in extended services in supported employment with no change in circumstances would be sufficient. A change in circumstances, which might warrant a new verification of the lack of DRS funding, would include the loss of a supported employment placement or the need for a job change or upgrade, for which DRS-funded job development and initial on-the-job training could be available.

From the *Individual and Family Developmental Disabilities Support Waiver Services Provider Manual* Chapter IV Page 67

Providers for persons eligible for or receiving Supported Employment services funded under §110 of the *Rehabilitation Act of 1973* [through the Aging and Rehabilitative Services (DARS)] or §602(16) and (17) of the *Individuals with Disabilities Education Act* (through Special Education services) cannot receive payment for this service through Medicaid DD Waiver services. The Case Manager must assure that Supported Employment services are not available through these sources and document the findings in the individual's Case Management record. When services are provided through these sources, the POC will not include them as a requested waiver service. Supported Employment under the DD Waiver is usually a long-term service and is generally provided following time-limited DRS Supported Employment.



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If for any reason you are unable to troubleshoot issues with the team members (DARS Counselor, Case Manager and ESO), or if there are any questions about this guidance, or anything to do with the Employment First Initiative; please contact the DBHDS Community Resource Manager for Employment Services at adam.sass@dbhds.virginia.gov or the DARS Manager of Employment Support Services at donna.bonessi@dars.virginia.gov

THE INSTITUTE BRIEF

Issue No. 31
August 2014

WIA IS NOW WIOA: WHAT THE NEW BILL MEANS FOR PEOPLE WITH DISABILITIES

By David Hoff

Suggested audience for this brief: policymakers, federal and state agency personnel, service providers, educators

With the passage of the Workforce Innovation and Opportunity Act (WIOA), Congress has reauthorized the Workforce Investment Act of 1998 (WIA), including the Rehabilitation Act, through 2020. Commenting on the bill's passage, President Obama stated that the bill "will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future."

What does this 300-page legislation mean for people with disabilities? Major highlights include:

- ▶ A much larger role for public vocational rehabilitation (VR) as people with disabilities make the transition from school to adult life.
- ▶ Efforts intended to limit the use of sub-minimum wage.
- ▶ Required agreements between state VR systems and state Medicaid systems, and state intellectual and developmental disability (IDD) agencies.
- ▶ A definition of "customized employment" in federal statute, and an updated definition of "supported employment" that includes customized employment.
- ▶ A definition for "competitive integrated employment" as an optimal outcome.
- ▶ Enhanced roles and requirements for the general workforce system and One-Stop Career Centers in meeting the needs of people with disabilities.
- ▶ A number of disability agencies moving from the Department of Education (DOE) to the Department of Health and Human Services, including the Independent Living Program.
- ▶ Changes in performance measures, with potentially major implications for VR.

In general, WIOA has the potential for significant advancement in employment of people with disabilities. Here are some more details about the act's anticipated impact:

Increased VR role in transition: Each state's public VR program will now have a much larger role in the transition from school to adult life. Under WIOA, 15% of public VR funds must now be used for transition services, specifically pre-employment transition services as defined within the act.

These services include job exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, workplace readiness training, and training on self-advocacy. Other services are also allowed if funds are available.

President Obama stated that the bill "will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future."

In addition, each local VR office must undertake pre-employment transition coordination activities, including working with schools and the local workforce development system to engage these entities in transition activities.

Limitations on sub-minimum wage: A new section has been added to the Rehabilitation Act, Section 511. It requires (as of 2016) a series of steps before an individual under the age of 24 can be placed in a job paying less than minimum wage (almost all of which are positions with community rehabilitation providers in sheltered workshops or enclaves). Section 511 also prohibits schools from contracting with sub-minimum wage providers.

Requirement for formal cooperative agreement between VR and state Medicaid and IDD agencies: WIOA requires that state public VR agencies have formal



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