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**A Report on Public Law Chapter 101  
Resolve, To Create  
Improved Employment Opportunities  
for People with Disabilities**

**Submitted to the  
Joint Standing Committee on Labor  
Senator Ethan Strimling, D-Cumberland, Chair  
Representative John L. Tuttle, Jr., D-Sanford, Chair**

**From**

**Laura A. Fortman  
Commissioner, Maine Department of Labor**

**and**

**Brenda M. Harvey  
Commissioner, Maine Department of Health and Human Services**

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**A Report on Public Law Chapter 101:  
To Create Improved Employment Opportunities for People with Disabilities**

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## **Executive Summary:**

Public Law Chapter 101 mandated the creation of a statewide plan to facilitate the implementation of a new MaineCare waiver promoting the expansion of supported employment. Public Law Chapter 101 also required the formation of a stakeholder committee to design and implement a system of community services to attain this goal within existing resources. The Maine Department of Health and Human Services (DHHS) and the Maine Department of Labor (DOL) crafted a Joint Plan, which guided a series of activities that took place in 2007. A stakeholder group was formed to carry out the goals of the Joint Plan.

The Resolve requires that DHHS and DOL establish an interdepartmental committee to develop a statewide transition plan to facilitate the new MaineCare waiver promoting the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. The resolve is an extension of P.L. 570, which was passed in 2006. P.L. 570 focused on researching the need for employment initiatives and supports for individuals with developmental disabilities. In response to this legislation, DHHS and DOL submitted a report to the Legislature in January 2007.

## **History:**

The Resolve requires the interdepartmental committee to develop a plan that covers the following areas:

- An information campaign about supported employment;
- Instruction on how to pursue and maintain gainful employment in integrated community settings;
- Training and capacity building for provider agencies; and
- Training for DHHS and DOL staff to implement the transition.

The Resolve directed the stakeholder group to design a system that included:

- A funding formula that provides incentives to providers to facilitate employment for those with developmental disabilities;
- A plan that invests in professional development and capacity building for providers;
- A tracking system that facilitates an annual report by DOL and DHHS to the Joint Standing Committee of the Legislature with jurisdiction over labor matters; and
- Best practices guidelines for incorporation into contracts with provider agencies by July 1, 2008.

The new MaineCare Support Waiver went into effect on January 1, 2008. DHHS and DOL were directed to submit this report to the Legislature by January 15, 2008.

This report details efforts of DHHS, DOL, the stakeholder group, and outlines system change suggested by all parties. At the time of the report's submission to the Legislature, many significant plan implementation activities had already been completed. These include:

- Completion of a database to track employment outcomes;
- Publication and distribution of materials for consumers to assist in their search for employment;

- Development of a website for consumers and their supporters that includes employment information and resources; and
- Training and outreach activities for consumers, families, and service providers.

### **Summary:**

In 2007, the Department of Labor, the Department of Health and Human Services, and involved stakeholders devoted a tremendous amount of work to establishing a support network that will provide people with disabilities a “Pathway to Employment.” The process included the development of the MaineCare supports waiver, outreach to consumers, families, and professional staff, and the beginning of a range of training options to assure a solid understanding of the choices of support to people who want to work. The degree of collaboration that has occurred between state agencies and non-profit organizations to a common goal has been outstanding.

The following year will be challenging in many ways; however, we hope to see a substantial increase in the number of people with disabilities who are employed. The new data will allow us to know our baseline and set goals for increasing the outcomes of the number of people employed. For the first time, a majority of people will have access to employment supports, which will allow them to increase their income, decrease their dependency, and open their options for life in the community. A great deal has been accomplished; however, the most important work is still ahead: assisting people to identify and reach their goal in the “Pathway to Employment.”

Across the state, and across disciplines, many forces are engaged in this effort to improve employment for people with disabilities, including people with developmental disabilities. These include DHHS, DOL, Working Together, CHOICES CEO, the Maine Jobs Council Commission on Disability Employment, Alpha One, advocacy organizations, individuals with disabilities, families, schools and many others. Collectively, these parties are establishing a common vision to align efforts, to communicate at all levels, and to involve all stakeholders. This process is key to improving employment opportunities for individuals with developmental disabilities.

### **Recommendations:**

- 1) The Department of Health and Human Services will continue to reduce the number of individuals who are being served in sheltered workshops by assisting them in accessing integrated, community-based employment with support through Vocational Rehabilitation, community provider agencies, and other stakeholders. DHHS will track outcomes.
- 2) DHHS will continue to expand Maine's capacity to provide in-state training to various stakeholders on supported employment best practices and new, innovative ways to support people with developmental disabilities to be integrated in community employment.
- 3) DHHS and the Department of Labor (DOL) will continue to strengthen ties between the departments through implementation of the Memorandum of Understanding.

- 4.) DHHS and DOL will continue the work that has begun to design a database that will track employment for people served through DOL/Vocational Rehabilitation and DHHS/ Developmental Services, Traumatic Brain Injury and Mental Health Services. This joint data system will allow for a systemic approach to tracking the outcomes of community employment for all Maine people with disabilities which will lead a coordinated effort to employment for all.
  
- 5.) DHHS and DOL will submit annual reports to the Legislature on supported employment for individuals with developmental disabilities.

# Joint DHHS and DOL Response to Public Law Chapter 101

## Statewide Transition Plan

### *Section A-1, Interdepartmental committee. Resolved:*

*That the Department of Health and Human Services and the Department of Labor shall establish an interdepartmental committee, referred to in this Part as "the committee," to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare.*

This report details activities as outlined in the Resolve and carried out by the interdepartmental group and the stakeholder group.

A work plan to facilitate the implementation of MaineCare Waiver Sections 21 and 29 was originally drafted in April 2007 by representatives from the Department of Health and Human Services (DHHS) and the Muskie School of Public Service. Since its inception, it has become an interdepartmental project, involving shared responsibilities and activities by DHHS and the Department of Labor (DOL).

The plan establishes activities, responsible parties, timeframes, and measures in five major areas:

- Development of a data system to gather baseline data and outcomes related to employment for people with developmental disabilities;
- Outreach/Training activities related to employment;
- Development of campaign materials about supported employment for consumers and the public;
- Training for multiple constituencies (employers, providers, etc.) that sustains and expands the belief that all people can work; and
- Linkages between DHHS and DOL that strengthen and coordinate the relationship between the Departments.

The interdepartmental nature of these efforts was clarified by the creation of a Memorandum of Understanding (MOU) between DOL, Bureau of Rehabilitation Services (BRS) and DHHS, Office of Adults with Cognitive and Physical Disabilities (OACPD). This MOU, signed in 2007, guides the Departments “through a systems change process for the purpose of implementing an aligned service delivery system that promotes evidence-based practices.” The MOU outlines the responsibilities of BRS, OACPD, and the joint responsibilities of both divisions, including system development, coordination of services, and quality assurance. Of particular significance is the delineation of coordination of services between Developmental Services Case Managers and Vocational Rehabilitation Counselors. The full body of the MOU is included as Appendix B of this report.

## Employment information campaign

### *Section A-1, 1. The plan developed by the committee must include:*

#### *A. An information campaign about employment and the changing practices and expectations for employment.*

An informational campaign about employment and the changing practices and expectations for employment has been underway across the state throughout the past year.

Some of the key elements of that campaign are:

- Thirty-one Support Waiver Community Forums were held during September-November, 2007. The conversion of Section 24 into a new MaineCare waiver was reviewed in detail. The definitions for employment specialist work support in the new waiver were carried over to the comprehensive waiver, Section 24.
- The DOL Division of Vocational Rehabilitation published a General Information pamphlet with information about eligibility, application processes, and VR services.
- DHHS distributed a pamphlet titled “The Support Waiver: The Pathway to Employment (Making It Work for ME).” with information about Employment Specialist Services, Work Support, and Community Supports, and the availability of those services in conjunction with Vocational Rehabilitation services.
- Using resources available through the Medicaid Infrastructure Grant (MIG), a web site with information and resources on employment was established at [www.employmentforme.org](http://www.employmentforme.org).
- A “Support Waiver” summary has been drafted by DHHS that provides a summary of the five areas of service covered by the new MaineCare waiver program, as well as definitions for those services. It is also available at the website described above.
- Additional information for job seekers is available at the web-based sites for CHOICES CEO and Working Together. *Working Together News* is a newsletter about Maine’s efforts to increase work opportunities for people with disabilities.
- Governor John Baldacci signed the “Working Together Pledge” on October 15, 2007. The pledge states:

“I certify that Maine State Government commits to the following best employment practices to further the employment of people with disabilities:

- A commitment to employ individuals with disabilities.
- A commitment to creating a corporate environment that is disability friendly.



- A commitment to a recruiting and hiring process that encourages people with disabilities to apply for posted positions.”
- A pamphlet has been drafted, published, and distributed to offer information and assistance to individuals with disabilities to seek employment with the Maine State Government.
- The Commission on Disability and Employment held its annual meeting on October 19, 2007, and continues to hold monthly meetings. The Commission’s priority areas include employer outreach and education and employment services for those with disabilities.
- The CHOICES CEO project is creating a Rehabilitation Services Provider Directory for people seeking employment, families, and providers. The first edition, published in December 2007, will include a listing of provider agencies and contact information.

### **Instruction on how to pursue and maintain gainful employment**

#### ***Section A-1. 1. The plan developed by the committee must include:***

##### ***B. Instruction on how to pursue and maintain gainful employment in integrated settings in the community and how to seek employment supports, including but not limited to benefits counseling.***

Currently, instruction on how to pursue and maintain gainful employment in integrated settings in the community and how to seek employment supports, including but not limited to benefits counseling, is being offered to people with disabilities and their supporters via a number of methods.

- The Bureau of Rehabilitation Services provides vocational rehabilitation services through two divisions: the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired (DBVI). The majority of people with developmental disabilities are served through DVR; people who have a visual impairment qualify for DBVI services instead of DVR. Both of these agencies provide instruction for qualified people on the pursuit and maintenance of employment.
- Benefits counseling, education, and outreach are provided by Maine Medical Center, which is the Social Security Administration’s Work Incentives Planning and Assistance contractor in the State of Maine. With additional funding from the Bureau of Rehabilitation Services, the DHHS Office of Adult Mental Health Services and the CHOICES CEO project, seven benefits counselors, called Community Work Incentives Coordinators (CWIC), and provided information on their services to over 1,500 people in 2007. The CWICs offer individualized plans regarding the impact of earnings on disability benefits to people with disabilities who want to work, which is critical to informed decision making about employment, job offers, and advancement.

- Online resources exist at the Employment for ME website described earlier in this report, ([www.employmentforme.org](http://www.employmentforme.org)), the Maine CHOICES CEO website (<http://choices.muskie.usm.maine.edu/index.html>), and the Working Together website (<http://www.expandingmainesworkforce.com/>).
- Training for individual consumers about the new support waiver occurs within case management services and is reinforced at person-centered planning meetings.
- The Institute for Community Inclusion in Portland is offering an advanced job development course, the New England Job Development Training Program. Twelve employees from Maine are currently enrolled in this course.
- DHHS is partnering with the New England Rehabilitation Continuing Education Program (NERCEP) to provide training for Maine professionals. Nancy Brooks-Lane and Doug Crandall will provide self-employment training in Maine in June 2008. NERCEP staff is also providing in-state training in Maine. The next planned event is “Teaching Networking Skills to Job Seekers” on January 15, 2008. Participants will learn to “lead networking workshops for job seekers, engage, teach and motivate job seekers in networking approaches, and formulate techniques to enhance social interactions in the job search.” Each participant will leave with a new ready-to-go curriculum with slides, exercise, and handouts.
- Through person centered planning, all individuals are asked about their employment interests, on an at least yearly basis. Provider support agencies are certified through the DOL to provide job evaluation, assessment and development services.
- More work will continue as DOL and DHHS strengthen their ties and strive to provide quality services for individuals with developmental disabilities.

## **Training for provider agencies**

### ***Section A-1. 1. The plan developed by the committee must include:***

#### ***C. Training for provider agencies on ways to build capacity to support individuals with developmental disabilities in competitive and gainful employment, including self-employment.***

Providers are able to access in-state and out-of-state training to meet individual staff needs. Over the past year, DHHS and DOL have worked together to promote more and varied employment training throughout the state. Ongoing support for trainings has been identified and will continue. Some of the employment-related activities recently developed included:

Two one-day conferences, “Making Employment Work for ME,” for providers, people with disabilities, families, and state staff, were held on November 7th in Bangor and November 8, 2007, in Portland. Attended by more than 170 people, the events were sponsored by the DOL/BRS, DHHS/OACPD, University of Maine Center for Community Inclusion and Disability

Studies, NERCEP, University of Southern Maine/Muskie School of Public Service, and the Maine Jobs Council, Commission on Disability and Employment. Feedback on the day can be found at [www.employmentforme.org](http://www.employmentforme.org).

The sessions were an opportunity to share the resources available and the recent changes that have occurred in the state to support the increase of employment for people with disabilities.

NERCEP will be in Portland, Maine to conduct a train-the-trainer event for providers entitled “Teaching Networking Skills to Job Seekers on January 15, 2008. The attendees will receive a curriculum which will enhance job seekers’ knowledge and abilities in networking. Several agencies and state DHHS staff have registered to attend this event. Agencies can also utilize online trainings offered by various universities for up-to-date, employment-related information.

These new efforts are enhanced by ongoing initiatives in employment.

The “Maine Employment Curriculum” (MEC) has been developed by the Center for Community Inclusion and Disability Studies (in collaboration with DHHS and BRS). It is a comprehensive curriculum on best practice employment supports for people with disabilities and has established a common curriculum for those seeking certification as a job coach or as an employment specialist. It was originally unveiled at the University of Maine on July 15, 2002.

The MEC consists of 14 modules, eight of which are required for job coach certification:

- An Employment Vision;
- Providing On-Site Supports: Roles and Responsibilities;
- Using Assessment to Provide On-Site Support;
- Skills Acquisitions, Part 1-3 (three separate modules);
- Building Natural Supports and Understanding Workplace Culture; and
- Positive Supports in the Workplace.

To become certified as an employment specialist, individuals are required to complete the following six modules, in addition to those listed above:

- Assessment for Career Planning;
- Marketing and Employer Development;
- Marketing and Job Development;
- Coordinating Supports and Managing Benefits;
- Understanding the Unique Needs of Individuals; and
- Post-Placement Support.

Training in the curriculum is offered on an ongoing basis at locations across the state. Thirty-five new staff attended the training during Fiscal Year 2006-2007. Trainers have worked with DHHS to increase offerings of modules to meet the demand that will arise from more individuals being eligible to go to work under the new Support Waiver beginning December 30, 2007.

In addition, BRS has been working in the area of self-employment for the last several years to define a self-employment pathway for people with disabilities and to develop the capacity of the small business development system to serve them.

Through its Divisions for the Blind and Visually Impaired (DBVI) and Vocational Rehabilitation (DVR), the University of Southern Maine/Maine Small Business Development Centers (Maine SBDC) and Coastal Enterprises, Inc. (CEI), a micro-enterprise development organization, joined in partnership in 2003 to develop and implement a coordinated self-employment initiative designed to assist potential entrepreneurs with disabilities in Maine. The goal of this project is to combine the business expertise of the Maine SBDC and CEI with the vocational rehabilitation knowledge of BRS in an effort to strengthen opportunities for people with disabilities to develop and sustain small businesses throughout Maine. The Abilities Fund of Iowa for the Capital Access Program selected the initiative to provide business training and technical assistance to the partners and also to extend micro-enterprise specialized lending and loan guarantee programs to consumers of BRS services.

After eight months of planning and development, the project began in March 2004 when the Abilities Fund trained an initial cohort of BRS and SBDC/CEI counselors. A multi-step pathway was introduced that identified procedures, resources, and tools to be shared and implemented across the state. Since that time, work has continued to develop skills among BRS and SBDC/CEI counselors and improve self-employment outcomes for people with disabilities. Rehabilitation and business counselors have welcomed the emphasis on informed decision-making, feasibility assessment, and a defined pathway to employment. For the Vocational Rehabilitation consumer, the pathway extends what have been time-limited vocational rehabilitation services to long-term access to small business expertise and support.

Ongoing work between DOL, DHHS, NERCEP, and Muskie School will continue to identify and provide training and technical assistance as needed to provider agencies in state, including that described in Section A-1.1.B above.

### **Training for the staff of the Department of Health and Human Services and the Department of Labor**

#### ***Section A-1. 1. The plan developed by the committee must include:***

##### ***D. Training for the Department of Health and Human Services staff and the Department of Labor staff to implement the transition.***

Most recently, DHHS and DOL employees attended a training held by NERCEP titled: "Vermont's Conversion Institute: Closing Sheltered Workshops." Held on October 29<sup>th</sup> and 30<sup>th</sup>, the session focused on the methods Vermont used to close its state-funded sheltered workshops. Representatives from Speaking Up for Us (SUFU), the Disability Rights Council (DRC), the Center for Community Inclusion (CCI), the Developmental Disabilities Council (DDC), OACPD, and provider agencies, attended the two-day training which included information on policy change, training, and culture-shifts needed to foster the closure of sheltered workshops while building community-based employment services. A follow-up meeting to this training with the group and other interested representatives is being held on January 17, 2008.

Additional training for the staff of these Departments has included joint DHHS Office of Adults with Cognitive and Physical Disabilities, DOL Bureau of Rehabilitation Services regional staff meetings, and the participation of Bill Hughes, DHHS, at the BRS Statewide Staff Conference on October 11, 2007. Furthermore, on November 29<sup>th</sup> all state DHHS Developmental Services caseworkers, supervisors and team leaders attended a one-day training on both the new rate setting and the new MaineCare support waiver programs. Specific guidelines for supported employment were shared with all 167 people present. They have also been posted on the DHHS state web site and are listed in Appendix C of this report.

Determination of ongoing training needs for DHHS staff will continue, utilizing the current opportunities to partner with DOL, NERCEP, CCI, and Muskie School.

Individual consumer teams include interdepartmental representatives who can provide information and training to staff, and then provide support to improve service delivery and outcomes through real work with consumers. This practical, hands-on approach helps to make systems and policy changes a reality.

## **Stakeholders Committee**

*Section A-1. 2. The committee shall submit its plan to the Joint Standing Committee on Labor no later than January 15, 2008.*

*Section A-2. Stakeholder committee. Resolved:  
That the Department of Health and Human Services and the Department of Labor shall establish a stakeholder group, referred to in this Part as "the group," to design and implement a system of community services using existing resources that supports the attainment by persons with developmental disabilities of gainful employment in integrated settings in the community.*

On November 15, 2007, a stakeholders meeting on the topic of Public Law Chapter 101: To Create Improved Employment Opportunities for People with Disabilities was held at the Pine Tree State Arboretum in Augusta. The intent of this meeting was to support the attainment of gainful employment in integrated settings in the community by designing and implementing a system of community services using existing resources.

Representatives from the Office of Adults with Cognitive and Physical Disabilities, DHHS; the Bureau of Rehabilitation Services, DOL; and the Muskie School of Public Service, University of Southern Maine, presented information and facilitated the session.

## Stakeholders

### **Sec. A-2. Stakeholder committee. Resolved:**

***1. The group must include representatives of employers, service providers, consumers, consumer advocates, educators, community advocacy organizations and the University of Maine's Center for Community Inclusion and Disability Studies and representatives of the Department of Health and Human Services, the Department of Labor and the Department of Education.***

The assembled group included representatives from Alpha One, Autism Society of Maine, Brain Injury Association, Center on Community Inclusion (CCI), DBVI, DHHS, Disability Rights Center, DOL, DVR, Katahdin Friends Incorporated (KFI), Maine Association of Community Support Providers (MACSP), Maine Chamber of Commerce, Maine Bureau of Rehabilitation Services, Maine Developmental Disabilities Council, Maine Jobs Council, Maine Parent Federation (MPF), Muskie School of Public Service/USM, Portland Public Schools, Project for Supported Living, Speaking Up For Us (SUFU), State of Maine Special Education Services, STRIVE, University of Maine at Farmington, and Southern Maine Council on Transition.

## Funding Formula

### **Section A-2. 2. The system designed by the group must include:**

***A. A funding formula that provides incentives to providers to facilitate the attainment of employment by persons with developmental disabilities.***

Public Law Chapter 101 mandates the creation of a funding formula that provides incentives to providers to facilitate the attainment of employment by persons with developmental disabilities.

DOL/Bureau of Rehabilitation Services provides funds to assist an individual with developmental disabilities to attain employment. DHHS/Developmental Services provides funds to maintain employment. This dual-funding stream requires a well-coordinated approach that includes the person, a community provider, and the person's team focused on a single outcome: integrated, community employment.

DOL/BRS has established a rate system to fund the vocational assessment, evaluation, job development, job placement, and job coaching necessary for an individual with a disability to achieve employment in an integrated community setting. Hourly "fee for service" rates are based upon the level of accreditation and specific services provided. Providers that are accredited by the Commission on the Accreditation of Rehabilitation Facilities (CARF), licensed by DHHS for the provision of mental health services, or fully approved by the Bureau of Rehabilitation Services, receive a maximum rate. There is a slightly higher rate for those same providers that are providing services that require American Sign Language and is a lesser rate for providers that are only provisionally approved.

Through its Division of Vocational Rehabilitation and Division for Blind and Visually Impaired, BRS authorizes and monitors consumer services on an individual, case-by-case basis. The incentive to attain employment for consumers is based on the focus on “outcomes” through the case management process, as well as at the program level of tracking costs and outcomes by various providers. This individualized funding model is based upon hours of services and requires monitoring and case management to ensure a balance of incentive, outcomes, and costs.

Over the past several years, DHHS/Developmental Services has worked to implement a rate restructuring for all services entitled “rate setting,” which will set a fee for a unit of service for all providers. Individually negotiated agency rates will then become uniform. This went into effect on December 30, 2007.

DHHS/Developmental Services currently funds long-term support to 800 people through the comprehensive waiver and straight state funding. With the implementation of the new MaineCare support waiver, an additional 1,700 people will be eligible for this long-term support. This funding supports training on new job duties, improving job performance, and co-worker relations.

DOL BRS will continue to provide time-limited funding for people with developmental disabilities geared toward placement and stabilization in an integrated setting in the community that matches the person’s vocational goal. Prior to being referred to DOL BRS for vocational rehabilitation (VR), individuals will be able to use Community Supports funding to prepare for employment. This funding allows people to visit businesses, join a job club, go to a Career Center, and obtain a State ID, as well as other activities that will assist them on the Pathway to Employment. As people are ready, they will be referred to VR.

The stakeholders group has suggested that the funding for employment-related outcomes be tied to the goal of having more people employed in their communities in integrated settings. The participants in the stakeholder meeting suggested the following ideas for consideration in the funding of community service providers:

- Establish incentives for sheltered workshops to convert to provide supported employment;
- Funding based on outcomes for employment specialists, job coaches;
- Consumers should be able to ‘shop for’ community support providers;
- Have fewer providers of service-raise expectations of outcome; and
- Establish incentives for agencies to collaborate.

## Professional development and capacity building for provider agencies

### *Section A-2. 2. The system designed by the group must include:*

#### *B. A plan that invests in professional development and capacity building for provider agencies, including state agencies and case managers.*

As previously discussed in this report, much attention has been paid to providing training relevant to improving employment outcomes for people with developmental disabilities. These efforts have included:

- Making Employment Work for ME sessions on November 7 and 8, 2007;
- Vermont training on closing sheltered workshops; and
- Maine Employment Curriculum.

The stakeholder group suggested the following priorities for training, to enhance efforts in employment:

#### Provider agencies need:

- Mentoring of people who are new to the field by experienced people;
- Up-to-date information on the language/practices/trends of business for job developers;
- Training on providing whole life supports (community, job not separated; involve everybody—family, school, employers);
- Mentoring of agencies by other (successful) agencies;
- Professional development opportunities for sheltered workshop staff;
- Career path and certificate program with commensurate pay.

#### State agencies and case managers need:

- Training in self-advocacy for people receiving services;
- VR caseworkers trained to educate and raise aspirations/capabilities;
- Technical assistance available whenever needed;
- Training in accessing self-employment options;
- Job developers with skills in public relations, networking;
- VR counselors partnering with case managers, schools, parents;
- Accessible career centers: staff are comfortable, confident, prepared and understand supported employment; and
- Organization of all the professional development resources.

## Tracking system regarding employment

### *Section A-2. 2. The system designed by the group must include:*

#### *C. A tracking system that facilitates an annual report by the Department of Labor and the Department of Health and Human Services to the joint standing committee of the Legislature having jurisdiction over labor*



*matters regarding the number of individuals employed, the wages of individuals employed and the contributions in taxes resulting from such employment.*

During the past year, Developmental Services has worked to design and implement a new employment snapshot database. By accessing support available under the CHOICES CEO project at Muskie School, DHHS, DOL, and Muskie developed a data group to determine what data was needed and how it would be gathered and used.

An Access database was designed that met the requests of the Legislature and the needs of DHHS, Developmental Services. In July 2007, a request for data was sent to 52 provider MaineCare provider agencies. All agencies were asked to return the compiled information on anyone who was currently working and receiving paid employment support through DHHS, Developmental Services. Of the 52 agencies asked, 47 were providing services. Of the 47 provider agencies who are MaineCare providers paid by Developmental Services for Employment Support, 44 provider agencies reported the requested data. Three agencies have at this time not complied with the DHHS requests and subsequent follow up phone calls have not led to compliance with the initial request made in August 2007. DHHS has worked to meet the request for data over the past six months. The data collection regarding employment will become a quarterly requirement for all MaineCare Providers of Employment Services for Developmental Services.

The data screen shot can be seen in Appendix E of this report. The data below is based on information supplied by the provider agencies.

| Number of Individuals Employed with Developmental Disabilities during the week of 8/13/07-8/17/07: <b>675 Total</b> | Total Wages earned by these 675 individuals during the week of 8/13/07-8/17/07 | Total Number of hours worked by these 675 individuals during the week of 8/13/07-8/17/07 |
|---|--|--|
| <b>618 People working at one job</b>  | <b>\$54,510 total wages<sup>1</sup></b>  | <b>8,083 total hours worked</b>  |
| <b>57 People working 2 or more jobs</b>   | <b>Average total wages 80.75<sup>2</sup></b>                                   | <b>Average hours worked/week: 11.97 hours<sup>3</sup></b>                                |

<sup>1</sup>Total includes wages from all 675 individuals working 1 or more jobs and the formula is “Wage per hour x Number of hours worked in the last week. <sup>2</sup>Average equals Total Wages (\$54,510) divided by Number of people working (675). <sup>3</sup>Average number of hours worked equals Total hours worked (8,083) divided by Number of people working (675).

The amount of taxes paid on these wages is difficult to quantify as it varies from individual to individual. Working with The Bureau of Revenue Services, an estimate can be made of the amount of taxes that would be paid by this group of people assuming that they are all paid based on the lowest income bracket.

**Estimated Taxes: Utilizing Maine Revenue Services Tax Tables and calculating the lowest income bracket for people due to low wages, and hours worked.**

|  |  |
|--|--|
| <b>Annualized Taxes that could be paid on \$2,834,520</b> (total reported wages of \$54,510 from the week of 8/13/07-8/17/07 X 52 weeks) | <b>\$56,690.40</b> could be paid (based on Maine Revenue Service lowest tax bracket tax formula of 2%: Annualized Wage [\$2,834,520] X 0.02) |
|--|--|

Currently, the initial data is being verified through an analysis performed by the Muskie School. This preliminary data provides DHHS a clearer snap shot of the employment picture for individuals with developmental disabilities who are currently employed and supported through DHHS funding. Under the stakeholder plan, agency-specific data will be shared with providers. Aggregate data will be posted on the Employment for ME website for individuals and families to use in choosing a provider. Data will also be used for future planning efforts.

The new DHHS snap shot database will be used on a quarterly basis (March, June, September, December) with all individuals who are receiving long-term employment support through the DHHS/OACPD. Work has also begun to develop a joint database with DOL/BRS and the DHHS mental health system that would track joint outcome employment data for anyone accessing those support systems. A multi-departmental meeting is scheduled for January 14, 2008 to continue this work.

**Guidelines for best practices**

*Section A-2. 3. The group shall propose guidelines for the best practices in supported employment, to be incorporated into contracts with provider agencies by July 1, 2008.*

The stakeholder group was charged with suggesting best practices in employment, which would be used as performance measures in provider contracts. A synthesis of those recommendations is listed below, along with recommendations from two other sources. The joint DHHS and DOL interdepartmental group will take these recommendations and work over the next several months to develop the supported employment best practices to be included in provider contracts.

The stakeholder group suggested the following as additional practices to consider for inclusion in provider contracts:

**Job placement/match strategies**

- Placements in a variety of work settings and types of jobs;
- Incidences of job carving;
- Numbers of trial work opportunities; and
- Self employment (individually owned businesses) opportunities.

**Connectedness with local business**

- Participation in business leadership;
- Rapid response/to employers when there is a problem;
- Active and open communication with chambers of commerce; and
- Connections with other employer groups; people with job openings.

**Training/technical support**

- Debriefing after the end of a job-learn from experience;
- Certified job coaches and employment specialists;
- Quick response to unemployment situations; and
- Technical support/web site for practices and ideas.

**Clear vision/philosophy**

- Common vision as to the value of employment; and
- Common language around/about employment.

**Promotion/job movement**

- Number of promotions/salary increases;
- Number of career advancements: transition to better job

**Involvement of person/integration with person-centered plan**

- Job matches reflect personal preferences and
  - Circle of support stays with the person; ongoing discussing about personal desires.

**Assessment**

- Strengths-based approach to job development

**Decreasing formal support/use of natural supports**

- More natural supports are being provided and
- Peer-to-peer support for supported employees are provided.

David Hagner of the University of New Hampshire has recommended five, evidenced-based practices for individuals with significant disabilities. These are:

- Customized employment, including self-employment and resource ownership;
- Job carving and job creation;
- Facilitating natural supports at the worksite;
- Specialized options for natural supports, including paid coworker support and on-site support teams and
- Networking.

The Alabama Association of Persons in Supported Employment (AL-APSE) lists nine best practices in supported employment. These are:

- Choice (the person has the opportunity to make choices about employment);
- Control (choice not only about employment, but service providers);
- Careers (attaining better jobs, over length of stay in one position);
- Full Community Inclusion (a marketing strategy that promotes positive representation of people with disabilities);
- Long Term Supports (service termination is not discussed as an option);
- Community and Business Supports (development of natural supports);
- Continuous Quality Improvement (providers listen to the wishes and desires of people they support);
- Assistive Technology (new and needed technologies are used to assure job success) and
- Person-Centered Planning (support group/community network plays a key role)

***Section A-2. 4. The group shall submit its report to the Joint Standing Committee on Labor no later than January 15, 2008.***

## **Summary and Conclusion**

In 2007, the Department of Labor, the Department of Health and Human Services, and involved stakeholders devoted a tremendous amount of work to establishing a support network that will provide people with disabilities a “Pathway to Employment.” Stakeholders began with the development of the Supports Waiver, the outreach that has occurred to consumers, families, and professional staff, and the beginning of a range of training options to assure a solid understanding of the choices of support to people who want to work. The degree of collaboration that has occurred between state agencies and non-profit organizations to reach for a common goal has been outstanding.

The following year will be challenging in many ways; however, we hope to see a substantial increase in the number of people with disabilities who are employed. The new data will allow us to know our baseline and set goals for increasing the outcomes of the number of people employed. For the first time, a majority of people will have access to employment supports, which will allow them to increase their income, decrease their dependency, and open their options for life in the community. A great deal has been accomplished; however the most important work is still ahead: assisting people to identify and reach their goal in the “Pathway to Employment.”

Across the state, and across disciplines, many forces are engaged in this effort to improve employment for people with disabilities, including people with developmental disabilities. These include DHHS, DOL, Working Together, CHOICES CEO, the Maine Jobs Council Commission on Disability Employment, Alpha One, advocacy organizations, individuals with disabilities, families, schools and many others. Collectively, these parties are establishing a common vision to align efforts, to communicate at all levels, and to involve all stakeholders. This process is key to improving employment opportunities for individuals with developmental disabilities.

## **Appendices**

**Appendix A: Public Law Chapter 101: To Create Improved Employment Opportunities for People with Disabilities**

**Appendix B: DOL/DHHS Memorandum of Understanding**

**Appendix C: Support Waiver Fact Sheet**

**Appendix D: List of Acronyms used in this Report**

**Appendix E: Database Screenshot**

**Appendix F: Supported Employment Definitions and Guidelines**



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## Resolve, To Create Improved Employment Opportunities for People with Disabilities

**Sec. A-1. Interdepartmental committee. Resolved:** That the Department of Health and Human Services and the Department of Labor shall establish an interdepartmental committee, referred to in this Part as "the committee," to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare.

1. The plan developed by the committee must include:
  - A. An information campaign about employment and the changing practices and expectations for employment;
  - B. Instruction on how to pursue and maintain gainful employment in integrated settings in the community and how to seek employment supports, including but not limited to benefits counseling;
  - C. Training for provider agencies on ways to build capacity to support individuals with developmental disabilities in competitive and gainful employment, including self-employment; and
  - D. Training for the Department of Health and Human Services staff and the Department of Labor staff to implement the transition.
2. The committee shall submit its plan to the Joint Standing Committee on Labor no later than January 15, 2008; and be it further

**Sec. A-2. Stakeholder committee. Resolved:** That the Department of Health and Human Services and the Department of Labor shall establish a stakeholder group, referred to in this Part as "the group," to design and implement a system of community services using existing resources that supports the attainment by persons with developmental disabilities of gainful employment in integrated settings in the community.

1. The group must include representatives of employers, service providers, consumers, consumer advocates, educators, community advocacy organizations and the University of Maine's Center for Community Inclusion and Disability Studies and representatives of the Department of Health and Human Services, the Department of Labor and the Department of Education.
2. The system designed by the group must include:
  - A. A funding formula that provides incentives to providers to facilitate the attainment of employment by persons with developmental disabilities;
  - B. A plan that invests in professional development and capacity building for provider agencies, including state agencies and case managers; and
  - C. A tracking system that facilitates an annual report by the Department of Labor and the Department of Health and Human Services to the joint standing committee of the Legislature having jurisdiction over labor matters regarding the number of individuals employed, the wages of individuals employed and the contributions in taxes resulting from such employment.
3. The group shall propose guidelines for the best practices in supported employment, to be incorporated into contracts with provider agencies by July 1, 2008.
4. The group shall submit its report to the Joint Standing Committee on Labor no later than January 15, 2008.

**Sec. B-1. Public and Private Sector Task Force;**

**creation. Resolved:** That, in order to facilitate the development and implementation of a media outreach campaign that increases awareness and promotes the employment of Maine residents with disabilities, the Maine Jobs Council shall convene the Public and Private Sector Task Force, referred to in this Part as "the task force," to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. In establishing the task force, the Maine Jobs Council shall invite the participation of government agencies, public and private sector employers and people with disabilities and their advocates. The Maine Jobs Council shall submit a report summarizing the work of the task force to the Joint Standing Committee on Labor no later than January 15, 2008; and be it further

**Sec. B-2. Funding. Resolved:** That the Department of Labor shall seek outside funds from the Federal Government, nonprofit foundations or other appropriate public or private sources to fund the costs of developing a strategic marketing plan and identifying

resources for employer outreach. Contributions to support these efforts may not be accepted from any party having a pecuniary or other vested interest in the outcome of the plan or compilation. To the extent that outside contributions are inadequate to pay for all costs, the Department of Labor shall make every effort to complete the plan and resource identification within existing budgeted resources; and be it further

**Sec. B-3. Appropriations and allocations. Resolved:**

That the following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Maine Jobs Council N012**

Initiative: Provides a base allocation for the Maine Jobs Council in the event that outside funding is received for the costs of developing a strategic marketing plan and identifying resources for employer outreach.

| <b>OTHER SPECIAL REVENUE FUNDS</b>       | <b>2007-08</b> | <b>2008-09</b> |
|--|----------------|----------------|
| All Other                                | \$500          | \$0            |
|  |                |                |
| <b>OTHER SPECIAL REVENUE FUNDS TOTAL</b> | <b>\$500</b>   | <b>\$0</b>     |



## **Appendix B:**

[SCANNED TEXT]

**Maine Department of Labor  
Bureau of Rehabilitation Services  
Division for the Blind and Visually Impaired  
Division of Vocational Rehabilitation  
and  
Maine Department of Health and Human Services  
Office of Adults with Cognitive and Physical Disabilities**

### **MEMORANDUM OF UNDERSTANDING (MOU)**

Purpose: This Memorandum is intended to guide the Maine Department of Labor's Bureau of Rehabilitation Services (BRS), through its Division for the Blind and Visually Impaired and the Division of Vocational Rehabilitation, and the Office of Adults with Cognitive and Physical Disabilities (OACPD) in the Maine Department of Health and Human Services (DHHS), through a system change planning process for the purpose of implementing an aligned service delivery system that promotes evidence-based practices. It contains information about policies and processes that pertain to maintaining and enhancing the relationship between these two entities. This Memorandum is not to be used or regarded as a legally binding agreement or contract. Rather, it provides information about the programs and how we intend to work together.

#### Goals of the MOU:

- Strengthen partnerships between BRS and OACPD in order to improve and expand employment services for our joint consumers. This partnership is based upon the shared belief that individuals with the most significant disabilities are able to work in integrated settings if appropriate services and supports are provided. (Rehabilitation Act of 1973, as amended)
- Ensure ethical best practices, particularly as they relate to consumer rights and meaningful choices.
- Maximize the utilization of all employment and training resources and funds to support competitive employment for people with mental retardation and autism.
- Improve the rehabilitation rate and increase the number of individuals with mental retardation and autism who are successful in achieving competitive employment goal.
- Establish consistent practices of operation in BRS and OACPD in order to achieve a seamless transition to work. Special emphasis will be applied to youth in transition.

## **Bureau of Rehabilitation Services:**

The Division of Vocational Rehabilitation (DVR) and the Division for the Blind and Visually Impaired (DBVI) are the two state Vocational Rehabilitation agencies in Maine, which are within the Department of Labor (DOL) as part of the Bureau of Rehabilitation Services (BRS), and are charged with the responsibility to administer the Vocational Rehabilitation (VR) and the Independent Living Rehabilitation programs.

VR assists individuals with disabilities to choose, prepare for, and obtain and maintain competitive employment commensurate with their interests and abilities through an Individualized Plan for Employment (IPE) that addresses the disability-related barriers to successful employment. Services identified in an IPE are individualized and may include counseling, training, medical treatment, assistive devices, job placement assistance, and other services.

## **Office of Adults with Cognitive and Physical Disabilities (OACPD):**

The Office of Adults with Cognitive and Physical Disabilities (OACPD) is comprised of Developmental Services, Brain Injury Services and the Office of Physical Disabilities. Developmental Services and Brain Injury Services are the OACPD service systems that currently interact with BRS.

The primary responsibility of Developmental Services (DS) is to develop and maintain a system of services and supports for people age 18 and older who meet the eligibility criteria. These services are directed toward people who have mental retardation and/or autism. Through its various programs, DS provides services in the areas of residential supports, community supports, employment, crisis services, respite, adult protection, advocacy, and public guardianship.

Developmental Services has funded and administered a Long Term Vocational Support Program for several years. This has included employment on the Home and Community Based Waiver Program, as well as through State grant dollars. In 2007, DS will be initiating a second waiver program, entitled the Supports Waiver, which will assure an expansion of employment support to a majority of the people served.

The Office of Brain Injury Services (BIS) was established in 2007 to serve as the coordinating office for services to persons with disabilities due to brain injuries. Legislation passed this year (Chapter 105 — 123<sup>rd</sup> Legislature) charges this office with the responsibility to develop a comprehensive plan to address the needs of this population, including current and future gaps in service, advances in knowledge and technologies and models of effective/efficient approaches that respond to the needs of persons with brain injuries and their families. Vocational services and employment outcomes area specific area of focus in the plan. In addition, the Legislature established the Acquired Brain Injury Advisory Council to provide stakeholder input to support efforts to respond to these needs.

## **Joint Responsibilities of BRS and OACPD:**

BRS and OACPD agree to explore new resources for the purpose of developing and overseeing a comprehensive system of employment and training services for people with disabilities in Maine served by them, and each will designate a staff person to be the key contact within their respective agencies to coordinate existing agency programs and efforts. A workgroup will be convened to initiate and coordinate the following activities:

### **A. System Development**

1. Review all employment services offered to people served by OACPD to determine what services currently exist, and use qualitative and quantitative data to identify what services and resources are needed to overcome obstacles for the ongoing successful employment of individuals who wish to work.
2. Promote the use of best practices and promising approaches in supported employment in the ongoing effort to improve employment services.
3. Invite stakeholders, including consumers, families, employers, service providers and advisory groups to both agencies, to be involved in the system development process and share areas of expertise and concerns.
4. Pursue funding opportunities from all sources, including at a minimum those available through the Social Security Administration, Centers for Medicaid and Medicare Services, Workforce Investment Boards, and U.S. DOL Employment and Training Administration.
5. Maximize the services available through the workforce development system with an emphasis on utilization of the Maine CareerCenters.
6. Whenever possible and appropriate, pursue system development in conjunction with Mental Health Services, Children's Services, Education and any other service system involved in assisting people with disabilities to gain employment.

### **B. Coordination of Services**

1. Identify and pursue cross-training opportunities for OACPD and BRS staff in areas pertinent to employment and developmental services. Include Mental Health Services when appropriate.
2. Identify and address regional differences in service coordination and effective service delivery. Where barriers exist to successful employment outcomes, management of both systems will work together to remove those barriers and improve agency collaboration and service consistency. (See Attachment A)
3. Identify program initiatives within the community supports waiver of DS that stand as best practices in employment readiness, and can be recognized and supported as such on a statewide basis for both systems.

### **C. Quality Assurance**

1. DS will continue to work with BRS to establish and maintain consistency of credentialing standards for staff providing direct employment support.

2. OACPD and BRS will work together to build capacity within community-based agencies to provide quality employment services throughout the state.
3. BRS and OACPD will continue to collaborate with other parties in the implementation of training standards and curriculum for employment support staff.
4. In conjunction with Mental Health Services, BRS and OACPD will collaborate on a unified supported employment data system to track both individual and system outcomes.
5. BRS and OACPD will stay current with best practices and promising approaches available to support employment, and disseminate that information to providers and consumers.

### **DISPUTE RESOLUTION:**

The joint BRS-OACPD workgroup identified in the Joint Responsibilities section above will be responsible to monitor and evaluate the implementation of the practices and procedures described in this Memorandum. It is expected that this group will gather information and propose solutions to problems encountered in the implementation of the Memorandum. If the workgroup cannot reach a solution, or if the solution needs administrative or financial resources beyond the scope of responsibility of the workgroup, the matter will be referred to the Director of OACPD and Director of BRS.

This agreement will be in effect upon the signature of MDOL BRS and DHHS OACPD. It can be terminated by either party upon a 30-day written notice. Modifications, changes and amendments may be made upon mutual agreement, in writing and with signatures by both departments.

**[SIGNATURE BLOCKS/DATES OMITTED]**

## **ATTACHMENT A**

### **Coordination of Services Between DS Case Managers and BRS VR Counselors**

Important Note: This process is in development and will be modified accordingly throughout the review of the BRS/DS work group at six-month intervals for at least the first year of implementation and as needed thereafter.

**A. Eligibility Determination/Referral Process: Consumers of DS who have identified through the person centered planning process (PCP) that they would like to work will be referred to VR for services.**

1. The person identified at the PCP will make referrals to VR. This could be: the state case manager, the community case manager, the person, their family, medical supports, schools, or a Community Provider agency.

2. If under guardianship:
  - Invite guardian or provide, address, phone number for VR to send the application and releases (Medical Information).
  - If bringing written information to VR a signed release from the guardian needs to be acquired and shared.
3. The person assisting the consumer to the intake meetings will provide/coordinate the needed documentation for VR intake if available:
  - Proof of disability (psychological, physical, OT, neuropsychological reports - less than 3 years old)
  - Address, phone number, social security number, date of birth, ethnicity, highest grade in school completed, and history of receipt of Special Education Services were received.
  - A copy of the most recent PCP can also be brought to intake.
4. BRS counselors will determine eligibility for **BRS** services according to existing procedures and mandates.
  - Within 60 days, BRS will notify consumer, guardian and caseworker as to the determination of eligibility by letter.
  - If placed on a waiting list for services, consumer will be notified of their priority category and when they are off the wait list to begin services.

**B. Job Preparation Tools and Resources: Joint consumers of VR/DS can begin employment related planning and preparation while they are waiting for VR Services to begin.**

1. Consumers through their Person Centered Planning process can begin to receive support regarding preparation for work.
  - If in residential, community supports or sheltered work, staff can assist individuals with identifying, experiencing and gathering information on interests, skills and abilities by:
    - Volunteering at a non-profit community agency
    - Doing community job shadows at local businesses
    - Attending a job club
    - Visiting the Career Center
    - Developing a resume and references
    - Learning safety skills and public transportation
    - Learning and experiencing their community by making connections
  - If a consumer is living at home, families can begin identifying their own connections and personal networks to share later with an Employment Specialist to assist in seeking employment.
2. Tools that can assist in preparing for Employment:

- Vocational Profile: Gathering of specific information about the consumer that is relevant to work.
- Job Readiness Assessment Checklist: Used to cover 14 areas of vocational-related skills, needs, supports and history.
- Discovery Process Tools: "Who is this person?" Documentation of likes and interests, which can be used for potential work connections.

**C. Coordination of Services: Joint consumers of VR/DS will receive support regarding seeking employment from their Person Centered Planning Team (PCP) to help the consumer prepare for and engage in employment.**

1. Once off the wait list: Consumer will receive a letter from VR stating new status and they must contact VR counselor (usually within 2 weeks) to begin services. VR should also alert DD Services.
2. Consumer meeting with VR: Purpose is to begin working on determining vocational goal and identifying necessary employment services; Can be attended by Case Manager and other team members.
  - Consumer will bring any past work history, which could include: volunteer information, employment portfolio, job readiness information, discovery, and references.
  - VR will complete a Comprehensive Assessment of Rehabilitation Needs, which would include interests, skills, transportation, strengths, capacities, limitations and support needs.
3. A Trial Work Plan may first be developed, which can include situational assessments and other employment-related activities, but ultimately an Individualized Plan for Employment (IPE) will be written with the consumer.
  - Input from PCP team members can be requested by VR to assist in the development of the plan.
  - Support to the consumer for interviewing Employment Specialist and or Supported Employment agencies can be provided by the VR Counselor or a PCP team member.
  - A copy of the IPE and/or Trial Work Plan will be given to the DS caseworker and consumer.
4. Long Term Support for ongoing Employment Services (under waiver programs)
  - A discussion and determination of the level of support needed will be approved by DHHS/DS Services and shared with all, including type of support and maximum hours per year.
5. At the point of employment, initial data is gathered to include employer's name and address, hourly rate of pay, source of paycheck, hours worked, benefits, and long-term supports.
  - Joint database for Employment Outcomes is completed by Employment Specialist.
  - Switch to long term DS support monies will occur in agreement with VR and DS caseworker.

- Successful VR closure will occur when determined by VR Counselor as outlined in policy.

Letter will be sent to consumer, guardian and caseworker as to VR closure.

## Appendix C:



## Support Waiver

### Information for people using this waiver/families/guardians:

DHHS Developmental Services has developed a new waiver program to assist you to be an active member of your community. The waiver offers support in five new areas. These new supports are outlined below. If you are now in a day hab program, we will be helping you to switch to this new program. Nothing has to change unless you want it to.

### What are the five areas of service?

- 1. Community Supports** - Community Supports are available to assist you in being an active, healthy community member.

*Some examples are:*

- Learning safety skills (crossing streets, getting help, self-protection)
- Learning what it means to be an adult community member
- Learning how to be active and healthy
- Use public transportation (buses and taxis)
- Become involved in community activities, clubs, social events
- Learn what is in your community and how you can get connected - the library, the Y, adult education, etc.
- Volunteer

Community Supports can also help you on your path to employment. There are things that you can do to get ready for a job and that will help you with Vocational Rehabilitation. There are also things that Community Supports can do to help you after you get your job.

*Some examples are:*

- Be part of a job club where you can learn about what it takes to get and keep a job
- Obtain state I.D. and other things you need for a job
- Volunteer in places that you think you might be interested in working someday
- Create a resume/references/employment portfolio
- Take classes at the Career Center
- Explore what types of jobs there are and what your employment goal might be



Community Supports are capped at 1,300 hours per year (if you do not use any Employment Services).

- 2. Employment Supports** - Employment Services Support is available to you after you work with Vocational Rehabilitation (VR). VR will help you to decide what type of job you want, will help you find a job, and then will help train you to do the job. This has to happen in a job in the community and you can have up to 300 hours of support a year. You need to work with your case manager and VR Counselor to decide if you need help and how much.

*Some examples of what Employment Supports can do are:*

- Train you on new parts of your job
- Talk with your employer about things that you may need help with
- Help you to improve how you do your job
- Learn how to get to work on the bus
- Help you with medical needs
- Help you get along with co-workers
- Make sure you are safe at work
- Help you to not need help in the future

Employment Supports are capped at 300 hours per year  
Community Supports and Employment supports combined are capped at 1,300 hours per year.

- 3. Home Accessibility Adaptations** - If you live at home with your family or you live in your own home and you need to make changes to your home to be more independent and to be safe and healthy, this program may be able to help you. These changes have to be ordered by a doctor to benefit your health.

*Some things that this program may be able to do are:*

- Bathroom modifications
- Widening of doorways
- Light, motion, voice and electronically activated devices
- Fire safety adaptations
- Air filtration devices
- Ramps and grab bars
- Lifts (can include barrier-free track lifts)
- Specialized electric and plumbing systems for medical equipment and supplies
- Unbreakable windows
- Specialized flooring (to improve mobility and sanitation)

Home Accessibility Adaptations are capped at \$5,000 over a three-year period

- 4. Transportation Services** - If you need to get to activities that are not paid for by other programs some transportation can be paid for. We want you to try and find transportation in

other ways first, but if you cannot, then you can talk with your case manager and discuss this at your planning meeting.

- 5. Respite Services** – If you live at home and your family needs to go away or you need to get away and you need someone to be with you, then money can be given to you to pay for someone to help. The amount of money depends on how much help you need, how long you need it, and how much money the program has. You can work with your case manager and talk about it when you have your planning meeting.

**Respite Services are capped at \$1,000 per year.**

## **Appendix D:**

### **List of Acronyms Used in this Report**

#### **Maine Governmental Entities (insets denote subsidiary relationship):**

**DHHS:** Department of Health and Human Services

**OACPD:** Office of Adults with Cognitive and Physical Disabilities

**DS:** Developmental Services

**OAMHS:** Office of Adult Mental Health Services

**DOL:** Department of Labor

**BRS:** Bureau of Rehabilitation Services

**DVR:** Division of Vocational Rehabilitation

**DBVI:** Divisions for the Blind and Visually Impaired

**BES:** Bureau of Employment Services

#### **Other Entities:**

**AL-APSE:** Alabama Association of Persons in Supported Employment

**CARF:** Commission on the Accreditation of Rehabilitation Facilities

**CCI:** Center for Community Inclusion

**CEI:** Coastal Enterprises, Inc.

**CWIC:** Community Work Incentives Coordinators

**DRC:** Disability Rights Council

**MEC:** Maine Employment Curriculum

**MIG:** Medicaid Infrastructure Grant

**MJC CDE:** Maine Jobs Council Commission on Disability and Employment

**NERCEP:** New England Rehabilitation Continuing Education Program

**NEJDTP:** New England Job Development Training Program

**SBDC:** Small Business Development Centers

**SUFU:** Speaking Up For Us

# Appendix E:

## Screenshot of DHHS Employment Database

The screenshot shows a Microsoft Access window titled "Microsoft Access - [frmBaseline data collection tool]". The interface includes a menu bar (File, Edit, View, Insert, Format, Records, Tools, Window, Help) and a toolbar with various icons. The main area is a data entry form with the following sections:

- Date:** Fields for Date and Quarter.
- Employee Information:** Fields for EIS #, Consumer's Last Name, Consumer's First Name, Date of Birth, Town where consumer lives, Region where consumer lives, and a checkbox for "Is Consumer a class member?".
- Support Information:** Fields for SE Agency Name, a checkbox for "Does the consumer have a current VR counselor?", VR Counselor Last Name, VR Counselor First Name, Type of Waiver for Employment Support, Specify other type of Waiver support, Number of hours of Waiver support authorized in the last month, and Number of hours of Waiver support used in the last month.
- Job Information:** Fields for Business Name, Business Town Location, Who pays the employee? (with an "Other" field), Job Title, Job title code, Date of Hire, Number of hours worked in the last week, Current Wage per hour, and a list of "Benefits Offered" (Health Insurance, Dental Insurance, Life Insurance, Social Security FICA, Worker's Compensation Insurance, Paid Sick Leave, Paid Vacation, Paid Holidays, Bereavement Leave, Direct Deposit, Free/Provided Uniforms, Free/Reduced meals or products, Retirement Options, Other Benefit) with checkboxes.
- Termination of Job in Past Quarter:** Fields for "Job Terminated?", Date Job was terminated, Reason for Termination, Specify other reason for termination, and a large text area for "Comments".
- Other Fields:** "Number of employees at this location" and "Number of people with DD employed by the employer" (both with a value of 0), "Does this work area facilitate interaction with non-DD employees?" (checkbox), "What is the consumer's primary way to get to work?", and "Future Job Plans".

At the bottom, the status bar shows "Record: 1 of 1" and "Date of data entry". The Windows taskbar at the very bottom shows the Start button, several open applications (Novell Group..., Microsoft..., Database Work, http://www.b...), system tray icons (96% battery, network, volume), and the time "4:12 PM".

## Appendix F:



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

These are effective beginning January 1, 2008

### **What is Supported Employment?**

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

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

### **Definitions**

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

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

## **Basic Components**

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

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

***Integrated Work Sites***--Integration is one of the essential features of supported employment. Individuals with disabilities should have the same opportunities to participate in all activities in which other employees participate and to work alongside other employees who do not have disabilities. (For further guidance refer to page 6)

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

## **Supported Employment Models**

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

***Individual Placement Model***--A person with a disability is placed in a job in a community business which best suits his/her abilities and preferences. Training is provided on the job site in job skills and work related behaviors, including social skills, by a job coach. As the employee gains skills and confidence, the job coach gradually spends less time at the worksite. Support is never completely removed. The private or public vocational rehabilitation agency furnishing the job coach is always available to the employer for retraining for new assignments, assisting in dealing with challenging behaviors, supplying periodic consultations with co-workers and employer, giving orientation and training for co-workers. (Self employment is encouraged and supported within this model)

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

***Mobile Work Crew***--A small crew of persons with disabilities (up to 6) works as a distinct unit and operates as a self-contained business that generates employment for their crew members by selling a

service. The crew works at several locations within the community, under the supervision of a job coach. The type of work usually includes janitorial or grounds keeping. People with disabilities work with people who do not have disabilities in a variety of settings, such as offices and apartment buildings.

***Small Business Model***-Within a small business, there may be up to six employees with disabilities, but not more than the number of employees without disabilities. The small business operates like any business, generating work and paying employees from revenues received. The small business is located within the community.<sup>1</sup>

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

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

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

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

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

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

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

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

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

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

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

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

Caps for Employment Services:

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

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

Supported Employment under Section 21 and 29 Waiver Programs

1. People who are interested in pursuing work should discuss this with their planning team and assure it is a goal within their plan. They should then be referred to Vocational Rehabilitation. No persons should request supported employment services through the waiver program without utilizing the services of Vocational Rehabilitation Services. Supported Employment Supports are not to be used for services that are available under section 110 of the Rehabilitation Act of 1973), thus it is V.R.'s role to work with the person to develop an employment plan, assess abilities, and determine whether long term support is needed.
2. The statewide standard agreement form developed between VR. and Developmental Services should be utilized after the VR. worker has done an assessment and determines the projected need for support.



3. The person centered plan should identify the needed employment services as well as the support allocation needed. This information should be provided through Vocational Rehabilitation and/or the provider agency
4. Supported employment does not include sheltered work or other similar types of vocational services furnished in specialized facilities (federal guidelines). The employment setting needs to be in an integrated setting. ( See below\*)
5. If a person is found to be “too severe” and denied Vocational Rehabilitation services an appeal processes should be considered. If an appeal is not successful or not sought by the consumer and he/she desires to pursue work, job development and on going support can occur under Section 21 and Section 29. The time used for development and on going support must fit within the yearly allocation.
6. If an individual has gone through VR, obtained a job, and loses his/her position and needs re-employment support in a similar position or profession Section 21 and 29 funds may be used to support re-employment. If the person requires significant re-training or is seeking employment in a new profession then they should reapply to V.R.
7. People are still eligible for accessing Community Supports in conjunction with Employment Supports.
8. If more than one person is working at a business using Section 21 or Section 29 Employment Supports, billing can only occur for the support person’s time at that site for those individuals, not the time worked by each consumer.
9. Sub-minimum wage is allowed in a competitive setting utilizing an appropriate Department of Labor Special Worker Certificate. It should be noted that it is the goal however to support people wherever possible to receive earnings at or above minimum wage. The person and their team should review annually and make recommendations for achieving minimum wage or above. In addition it also should be noted that VR cannot close a case successfully under sub-minimum wage.

**\* Integrated Setting in Employment Services**

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

- The job is one that is available to the general public;
- The individuals with disabilities employed work under similar work conditions as others without disabilities in similar positions including access to lunch rooms, restrooms, breaks, performance and attendance expectations

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

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<sup>2</sup> Adapted from the New York Employment Network