

NEW EMPLOYMENT SERVICES

AND

CHANGES TO DT&H AND PREVOCATIONAL SERVICES

Employment Exploration Services

- Adds a new employment service that supports people in making informed choices regarding working in competitively paid jobs in their community

BI, CAC, CADI and DD Waivers

Appendix C-1/C-3: Participant Services – Service Specification

Service Definition (Scope):

Employment Exploration Services (EES) are community-based orientation services that introduce a person to competitive employment opportunities in their community. EES consists of individualized educational activities, learning opportunities, work experiences and support services that are identified in the person's coordinated services and support plan (CSSP). EES activities and experiences strengthen a person's knowledge, interests and preferences about working in various competitively paid jobs or occupational positions within the community. EES results in the person making informed decisions about working in competitively paid jobs in the community. EES strategies must be person-centered and based on the person's identified and developing strengths, interests, preferences, skills and abilities.

EES providers must have the service capacity to provide the following essential informed choice educational activities, learning opportunities and work experiences:

- 1.) educational visits to community businesses to learn about various companies, products, services and employment opportunities;
- 2.) career education activities to learn about specific types of occupations, job positions and work opportunities;
- 3.) ongoing educational information and counseling assistance about jobs/careers that interest the person;
- 4.) peer-to-peer mentoring opportunities to meet and learn from people with disabilities, who are employed in competitive, community jobs;
- 5.) “job shadowing” and “try-out experiences” with the work involved in various occupational positions;
- 6.) individualized work experiences, including volunteer work experiences;
- 7.) learning about post-secondary educational opportunities that enhance employment;
- 8.) learning to use available community employment resources;
- 9.) learning to use available transportation services;
- 10.) performing preliminary pre-employment benefit(s) resource fact-gathering and review; and
- 11.) identify preliminary needs for assistive technology and adaptive accommodations

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

EES is not intended to teach competency in specific job skills. Waiver funds are not available for vocational services in facility based or sheltered workshop settings, where the primary purpose is to produce goods and perform services.

In addition, waiver funds cannot be used to compensate or supplement a person's wages.

Group instruction greater than 5 people does not qualify as service and support interventions under EES. Employment education and support small groups (e.g., job clubs) are allowable and comprise only one small service element within the full complement of possible EES services and supports. EES providers are not allowed to provide only employment education and support small groups. EES providers must have the capacity to provide all needed EES services and supports.

If employment education and support small groups are needed and used, then they must be limited. Employment education and support small groups must be limited in:

- group size (no more than 5 people);
- session frequency (no more than one session per week per person); and
- session length of time (no more than 90 minutes).

EES is to occur over a specified period of time as identified in the person's coordinated service and support plan (CSSP). EES is time-limited and expected to end:

- when a person is interested in actively seeking competitively paid employment, and starts receiving Employment Development Services; or
- when a person obtains competitively paid employment, or
- after the 12 month of receiving Employment Exploration Services.

EES is not required or needed for people who have personal employment goals to work at paid job positions in community businesses.

EES cannot be provided when a person is receiving Employment Development Services (EDS) or Employment Support Services (ESS).

EES can be provided when a person is also receiving Day Training and Habilitation Services (DT&H), Prevocational Services or Structured Day Services.

DT&H day services must be authorized and reimbursed on a 15-minute unit basis when EES is provided on the same day as DT&H day services.

Employment exploration services must be provided under EES, and not provided as a service of Day Training and Habilitation Services (DT&H), Prevocational Services, Structured Day Services or Adult Day Services.

Minnesota Statutes, section 252.41, subd.3(1) referencing supported employment is superseded by EES as established herein.

Further use of EES beyond 12 service months is based upon a person's need to continue EES due to a debilitating health event or life event that significantly hinders the implementation of EES. Subsequent use of EES is limited to an additional 12 months.

EES rates do not include transportation costs. Transportation billing claims involved with providing EES are reimbursed separately.

EES activities should involve opportunities and experiences for people receiving EES to meaningfully interact with community businesses and people without disabilities.

Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules.

EES does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Service Delivery Method *(check each that applies):*

Provider Managed

Provider Specifications:

Agency – Providers who meet the EES services standards

Individual – Providers who meet the EES services standards

Provider Category:

Agency

Provider Type:

Providers who meet the EES services standards

Provider Qualifications

License (specify): Providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider

Verification of Provider Qualifications**Entity Responsible for Verification:**

The Minnesota Department of Human Services monitors agencies holding a license under Chapter 245D

Frequency of Verification

One to three years

Provider Category:

Individual

Provider Type:

Providers who meet the EES services standards

Provider Qualifications

License (specify): Providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider

Verification of Provider Qualifications**Entity Responsible for Verification:**

The Minnesota Department of Human Services monitors individuals holding a license under Chapter 245D

Frequency of Verification

One to three years

Employment Development Services

Adds a new employment service that assists and supports people in:

- **finding competitively paid employment in their community;**
- **becoming self-employed in their community; or**
- **establishing microenterprise businesses in their community.**

BI, CAC, CADI and DD Waivers

Appendix C-1/C-3: Participant Services – Service Specification

Service Definition (Scope):

Employment Development Services (EDS) are individualized services that actively support a person to achieve paid employment in their community. Employment Development Services (EDS) assist people with finding paid employment, becoming self-employed or establishing microenterprise businesses in their communities.

I. EDS - Job Development Services are individualized 1:1 support services that assist a person to achieve competitively paid employment within a community business at either a minimum wage or a customary (industry-standard) prevailing wage and comparable level of benefits. Job Development may include the following services and support:

1. individualized, strengths-based assessments and employment opportunity discovery strategies;
2. comprehensive employment search assistance and support;
3. benefit(s) review, analysis, consultation and planning;
4. negotiating and finalizing terms of employment; and
5. support assistance during new employer orientation.

II. EDS - Self-Employment/Micro-enterprise Development Services are individualized support services that prepare and assist people to develop a self-employment or micro-enterprise business in their community. Self-Employment/Micro-enterprise Development Services may include the following assistance:

1. determining the type of business;
2. writing a business plan;
3. finding sources of start-up financing;
4. establishing a legal structure for the business;
5. choosing and registering an available and marketable business name;
6. creating a marketing and sales plan;
7. obtaining a location, certifications, licenses, permits and variances;
8. purchasing all necessary insurances; and
9. developing business forms, records, bookkeeping and accounting systems
10. benefit(s) review, analysis, consultation and planning

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Employment Development Services (EDS) are individualized support services. Employment education and support small groups (e.g., job clubs) are allowable and comprise only one small service element within the full complement of EDS services and supports. EDS providers are not allowed to provide only employment education and support small groups. EDS providers must have the capacity to provide all needed EDS services and supports.

If employment education and support small groups are needed and used, then they must be limited. Employment education and support small groups must be limited in:

- group size (no more than 5 people);
- session frequency (no more than one session per week per person); and
- session length of time (no more than 90 minutes).

Group instruction greater than 5 people does not qualify as service and support interventions under EDS.

EDS must not be used to develop group employment opportunities (e.g., work crews, job enclaves, etc.).

The EDS employment discovery and assessment phase is not to exceed 120 days of service. Further use of discovery and assessment beyond 120 days of service is based on a person's need to continue discovery and assessment due to a debilitating health event or life event that significantly hinders the implementation of the EDS employment discovery and assessment phase. Subsequent use of EDS employment discovery and assessment is limited to an additional 120 days of service.

Waiver funds are not available for vocational services in facility based or sheltered workshop settings, where the primary purpose is to produce goods and perform services.

Waiver funds cannot be used to compensate or supplement a person's wages. Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules.

Waiver funds cannot be used as supplemental capital to finance self-employment or microenterprise businesses.

Service providers cannot be owners, partners, shareholders, operators, employees, independent contractors, subcontractors or otherwise a financial beneficiary of the micro-enterprise businesses that they are assisting, supporting and serving.

Self-employment and microenterprise businesses are limited in size to 5 or fewer people.

Employment Development Services (EDS) are to occur over a specified period of time as identified in the person's coordinated service and support plan (CSSP). A person's first time or initial use of EDS is time-limited and not to exceed a maximum of 24 12 months of service. Subsequent uses of EDS are based upon a person's needs and verifiable employment status changes (e.g., loss of employment, reduced employment, career change, seeking other employment, debilitating health event that hinders employment, etc.), and limited to 12 months.

A person may receive both EDS and Employment Support Services (ESS), if they are seeking other employment opportunities while they are currently employed.

EDS activities should involve opportunities and experiences for people receiving EDS to meaningfully interact with community businesses and people without disabilities.

The EDS rate does not include transportation costs. Transportation billing claims involved with providing EDS are reimbursed separately.

DT&H day services must be authorized and reimbursed on a 15 minute unit basis when EDS is provided on the same day as DT&H day services.

Employment development services must be provided under EDS, and not provided as a service of Day Training and Habilitation Services (DT&H), Prevocational Services, Structured Day Services or Adult Day Services.

Minnesota Statutes, section 252.41, subd.3(1) referencing supported employment is superseded by EDS as established herein.

Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules.

EDS does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Service Delivery Method (*check each that applies*):

Provider Managed

Provider Specifications:

Agency - Providers who meet the EDS services standards

Individual – Providers who meet the EDS services standards

Provider Category:

Agency

Provider Type:

Providers who meet the EDS services standards

Provider Qualifications

License (*specify*): Providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider

Verification of Provider Qualifications

Entity Responsible for Verification:

The Minnesota Department of Human Services monitors agencies holding a license under Chapter 245D

Frequency of Verification

One to three years

Provider Category:

Individual

Provider Type:

Providers who meet the EDS services standards

Provider Qualifications

License (*specify*): Providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider

Verification of Provider Qualifications**Entity Responsible for Verification:**

The Minnesota Department of Human Services monitors individuals holding a license under Chapter 245D

Frequency of Verification

One to three years

Employment Support Services

- **Establishes Employment Support Services as individualized services that support and assist people in maintaining paid employment in the community whether in individual jobs, group employment, self-employment, or microenterprise businesses**

BI, CAC, CADI and DD Waivers**Appendix C-2: Participant Services – General Service Specifications**

Employment Support Services (ESS) are individualized services and supports that assist people with maintaining paid employment in community businesses. Employment Support Services (ESS) are to occur in integrated community settings.

I. Employment Support Services (ESS) – Job Support can include:

1. job analysis and re-design;
2. arranging adaptive accommodations and assistive technology;
3. coaching and supporting acceptable workplace self-care, proper dress, personal hygiene and grooming;
4. job training and coaching to strengthen and maintain necessary work skills, behaviors and co-worker relationships.
5. providing on-the-job counseling and support, including assistance with understanding earned wages and benefits;
6. advocacy, negotiation and liaison communication with the employer;
7. designing and implementing set schedules of ongoing follow-up support, job coach sharing, fading and monitoring;
8. developing and strengthening natural work supports;
9. coordinating, training and coaching employment-specific travel/transportation;
10. forming skilled, job-specific, work crews and job enclaves for group employment support service arrangements; and
11. data collection, documentation and progress reporting on a person's work performance on the job.

A. Individual employment support services consist of:

1. one person;
2. working at a regular or customized, full-time or part-time, paid job position;
3. in a community business or self-employment; and
4. with opportunities for interactions with co-workers without disabilities, customers and/or the general public.

Individual employment does not include group employment jobs or center-based work.

B. Group employment support services consist of 2 to 6 people in a group, working together in a community business. Group members are:

1. performing work duties of a full-time or part-time job position, where the work duties involved in the job position are shared and subdivided across group members;
2. experiencing opportunities for interactions with co-workers without disabilities, customers and/or the general public; and
3. being paid.

Group employment support services do not meet the definition of individual employment support services.

Group employment support services are not occurring when job coaching support is provided to multiple people who are working at their own distinctive, individual job positions at different or dispersed locations within a community business. This would be considered individual employment support services with a shared job coaching arrangement.

II. Employment Support Services (ESS) - Self-Employment and Microenterprise Businesses Support can include:

1. Training, coaching and support services for assisting in the effective day-to-day operations of all aspects of the business, including marketing, sales, production, order fulfillment, customer service, business technology, bookkeeping, file record maintenance, purchasing, inventory control, financial management, accounting, timely tax reporting and legal compliance;
2. Developing and establishing outside of the company business service resources to assist and support the operations of the enterprise;
3. Providing ongoing business analysis and consultation; and
4. Designing and implementing set schedules of ongoing, follow-up support.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Waiver funds are strictly for funding assistive services and supports to people with disabilities working in community-based jobs, self-employment or microenterprise businesses. Waiver service funding does not cover:

1. payments made to an employer as an incentive for participation in a person's employment support services (ESS);
2. payments that are passed through to subsidize a person receiving ESS;
3. payments for vocational education and training that is not directly related to a person's employment support services (ESS);
4. payments reimbursing routine supervision and support rendered as a normal function of the business setting; or
5. payments used as supplemental capital to finance a self-employment or microenterprise business.

Microenterprise businesses are restricted to 5 or fewer people. Service providers cannot be owners, partners, shareholders, operators, employees, independent contractors, subcontractors or otherwise a financial beneficiary of the micro-enterprise businesses that they are assisting, supporting and serving.

A person may receive both Employment Development Services (EDS) and Employment Support Services (ESS) if they are seeking other employment opportunities while they are currently employed.

DT&H day services must be authorized and reimbursed on a 15-minute unit basis when ESS is provided on the same day as DT&H day services.

ESS rates do not include transportation costs. Transportation billing claims involved with providing ESS are reimbursed separately.

ESS should involve opportunities and experiences for people receiving ESS to meaningfully interact with co-workers without disabilities and people in the community without disabilities.

ESS cannot be provided in congregate group arrangements greater than 5 people in a work crew or job enclave.

ESS cannot be provided in facility-based, day training and habilitation service (DT&H) settings, prevocational service settings, structured day service settings, or adult day service settings.

Individual and group forms of employment support services must be provided under ESS, and not provided as a service of day training and habilitation services (DT&H), prevocational services, structured day services or adult day services.

Minnesota Statutes, section 252.41, subd.3(1) referencing supported employment is superseded by ESS as established herein.

Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules.

ESS does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Transition Plan Language for the Employment Services

Transition Plan for SES

Supported Employment Services (SES) shall discontinue by April 30th, 2019 or up to 15 months following CMS approval of this waiver amendment package, whichever is later. SES will be replaced by Employment Development Services (EDS) and Employment Support Services (ESS). No new authorizations for SES will be allowed after March 30th, 2018 or up to 90 days following CMS approval of this waiver amendment package, whichever is later. A new authorization means approval for SES for a participant who was not receiving SES services on February 28, 2018.

Transition Plan for DT&H

Community based employment services as part of Day Training and Habilitation Services (DT&H) shall discontinue by April 30th, 2019 or up to 15 months following CMS approval of this waiver amendment package, whichever is later. Community based employment services will transition into Employment Exploration Services (EES), Employment Development Services (EDS), and Employment Support Services (ESS). No new authorizations for community based employment services as part of DT&H will be allowed starting March 30th, 2018 or up to 90 days following CMS approval of this waiver amendment package, whichever is later. A new authorization means approval for community based employment services as part of DT&H for a participant who was not receiving these services on February 28, 2018.

Explanation of Transition Plan

Starting in June, 2014 the Department worked with stakeholder groups to develop three new employment services that would replace Supported Employment Services (SES) and employment services in Day Training and Habilitation Services (DT&H).

The discontinuation of SES and community based employment services in DT&H will not impact the actual services received by participants currently receiving SES or employment services in DT&H. The services received will be authorized and billed under either Employment Exploration Services (EES), Employment Development Services (EDS) or Employment Support Services (ESS), depending on which service definition the activity falls under.

This transition will begin on January 1, 2018 or upon CMS approval of this waiver amendment package, whichever is later. The new employment services are expected to be authorized at a person's annual review. At any annual reviews following March 30th, 2018 or up to 90 days following CMS approval of this waiver amendment package, whichever is later, case managers must transition the services participants are currently receiving SES or the employment services (excluding center based work) they are receiving in DT&H over to the new employment services (EES, EDS, or ESS). By April 30th, 2019 or up to 15 months following CMS approval of this waiver amendment package, whichever is later, all participants receiving employment services will have transitioned to EES, EDS, or ESS.

Provider Training Requirements

All employment support professionals who provide Employment Exploration Services (EES), Employment Development Services (EDS), or Employment Support Services (ESS), must demonstrate competency in the following areas: [\[List the areas here\]](#). This competency can be demonstrated through training or supervisor observations. This competency must be demonstrated annually and within 60 days of hire for any newly hired employment support professionals.

All employment service provider agencies who provide Employment Exploration Services (EES), Employment Development Services (EDS), or Employment Support Services (ESS), must have at least one staff who holds the national Certified Employment Support Professional (CESP) credential or other nationally recognized credential in employment service delivery.

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