

**20 Hour Standard:
Policy Changes for June 30, 2016
Office of Developmental Disability Services/Vocational Rehabilitation
Frequently Asked Questions (F.A.Q.)
For Service Coordinators/Personal Agents/VR Counselors**

Introduction: The Lane v. Brown settlement, which was approved by a federal court in December 2015, calls for a number of policy changes. One of those requirements is that the Department of Human Services will issue guidance to Vocational Rehabilitation (VR) counselors, Office of Developmental Disability Services (ODDS) staff, Community Developmental Disability Programs (CDDPs), and brokerages that the recommended standard for planning and implementing supported employment services will be the opportunity to work at least 20 hours per week, recognizing that based on individual choice, preferences and circumstances, some people may choose to work at that level while others may not.

In addition, all individuals with intellectual and developmental disabilities who use supported employment services will have a goal of working the maximum number of hours consistent with their abilities and preferences.

This policy goes into effect on June 30, 2016.

Question #1: When do I have the conversation with my client about how many hours he or she would like to work?

Answer: For SCs/PAs, this should happen when the Career Development Plan (CDP) is completed as part of the annual Individual Support Plan (ISP), or when the individual requests to have a discussion. A discussion must occur regarding the individual's current hours of work, and a goal of working the maximum number of hours consistent with their preferences and circumstances.

Question #2: Who does this standard of 20 hours per week apply to?

Answer: A discussion about working 20 hours per week in an integrated job in the community must take place with individuals using any ODDS employment service, as well as with any person in ODDS services who expresses an interest in employment.

VR counselors discuss the goal of hours worked per week with every VR participant. Federal regulations mandate that participant placement in supported

employment be “for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.” (Workforce Innovation and Opportunity Act, Draft Code of Federal Regulations Section 361.46 (b)(7) 4/16/15)

Question #3: Where do I document my client’s goal for hours worked in an integrated job in the community?

Answer: For those currently using ODDS Supported Employment Services, the individual’s goal for hours worked in an integrated job in the community must be documented in the ISP addendum, under the “How many hours per week does the person want to work?” section, for the desired number of hours per week. The standard for this goal is at least 20 hours a week. This must be consistent with individual choice, preference, and circumstances, meaning some people may choose to work full time, part time, or another individually identified goal that is less than 20 hours.

If the number of hours the individual wants to work is different from their current hours, also indicate the goal in the “Desired Outcome” section of the CDP, along with Key Steps outlining how that desired outcome will be achieved. Please see the policy guidance for additional details regarding these requirements, as well as the requirements for clients who are not in supported employment services.

For VR counselors, the participant’s goal of hours worked should be recorded in the first fillable box of the Individual Plan for Employment (IPE) where counselors are directed to “Discuss transferable skills, individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice and other factors that were used to determine the employment goal.” If the participant chooses to change their hours worked goal, the VR counselor and participant should agree on a revision to the number of hours. The counselor will inform the PA or SC about revisions to the goal of hours worked. Reaching the hours worked goal in the IPE (or revised IPE) is one of the criteria for job stabilization and transfer to DD services or natural supports. Please see the VR Action Transmittal for more detailed information.

Question #4: What if someone doesn’t want to work 20 hours per week?

Answer: Service coordinators, personal agents and VR counselors must have a conversation with the person about how many hours they would like to work. To

guide the conversation, you must use the standard goal of obtaining work of at least 20 hours per week. There is no requirement that everyone has to work this amount of hours. DHS recognizes that based on individual choice, preferences and circumstances, some people may choose to work more than 20 hours per week, and others may want to work less.

Question #4: What kind of follow-up is needed by SCs/PAs?

Answer: If the individual wishes to increase his or her current hours over time, the service coordinator or personal agent must make sure that provider implementation strategies include steps that support the goal of increasing work hours. The SC/PA must monitor and document progress towards obtaining the stated goal.

Question #5: What is VR's role?

Answer: If the VR participant has an open case with Vocational Rehabilitation, the SC/PA will obtain relevant portions of the IPE from VR before the annual ISP meeting, as well as when the individual transfers to long-term supports from VR services. The goal for hours in the CDP should align with the corresponding goal in the individual's IPE.

VR will invite the referring SC/PC and others chosen by the VR applicant, to the intake meeting (or other pre-plan meeting) when IPE employment goals, including hours worked per week, are discussed. Referral to benefits planning service may be made so the participant can utilize informed choice in making decisions.

The SC/PA is encouraged to attend this meeting, and at a minimum must supply the individual's Career Development Plan to the VR counselor prior to this meeting.

Question #7: What if my client is working less than 20 hours, but indicates they are happy with the amount of hours they are currently working?

Answer: Document that you had a conversation about working 20 hours and then that the client does not wish to work this amount of hours. The conversation should be fully-informed, making sure the client understands that they can use services to work more if they want to, or get an additional job if they choose. Start from a place of assuming that everyone wants to work, and that they may be interested in working more if they understand what that means.

Some people may choose to work more than one job to reach their employment goal. Others may choose to increase their working hours over time. And others may choose to work the same amount of hours they currently are working.

Again, DHS recognizes that this is the individual's choice. The only requirement is that the conversation must happen and be adequately documented; there is no requirement for individuals to work a certain amount of hours.