

Information Memorandum Transmittal Vocational Rehabilitation



Matt Baldwin, Policy & Training Manager
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Number: VR-IM-18-06
Issue date: 12/08/17

Topic: Employment

Re-issued as IM: 03/16/18

Subject: Temporary, Seasonal, On-Call (Intermittent) Employment

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Vocational Rehabilitation (VR) |
| <input type="checkbox"/> Child Welfare Programs | <input checked="" type="checkbox"/> Other (<i>please specify</i>):
ODDS Staff, for dissemination;
OSECE staff, for dissemination |

Message:

Application of this Request

This action request applies to all VR Participants: those who receive supported employment services and those who do not receive those services; and VR Participants who experience any disability.

As with any employment goal; for Supported Employment the recommended standard for planning and implementation is the opportunity to work at least 20 hours per week.

The information in this document applies only to a VR Participant's identified vocational goal and does not apply to a work experience of any kind or of any length.

Requested action

Use this information as guidance when informing an eligible Participant who chooses to set a vocational goal of working less than full time.

Procedures

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

- The IPE documents that this is the informed choice of the participant and meets their unique strengths and needs; and
- The job must be competitive and integrated; and
- The temporary or seasonal work is reasonably expected to continue into the next recurring work period; and
- The Temporary or seasonal work fits at least one of these scenarios:
 - Common to the local labor market (e.g., work in the fishing industry or at vacation destinations; harvesting and/or processing local produce); and/or
 - The strategy used by a specific employer in the local labor market for hiring all their employees (e.g., specific jobs in a labor market are filled by temp agencies); and/or
 - A part of the participant's plan to increase specific skills and/or knowledge.
- Closure criteria must be met.

A suggested list of topics to discuss with a Participant who is considering an employment goal that is on-call (intermittent):

- Before considering on-call (intermittent) employment, VR and the participant must have a reasonable expectation that the on-call job will occur and that it will be regular enough to fulfill closure requirements.
- It is important that this is the informed choice of the participant and meets their unique strengths and needs as documented in the IPE;
- The job is competitive and integrated;
- At least one of the following criteria of this labor market applies:
 - The on-call or intermittent work is reasonably expected to occur at least once a week; and/or
 - It is common for an on-call worker in the local labor market to be called in to work more hours over time; and/or

- It's common for an on-call worker to be hired into the field they are entering (e.g., the temp agency hiring secretarial, janitorial, call-center or other staff is the common source of new regular hires at local businesses); and/or
 - A part of the participant's plan to increase specific skills and/or knowledge.
- Closure criteria must be met.

Closure criteria when the employment goal is part-time:

For those who receive supported employment services, the service file is not closed until employment is maintained at least 90 calendar days after the participant (working at least once each week) has reached job stabilization and transitioned to extended services by other than VR.

For those who are VR participants (working at least once each week) who do not receive supported employment services, the service file is not closed until they have maintained employment at least 90 calendar days after the start date.

Closure criteria when the employment is temporary or seasonal:

Participants who receive supported employment services must be employed (at least one day a week) and maintain employment for a period of time that equals at least 90 calendar days after stabilization and transfer to extended services.

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

Participants who do not receive supported employment services must be employed (at least one day a week), and have maintained employment for a period of time that equals at least 90 calendar days.

Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services.

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

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

- Those who receive supported employment services must maintain employment at least 90 calendar days after stabilization and transfer to extended services.

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

- Those who do not receive supported employment, the job is stable and they maintained employment at least 90 calendar days.

Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services.

For **participants who do not work at least once each week**, the number of days worked must total 90. If they are not called in regularly, this can take many more than 90 calendar days).

- For those who do receive supported employment services, beginning the first day of work after transfer to extended services, count the days worked only, until reaching at least 90 (this can take many more than 90 calendar days).

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

- For those who do not receive supported employment services, beginning with their first day on the job, count the days worked only, until reaching at least 90.

Once the participant is stable in their employment and maintains that stable employment for the required number of days, returning to that temporary or seasonal job does not in itself, constitute a reason for the VR file to be reopened for Post-Employment Services.

When the Participant Chooses to Work More than One Part Time Job

When a participant works more than one job cumulatively (in the same time period) in order to meet their vocational goal. Every one of those jobs must:

- Be competitive integrated employment, and
- Be the informed choice of the participant and meet their unique strengths and needs. as documented in the IPE, and
- Be maintained by the participant for the number of days required for closure.
- Be reasonably expected to lead to longer term, stable employment.

When a participant works more than one job consecutively (one at a time over a period of time) in order to meet their vocational goal. Every one of those jobs must:

- Be competitive integrated employment, and
- Be the informed choice of the participant and meet their unique strengths and needs as documented in the IPE, and
- Must be maintained by the participant for the number of days required for closure, and
- Be reasonably expected to lead to longer term, more stable employment.

Purpose or Rationale:

Workforce Innovation and Opportunity Act (WIOA)

WIOA defines competitive and integrated employment as being either full or part time. In the final regulations, discussion sections clearly state that any configuration of part time (seasonal, temporary, on-call, intermittent) should be considered. This was done with the stipulation that all definitions apply. Those definitions include competitive integrated employment, closure criteria, employment outcome.

WIOA Final Rules: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15980.pdf>

CFR 361.5 Applicable definitions:

(9) Competitive integrated employment

(15) Employment outcome

CFR 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome

CFR 363.54 When will an individual be considered to have achieved an employment outcome in supported employment

Definitions:

Full Time Hours means 35 or higher hours per week (determined by the business). (United States Department of Labor, Bureau of Labor Statistics)

<https://www.bls.gov/cps/lfcharacteristics.htm#fullpart>)

Intermittent or on-call Employment means employment that is not continuous, but may consist of periodic intervals of weekly work and intervals of no weekly work. (United States Department of Labor, Bureau of Labor Statistics
<https://www.bls.gov/cps/lfcharacteristics.htm#fullpart>)

Part Time Hours means 1-34 hours per week (determined by the business). (United States Department of Labor, Bureau of Labor Statistics
<https://www.bls.gov/cps/lfcharacteristics.htm#fullpart>)

Seasonal employment means annually recurring work periods of less than 12 months each year. (Internal Revenue Service 6.340.1.2.1
https://www.irs.gov/irm/part6/irm_06-340-001.html#d0e127)

Temporary Work means work that lasts fewer than 12 months in a year and where the weekly work schedule during the months worked, can be part time or full time. (United States Department of Labor, Bureau of Labor Statistics
<https://www.bls.gov/cps/lfcharacteristics.htm#fullpart>)

Training requirement:

Prior to release of this transmittal: Policy and/or Training Staff will convene a Skype meeting to cover the content of this transmittal.

Ongoing reviews: Branch Managers will review with staff on as regular a basis as needed.

FAQs will be collected for one quarter after release of the transmittal and posted on the Oregon VR Intranet.

If you have any questions about this action request, contact:

Contact(s):	Ann Balzell		
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Email:	Ann.balzell@state.or.us		