

Developmental Disabilities Worker's Guide

Topic:	Competitive Integrated Employment Requirements
Date Issued/Updated:	January 2020

Overview

Description: This Worker's Guide outlines job characteristics required to meet the definition of Competitive Integrated Employment. VR and ODDS job coaching and job development must occur in Competitive Integrated Employment settings. Therefore, all job coaching and job development settings must have these characteristics. Employment or work experiences that do not meet the definition of Competitive Integrated Employment may be funded through an ODDS employment service other than job coaching so long as all requirements for those services are met.

Purpose/Rationale: This Guide is intended to give increased clarity to the characteristics required for ODDS and VR job coaching and facilitate smooth transitions from VR to ODDS funded job coaching.

Applicability: This Worker's Guide applies to Services Coordinators and Personal Agents authorizing ODDS Job Coaching. This Worker's Guide will be shared with all VR staff to facilitate transfer of job coaching between the agencies.

Procedure(s) that apply:

I. Requirements for VR Placement and ODDS Job Coaching

VR job placement and job coaching must be in a Competitive Integrated Employment setting. This is also true for ODDS job coaching and ODDS job development. The job must meet the following criteria for Competitive Integrated Employment:

A. The job must be located in an Integrated Setting meaning:

- a. The job must be in a competitive employment setting typically found in the community (i.e. the competitive labor market).
- b. The job allows people with disabilities to engage in typical daily work patterns with co-workers who do not have disabilities, and where workers with disabilities are not congregated or isolated.
- c. The job allows the employee with a disability to interact with other employees who are not persons with disabilities and, as appropriate to the job, other people (e.g. customers and vendors), who are not persons with disabilities (other than supervisors and service providers) to the same extent that employees without disabilities in similar positions interact with these same persons.

- i. This interaction must occur as part of the individual's performance of work duties and must occur both in the particular work unit and the entire work site, as applicable. In other words, individuals with disabilities must have the opportunity to interact with non-disabled co-workers during the course of performing work duties to the same extent that their co-workers who do not have disabilities interact with each other when performing the same work.
- ii. "Other persons", as defined in the Workforce Innovation Opportunity Act, means other employees without disabilities with whom the employee with the disability works within the specific work unit and from across the entire work site.
- iii. The interaction of primary consideration should be that between the employee with the disability and his or her colleagues or coworkers without disabilities in similar positions. The interaction must be for purposes of performing job duties, and not casual, conversational, and social interaction that takes place in the workplace.
- iv. Individuals working under contracts that mandate a ratio of workers with disabilities is not competitive integrated employment (e.g. work under a federal AbilityOne contract or an Oregon QRF contract).

See list here:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Oregon-QRF-AbilityOne-Contracts.pdf>

- v. Individuals with disabilities hired by community rehabilitation programs (CRPs) to perform work under service contracts, either alone or in groups (e.g. landscaping or janitorial crews), whose interaction with persons without disabilities (other than their supervisors and service providers) is with persons working in or visiting the work locations and not with employees of the CRP without disabilities in similar positions, would not be performing work in a competitive integrated setting. An example of when this work would not be considered competitive integrated employment includes when a provider holds a contract and hires multiple people with disabilities to perform the contract work together.

These programs, if provided in a community setting and paid at minimum wage or higher are typically considered Supported Small Group, and do not meet the requirements of Competitive Integrated Employment or individual integrated employment which is funded through ODDS as job coaching.

- d. Settings or facilities established by community rehabilitation programs specifically for the purpose of employing individuals with disabilities (e.g. sheltered workshops) do not constitute integrated settings because these settings are not typically found in the competitive labor market. CRPs are defined to include organizations that provide job development, job coaching, and other employment services.

B. Competitive earnings and level of benefits:

- a. The person earns at least the minimum wage established by federal or applicable state or local law (whichever is higher).
- b. The person earns not less than the customary rate paid by the employer for the same or similar work performed by employees without disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
- c. The person is eligible for the level of benefits provided to employees without disabilities in similar positions. This consideration should take into account the training, experience, and level of skills possessed by the employees without disabilities in similar positions.
- d. In the case of a person who is self-employed, the person must receive an income that is comparable to the income received by other individuals who are not individuals with disabilities who are self-employed in similar occupations or doing similar work. This consideration should take into account the training, experience, and skills of the self-employed person compared to other individuals without disabilities.

C. Opportunities for advancement:

- a. The employee with the disability must have the same opportunities for advancement as employees without disabilities in similar positions.

II. Examples:

A. Work at a provider site or Community Rehabilitation Program (CRP) Designed to Hire People who have Disabilities

A CRP designed to hire people who have disabilities typically does not meet the definition of Competitive Integrated Employment because, as outlined above, these programs and work settings are not typically found in the competitive labor market and do not permit employees to interact with other people who are not individuals with disabilities (excluding supervisors and service providers) to the same extent that a person would interact with other persons in the same or similar settings.

Work at a provider site to complete contracts requiring a set ratio of people with disabilities, or a certain number of work hours completed by people who have disabilities, is not Competitive Integrated Employment, because the work takes place in a setting or program designed to hire people who have disabilities.

If VR determines that the criteria regarding Competitive Integrated Employment have been satisfied, and pays for the placement and initial job coaching, then transition to ODDS services may occur at stabilization, and ODDS may generally fund any additional job coaching services that are needed.

ODDS presumes that a job at a provider site is Employment Path. However, if additional information demonstrates the position meets the definition of Competitive Integrated Employment, then the support service may be job coaching. Providers need to submit additional information to ODDS to overcome this presumption.

The provider should complete the assessment found at the link below as soon as it becomes apparent that a person may consider taking a job at a provider site in order to streamline transition from VR to ODDS job coaching services. Assessment:

<https://www.surveygizmo.com/s3/4521621/Oregon-Office-of-Developmental-Disabilities-Non-residential-Provider-Assessment>

The person using services must always have an option to choose or change providers. A competitive integrated job can never be conditioned upon receiving services from a specific service provider.

Information related to the assessment process for employment services at a provider site can be found here--Office of Developmental Disability Services (ODDS) Provider FAQ Employment Services; Employment Service Question #2:

<http://www.dhs.state.or.us/spd/tools/Provider%20Employment%20Services%20FAQ.pdf>

B. Crews / Enclaves

Crews and enclaves generally are funded as Small Group Supported Employment. As outlined above, individuals with disabilities hired by CRPs or provider organizations to perform work under service contracts, either alone or in groups, whose interactions with persons without disabilities are with persons working in or visiting the work locations or with their supervisors and service providers, and not with employees of the community rehabilitation programs without disabilities, in similar positions, would not be competitive integrated employment.

Work under a contract that mandates a ratio of workers with disabilities is not competitive integrated employment (e.g. work under a federal AbilityOne contract or Oregon QRF contracts).

See list here: <https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Oregon-QRF-AbilityOne-Contracts.pdf>

C. Seasonal or Temporary Work

VR guidance outlines the circumstances under which VR will fund services for temporary or seasonal work. See the following VR guidance:

<https://www.oregon.gov/DHS/EMPLOYMENT/VR/VRInfoMemorandum/vr-im-18-06-temporary-seasonal-oncall-03-16-2018.pdf>

If VR is unable to pay for job coaching in a setting that otherwise meets wage, benefits, and integration criteria related to Competitive Integrated Employment (e.g. it is unclear if the temporary or seasonal work will continue in the next recurring period), then ODDS will fund support for seasonal or temporary work as initial job coaching for the first season. Subsequent seasons would be funded as ongoing job coaching, maintenance job coaching, or attendant care, depending on the amount of time the person has used job coaching and the amount of job coaching required (see Worker's Guide regarding Job Coaching Requirements for more details).

Form(s) that apply:

- CIE Checklist and VR Toolkit (see ODDS I/DD Employment Policy Website):
<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx>
- List of AbilityOne and Qualified Rehabilitation Facilities (QRF) providers in Oregon (*i.e. not CIE*).

See a list of Oregon QRFS and AbilityOne contracts maintained here:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Oregon-QRF-AbilityOne-Contracts.pdf>

See also the [Federal AbilityOne Contract list](#) (maintained by the AbilityOne program and not ODDS or VR); and the [Oregon QRF Contract list](#) (maintained by the QRF program and not ODDS or VR).

Definition(s):

Workforce Innovation and Opportunities Act (WIOA), final rules -- are the rules Issued by the Department of Education (the Department) that govern the State Vocational Rehabilitation Services program and the State Supported Employment Services program that have been updated, clarified and approved; and issued new regulations regarding limitations on the use of subminimum wage that are under the purview of the Department. (WIOA enacted on 7/22/14; final rules released on 6/30/16, published on 7/30/16)(ED-2015-OSERS-0001).

Reference(s):

ODDS I/DD Employment Policy Website:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx>

WIOA final rules: <http://www2.ed.gov/about/offices/list/osers/rsa/wioa-final-rules.html>

<http://www2.ed.gov/about/offices/list/osers/rsa/wioa-vr-final-rule.pdf>

Workforce Innovation and Opportunities Act (WIOA) (Pub.L. 113-128; 07/22/2014); 34 CFR 361, 363, and 397.

ODDS Assessment for Employment Services at Provider Sites:

<http://www.surveygizmo.com/s3/1990286/ODDS-employment-and-day-service-provider-assessment>

Frequently Asked Questions:

Office of Developmental Disability Services (ODDS) Provider FAQ Employment Services; Employment Service Question #2:

<http://www.dhs.state.or.us/spd/tools/Provider%20Employment%20Services%20FAQ.pdf>

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