




Title:	<b>Extended Employment</b>
Procedure #:	<b>80-VR-02-02</b>
Policy Reference:	80-VR-02 Case Closure
Legal Reference:	OAC 3304-2-54, 3304-2-61; CFR 361.5(c) (15), 361.43; 361.47; 361.55; Fair Labor Standards Act
Effective Date:	March 19, 2018
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	VRP-0520
History:	N/A
Review/ Implementation	Begin Review – 11/08/18 (with Case Closure Policy) Implement Revisions By – 05/08/19

**I. PURPOSE**

The purpose of this procedure is to provide direction for service delivery, referral, and post-closure follow up for individuals who choose to enter or remain in extended employment in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]), Fair Labor Standards Act and state law (i.e. Ohio Revised Code [ORC], Ohio Administrative Code [OAC]) Governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Executive Director expectations.

Refer to the AWARE Manual for instructions relating to this procedure.

**II. APPLICABILITY**

This procedure applies to all VR Staff and VR Contractors.

**III. DEFINITIONS**

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

**IV. PROCEDURES**

A. General

1. OOD shall provide information to individuals and, if applicable, his/her parent or legal guardian throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties). This information shall be provided, in writing, and when appropriate, in the individual’s native language or through an appropriate mode of communication.

2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals and/or other actions taken in relation to this procedure. If supervisory or management approval is required during the VR process, the supervisor or manager shall document their approval in AWARE. If written approval is received from a supervisor or manager, it shall be added to AWARE.
3. If any OOD Staff are a Certified Rehabilitation Counselor (CRC-certified) and will be directly involved with an individual's case, he/she shall complete the "Professional Disclosure Statement" (80-VR-01.E).
  - a. VR Staff or VR Contractors who are not a Certified Rehabilitation Counselor (CRC) are exempt from this requirement.
  - b. Once completed, the "Professional Disclosure Statement" shall be reviewed and signed by the individual and, if applicable, his/her parent or legal guardian, and the CRC-certified VR Staff or VR Contractor.
    - i. Once signed, the statement shall be scanned into the AWARE Participant Module, as a Case Note, with the category "Professional Disclosure Statement" and summary title "Signed."
4. VR Staff or VR Contractors shall also follow the direction in "Requirements for Subminimum Wage Employment" (80-VR-11-17) for youth, not yet earning but, seeking subminimum wage employment.
5. Extended Employment occurs when an individual is:
  - a. employed in a non-integrated or sheltered setting for a public or private non-profit agency or organization; and/or
  - b. compensated in accordance with Section 14 (c) of the Fair Labor Standards Act (i.e. paid under a special wage certificate).

#### B. Informed Choice

1. When an individual expresses an interest in or is already working in a non-integrated or sheltered setting (i.e. extended employment), VR Staff or VR Contractor shall assist him/her in making an informed choice about whether to pursue a competitive integrated employment outcome by performing the tasks below.
  - a. Explaining to the individual that the purpose of the VR program is to assist individuals to obtain, maintain, advance in, and/or regain competitive integrated employment.
  - b. Providing the individual with information regarding employment options and services available to assist in the achievement of a competitive integrated employment outcome.
    - i. This includes informing the individual that, as long as he/she is available to participate, VR services may be provided while he/she continues to work in a non-integrated or sheltered setting.

- a) In this situation, the non-integrated or sheltered setting employment would be considered training or preparation for a competitive integrated employment outcome.
- ii. If supported employment is determined to be appropriate, VR Staff or VR Contractor shall follow the direction in "Supported Employment Services" (80-VR-11-03).
- c. Informing the individual that while services under the VR program are customarily provided in an integrated setting; these services can also be provided to individuals in a non-integrated or sheltered (i.e. extended employment) setting, if necessary, for the purposes of training or preparing for a competitive integrated employment outcome.
- d. Referring the individual, as appropriate, to the Social Security Administration and/or work incentive planning resources to obtain information regarding work incentives for individuals who receive public assistance.

#### C. Referral and Intake

1. If the informed choice discussion occurs prior to the individual submitting an application for VR services and the individual chooses to pursue competitive integrated employment; VR Staff or VR Contractor shall follow direction in "VR Application and Intake" (80-VR-01-01) to proceed with opening a case.
2. If the informed choice discussion occurs prior to the individual submitting an application for VR services and the individual chooses not to pursue competitive integrated employment (i.e. chooses not to apply) and to enter or remain in a non-integrated or sheltered setting, VR Staff or VR Contractor shall:
  - a. document the informed choice discussion in an AWARE Case Note;
  - b. close the referral in the AWARE Referral Module as "Closed-Other"; and
  - c. inform the individual and, if applicable, his/her parent or legal guardian, that the individual may apply for VR services if he/she chooses to pursue competitive integrated employment at a later time.

#### D. Post-Application

1. When an individual chooses to enter or remain in a non-integrated or sheltered setting after completing an application for VR services and the case has been opened, VR Staff or VR Contractor shall proceed to Section F.

#### E. Individualized Plan for Employment (IPE)

1. After VR Staff or VR Contractor has determined an individual eligible for VR Services, but prior to developing the IPE, if the individual chooses to enter or remain in a non-integrated or sheltered setting (i.e. does not choose to pursue competitive integrated employment), VR Staff or VR Contractor shall not develop an IPE, and proceed to Section F.

2. When an individual is working in what is determined to be a non-integrated or sheltered setting, at the time the IPE is written, and he/she chooses to pursue competitive integrated employment, VR Staff or VR Contractor shall proceed with developing an IPE as directed in "Individualized Plan for Employment" (80-VR-08-01).
  - a. VR Staff or VR Contractor shall also complete Section 1 "Barriers to Employment" page in AWARE.
    - i. VR Staff or VR Contractor shall select "Extended Employment" as the "Work Status at Plan"

#### F. Closure and Notification

1. Cases closed due to extended employment are considered closures without a competitive employment outcome.
2. VR Staff or VR Contractor shall follow direction in "Case Closure" (80-VR-02-01) when closing cases without competitive employment outcomes.
  - a. When an individual chooses to enter or remain in a non-integrated or sheltered setting, VR Staff or VR Contractor shall use, as appropriate, either "Extended Employment" or "Extended Employment and Sub-minimum Wage" closure reasons regardless of the factor(s) involved in the decision.
    - i. Upon closure, VR Staff or VR Contractor shall complete the requirements below.
      - a) Document the following in Section 3 of the "Closure" page in AWARE;
        - 1) the position the individual is working in;
        - 2) the location and setting of employment;
        - 3) the wage earned; and
        - 4) the hours worked.
      - b) Complete the "Extended Employment" section on the "Closure – Non-Rehabilitated" (80-VR-02-01.E) letter.
      - c) Provide the individual with a copy of the "Extended Employment Closure Fact Sheet" (80-VR-08-01.A).
      - d) If not already completed, provide information and referral, as directed in "Information and Referral" (80-VR-11-07).
    - b. When an individual chooses to enter into extended employment and a position is not readily available, VR Staff or VR Contractor shall:
      - i. use the "No Longer Interested in Receiving Services or Future Services" closure reason;

- ii. complete the “Summarize the circumstances that support the reason for closure” in Section 3 of the “Closure” page in AWARE; and
- iii. provide information and referral as directed in “Information and Referral” (80-VR-11-07).

#### G. Violation

An employee who violates this procedure may be subject to discipline up to and including removal.

### FORMS AND ATTACHMENTS

- N/A

### RESOURCES

- “Vocational Rehabilitation Definitions” (80-VR-99.A)
- “Closure – Non-Rehabilitated” (80-VR-02-01.E)
- “Case Closure” (80-VR-02 and 80-VR-02-01)
- “VR Application and Intake” (80-VR-01-01)
- “Eligibility” (80-VR-06-01)
- “Individualized Plan for Employment” (80-VR-08-01)
- “VR Information and Referral” (80-VR-11-07)
- Extended Employment Closure Fact Sheet” (80-VR-08-01.A)
- AWARE Manual
- “Requirements for Subminimum Wage Employment” (80-VR-11-17)
- “Supported Employment” (80-VR-11-03)

### REVIEW

It is the responsibility of the Deputy Director, or designee, to review this procedure, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director or designee shall document the review as required in “Policy and Procedure Development, Review, Dissemination and Acknowledgement” (10-ADM-01).