



**VIRGINIA DEPARTMENT FOR AGING
AND REHABILITATIVE SERVICES**

Long Term Employment Support Services (LTESS)

&

Extended Employment Services (EES)

Policy Manual

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**Virginia Department for Aging and Rehabilitative Services
8004 Franklin Farms Drive
Richmond, Virginia, 23229**

Contents

AUTHORITY:.....	3
STEERING COMMITTEE:.....	3
FUND ELIGIBILITY:.....	3
Supplanting Other Funding Sources:.....	4
PROGRAM IMPLEMENTATION:.....	4
Fiscal Year:.....	4
DARS Administration:.....	4
LTESS:.....	5
EES:.....	5
Consumer Movement between LTESS and EES within the Same ESO:.....	5
EMPLOYMENT SERVICE ORGANIZATIONS (ESO) ELIGIBILITY:.....	6
LTESS:.....	6
EES:.....	6
ESO Mergers:.....	6
ALLOCATION/REALLOCATION PLAN:.....	6
Allocations for Current ESOs:.....	6
Reallocations for Current ESOs:.....	7
ALLOCATIONS FOR NEW PROVIDERS AND UNSERVED / UNDERSERVED:.....	7
MINIMUM WORK REQUIREMENT:.....	9
DOCUMENTATION REQUIREMENTS FOR LTESS & EES:.....	10
Individual Supported Employment Services (E5129 - Billed Hourly):.....	11
Group Supported Employment (E5107 – Billed Daily) & Onsite Employment (E1100 – Billed daily):.....	12
ALLOWABLE ACTIVITIES FOR LONG TERM FOLLOW ALONG AND EES:.....	12
CLOSING A CASE:.....	14
ESO TERMINATION OF A PROVIDER AGREEMENT:.....	14
APPEALS PROCESS:.....	14

AUTHORITY:

Reference: Code of Virginia § 51.5-169.1. Long-Term Employment Support Services and Extended Employment Services

A. Long-Term Employment Support Services and Extended Employment Services shall be provided in the Commonwealth to assist individuals with a significant disability or most significant disability with maintaining employment. The Department shall administer and make referrals for such services in accordance with the provisions of this section.

STEERING COMMITTEE:

The Employment Services Organization Steering Committee (ESOSC), as established in § [51.5-169.2](#), Code of Virginia, and authorized in Item 330 Q of the 2022 Appropriation Act shall report to and advise the Commissioner on policy, funding, and the allocation of funds to employment services organizations (ESOs) for Long Term Employment Support Services and Extended Employment Services pursuant to § [51.5-169.1](#), Code of Virginia, as well as all other services of which ESOs are current or proposed vendors.

In this policy, the Employment Service Organization Steering Committee is abbreviated as ESOSC.

FUND ELIGIBILITY:

Reference: Code of Virginia § 51.5-169.1 Long-Term Employment Support Services and Extended Employment Services

B. Long-Term Employment Support Services shall be provided to individuals with a most significant disability, as defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based, facility-based, or community-based employment through an employment services organization.

C. Extended Employment Services shall be provided to individuals with a most significant disability and individuals with a significant disability, as those terms are defined in 29 U.S.C. §705, to assist such individuals with maintaining group-supported employment or individual center-based or facility-based employment through an employment services organization. Extended Employment Services funds may also be

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

used to support such individuals that transition from group-supported, center-based, or facility-based employment into community-based employment. Extended Employment Services shall be provided upon the informed choice of the individual being served and in accordance with the Commonwealth's Employment First initiative, federal law and regulation, and the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice.

Supplanting Other Funding Sources:

LTESS/EES funds cannot be used to support a person receiving long-term employment support services or extended employment services when the person is eligible for funding from another source, such as Medicaid Waiver. If an individual is on the Medicaid Waiver wait list, they are eligible for LTESS/EES funding until they receive Medicaid waiver funding.

LTESS/EES funds cannot be used to supplant funding already in use for long-term employment support services. For example, if an individual is currently being funded by an existing source, requesting funding from the LTESS program would be supplanting funds. Consumers who have been sponsored for employment services with public funds during the past six months prior to application are not eligible for LTESS. Exceptions to this policy may be requested from DARS in the event of hardship. This requires the Employment Service Organization (ESO) to demonstrate that a hardship is imposed on the consumer and request in writing an exception to the six-month rule from the LTESS/EES Program Specialist.

If a consumer is currently being sponsored by one or more of the other public funding sources, then that support should continue. To replace any public funding with LTESS to free up that source for other purposes is not consistent with the intent of the LTESS program.

PROGRAM IMPLEMENTATION:

Fiscal Year:

The fiscal year for both the LTESS and EES program is June 1 – May 31 each year. This ensures that all funds are exhausted in the appropriate timelines.

DARS Administration:

DARS reserves the right to use up to 1.70%, or the current General Assembly allowable amount of the appropriation for administration.

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

DARS reserves the right to schedule a site visit and program review to ensure quality programming.

LTESS:

The LTESS program will be administered through Appendix E - Provision of Long-Term Employment Support Services to the Provider Agreement. Appendix E will specify the scope of services, and specific conditions and reporting requirements under which these funds are accessed. LTESS funding is not disability specific; therefore, organizations accepting LTESS funding must work with all DARS consumers and not discriminate based on disability. A DARS Vocational Rehabilitation (VR) counselor must document approval for consumer enrollment in the program. If the consumer is not a DARS client prior to application for LTESS, a (VR) Counselor must make the determination that the consumer meets the requirement for most significant disability (MSD). The ESO must include documentation from the VR counselor in the application for LTESS services.

EES:

The EES program will be administered through Appendix C – Provision of Extended Employment Services to the Provider Agreement. Appendix C will specify the scope of services, and specific conditions and reporting requirements under which these funds are accessed. If the consumer is not a DARS client prior to application for EES, a VR Counselor must make the determination that the consumer meets the requirement for significant disability (SD) or MSD. The ESO must include documentation from the VR counselor in the application for EES services.

Consumer Movement between LTESS and EES within the Same ESO:

Program integrity between LTESS and EES will be maintained and transfers between programs will be allowed under certain circumstances. For an individual to move from one program to another, the originating program will be terminated, and the receiving program will complete an appropriate application. Transfers will be allowed only when the services fall within the scope of each program. For example, services provided to an individual in Competitive Integrated Employment (CIE) utilizing LTESS funds cannot transfer those services to the EES program. See “Fund Eligibility” for more information.

EMPLOYMENT SERVICE ORGANIZATIONS (ESO) ELIGIBILITY:

LTESS:

All ESOs that provide group-supported, center-based, facility based or community-based employment services to consumers with an MSD shall be eligible to receive an allocation from LTESS funds.

EES:

All ESOs that provide group-supported, center-based, or facility-based employment services to consumers with an MSD or consumers with an SD, or that provide community-based employment services to such consumers transitioning from group-supported, center-based, or facility-based employment, shall be eligible to receive an allocation from EES funds.

LTESS and EES funds are available to eligible ESOs who: (1) hold a Provider Agreement with DARS, (2) are approved to provide Supported Employment Services or provide extended employment services and (3) meet the criteria listed above. ESOs must be CARF-accredited prior to receiving an allocation and maintain CARF accreditation. Please refer to *the Allocations for New Providers and Unserved/Underserved* section below for additional information regarding the Waitlist.

ESO Mergers:

When an ESO anticipates that it will assume the control of, or merge with another ESO, the ESO must notify DARS as soon as the decision is made in order to advise the ESO on the remaining allocations in question.

ALLOCATION/REALLOCATION PLAN:

Allocations for Current ESOs:

Allocations are calculated using a three-year rolling average of total expenditures. It is important that all LTESS funds are utilized during the fiscal year.

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

Providers are notified, by email that their LTEES and/or EES allocation amounts for the upcoming fiscal year have been entered into the LTESS/EES Requisitioning system and are ready to be viewed prior to the start of the LTESS/EES fiscal year. The email notification will be sent to Executive Directors and system users.

DARS will review, on a quarterly basis, expected and actual expenditures. At each ESOSC quarterly meeting, DARS will share the projections for the remainder of the fiscal year with the ESOSC. DARS and the ESOSC reserve the right to review allocations for informational purposes when proposing future allocations.

The ESO shall provide services based on its allocation and approved consumer applications. The ESO shall monitor utilization, expenditures, and initiate appropriate actions to maintain the planned level of service and to offer continuity for the individual served. If an ESO chooses to maintain more individuals than their allocation can support, the ESO must be willing to assume responsibility for the individuals, even if no funds are available for reallocation during any given fiscal year.

If the utilization pattern of an ESO consistently falls below the original allocation, the allocation may be permanently lowered. Further, the three-year rolling average in the allocation formula does not imply that an ESO is entitled to an allocation for three years if they lose their ESO status. ESOs that fail to achieve CARF-accreditation in accordance with the vendor agreement or ESOs that cease to provide services will be immediately dropped from LTESS/EES eligibility.

Reallocations for Current ESOs:

Periodically, DARS may reallocate dollars based on the review of expected and actual expenditures. Reallocations are reviewed by and based on recommendations from the ESOSC and reflect changes in the current year allocation only.

ALLOCATIONS FOR NEW PROVIDERS AND UNSERVED / UNDERSERVED:

1. New Providers that are eligible for a LTESS and/or EES allocation may receive an allocation in one of two ways.
 - A. In fiscal years that additional LTESS/EES funds are appropriated by the General Assembly (\$250,000 minimum), ESOs that meet the criteria outlined in the Eligibility section may receive an allocation.
 - B. In fiscal years when there is a projected balance in either LTESS or EES funds. The ESOSC will review the projected balance and make a recommendation to the DARS Commissioner whether to allocate dollars to new ESOs.

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

2. DARS will maintain a list of ESOs that are waiting for LTESS and/or EES funding. When funding is available, it will be distributed to new ESOs based on the date the ESO signed their Agreement with DARS to provide Supported Employment services. In the case of an existing ESO it will be based on the date the ESO requested LTESS and/or EES funds. Existing LTESS providers who are approved to expand to specific counties/cities in either the Northern Virginia area or Rest of State may utilize a portion of their existing LTESS funds for the new vendor number until they are allocated an initial allocation for the new service area. The ESO must work with the DARS Provider Program Specialist to review its initial allocation and rates to determine how much money will be reallocated to the new vendor number and to determine if the rate will be considered for an increase/decrease or remain the same.
3. Upon execution of an ESOs Provider Agreement with DARS, new ESOs who are not yet eligible to receive LTESS-EES funds agree to provide Long-Term Follow Along services using alternative funds until they are eligible to receive LTESS-EES funding. Please refer to the Employment Service Organization Eligibility Section for ESO eligibility requirements.
4. In years when the General Assembly appropriates additional dollars for LTESS or EES, a formula will be used to establish the amount of funds available for new ESOs and the number of new ESOs that may enter the program. The following formula is used:
 - A. In any fiscal year in which new (additional) LTESS/EES funds are appropriated by the General Assembly, five percent of those funds, up to a maximum of \$30,000, will be set aside for new ESOs.
 - I. Each new ESO enrolled will be given an allocation of not more or less than \$10,000.
 - II. If five percent of new LTESS or EES funds equal less than \$10,000, no funds will be allocated to new ESOs.
 - III. If five percent is equal to or more than \$10,000 but less than \$20,000, only one new ESO will be allocated funds.
 - IV. If five percent is equal to or more than \$20,000 but less than \$30,000, only two new ESOs will be allocated funds.
 - V. If five percent is equal to or more than \$30,000, a maximum of three new ESOs will be allocated funds.
 - B. Allocations in years two and three for new providers.
 - I. New LTESS/EES Providers will receive an allocation of \$10,000 for the first year. In the second and third year, the ESOs allocation will be either \$10,000 or the equivalent of their expenditures the previous fiscal year, whichever is greater.

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

- II. Beyond the third year, the annual allocation will be computed in the same manner as all other current ESOs
- C. Funds are not available based on projections of future consumer enrollments. For example, an ESO cannot undertake capacity-building activities that depends on the receipt of future allocations for its long-term viability.

MINIMUM WORK REQUIREMENT:

70 hours of work per month for Onsite Employment (E1100) and Group Supported Employment (E5107):

ESOs who hire consumers as their employees in onsite employment and/or group supported employment and use LTESS or EES funds must offer at a minimum 70 hours per month of paid work to each consumer employed.

1. Any ESO that falls below the average minimum of 70 hours of paid work will receive notification from DARS that they are in breach of the provider agreement. The organization will need to provide DARS with a Corrective Action Plan (CAP) within 30 days of notification. The CAP must identify the actions the ESO will take to bring their average hours of paid work up to the 70-hour minimum. The CAP is subject to approval by DARS.
 - A. The average minimum of 70 hours of paid work is calculated based on the work hours of all consumers for the previous quarter. Exempt consumer statistics will not be included in the calculation of the average annual hours worked.
 - B. Exemptions and Exceptions:
 - i. If a consumer cannot work the minimum hours due to disability, etc., the ESO can request an exemption that would exempt the consumers hours from the ESO's overall calculation of the total hours worked. If a consumer works less than a 70-hour minimum in a month because of hospitalization or illness, documentation must be submitted for a temporary exemption for that month.
 - ii. Additionally, ESOs may request exceptions from DARS for such things as loss of a major contract. Exceptions are for short periods of time (determined by DARS) and subject to approval by DARS.
2. If an ESO does not complete or submit a CAP for DARS approval or comply with an approved CAP, the Employment Services Organization Steering committee will review the CAP and any progress or lack of progress in reaching the goals of the CAP, determine possible consequences and make a

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

recommendation to the Commissioner. The DARS Commissioner will decide whether to accept the recommendations completely or in part, to implement different or additional consequences.

3. If the decision is to reduce the ESO's allocation, the funds reduced from the ESO will be placed in a reserve. If consumers lose employment as a result of this action:
 - A. DARS will attempt to ensure the funding for these consumers follow the consumers to a new ESO.
 - B. After the first three months, if a new ESO is not identified, DARS will take 25% of the funds and make them available to all ESOs in the next reallocation. An additional 25% will be made available to all ESOs each quarter. If consumers do not lose employment due to these actions, the funds will be placed in a reserve and distributed statewide permanently the following fiscal year.

DOCUMENTATION REQUIREMENTS FOR LTESS & EES:

Long Term Follow Along (LTFA) services begin when an individual reaches stability in employment. Services include ongoing employment support provided for as long as an individual is employed and requires assistance to maintain stability in their work environment.

Prior to an ESO transitioning an individual into LTFA, a discussion must occur with the VR Counselor and written approval must be given. This approval documentation will be uploaded by the ESO to the LTESS-EES Requisitioning System upon the LTFA application being submitted. **Indicators of job stability are:**

- Funding for extended employment has been secured. (LTFA Services have begun)
- Job coaching and related interventions have decreased to a level necessary to maintain the consumer in employment. Intervention has reached a plateau or leveled out. In some cases, the amount of intervention (i.e., time) onsite may not have decreased but the nature of the intervention has evolved to primarily maintenance.
- Consumer is emotionally or behaviorally stable (Can be with supports).
- Consumer performs expected job duties.
- Supervisor reports satisfaction with consumer's job performance.
- Consumer is satisfied with the job and work environment.

Policies

Long Term Employment Support Services (LTESS)

Extended Employment Services (EES)

- Necessary modifications and accommodations have been made at the worksite.
- Consumer has reliable transportation to and from work.
- Consumer is compensated at or above minimum wage but not less than the customary wage paid by the employer for the same or similar work performed by people who do not have disabilities.
- For persons in the individual placement model, the average intervention time by the job coach has reached a maintenance level of support. The consumer/employee's needs have leveled off.

Once the case reaches stability, LTFA funding begins. At this point, the VR counselor will not fund any placement and training services unless more services are needed for job training. If, after the case has been closed to VR services and an individual requires additional training or retraining, they must be referred to a VR Counselor to reopen their case. Employment maintenance services should be supported by long-term follow along funds at this point, not DRS case service funds.

If a consumer is a DARS client, the VR case must be in "employed" status for a minimum of 90 days before DARS can successfully close the case. LTFA funding should begin before case closure and will depend on the length of time the consumer needs placement and training services before reaching job stability.

ESOs are required to complete the monthly DARS Ongoing Support Services Report for a minimum of 90 days once stability has been determined and must provide a copy of this report to the VR Counselor. The ESO must also request that the employer complete the Employer Rating Form prior to the end of the 90 days to ensure that the individual is performing tasks at an acceptable level before the case is closed. A copy of the Employer Rating Form should be provided to the VR Counselor prior to case closure.

For Long-Term Follow Along services, DARS is the payer of last resort. If an individual has alternative funding available (such as Waiver), this alternative funding should be used to provide employment supports to the individual.

Reports are not required to be submitted to DARS on a monthly basis after the DARS VR case closure; however, documentation as outlined below must be maintained by the ESO and made available to DARS upon request.

Individual Supported Employment Services (E5129 - Billed Hourly):

Individual Supported Employment (ISE) services provided during Follow-Along, using LTESS or EES funds, are billed on an hourly basis and submitted electronically for

Policies
Long Term Employment Support Services (LTESS)
Extended Employment Services (EES)

payment through the LTESS-EES Requisitioning System to DARS by the 10th of the month following services.

Detailed progress notes must be written and maintained by the ESO for each day services are provided and should include the following:

1. Month/Day/Year the services were provided.
2. Time of day services were provided.
3. Total number of hours billed for services provided.
4. Summary of service provided; to include
5. A breakdown of billing that shows the amount of time for direct, indirect, travel, and documentation activities for each entry.

Monthly Reports are not required after VR case closure.

Group Supported Employment (E5107 – Billed Daily) & Onsite Employment (E1100 – Billed daily):

LTFA services for an individual in Group Supported Employment or Onsite Employment through LTESS or EES funding occurs on a daily basis. The service is billed to DARS at a daily rate. Documentation for each service must be detailed monthly. The report should include:

1. Month/Day/Year the services were provided.
2. Time of day services were provided.
3. Total number of days billed for services provided.
4. Summary of service provided; to include
5. A breakdown of billing that shows the amount of time for direct, indirect, travel, and documentation activities for each entry.

Monthly Reports are not required for Group Supported Employment services after VR closure.

ALLOWABLE ACTIVITIES FOR LONG TERM FOLLOW ALONG AND EES:

LTESS and EES funds support ongoing vocational/job maintenance services, that are necessary and sufficient to assist consumers to maintain employment. Job training or

Policies

Long Term Employment Support Services (LTESS)

Extended Employment Services (EES)

retraining are not considered job maintenance services. These services should not be billed to LTESS or EES. Likewise, case management, independent living, non-job-related crisis intervention or other services that are not vocational or employment related in nature should not be billed to LTESS or EES funds.

Examples of billable activities

- Services that directly affect employment retention
- Travel to/from work site
- Development & maintenance of workplace supports
- Employment related communication with consumer, family, and employer.
 - Direct – in person
 - Indirect - telephone, email, text
- Intervention notes and reports
- Workers Compensation claim assistance
- Employment resignation letter
- Assistance responding to Social Security inquires
- Follow up benefits planning activities that will assist consumer to maintain employment
- WISA services as outlined in the EWISA Service Description
- Transportation arrangements/assistance – including travel training if needed for job retention
- Short term supports for training activities that are not Post Employment Services, i.e. assistance with employer required annual employee training, supports needed/training for job tasks that are short in duration such as new supervisor asked consumer to do a task a new way.

Examples of non-billable activities

- Job search
- Initial training and/or retraining
- Case management activity
- Coordination of consumer personal services
 - Cleaning
 - Pet Care
 - Non employment related errands
- GED training or preparation
- Internal case review
- Quarterly or Annual Reports – non-CARF
- Correspondence with VR Counselor

Policies

Long Term Employment Support Services (LTESS)

Extended Employment Services (EES)

- Completion of Job Loss Form
- Supervision of Employment Specialist
- Communication time to request service hours
- SSI/SSA applications and/or review
- Unemployment claims
- DSS Assistance Programs applications/review
- Preparing bills or documentation for billing
- Marketing Organization Services

CLOSING A CASE:

If an open DARS case is being considered for closure by an ESO, discussion and approval must occur with the VR Counselor prior to closing a case. This discussion must be documented in the individual's case file. Additionally, if a case is closed, the ESO must remove the individual's name from the billing requisition in the LTESS-EES Requisitioning System.

ESO TERMINATION OF A PROVIDER AGREEMENT:

1. When ending the ESO provider agreement with DARS, ESOs must immediately send a letter of notification with the anticipated date to end services as specified in the Provider Agreement. DARS will work with the ESO to identify the names and services of the individuals currently receiving services funded by EES or LTESS funds and assist in seeking alternative ESOs in the area to provide services to each individual.
2. Available funds for the current fiscal year will be transferred from the previous provider at a rate equal to the individual's average monthly cost (greater of preceding 36 months served or actual number of months served) times the number of months the individual was served by the current provider. Fund balances will be prorated to distribute available funds between multiple new providers, as appropriate.
3. If the ESO continues to operate a program but terminates their provider agreement, it will be the responsibility of the ESO to find the funding to provide the continued service.

APPEALS PROCESS:

For purposes of the LTESS or EES funds, all appeals will be sent to the Director of the Division of Rehabilitation Services (DRS) at DARS within 30 calendar days of the appealable action. The Director of DRS will issue a decision within 30 calendar days of receipt of the appeal. If the ESO wishes to appeal the decision of the Director of DRS,

Policies

Long Term Employment Support Services (LTESS)

Extended Employment Services (EES)

they must submit their request to the DARS Commissioner within 10 days of the decision of the Director of DRS. The DARS Commissioner will issue the final decision within 30 days of receipt of the appeal of the DRS Director's decision. The decision of the DARS Commissioner is final.