



**VIRGINIA DEPARTMENT FOR AGING
AND REHABILITATIVE SERVICES**

Long Term Employment Support Services (LTESS)

&

Extended Employment Services (EES)

Policy Manual

Effective: INSERT NEW DATE

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

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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:

Reference: Code of Virginia § 51.5-169.2. Employment Service Organization Steering Committee; membership; terms

A. The Employment Service Organization Steering Committee (the Committee) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Committee shall be to report to and advise the Commissioner on policy, funding, and the allocation of funds to employment services organizations for Long-Term Employment Support Services and Extended Employment Services pursuant to § 51.5-169.1.

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 used to support such individuals that transition from group-supported, center-based, or

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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.

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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 funding for LTESS.

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 funding for EES.

LTESS and EES funds are available to 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.

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.

Providers are notified, by email that their LTEES and/or EES allocation amounts for the upcoming fiscal year have been entered in to the 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.

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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 may become eligible for a LTESS and/or EES allocation in one of two ways.
 - A. In fiscal years that new (additional) LTESS/EES funds are appropriated by the General Assembly, 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.
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 submitted an application to 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.

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3. 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.
 - 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

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- 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 recommendation to the Commissioner. The DARS Commissioner will make a decision whether or not 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 person has reached stability in employment. For all populations, these services consist mainly of ongoing job based support provided throughout the term of employment to enable the consumer to maintain employment.

If consumer is a DARS client, the VR case must be in “employed” status at least 90 days before DARS can successfully close that case. LTFA funding should begin before case closure depending on the length of time the consumer needs placement and training services before reaching job stability.

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.
- 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. Employment maintenance services should be supported by long-term follow along funds at this point, not DRS case service funds.

After a person has reached stability and prior to DARS VR case closure, the DARS Ongoing Support Services & Follow-Along Report (SE Form 4) must be completed monthly and submitted to the VR counselor. Reports are not required to be submitted to DARS on a monthly basis after the DARS VR case closure; however, documentation

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as outlined below must be maintained by the ESO and made available to DARS upon request.

Individual Supported Employment Services (E5129 - Billed Hourly):

Services for a consumer for supported employment follow along through either LTESS or EES funding occurs on an hourly basis. The service is billed to DARS at an hourly rate at the end of each month. Documentation for the service must be detailed in case notes for each day the service is provided. The case note must include:

1. Date the service was provided;
2. Time service was provided;
3. Number of hours of service was provided;
4. Summary of service provided; and
5. Amount of time for direct, indirect and documentation activities for each entry.

Monthly summaries are not required for services provided on an hourly basis to consumers in supported competitive employment.

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 must include:

1. Dates service was provided;
2. Length of time service provided each day;
3. Summary of service provided during the month.

Monthly summaries maintained by the organization are required for services provided on a daily basis to individuals in Group Supported Employment and Onsite Employment.

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 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 work place 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
- 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

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- Internal case review
- Quarterly or Annual Reports – non-CARF
- Correspondence with VR Counselor
- 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

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. 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, 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.