**PROVISION OF EXTENDED EMPLOYMENT SERVICES**

This Appendix defines general expectations applicable to the provision of Extended Employment Services to eligible and appropriate individuals funded by the Department.

**I. SCOPE OF SERVICES**

1. The Provider shall provide employment services to eligible individuals in accordance with U. S. Department of Labor regulations, including possessing and maintaining appropriate individual and/or group exemption certification(s, issued by the Wage and Hour Division of the U.S. Department of Labor when the Provider employs or arranges for the employment of individuals with disabilities in productive work for which less than the federal statutory minimum wage will be paid.
2. The Provider shall maintain ongoing CARF accreditation in the appropriate CARF categories related to the services provided.
3. Providers that employ individuals in center based or group supported employment shall provide appropriate and stable paid work for a minimum of 70 hours a month including paid breaks but excluding lunch. During periods when work is not available, the Provider shall provide appropriate individual or group learning activities (down-time training) on a planned basis in support of employment goals. In cases where individualized client needs dictate a reduced work schedule, the Provider must request an exemption to the minimum work requirement accompanied by justification for the consumer’s continued participation in the EES program. The exemption must be granted, in writing, by DARS before the consumer’s reduced schedule can be exempted from the minimum work requirement. When the average monthly hours of paid work provided by the ESO falls below a minimum 70 hours the Corrective Action Guidelines (Attachment 1) will be employed.
4. The Provider shall identify the persons to be served and submit completed applications to the Department through the internet based LTESS-EES Requisitioning System.
5. The Provider shall provide Extended Employment Services based on the funding allocation and approved participant applications. The Provider shall monitor utilization, expenditures and initiate appropriate actions to maintain the planned level of service, not to exceed the annual DARS allocation.
6. The Provider shall provide services to individuals who are significantly disabled and most significantly disabled and who require support to maintain employment.
7. The Provider may provide or arrange for transportation for individuals in extended employment services as needed if they are meeting the criteria for hours worked. When no other source of funding is available, the Provider may utilize Extended Employment Services funds, as available, for transportation services.
8. The Provider shall provide program management services for individuals funded through Extended Employment Services, to include: (a) the development and implementation of an Extended Employment Services Plan that is based upon the individual’s strengths, abilities, needs, and preferences and that helps to maximize each person’s potential for higher levels of work and earnings; (b) the maintenance of a general work environment in which standards of behavior and levels of performance are appropriately reinforced by support; (c) and periodic review of the individual’s progress and reassessment of their appropriateness for other modes of training or employment, including supported or competitive placement. The plan should incorporate the best practices of services delivery commonly accepted in the field of rehabilitation and should specify a level of services consistent with the needs of the person served.
9. The Provider shall maintain for DARS review an individual case record for each person served that is clear, complete, and current. Records should include, but not be limited to, documentation of disability, individual service plans, progress reports, transportation logs, attendance, and payroll records.
10. The Provider shall submit reports in the manner prescribed by the policies of the programs and as prescribed by the Department. As a minimum, this shall include Consumer Applications and Closure requests, to be submitted no later than the twentieth (20th) day of the month prior to the provision of services.

**II. EVALUATION CRITERIA**

Services delivered under this Appendix to the Agreement shall be evaluated in accordance with the Scope of Services articulated in this document. Program reviews shall focus upon, but not be limited to:

1. The availability and stability of appropriate work provided for persons with significant disabilities and most significant disabilities.
2. The actual number of paid work hours provided on a monthly basis for the persons served.
3. The existence of effective intra/inter agency referral and screening procedures for participant sponsorship.
4. The provision of program management services as outlined in the Scope of Services and as reflected by the submission of required documents and maintenance of appropriate case documentation.
5. The degree to which the planned program utilization and projected funding allocation is monitored, utilized, and managed efficiently by the Provider.
6. The timely and accurate submission of all invoices, reports, and documents as required.
7. The maintenance of and compliance with a current Provider Agreement.

**III. REPORTING AND BILLING REQUIREMENTS**

1. The Department shall notify the Provider when annual funding allocations are available for viewing. Actual reimbursement shall be on a fee-for-service utilization basis. The Department shall reimburse the Provider within 30 days of receipt of an appropriate and accurate invoice. The Provider will be paid at the established daily/hourly unit of service rate for services provided to designated participants. Utilization patterns and allocations may be reviewed periodically and at the end of the fiscal year for possible reallocation to ensure maximum services throughout the Commonwealth.
2. The Department shall provide a Requisition/Invoice by the first (1st) day of each month.
3. The Provider must submit monthly invoices using the LTESS-EES Internet-based Requisitioning System by the tenth (10th) day of the month following the month services are provided. The Department shall not be obligated to pay for services when the Provider fails to submit an accurate invoice within thirty days after the close of the calendar month in which services are delivered. The Department reserves the right to withhold payment to an organization when the service provided falls outside the scope of the work program.

Appendix C - Attachment 1

Extended Employment Services (EES) Program

Corrective Action Guidelines

The Extended Employment Services (EES) Program is administered by the Virginia Department for Aging and Rehabilitative Services (DARS). Funds in this program are appropriated by the legislature to provide employment supports for people with disabilities who work in Group Supported Employment, or mobile crews in the community, within Virginia’s Employment Service Organizations (ESOs) and Individual Competitive Employment following the requirements presented in the current Appendix C and as allowed by the code of Virginia.

In the administration of the program there will be times when an ESO falls below the standards set in Appendix C and it is necessary and appropriate for DARS to place the ESO on probation and require a Corrective Action Plan. It is the intent of DARS to allow an out-of-compliance ESO every opportunity to meet the minimum requirements before total loss of funding. It is not the intent of DARS to harm the participant and every effort will be made to see that individuals do not lose services, although there is no guarantee.

It may become necessary and appropriate for DARS to move EES funds and/or consumers from one participating ESO to another when an out-of-compliance ESO either cannot or will not bring themselves up to standard. There may be other reasons for loss of funding including program closure, lost accreditation, ESO relocation, etc. DARS will make the final determination.

The Corrective Action Guidelines provide DARS and the ESO with a flexible process that may be used when circumstances make action necessary and/or appropriate. It is expected that DARS will use its professional judgment and considerable experience to evaluate circumstances and determine its response. It is understood that not all ESOs are the same. They vary in mission, values, experience, capacity, and available resources. DARS will take those differences into account when applying these Guidelines.

**Clarification of terms in the Correction Action Guidelines**

One Month Notification means that an ESO will be on notice for the following six months and tracked closely by DARS for either the increase in hours at the end of six months, or the continued out-of-compliance status of the ESO.

Corrective Action Plan (CAP) means that an ESO must submit, in writing, a plan of action that would include steps to be taken to meet the standards. This could include new contracts sought after, staff to be hired, training plans, longer work hours provided, movement of participants referred back to DARS for eventual transfer to LTESS for supported employment, or movement of inappropriate consumers out of the EES program so more work is available for appropriate consumers, etc. The CAP must be approved by DARS, will be monitored by DARS closely, and must have an agreed upon end not to exceed one year.

Probation means that an ESO will not be able to add new participants to the rolls to replace those leaving until the hours of paid work provided for the remaining individuals meets the 70-hour minimum. In probation the ESO will be tracked closely by DARS, will have to submit formal updates on the steps taken to meet the minimum hours, and there must be some increase in hours on an incremental basis. All parties involved (board, executive director and staff, and participants and families) will be notified of this status.

Final Probation means that an ESO will not be able to add new participants to the rolls, not receive reallocations, and will also not receive reimbursement for any individual that falls below 70 hours for any month. If at the end of six months in this status and the organization still fails to meet the average, the ESO and all parties involved will be notified of the ESO’s loss of funding at month 12. This has given the ESO up to two- and one-half years to meet the expectations of the Guidelines.

**Method for adjusting EES allocations to organizations failing to meet minimum 70 hours**

Beginning June 1, 2005 (FY 2006) using the previous 12-month yearly average, any organization 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 for Extended Employment Services. The organization will need to provide DARS with a Correction Action Plan within one month that will reflect actions the organization will take to bring their average hours of paid work up to the 70-hour minimum.

Beginning July 1st, 2006 (FY 2007), DARS employed a system of reimbursement for EES services to organizations. EES Providers that provide a minimum average of 70 hours of paid work per month (less approved exemptions) are not impacted. The system is based on an annual calculation using the Full Time Equivalent (FTE) concept. The full-time equivalent is the basis for determining an appropriate level of allocation.

If a participant cannot work the minimum hours due to disability, etc., the Provider can request an exemption that would exempt the individual’s hours in the calculation of the total hours worked. The exemption can assist the Provider in meeting their 70-hour minimum. If a participant works less than a 70-hour minimum in a month because of hospitalization or illness, justification must be submitted for a temporary exemption for that month. Exemption approved participant statistics will not be included in the calculation of the average annual hours worked. Additionally, exceptions to the rule can be requested from DARS for such things as loss of a major contract. Exceptions are for short periods of time (determined by DARS). EES Providers will have 12 months to bring their average monthly hours up to or exceed the 70-hour minimum referenced in Appendix C of their Provider Agreement. All EES Providers at or above 70 hours at the end of 12 months will receive their regular EES allocation as usual.

EES Providers that are not at the 70-hour minimum will have their EES allocations adjusted downward in line with the 70-hour requirement. The following formula will be employed to make the adjustments:

FORMULA:

1. The total paid hours of work for all participants (less exemptions) of the EES Provider at the end of the year is divided by 840 (70 hours/month times 12 months). This provides the number of full-time equivalents (FTEs) the organization can support at 70 hours/month.
2. The approved exemptions are multiplied by the EES Provider’s daily rate to calculate the EES dollars set aside out of the allocation for exemption participants.
3. The number non-exemption of FTEs is multiplied by the ESO’s cost to serve one consumer for one year to determine the support dollars needed for these FTEs.
4. The exemption total and the FTE total are then subtracted from the original allocation leaving a balance. The EES Provider’s EES annual allocation will permanently be reduced by this amount.

The funds reduced from an EES Provider will be placed in a reserve. If participants lose their employment because of this action, DARS will attempt to ensure the funding for these consumers follow the participants and remain in the same locality. After the first three months, if a Provider is not identified, DARS will take 25% of the funds and make them available to all EES Providers in the next reallocation. If necessary, this could happen each subsequent quarter. Providers who currently have an EES allocation will be given first right of refusal, but if they cannot assume the services for these individuals, any approved Provider of Extended Employment Services may request to provide the service and would become a full partner in the EES allocation pool. If participants do not lose employment due to these actions, the funds will be placed in a reserve and distributed statewide permanently the following year. Startup funding may be available through LTESS.