

**WIOA Guidelines
for
Extended Employment Sheltered Workshops
and
DESE Certification Specialists
July 2016**

Introduction:

The Workforce Innovation and Opportunity Act (WIOA), Section 511 will take effect on July 22, 2016. WIOA is a comprehensive national law affecting portions of federal labor, education, and rehabilitation regulations that affects the entrance, employment, and eligibility criteria for employees of the State of Missouri's Extended Employment Sheltered Workshops (EESW).

Scope:

WIOA modifies the service process for all persons with disabilities who are 24 years or younger as of July 22, 2016. The goal is to ensure that all persons with disabilities are given information and opportunities for employment and habilitation services in community-based and integrated environments of choice and to ensure the process is documented for each participating individual. Vocational Rehabilitation (VR) is assigned the role as the Designated State Unit (DSU) to ensure that goal is met. They have a team of Competitive Employment Evaluators (CEEs) to help carry out the required WIOA Section 511 requirements. The newly developed Section 511 VR process is nearly complete and operational as of this writing. A contact list of the CEEs will be provided when finalized.

Format:

The following guidance is intended to help EESW Administrators and Managers understand the new process as required by Section 511 of WIOA. The guidelines include the respective roles of the Missouri Office of Vocational Rehabilitation, the Missouri Department of Elementary and Secondary Education (DESE), and the Extended Employment Sheltered Workshop corporations holding a Certificate of Authority issued by DESE.

Missouri Vocational Rehabilitation (MVR)

MVR is responsible for implementing the requirements of Section 511 of WIOA in the following ways:

1. Process referrals to MVR who are 24 years of age and under as of July 22, 2016.
2. Review documentation of IDEA transition, pre-employment transition, and application for vocational rehabilitation services resulting in:
 - a. Determined ineligible for vocational rehabilitation services and case closure; or
 - b. Determined eligible for vocational rehabilitation services with an approved individualized plan for employment and was unable to achieve the employment outcome specified in the plan after a reasonable period of time leading to case closure; or

- c. If the individual is determined eligible to receive services for competitive integrated employment and a VR case is opened, then the individual is not eligible for DESE-Certification Specialist (CS) certification.
3. Provide Career Counseling and Information and Referral services at six-months during the first year of employment at subminimum wage and annually thereafter for individuals hired on or after July 22, 2016.
4. Provide career counseling and information and referral services annually to individuals already employed at subminimum wage prior to July 22, 2016.

DESE Certification Specialist Guidelines

Effective July 22, 2016, the DESE Certification Specialists will use the following procedures to ensure that only qualified persons with disabilities are **certified** to be eligible for the DESE Extended Employment Sheltered Workshop (EESW) funding support as specified in §§ 178.900-.960, RSMo. and the administrative rules in 5 CSR §§ 20-300.160-.200.

General Guidelines for DESE Certification Specialists:

The following are general qualification requirements:

1. A person with a disability who is **over** 24 years of age before July 22, 2016, and who is:
 - a. DESE-CS certified and employed in an EESW or
 - b. DESE-CS certified and on an EESW waiting to be hired listis not subject to the WIOA requirements and considered to be “grandfathered.”
2. A person with a disability who is 24 years of age and **under** before July 22, 2016, and who is DESE-CS certified and actively employed in an EESW **is not** considered subject to WIOA requirements.
3. A person with a disability who is 24 years of age and under before July 22, 2016, and who is DESE-CS certified but **not** actively employed in an EESW **is** subject to WIOA requirements.
 - a. DESE-CS certification will **not** be considered valid any longer and
 - b. The applicant will need to be referred by EESW or another agency to the VR CEE for evaluation and determination for employment or other services.

DESE Certification Specialist Procedures:

The procedures for providing a certification of eligibility for EESW employment and receipt of State of Missouri funds from DESE-CS personnel are:

1. No person with a disability under 24 years of age will be issued a Certification of Eligibility for Employment in an Extended Employment Sheltered Workshop without the presence of:
 - a. Written documentation, duly signed and authorized, as provided by VR indicating the person is not eligible for further VR employment services, or a
 - b. Written documentation, duly signed and authorized, as provided by VR stating that the case has been closed.
2. VR will provide their determination to the requesting person/client with a disability (if they are their own guardian) or legal guardian or legal administrator/caregiver who will

- a. Submit the VR determination documents to an EESW who will forward the VR documents to a DESE-CS for processing a Certification of EESW eligibility prior to and as consideration for employment.
3. The DESE-CS will review the VR documents for completeness along with any other pertinent documents/reports and will:
 - a. Complete the DESE certification form (MO 500-2741) as to the nature and/or severity of the disability(ies) that would make the applicant eligible for EESW employment,
 - b. Send (electronic/paper) the DESE Certification document, VR determination, and any other pertinent documents to the appropriate EESW for their records, and
 - c. Maintain electronic records of documents used to make their certification determination.

Additional DESE-CS Procedures:

WIOA implementation will also cross paths with state administrative rules and processes. Following are some certification issues likely to arise and how they would be handled. This is not an exhaustive list. If/when any new situation occurs, please contact the DESE EESW office for further guidance.

Issue: Successful community-based/integrated employment

The DESE EESW certification will be removed from an individual over or under the age of 24 who leaves workshop employment for supported/competitive work in a community-based/integrated setting and is successfully employed for more than one year. A person wishing to return to EESW employment after a year or more of supported/competitive employment will need to be referred to VR for determination status. VR closure documentation is required before DESE-CS can recertify the individual for EESW eligibility.

Issue: Unsuccessful community-based/integrated employment

The DESE EESW certification is retained for an individual over or under the age of 24 who leaves workshop employment for supported/competitive work in a community-based/integrated setting and but is not successfully employed for one year. The DESE-CS does not need to take action. It is highly recommended that the EESW obtain written documentation from the referring agency, organization, and/or employer related to the unsuccessful employment outcome.

Issue: Required counseling

Persons with disabilities who have obtained and are in possession of a VR-CEE determination will be provided with follow-up services within six months of the employment start date and annually thereafter. The DESE-CS does not have the responsibility to conduct the follow-up services. Should a request be made to do so, the DESE-CS will refer the person to VR to schedule and provide this service.

This guidance is based on current understandings of statute and regulations. We will notify the DESE-CSes and EESWs with updates if changes are necessary.

Extended Employment Sheltered Workshop Guidelines

General:

All EESWs must be in compliance with the requirements of Section 511 of WIOA on July 22, 2016. To assist with your understanding of the requirements, the DESE-EESW office is issuing this non-regulatory guidance.

The guidance is based on current knowledge and understanding and may be subject to future amendments as we transition.

The following guidance specifically applies to all persons with a disability who are twenty-four (24) years of age and under as of July 22, 2016, inclusive of those applicants who are on an EESW's "Waiting List" and/or not currently actively working and with or without a DESE-CS Certificate of Eligibility.

Guidance:

The EESW should:

1. Inform the individual who is 24 years of age and under and/or their guardian of VR's role. The Workshop **must** obtain a written individual/guardian consent document providing permission for a referral to be made to VR (keep a copy of the signed consent form for the EESW's records and send a copy to VR—see below)
2. The EESW should educate the individual/guardian that VR's role is to evaluate a person's eligibility for VR services only. Hiring a person in an EESW is solely the decision of the individual workshop corporation based on its hiring policies that may include availability of work, supervision, space, safety consideration, and other factors.

Referral Process:

When a person with a disability(ies) who is 24 years of age and under chooses to apply for employment at an EESW, the referral procedure is as follows:

1. The EESW will obtain written consent from the applicant/guardian/others with legal status to make decisions on behalf of the individual for the exchange of information.
2. The EESW will submit the original consent form to VR but keep a copy at the workshop. The preferred method for submitting referral to VR is electronically to: smwage@vr.dese.mo.gov. If the EESW is unable to submit the referrals electronically, they may be submitted via fax at 573-751-1441 to the attention of: Sub-minimum Wage Referral.
3. The following information is required to be included in all referrals:

Applicant information:

Name:

Street Address:

City:

Zip Code:

Date of Birth:

SSN:

Gender:

Home Phone Number:

Cell Phone Number:

Email Address:

Disability:

Disability Documentation (if available):

Guardian Information:

Name:

Address:

Phone Number:

Email Address:

Residential Contact (if any):

Name:

Phone Number:

Agency/Case Manager Contact (if any):

Name:

Phone Number:

Workshop Contact:

Name of Workshop:

Address:

City:

Zip Code:

Email Address:

Phone Number:

Contact Person:

4. The EESW must request the following information from applicant/guardian: Medical/educational/support plan records along with other information including vocational experience records/reports and documentation. Once received, send a copy to VR and maintain a copy for workshop records.

Documentation for Certification:

1. VR will provide documentation of VR determination to the individual/guardian and will obtain written consent from the individual/guardian to provide that determination and supporting documentation to the EESW or VR will inform the individual/guardian to submit the documentation to the EESW in which they choose to apply for employment.
2. The EESW may submit or may request the individual/guardian to submit the completed VR documentation to the DESE-CS for consideration of issuance of a Certificate of Eligibility for Employment in an EESW. A certificate of Eligibility for Employment in an extended employment sheltered workshop must be issued prior to the offer of employment if state aid is to be claimed. State aid cannot be claimed without a valid Certificate of Eligibility issued by the DESE-CS. State aid may not be claimed prior to the issuance date.
3. The EESW is to retain a copy of the individual's VR determination and the DESE-CS Certification of Eligibility along with any medical/educational/support plan records as well as any other necessary or required information including vocational experience records/reports and documentation.

Notifications:

1. The EESW is to provide notification to VR of any potential employee who is 24 years of age or younger prior to July 22, 2016. Information must include the name of the potential employee, start date, and name of the EESW. Information is to be sent by the hiring EESW to: smwage@vr.dese.mo.gov or faxed to 573-751-1441 attention "Subminimum Wage Referral."
2. The workshop is to notify the DESE-EESW office if a DESE certified employee is referred to and obtained supported and/or competitive employment. The notification is to include: the name of the employee, the employee's SSN, date of employment, position obtained, hours worked per week, hourly wage rate, agency providing employment support services (if any), and agency contact information (if any).

3. The EESW must notify the DESE-EESW office when a former employee returns to the EESW from supported/competitive employment placement that has lasted LESS THAN one year with the following information: the name of the employee returning, the employee's SSN, date of EESW rehire, vocational/performance reason for return, and agency documentation for unsuccessful placement.

Semi-annual and Annual Follow-ups:

1. It is the responsibility of VR to contact the individual/guardian to schedule a follow-up appointment six months after initial employment and annual follow-ups and counseling thereafter at a time and location that is mutually convenient to all parties.
2. EESWs are requested to cooperate in facilitating this process by providing VR with a mutually convenient time that does not disrupt the normal workflow and productivity of the EESW operation as well as make a part of the facility available, if possible, for such meetings.

SCHOOL TRANSITION PROGRAMS

General:

Section 511 of WIOA states that a local school district may not enter into a contract or make other arrangements with a subminimum wage employer for an individual who is age 24 or younger for which the work is compensated at a subminimum wage. Therefore, as long as the individual is a student of a school district, the student cannot be involved in any subminimum wage employment, to include:

1. Work in extended employment at a sheltered workshop,
2. Participation in work experiences where they would be paid subminimum wages, or
3. Participation in work experiences that are not in an integrated, competitive setting.

Guidance:

All transition agreements between school districts and subminimum wage employers for students with disabilities who are age 21 and under are to be terminated on July 22, 2016.