

## **447 - EMPLOYMENT**

EFFECTIVE DATE: 09/04/19

APPROVAL DATE: 03/21/19

### **I. PURPOSE**

This Policy applies to ACC, ALTCS E/PD, DES/DDD (DDD), and RBHA Contractors. This Policy establishes standards and requirements for the delivery of employment services.

### **II. DEFINITIONS**

**ARIZONA DISABILITY BENEFITS 101 (AZ DB101)**

AZ DB101 provides information about employment, health coverage, and benefits to assist individuals with disabilities in making informed decisions about work and self-sufficiency. AZ DB101 is the Arizona-specific website of DB101.

**CENTER-BASED EMPLOYMENT (CBE)**

A service that provides a controlled and protected work environment, additional supervision and other supports for individuals engaged in remunerative work either in a sheltered workshop or in the community.

**COMPETITIVE EMPLOYMENT**

Employment in the competitive labor market on a full or part-time basis in an integrated setting for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled as specified in 34 CFR 361.5(b)(11).

**CUSTOMIZED EMPLOYMENT**

An individualized approach to employment planning and job development that is based on an individual match between the strengths, conditions, and interests of a job candidate and the identified business needs of an employer. Examples of customized employment include task reassignment and job sharing.

**EMPLOYMENT FIRST**

A state and national initiative which encompasses the belief that competitive, integrated employment should be the primary outcome for working age youth and adults with disabilities.

<b>GROUP SUPPORTED EMPLOYMENT (GSE)</b>	A service that provides a group of members with on-site supervision and support in an integrated paid work environment within the community.
<b>INTERAGENCY SERVICE AGREEMENT (ISA)</b>	For purposes of this Policy, ISA refers to the agreement between the Arizona Department of Economic Security (ADES) and the Arizona Health Care Cost Containment System (AHCCCS) for members with an SMI determination.
<b>ORDER OF SELECTION (OOS)</b>	An organized and equitable method for serving groups of Rehabilitation Services Administration/Vocational Rehabilitation (RSA/VR) clients in a priority order if all clients cannot be served. OOS Priority Categories are based on assessment and documentation of the applicant's functional limitations and vocational rehabilitation service needs.
<b>REHABILITATION SERVICES ADMINISTRATION / VOCATIONAL REHABILITATION (RSA/VR)</b>	<p>An administration within ADES that oversees several programs which are designed to assist eligible individuals who have disabilities to achieve employment outcomes and enhanced independence by offering comprehensive services and supports.</p> <p>VR is a program under RSA that provides a variety of services to persons with disabilities, with the ultimate goal to prepare for, enter into, or retain employment.</p>
<b>TRANSITION TO EMPLOYMENT (TTE)</b>	Provides a member with individualized instruction, training, and support in the meaning, values, and demands of work to promote skill development for integrated and competitive employment.
<b>WORK ADJUSTMENT TRAINING (WAT)</b>	A time-limited rehabilitative program that promotes and reinforces the meaning, value, and demands of work. WAT assists persons with disabilities in developing the necessary skills to achieve competitive, integrated employment.

### **III. POLICY**

AHCCCS believes that every person has the capacity to work competitively in the community when the right kind of job and work environment is identified and supports are present. The Contractor shall apply this philosophy of empowerment and opportunity through the implementation of employment programs, measurement of outcomes, and communication with all subcontracted staff, not just employment staff. Employment-related initiatives may be created through the collaboration of AHCCCS and the Contractors.

**A. EMPLOYMENT FIRST**

The Arizona Employment First Executive Order (2017-08) requires state agencies that provide services and supports to persons who have disabilities to implement Employment First and to coordinate efforts to improve employment opportunities for working-age adults who have disabilities. AHCCCS is a required and vital partner in Arizona's Employment First initiative. The Contractor is required to adopt the following principles and ensure service planning and service delivery aligns with these principles:

1. Employment is the first and preferred outcome for all working aged Arizonans who have disabilities.
2. Members with disabilities will have access to integrated work settings.
3. Members receive information to help them make informed decisions about employment, including, but not limited to, the following:
  - a. Employment supports and services,
  - b. Knowledge about the value of employment on their quality of life, and
  - c. Understanding of how work affects public benefits and resources so that employment remains an option to the member without fear of losing essential benefits.
4. Long-term supports and services, if needed, are made available for members to be successful in the workplace.

**B. GENERAL EMPLOYMENT CONTRACT REQUIREMENTS**

The Contractor shall follow employment requirements as specified in Contract including Contractor and subcontractor staffing requirements, referrals to Rehabilitation Services Administration/Vocational Rehabilitation (RSA/VR), and ensuring a sufficient employment provider network.

1. ACC Contractors
  - a. The Contractor shall:
    - i. Develop and manage a continuum of vocational services to assist all members to achieve their rehabilitative and employment goals,
    - ii. Provide priority to those providers under contract with ADES/RSA when entering into subcontracts for employment services, while making all reasonable efforts to increase the number of these providers,
    - iii. Maintain subcontracted arrangements and utilize fully dedicated employment/rehabilitation provider staff employed by integrated and/or outpatient clinics offering behavioral health services and whose only duties are employment and rehabilitation-related activities for all members. Under special circumstances, and with prior approval from AHCCCS, it may be permissible for the

employment/ rehabilitation staff to cover more than one clinical team or split time with other duties, based on staffing availability, regional locations, and enrollment numbers,

- iv. Ensure the fully dedicated employment/rehabilitation provider staff are competent to be able to provide employment services,
- v. Submit the Psychiatric Rehabilitation Progress Report deliverable, utilizing Attachment B as a guideline, as described below and
- vi. Submit any Ad Hoc deliverables, as determined by the AHCCCS Employment Administrator.

## 2. RBHA Contractors

### a. The Contractor shall:

- i. Develop and manage a continuum of vocational services to assist all members to achieve their rehabilitative and employment goals,
- ii. Provide priority to those providers under contract with ADES/RSA when entering into subcontracts for employment services, while making all reasonable efforts to increase the number of these providers,
- iii. Maintain subcontracted arrangements with at least one fully dedicated employment/rehabilitation provider staff at each clinic that is responsible for participating as a member of the member's adult clinical team and whose only duties are to include employment and rehabilitation-related activities (i.e. employment, meaningful community involvement activities) for the members. Under special circumstances, and with prior approval from AHCCCS, it may be permissible for the employment/rehabilitation staff to cover more than one clinical team or split time with other duties, based on staffing availability, regional locations and enrollment numbers,
- iv. Ensure the fully dedicated employment/rehabilitation provider staff are competent to be able to provide employment services,
- v. Adhere to the guidelines within the Interagency Service Agreement (ISA) between AHCCCS and ADES/RSA,
- vi. Submit an Annual ISA Membership Plan, as specified in Contract, to outline strategies for the upcoming year on not only how the Contractor plans to increase mutual RSA/VR membership to achieve seven percent (7%) of Contractor-enrolled and served members that are newly referred to RSA/VR annually, but also how those members will be supported throughout the VR program,
- vii. Submit the Psychiatric Rehabilitation Progress Report deliverable, utilizing Attachment A, as a guideline, and as described below, and
- viii. Submit any Ad Hoc deliverables, as determined by the AHCCCS Employment Administrator.

### b. ISA Requirements

AHCCCS and ADES/RSA have an ISA in place to provide specialty employment supports for members with a Serious Mental Illness (SMI) determination. Through this ISA, RBHAs and RSA's Vocational Rehabilitation program work

collaboratively with the ultimate goal of increasing the number of employed members who are successful and satisfied with their vocational roles. Specialty employment supports include:

- i. Providing functional workspace for ADES/RSA staff to carry out the service objectives. Functional workspace includes access to a confidential area, with a desk, chairs, and a phone for RSA staff to meet with clients. Computers and internet access may be provided where available,
- ii. Requiring RBHA-subcontracted employment staff to have weekly consultations with RSA/VR regarding the progress of mutual program participants. Participation can be face-to-face, via email, or telephonic,
- iii. Requiring at least one RBHA subcontracted employment staff to attend the on-site, monthly RSA/VR Orientations,
- iv. RBHAs maintaining a sufficient number of Extended Supported Employment (ESE) subcontractors to provide extended job coaching services for members, and
- v. Other responsibilities listed in the ISA and Statewide Collaborative Protocols.

3. ALTCS E/PD Contractors – The Contractor shall:

- a. Ensure that a staff person(s) is designated as the expert(s) on employment to assist Contractor case managers with up to date information designed to aid members in making informed decisions regarding employment, including, but not limited to, the Arizona Disability Benefits 101 (AZ DB101) resource tool and referrals to RSA/VR.

### **C. ACC/RBHA CONTRACTOR MONITORING REQUIREMENTS**

1. The Contractor shall submit the Psychiatric Rehabilitation Progress Report, utilizing the Psychiatric Rehabilitation Progress Report Specifications Tool and submit as specified in Contract.
  - a. RBHA Contractors shall utilize Attachment A, and
  - b. ACC Contractors shall utilize Attachment B.
2. AHCCCS may request from the Contractors additional Ad Hoc deliverables. Contractors shall provide the requested information to AHCCCS.

### **D. CONFLICTS OF INTEREST**

Prior to gaining competitive, integrated employment, there are instances where members may participate in different job training programs, such as Center-Based Employment (CBE), Group Supported Employment (GSE), Work Adjustment Training (WAT), or other similar types of pre-vocational programs. Some of these training programs may compensate participating members for work performed to develop the necessary skills to achieve their job goal.

Once a member begins employment/becomes an employee (as defined below) with a provider, any employment supports and services provided to that member by that provider shall cease. The member may receive employment supports and services from a different provider.

For purposes of this section, AHCCCS has specified the difference between a member identified as either an employee or trainee.

1. EMPLOYMENT/EMPLOYEE: Employment on a full-time or part-time basis (including Customized Employment and self-employment) that pays at or above minimum wage and is competitive, integrated, occupationally normative, and considered to be part of the competitive labor market. “Minimum wage” shall be not less than the higher of the rate specified in section 6 (a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) or the rate specified in the applicable state or local minimum wage law. An individual that falls into this category shall be referred to as an “Employee”. An Employee is eligible for the same level of benefits, offered the same opportunities for advancement, and paid at a rate similar to other employees who are not individuals with disabilities and who have similar positions. An Employee also has the opportunity to interact, while performing the duties of the position, with other persons who are not individuals receiving Medicaid employment supports and services (excluding individuals who are employed to provide supports and services to such employee). Opportunities for these interactions may include, but are not limited to, customers, business partners, co-workers, and members of the general public. Employees perform work activities for the primary or personal benefit of the employer, not the individual. Employees may have additional or ongoing job goals, like advancing in their current employment or maintaining their employment.
2. TRAINING/TRAINEE: Paid or unpaid activity on a term-based length of stay (except in limited settings, such as GSE, which could be considered limited-term or long-term) that is designed with the intent to assist individuals to learn basic soft and/or hard work-related skills that lead toward a member’s employment goal documented in his/her service plan. Limited settings can be determined on a case-by-case basis. An individual that falls into this category shall be referred to as a “Trainee”. Activities may include, but are not limited to, on-the-job training, Transition to Employment (TTE), CBE, GSE, WAT, internships, and apprenticeships. These activities are geared toward providing the necessary education and experience that is intended to result in a successful employment outcome. The goal of these activities is to assist the member in achieving the next level of employment. Trainees are individuals who perform work activities for the primary or personal benefit of themselves, as opposed to the benefit of the employer.

As an example, a member is participating in a pre-vocational program with an agency provider with an employment goal of working in an administrative office. As the member progresses in their knowledge, skills, and abilities, the member is hired as a

receptionist by the same provider. If employment supports and services were to continue by the member's employer, the relationship between the member and the provider now creates a conflict of interest. If the member desires or requires continued employment supports and services (e.g. Job Coaching), those supports and services shall be provided by a different provider.

Contractors are responsible for overseeing the compliance of their subcontracted providers to eliminate any conflicts of interest when it comes to providing Medicaid employment supports and services to members who are considered employees. This may be done through education and training, as well as working with providers to identify employed members who may be receiving employment supports and services.

#### **E. ACC/RBHA WORKFORCE COMPETENCIES**

The Contractor is responsible for providing technical assistance to its provider network to ensure a competent workforce as specified in this section. For more information about Workforce Competencies, refer to ACOM Policy 407.

1. The Contractor shall ensure that all providers have access to the AHCCCS standardized employment module of the New Employee Orientation (NEO) Training.
  - a. The Contractor shall ensure that new subcontracted employees complete the standardized employment module and achieve a passing grade of at least 80% on the post-assessment. Employees may complete the training multiple times in order to achieve this passing grade, and
  - b. The NEO Training is available through the single Learning Management System jointly contracted with the Contractors.
  
2. The Contractor shall require its subcontractors to evaluate and attest that all staff providing employment supports and services adheres to the competencies as described below:
  - a. Member Engagement – Employment discussions should be occurring with all members, not solely those explicitly expressing interest in employment or employment-related supports and services,
    - i. For members NOT explicitly expressing interest in employment or employment-related supports and services, discussions may include, but are not limited to, the following:
      - 1) Employment status,
        - a) If employed, the potential need for employment supports (e.g. Job Coaching),
        - b) If not employed, their interest in employment and current meaningful daily activities status,
      - 2) Satisfaction with daily activities,
      - 3) Employment experience, and

- 4) How earned income may impact financial and medical benefits (AZ DB101).
- ii. For members explicitly expressing interest in employment or employment-related supports and services, discussions may include, but are not limited to, the following:
  - 1) Job Interests,
  - 2) Strengths, knowledge, skills, and abilities,
    - a) Vocational assessments are a good way to assess strengths, knowledge, skills, and abilities,
  - 3) RSA/VR, and
  - 4) How earned income may impact financial and medical benefits (AZ DB101).
- b. AMPM Policy 310-B and AHCCCS Behavioral Health Services Matrix
  - i. Correctly bill for employment services.
- c. Disability Benefits 101 (AZ DB101) [www.AZ.DB101.org](http://www.AZ.DB101.org)
  - i. For employment staff, create an active, personal AZ DB101 account and assist members in creating their own AZ DB101 accounts,
  - ii. For employment staff, complete AZ DB101 estimator sessions (full versions and quick estimates) with members to show how medical and financial benefits will be impacted with employment earnings. This includes the following:
    - 1) Accurately interpreting and analyzing results with members who may require an extra level of understanding and possible assistance in accessing the different types of Social Security and/or AHCCCS work incentives.
- d. RSA/VR
  - i. Refer members with disabilities interested in employment to the RSA/VR program, including education about and supporting members to make informed decisions about RSA/VR,
  - ii. For employment staff, knowledge of eligibility criteria, OOS, and VR status codes when meeting with members and/or RSA/VR staff,
  - iii. For members who apply for the RSA/VR program, but are placed on a waitlist because of the OOS due to a limited number of functional limitations, or decline participation in the RSA/VR program, provide the necessary employment supports and services to assist those members in achieving their employment goals. This includes assisting members to request a redetermination of the OOS when additional information is provided regarding disability-related barriers, and
  - iv. For Contractors serving members with a Serious Mental Illness (SMI) determination, the dedicated employment/rehabilitation provider staff's job description shall be consistent with the parameters outlined in the Statewide Collaborative Protocols.