

*Policy Detail\**

<b>Policy Number</b>	TBD
<b>Policy Title</b>	Employment First Authorization and Implementation Policy and Procedure
<b>Category</b>	13.Division
<b>Effective Date</b>	11/15/2016
<b>Date of Most Recent Review</b>	11/14/2016
<b>Due Date for Next Review</b>	11/15/2021
<b>NMDOH Unit of Origin</b>	Developmental Disabilities Supports Division
<b>Policy Contact Title</b>	DDSD Statewide Employment Lead
<b>Policy Contact Phone Number</b>	505-476-8979
<b>Distribution</b>	DOH-wide <input type="checkbox"/>
	Not DOH-wide (describe other): DDSD and DHI staff

I. **Purpose of Policy:** Establishes procedures for supporting working age adults to have access to valued employment opportunities as the preferred service in New Mexico. Access to competitive integrated employment will enable the person to engage in community life, control personal resources, and receive services in the community. Case Managers and Interdisciplinary Team members shall give preference to community and natural supports to assist individuals to attain their employment goals and desired outcomes.

II. **Definitions:**

**Assistive Technology** means necessary support mechanisms, devices, and environmental modifications including the rationale for the use of assistive technology or adaptive equipment when a need has been identified, shall be documented in the ISP. The rationale shall include the environments and situations in which assistive technology is used. Selection of assistive technology shall support the person’s independence and functional capabilities in as nonintrusive a fashion as possible. See NMAC 7.26.7.B.6.

**Community Integrated Employment** means part-or full-time work performed by a person which is compensated by minimum wage or better that occurs in a location that offers the worker opportunities to interact with coworkers and others without disabilities and provides an opportunity for advancement similar to that of non-disabled peers in similar positions

**Customized Employment** means competitive integrated employment for an individual with a severe disability, that is based on an individualized determination of the strengths, needs, and interests of the person matched with an assessment of the business needs of an employer and implemented through strategies that include a specific set of job duties and

a work schedule that meets the needs of the individual and the needs of the employer. Customized employment uses an individualized approach to job development—one person at a time; one employer at a time.

**Community-based Situational Assessments** means assessments conducted in typical employment settings and situations. This type of assessment places an individual with a disability in a work environment in an actual job. Situational assessments are typically conducted in multiple work settings, for short periods of time in order for the assessor and the person to realize the person’s work interests and aptitudes to create a good job match

**Discovery** means examining with the person, family, friends and people who know the person best her/his life and life experiences to discern interests and preferences. Discovery works for everyone but is particularly helpful to people with communication challenges. Information gleaned in discovery about what the person likes to do and does well is used in identifying possible jobs. The information is also used to negotiate with employers the kinds of tasks the person does well and identifies the supports he/she needs to do the job competently and be a good hire for the employer.

**Division** means the Developmental Disabilities Supports Division (DDSD), New Mexico Department of Health.

**DDSD State Employment Lead** means the person responsible for coordinating all statewide program policy and procedural activities related to employment for all persons using DDSD services.

**Individual Service Plan (ISP)** means an individualized service plan, as defined in New Mexico Administrative Code (NMAC) 7.26.5.7.B and includes but is not limited to the person’s long-term vision of her/his life; desired outcomes; individual preferences; and specific action plans to reach personal objectives. Also see NMAC 7.26.5.8-17.

**Informed Choice** means

- A. A comprehensive discovery and assessment of the individual’s interests, abilities and needs; and
- B. the opportunity for job exploration activities including volunteer work and/or trial work opportunities; and
- C. information regarding the range of employment options available to the individual; and
- D. information regarding self-employment and customized employment options and resources; and
- E. discussion of potential impact on the individual’s benefits and services.

**Interdisciplinary Team (IDT)** means the team that is responsible for the development of the individual service plan (ISP) and for identifying the agencies and individuals

responsible for providing the services and supports identified in the ISP. The team always includes the person with a developmental disability for whom the ISP is written. For a complete listing of IDT members and responsibilities go to New Mexico Administrative Code (NMAC) 7.26.5.7-17.

**Person-Centered Assessment** means an instrument that is used to identify individual needs and strengths to be addressed in the person's individual service plan. It must contain at a minimum information about the person's background and current status, individual strengths and interests, conditions for success to integrate into the community, including conditions for job success and support needs for the person.

**Supported Employment** means competitive, integrated employment for people with severe disabilities and a demonstrated need for support to obtain and maintain employment. Supported employment occurs in typical integrated business, industry, or government environments and includes:

- Minimum wage or better;
- Support to obtain and maintain jobs;
- Opportunity for career development; and
- Workplace diversity

**Trial Work Opportunities** means opportunities that typically occur when a candidate for employment and an employer are close to a hiring decision. The employer may want to know if the potential employee would be a good match for the position and the company. The candidate may be hired on a trial basis. Wages are required for time worked.

**Working Age Adult** means a person who is at least 17 years of age who has completed or nearly completed her/his K-12 School curriculum including the transition portion and requests adult services through the Developmental Disabilities Supports Division (DDSD). Typical retirement age, based on Social Security rules, ranges from 62-67 with many people choosing to work longer for economic or other reasons.

III. **Policy:** Employment First Authorization and Implementation Policy and Procedure

IV. **Applicability:** Applies to all adults of working age that request or receive services from the Developmental Disabilities Supports Division.

V. **Procedures:**

- A. Case managers and the Interdisciplinary Teams (IDT) are required to offer Supported Employment Services as a priority service over other day service options for all working age adults. The discussion and process for offering supported employment services must be documented in the ISP.
- B. In facilitating Individual Service Plan (ISP), case managers will monitor to determine if participants receive a person-centered assessment as is the practice for all ISP developmental services. The assessment will be used to guide the IDT's

planning for overcoming barriers to employment and integrating clinical, assistive technology and therapy supports necessary for the individual to be successful in employment.

- C. Career development plans shall be included in the ISP.
- D. In individual situations the person may present multiple or severe challenges to employment. These challenges may include but are not limited to communication barriers or limited experience in community settings. In these instances, the case manager may encourage using a qualified provider to implement a discovery process that explores more deeply the strengths and preferences the person would bring to a job.
- E. The case manager will monitor to determine if person-centered assessments in supported employment are available to IDT members prior to the meeting, consistent with DDS standards, and report results to the regional office.
- F. The case manager and the IDT will ensure that all appropriate supports and services needed by the person to be successfully employed are identified and the person has access to qualified providers for implementation.
- G. The case manager and the IDT will ensure the person is offered access to Customized Employment, particularly if past employment efforts were unsuccessful.
- H. The case manager will monitor to determine if reasonable accommodations are made and assistive technology is available for the person in the assessment and job search process, for transportation, mobility and communication, and across all life domains and specific to increasing performance on the job.
- I. If supports are unavailable, the case manager or an IDT member will notify the DDS Regional office, through the Request for Regional Intervention (RORI) process, and provide a description of the problem and the specific need to be addressed.
- J. Each DDS region will designate a staff person to keep the DDS State Employment Lead informed of all RORI requests or other needs that affect employment.
- K. The DDS State Employment Lead will support the DDS Regional Office to plan regional resource development strategies to fulfill resource needs and ensure the resources are available statewide.
- L. When employment is not the immediate outcome, the case manager and the IDT must document the development of Desired Outcomes, Action Plans and Teaching and Support Strategies within the ISP to explore alternative options that may lead to employment. These alternative options include, but are not limited to:
  - a. Trial work opportunities;
  - b. Career exploration,
  - c. Community-based situational assessments

- M. The case manager and the IDT will ensure that decisions made by the person and/or the guardian about exploring alternative options are based on completing the required elements for informed choice.
- N. The DDSO will ensure supported employment services occur in an integrated work environment where the individual;
  - a. Is paid fairly for the work performed and in accordance with WIOA, the Fair Labor Standards Act and NM Labor Law;
  - b. is treated in a respectful manner, including respect for culture and language
  - c. shares the same status and has the same wage structure as others performing the same or similar work;
  - d. is presented with opportunities for advancement that are similar to those for employees without disabilities who have similar positions.
- O. DDSO will assure wages or compensation for work is in compliance with the Fair Labor Standards Act (FLSA) and the Code of Federal Regulations.
- P. DDSO will assure provider Medicaid reimbursement is not the source of individual compensation for work.

VI. References/Attachments: NMDOH Medicaid Home and Community Based Waiver Services for the Developmentally Disabled, *Service Standards*, effective April 1, 2007; NMDOH Medicaid Home and Community Based Waiver Services for the Developmentally Disabled, *Service Standards*, effective April 23, 2013, revised March 1, 2015  
New Mexico Administrative Code. (NMAC) 7.26.5.7-17.  
Rehabilitation Act of 1973, Public Law 93-112, September 26, 1973  
United States Department of Labor, Office of Disability Employment Policy

-Signature on File-

Division Director  
Developmental Disabilities Supports Division  
New Mexico Department of Health

Nov. 14, 2016

Date: