

# **DADS Guide**

## **to Employment for People with Disabilities**



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This guide is available on the Texas Department of Aging and Disability employment services webpage at [www.dads.state.tx.us/providers/supportedemployment/index.html](http://www.dads.state.tx.us/providers/supportedemployment/index.html).

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  - Texas Education Agency
  - Texas Workforce Commission
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- Advocates for people with disabilities and of employment for people with disabilities.
- Members of the Promoting Independence Advisory Committee, Subcommittee on Employment for People with Disabilities.
- Project staff from the State Employment Leadership Network.

DADS would like to extend special thanks to the people and their support teams who agreed to share their stories of employment success.



## INTRODUCTION AND PURPOSE

The purpose of this guide is to provide information on how to support and assist working-age people with disabilities who are receiving DADS services to obtain and maintain competitive, integrated employment. Through this guide, DADS intends to provide information on best practices and resources that can help improve employment outcomes for people with disabilities. The guide includes success stories of people with disabilities who, as a result of receiving the appropriate supports and services, have secured fulfilling employment (see also Attachment E.4).

H.B. 1230, 80th legislative session, 2007, was enacted to improve the services provided to Texas youth with disabilities as they transition from school to adult living with an emphasis on transition into successful employment. In 2008, the workgroup established by H.B. 1230 completed a plan to improve employment service delivery to youth with disabilities, including the recommendation for DADS and the Texas Department of Assistive and Rehabilitative Services (DARS) to develop an employment manual for people in intermediate care facilities for people with intellectual disabilities or related condition (ICF/IID). This guide implements and expands on that recommendation. It is also consistent with the Texas Health and Human Services Commission's (HHSC) Promoting Independence Initiative, which seeks to improve the flow of information about supports in the community, and remove barriers that impede opportunities for community integration in light of the Supreme Court's *Olmstead* ruling.

This guide is based on the following principles:

- Employment in the community is an important part of one's self-identity and value in society.
- Jobs that were out of reach in the past for people with disabilities are accessible today thanks to new technology, new laws and better teaching methods.
- As a result of changes in federal and state laws, people with disabilities do not have to limit their work hours or earnings to keep their healthcare benefits as they did in the past (see Attachment D).
- Employers cannot discriminate against people with disabilities and must comply with the Americans with Disabilities Act.
- Community work sites are safe places to be, and can be modified to accommodate people with disabilities if needed (see Attachment E.8.).
- Qualified job coaches and employment specialists are available to help people who need assistance preparing for, locating and successfully managing the job of their choice.

- DADS funding can support people with disabilities to obtain and maintain competitive, integrated employment.
- People enrolled in DADS programs have choices in the types of jobs they obtain, and in the providers of support services.

### Success Story

Charles didn't want to work outdoors or in a quiet place. It was just too hot or too boring. Even though he worked as part of a mobile crew doing land care and janitorial services, he wanted a "fun" place to work. His job developer took him around to various places but Charles showed little interest in working in quiet or reserved environments. In getting to know Charles, his job developer learned that his favorite food was pizza and that he always celebrated his birthday at a local pizza place with his friends. It was a natural fit for Charles. He is celebrating 20 years of working 32 hours a week at the same pizza place, where he not only continues to celebrate his birthdays but also now celebrates his employment anniversaries.

## How DADS funding can support people with disabilities to obtain and maintain employment

Texas Department of Aging and Disability Services (DADS) programs that include employment services are:

- Intermediate care facilities for individuals with an intellectual disability or related conditions (ICF/IID).
- General revenue-funded services (ID/RC/GR).
- Medicaid 1915(c) waivers:
  - Home and Community-Based Services (HCS).
  - Texas Home Living (TxHmL).
  - Community Living Assistance and Support Services (CLASS).
  - Deaf-Blind with Multiple Disabilities (DBMD).
  - Medically Dependent Children Program (MDCP).



These programs include case management/service coordination, services specifically designed to assist people obtain and maintain employment, and other services that can help them meet their goals. Note in the chart below that not every program includes every service. People may access only the DADS' services that are available in the program in which they are enrolled.

**Employment assistance (EA):** A service that helps people obtain competitive, integrated employment.

**Supported employment (SE):** A service that helps people maintain competitive, integrated employment.

	Employment Assistance	Supported Employment	Other services that can assist in meeting employment goals	Service coordination/ Case management
HCS	√	√	<ul style="list-style-type: none"> <li>Residential assistance</li> <li>Day habilitation</li> </ul>	√
TxHmL	√	√	<ul style="list-style-type: none"> <li>Community support</li> <li>Day habilitation</li> </ul>	√
CLASS	√	√	<ul style="list-style-type: none"> <li>Residential habilitation</li> <li>Prevocational services</li> </ul>	√
DBMD	√	√	<ul style="list-style-type: none"> <li>Assisted living</li> <li>Residential habilitation</li> <li>Intervener</li> <li>Day habilitation</li> </ul>	√
ICF/IID	√	√	<ul style="list-style-type: none"> <li>Active treatment</li> </ul>	√
ID/RC/GR	√	√	<ul style="list-style-type: none"> <li>Community support</li> <li>Vocational training</li> <li>Day habilitation</li> </ul>	√
MDCP	√	√	<ul style="list-style-type: none"> <li>Flexible family support services</li> </ul>	√

See Attachment A for more information about program policies related to employment services.

## Developing interagency partnerships

Since employment support for people with disabilities can require coordination between various agencies and employers, DADS participates in state-level interagency partnerships, and recommends local, program provider-led partnerships for developing standard practices to promote employment for people with disabilities in DADS programs.

Partnerships should include:

- Case managers/service coordinators.
- Program providers' vocational/employment staff.
- DARS representatives (area managers, vocational rehabilitation counselors or other designees).
- Secondary school special education staff and/or transition-related personnel.
- Community Work Incentives Coordinators at local WIPA projects.
- Texas Workforce Commission workforce boards.
- Representatives of employers (i.e., chambers of commerce, municipal offices of disability).
- People with disabilities and/or organizations representing them.

Each partnership should:

- Become acquainted with each member's role in employment services.
- Promote the development and use of employment services.
- Explore funding strategies to obtain and maintain employment.
- Build relationships that enhance the delivery of employment and non-employment services that support integrated, competitive employment.
- Collaborate on and troubleshoot individual instances of people seeking employment.
- Coordinate existing resources related to obtaining and maintaining integrated, competitive employment and explore what makes someone a good candidate for referral to each of those resources.
- Facilitate the use of work incentives.
- Identify and eliminate local and statewide barriers to employment of people with disabilities.
- Report barriers to DADS at [SE.Questions@dads.state.tx.us](mailto:SE.Questions@dads.state.tx.us).

*See Attachments C, E 1 and E 2 for more information.*

## PREPARING FOR WORK

### Utilizing person-directed career planning

Person-directed planning is a process that empowers the person, or the legally authorized representative (LAR) on the person's behalf, to direct the development of a plan of supports and services that meets the person's goals<sup>1</sup>. The process must:

- Identify existing supports and services necessary to achieve the person's goals
- Identify natural supports available to the person and negotiate needed service system supports.
- Occur with the support of people chosen by the person and the LAR on the person's behalf.
- Accommodate the person's style of interaction and preferences for time and setting.



This process is ideal for the service planning team as they discuss the person's employment goals and the steps needed to achieve them.

*See Attachment E 6 for more information.*

### What a service coordinator or case manager can do

The service coordinator/case manager plays a key role in locating, coordinating, and monitoring employment support services for those in DADS programs. Everyone who receives services has a service coordinator or case manager. Many of the practices discussed in this section rely on the service coordinator/case manager to share information related to employment with those receiving services and their families, and to coordinate effectively with other agencies. The service coordinator/case manager is not an employment specialist, job coach or benefits counselor; rather,

<sup>1</sup> DADS Person-Directed Planning Guidelines

he or she helps people receiving services and their families locate and coordinate the community employment resources they need. Clarifying roles and responsibilities of service coordinators/case managers, program providers, other agencies and people with disabilities and their natural supports is a critical component of an efficient employment support system.

### **The service coordinator/case manager should:**

- Share information concerning employment with people receiving DADS' services and their families.
- Coordinate effectively with other agencies, particularly with DARS, HHSC, and local school districts in relation to people's employment needs and preferences.
- Determine if a person has an interest in employment, and if so, ensure that the person's service plan reflects this goal.
- Devote time during the person's initial service planning meeting to discuss employment with the the person and her/his family and the process to obtain employment services and supports;
- Continue to explore the possibility of employment at subsequent service planning meetings for people who are not employed in the community.
- Affirm/explain that people can work and still maintain their medical benefits, and in most cases will make more money.
- Explain rights appeal if services are denied, reduced or terminated.
- Introduce people and families who are unsure about pursuing employment to other people with disabilities who are employed.
- Monitor whether the person/family is satisfied with his or her employment supports.
- Ensure that transportation needs are addressed in the development and monitoring of the person's service plan.

*See attachments A, D and E for more information.*

### **What a support person, including family and program provider staff, can do**

When helping someone with disabilities prepare for employment, reflect upon your own early work history. Recalling your own work experiences will help you focus on the basic skills that are essential for the person when entering the workforce. Ask yourself the following questions:

- What were your first real work experiences and what did you learn from them?
- How did you decide what you wanted to do for work?
- What volunteer or other experiences helped you learn about what it is like to have a job?
- Who helped you?
- What connections did you make and how did you network?

In many situations, employment opportunities can be found without relying on paid employment services by using the family's or individual's friends, school and business contacts. Support in obtaining and maintaining employment can be provided informally by a person's friends or coworkers without relying on a funded service. Even when employment-related services and supports are funded by the DADS program, relatives and friends play a key role in contributing to the person's job success by helping in areas of preparation for work, transportation, reporting income, etc.

## Success Story

Paco dreamed of becoming a football coach. In high school, he always hung out with the coaches and the football team and developed a strong friendship with the coaching staff and the team. He had a wealth of knowledge about other Valley football teams and kept the coaches and team well informed of their current status and rankings. After graduation, he could not imagine a life without his local team. This led his job developer to help create a job as an assistant to the head coach. The school district carved out and funded a position for Paco. He continues to hold the position after 10 years of dedicated service.

People supporting people with disabilities can help them set their own employment expectations through career preparation and work experiences. Other program services can be used for many of these activities. Specific activities can include, but are not limited to:

- Assigning paid or unpaid chores at home, such as setting the table or washing a vehicle.
- Asking co-workers, relatives and neighbors for ideas about where the person might volunteer or work.
- Reflecting on ways that further education might support career goals.
- Helping the person learn to use money as you bank and shop together.
- Introducing the person to community organizations to create opportunities for social interactions.
- Helping the person learn how to use public transportation.
- Looking for times when the person can exercise initiative and build self-esteem, such as identifying and planning a weekend outing.
- Encouraging and nurturing the person's hobbies and interests, which can lead to job-related skills.
- Talking with other people with disabilities who are working, their families and support people.
- Working with the person's case manager/service coordinator to understand the choices for employment services, and for day and support services in the area.
- With the individual, completing an employment assessment, such as DARS Career and Community Supports Analysis.

*See Attachment E 5 for more information.*

## Help the person identify work interests and preferences

If the person does not know what type of work they are interested in, he or she can explore their interests and preferences through:

- Career interest inventory - a paper-and-pencil assessment that helps to identify the person's work interests and preferences (see Resources for examples).
- Job shadowing - the person follows an employee during a typical day on the job.
- Mentoring – the person is matched with a mentor who serves as an advisor and offers employment guidance.
- Apprenticeship – a professional teaches the person a specific trade.
- Workplace visits and tours – the person observes different work settings.

- Career Fairs – multiple employers gather together to share information and meet with prospective employees.
- Mock job interviews – role play and practice job interviews.
- Job clubs – a small group of people meet regularly to talk about job searching and career advancement with the goal of supporting the success of all members.
- Internships – time-limited, paid or unpaid work experience.
- Volunteering – unpaid, regular commitment of time in an area of interest.



In addition to the more structured activities listed above, a person with disabilities can take an active role in identifying career goals and preparing for employment by:

- Keeping a record of what s/he likes and dislikes about each work-related experience.
- Exploring and building on interests and hobbies through activities at home and in the community.
- Increasing self-responsibility (for example, by gathering information or making his or her own appointments) to build independent living skills.
- Becoming comfortable with describing his or her abilities and disabilities.

*See Attachment E 7 for more information.*

### **Success Story**

After working more than five years at a cafeteria and another three years at a fast food restaurant, Elizabeth took a year off to pursue other interests. She took several adult continuing education classes that included computer and sewing classes. In the meantime, with her interest in animals, she decided to do some volunteer work at the zoo. This has developed into a part-time job working at the zoo's gift shop.

### **Gather documentation**

When looking for a job, job-seekers will meet new people. At a minimum, they will meet a new employer and co-workers (or just customers if the person is self-employed); however, the circle of new people will likely also include employment services staff. Consider what written information the job-seeker may want people to have about them. Like a cover letter for a job application, this information could serve as a letter of introduction, presenting the person in a positive light. Documents may include any volunteer work, career assessments, program/service plans, and a summary of academic achievement (for transition-age job seekers).

## GETTING THE JOB

### Coordinating with the Texas Department of Assistive and Rehabilitative Services (DARS)

Also known as the vocational rehabilitation (VR) agency, DARS is the state agency whose primary focus is helping people with disabilities find integrated, competitive employment. DARS services include vocational counseling, evaluation and assessment, guidance and assistance with job placement, time-limited job coaching, training programs, technology services and vehicle and home modifications.

The service coordinator/case manager should ensure that the person, and any other support persons as desired, meets with the DARSVR counselor to apply for DARS services as soon as possible after the job-seeker identifies an employment goal. In addition to the information listed on page 2 of the [DARS Applicant Guide](#), the person should bring to this appointment:

- A copy of his or her court-ordered guardianship documents (if appropriate).
- A copy of his or her most recent service plan.
- Current vocational assessments or person-directed plans that focus on employment opportunities.
- Other available records pertaining to the person's disabilities (including but not limited to medical, psychological and psychiatric reports).
- Contact information for the person's qualified developmental disabilities professional (QDDP), qualified intellectual disabilities professional (QIDP), case manager or service coordinator.

The service coordinator/case manager uses the First Step to Employment for People with Significant Disabilities tool to guide the person's service planning team - including the person, the service coordinator/case manager, and any other parties the person chooses to participate, such as family members and service providers - to consider the interests and strengths of, and supports available to the person before applying for DARS services.

*See Attachments A and B for more information.*

### What a service coordinator or case manager can do as part of developing and implementing the Person-Directed Plan

#### Ensure the team considers the rest of the day

A person's daily activities must be based on his or her level of independence, support needs and interests. Some factors to consider are

- If the person can safely be home alone when not working.
- The availability of family members and other non-Medicaid supports to supervise as needed.
- Which community-based programs are available and of interest to the person.

Consider whether the person wants to work full- or part-time. Some people may choose to have more than one part-time job, or to begin their own business in their spare time at home. Others may require supervision or some assistance until a support person is available to pick them up.

These people can develop skills through volunteer work, and participation in community events, recreational outings and other activities. Finally, some may choose to be on their own when they are not working, whether at their home or elsewhere.

## Help to locate services

Help people find employment related services, such as transportation. Encourage individuals and their families to choose their employment service provider as early in the service planning process as possible. Provide the person with a list of employment services providers from which to choose:

- The person may want to select his or her program provider, or a new program provider, to provide employment services.
  - A list of local HCS, TxHmL, and ICF/IID providers is available through the local authority.
  - An person can search for CLASS, DBMD, and MDCP providers by area of the state on the Long Term Care Quality Reporting System.
- The person may want to receive employment services from a community rehabilitation program (CRP) through DARS funding. If the person is not eligible for DARS services, DADS funding can be used via the consumer-directed services (CDS) option or by the program provider subcontracting with the CRP. A list of CRPs can be found at [www.dars.state.tx.us/supemp/providerlist.shtml](http://www.dars.state.tx.us/supemp/providerlist.shtml).
- An SSI or SSDI-eligible person has the option to receive employment services from an employment network (EN) through the Ticket to Work program. A list of ENs in Texas can be found at [www.chooseworkttw.net/resource/jsp/searchByState.jsp](http://www.chooseworkttw.net/resource/jsp/searchByState.jsp).

## Plan how to monitor services

Establish the protocol for monitoring employment services as part of the service planning process, in collaboration with DARS (if applicable), service providers, the employer and the person and his or her family. Help the person find new options if a job opportunity is not successful.

*See Attachment E for more information.*

### Success Story

Sandra lived off and on in an abandoned hotel where homeless people gathered, as she did not want to live at home with her mother anymore, but could not afford her own apartment. She eventually learned that employment services were available. She said that she wanted to work evenings only and didn't want to work at a restaurant or around other people. Her choices were limited but her job developer found the perfect job for her cleaning classrooms at a school district where she can work with minimal supervision. She lives in her own apartment now and has continued to work at assigned campuses for more than 10 years.

## What a support person, including family can do

### Help the person choose an employment service provider

## Help the person identify wants and needs

Start by identifying what's important to the person. Think about past jobs or community experiences and what services worked and didn't work. Encourage the person to consider other issues by asking questions such as:

- Do you need help exploring the types of jobs and careers you might like and be good at?
- Will your support needs change over time?
- What's most important to you: Pay and benefits? Having fun people to work with? Safety and security? Location? Job satisfaction? Potential for promotions and growth?
- Will you need help to manage benefits, such as Social Security and Medicaid?
- Will you need job coaching services and, if so, how often and for how long?
- Will you need help identifying activities for when not working?



## Gather outside information – help the person:

- Talk to friends, families and teachers who may be familiar with employment services.
- Ask DADS and/or DARS for a list of providers in your area.
- Ask DARS for information on how successful different programs have been in helping others find and keep jobs.
- Read annual reports and other written material from the service providers.
- Contact local self-advocacy and family advocacy groups for recommendations (see the Additional Resources to Support Employment section of this manual).
- Ask others for ideas and recommendations, getting a variety of viewpoints. Remember, what is important to others may not be important to you, and vice versa.

## Visit different providers

Help the person visit and interview a variety of employment service providers and ask for consumer and family references. When you are visiting, pay attention to the general feeling you get about the program and staff. Take time to learn about the organization and the basic services it offers, how the program works with people, and the program's staff:

- Is it a welcoming environment?
- Does the individual feel comfortable and respected?
- Is it in a location that feels like part of the community?
- Does the program have a supportive approach to providing employment supports or is it more of a "take-charge," authoritative approach?

## What service providers can do

In partnership with the person:

- Assist in identifying the person's network of natural supports, including job leads and contacts.
- Develop a career plan to identify a job search direction and a job-finding process, created with input from the person and his/her support team.

- Assess the person’s skills and interests.
- Arrange on the job and job shadowing experiences.
- Research and arrange for job skills training, such as computer skills training.
- Provide help with developing a résumé.
- Provide job development assistance, including locating and talking to employers about jobs and the hiring process.
- Contact prospective employers and negotiate the person’s employment.
- Supply information and guidance on the effect of earning an income on public benefits (see Attachment D)

Use best practices for successful job placement:

- Gain the necessary expertise; using qualified staff greatly enhances the effectiveness of employment services, and there is training available, including training through:
  - University of North Texas’ Workplace Inclusion and Sustainable Employment (UNTWISE)
  - Virginia Commonwealth University Rehabilitation Research and Training Center (VCU-RRTC)
  - College of Employment Services
- Focus on individual jobs in the community, paid directly by the employer.
- Ensure placement is based on the person’s interests, needs and preferences, and where the person is supported to take ownership and control of the job planning process.
- Emphasize “job matching,” searching for employment that closely matches what the job seeker wants, is good at doing, and where he or she will be comfortable.
- Think broadly about where the person might work, not limiting ideas to traditional workplaces such as supermarkets and fast food chains.
- Take advantage of personal networks, tapping into job seeker, family and staff contacts to gather information, resources and potential job leads.

*See Attachments C and E for more information.*

### **Success Story**

Shelly, a 19-year-old with disabilities, decided that she wanted to work in the community. Her goal was to work with children but first needed first aid and CPR training. With the help of her service provider, she received one-on-one training to assist her with achieving her certifications. She is now 22 and has been employed for three years as a daycare worker. After living with her mother all her life, she recently moved in to her own apartment. Staff helped her learn how to ride the city bus and now she is able to access the community to work and participate in leisure activities. With the necessary supports, she has realized her goal to live independently.

## Arranging transportation<sup>2</sup>

Job choices are often dictated by transportation options and the person's ability to use them. This is especially true for those who live where public transportation is lacking. While there are no magic answers for transportation issues, you can find transportation solutions for those you support with some research and creativity. Job seekers, families, DADS program providers and case managers/service coordinators need to work together from the beginning to identify reliable, safe, and affordable transportation options.



Start with generic options available to everyone in your area. Not only does this promote independence, integration and inclusion, but it also tends to be less costly and complicated than using disability-specific services.

### Additional tips:

- Brainstorm with family members, the service planning team, the employer and all other networks for creative ideas.
- Could the person walk or bike to work? Focusing the job search close to the person's home may be helpful.
- Find out if public transportation is available and explore travel training resources if needed.
- Does the person have access to a vehicle? Regardless of whether or not the person uses their own or someone else's vehicle, the cost of hiring a driver may be an impairment related work expense (IRWE) (see Attachment D I).
- Explore all transportation services in your area: para-transit, elder services and medical or college shuttles.
- Para-transit systems provide shared-ride, curb-to-curb van transportation.
- How do coworkers get to work? Seek out carpooling and employer resources.
- Consider employment with larger corporations who provide transportation for employees.
- Use SSA work incentives to cover transportation expenses for those receiving Supplemental Security Income (SSI) including Plan for Achieving Self-Support (PASS), IRWE and Blind Work Expenses (BWE). People can contact their local Work Incentives Planning and Assistance (WIPA) project, or SSA's Work Incentive Information and Referral Center (WIIRC) at 1-866-968-7842 (voice) or 1-866-833-2967 (TDD) for assistance applying these work incentives (see Attachment D I.).
- Consider options for moving closer to the job site, especially for a stable job with high pay and benefits.
- Transportation is included in the rate for some employment-related services (see Attachment A).

See Attachment E 9 for more information.

<sup>2</sup>Source: *Getting to Work: Addressing the Transportation Challenge*, David Hoff and Melanie Jordan, Institute for Community Inclusion, UMass Boston

## Success Story

By age 18, Robert had already lost both of his parents. At the recommendation of his aunt, he was assessed for DADS programs, and was determined eligible and began receiving services. Upon receiving SSI checks, family members began to exploit him, leaving him to fend for himself in unlivable conditions. Through a training and support program, he received training on using the city transit system. Shortly thereafter, he began vocational training and became crew leader for a state set-aside litter contract. In his three years of employment and training he has earned his driver's license, something family members told him he could never accomplish. He now lives in his own apartment and, having control now over his income, is saving for a down payment for a car. His employment has given him the confidence to know that not only can he survive and be independent, but that he can accomplish anything he chooses to do.

## KEEPING THE JOB

The service planning team, including the program provider, is responsible for monitoring employment services and outcomes. Monitoring should not disrupt the person on the job or his or her co-workers, and at times can be accomplished without going to the job site. If monitoring at the job site is needed, visits should be arranged in advance with the person and employer. Monitoring must ensure that:

- The person's health and safety issues, including personal care needs at the work site, are addressed.
- The person understands the employer's expectations on the job, and is ready and equipped to meet these expectations.
- The person is learning the job responsibilities and becoming as independent as possible in all aspects of his or her work life.
- Supervisory staff and co-workers are providing reasonable accommodations and a supportive work environment
- The person feels comfortable at the work site (e.g. has met co-workers, knows the layout of the area, etc.).
- The work environment is appropriately adapted to meet the person's specific needs with assistive technology or other accommodations (see Attachment E 8).
- Resources are used efficiently (e.g., having one job coach assigned to support different people at a certain job site can be more efficient than having multiple job coaches at the same site).
- Support duration and frequency are matched to the person's needs. Services can be reduced and eliminated as the person becomes more acclimated to the job and enhanced as needed.
- The employer is satisfied with the employee's performance and any concerns are promptly and effectively addressed.
- The person is satisfied with the work situation and employment-related services, and any concerns are promptly and effectively addressed.
- The person, his or her legally authorized representative, or representative payee understand

that they are responsible for reporting income and assets to SSA and/or HHSC benefits office as needed.

- Depending on the program, the program provider, the case manager or service coordinator, or the consumer benefits officer would assist with this if needed.
- For information on reporting requirements for SSI and/or SSDI, call 1-866-968-7842 (voice) or 1-866-833-2967 (TDD), or contact a local WIPA project.

### Success Story

Francisco told his job developer that he wanted to work only at a local HEB store near his home. Once he became employed, natural supports from his employer have provided most of the support he needs to continue to be successful on the job. He is still employed after nine years of dedication to his job and only requires minimal, periodic HCS services to support him in his employment.

## ATTACHMENT A:

### DADS employment-related policies

Topic	Program(s)	Policy
<b>Informing the individual about available services</b>	All programs	At the time of program enrollment, the service coordinator/ case manager is required to explain all services, including employment-related services and supports, available in the program. After this time, the service planning team is responsible for ensuring the person is informed about available program services.
<b>Service planning</b>	HCS, TxHmL, CLASS, DBMD, MDCP, ICF/IID	The service planning team is responsible for developing a program plan that is responsive to the person's needs, including a request for employment.
	ID/RC/GR	Pending the availability of funding, the service planning team is responsible for developing a program plan that is responsive to a person's needs, including a request for employment.
<b>Providing employment-related services and supports</b>	HCS, TxHmL, CLASS, DBMD, ICF/IID, MDCP	The program provider is responsible for providing or arranging services and supports, including employment-related services and supports that are responsive to and support the achievement of goals identified in the person's program plan.

<b>Transportation</b>	HCS, TxHmL, CLASS, DBMD, MDCP	Transportation to and from potential job sites is included in the employment assistance rate.
	HCS, TxHmL, CLASS, DBMD, MDCP	Transportation to and from a job site is included in the supported employment rate.
	TxHmL, ID/RC/GR	Community support includes transportation as an allowable activity, which may be used to get to and from a community location, including a job.
	HCS	Residential assistance includes transportation as an allowable activity, which may be used to get to and from a community location, including a job.
	CLASS	Habilitation includes transportation as an allowable activity, which may be used to get to and from a community location, including a job.
	ICF/IID	Transportation to and from a supported employment worksite is included in the daily rate, and is part of the ICF/IID service array.
<b>Other services that support employment</b>	HCS	Supported home living may be provided at community locations, including on the job site.
	TxHmL, ID/RC/GR	Community support may be provided at community locations, including on the job site.
	CLASS	Habilitation may be provided at community locations, including on the job site.
	DBMD	Intervener services and habilitation may be provided at community locations, including on the job site.
	MDCP	Flexible family support services may be provided at community locations, including on the job site.



<b>DARS referral</b>	All programs	Any DADS consumer interested in obtaining integrated, competitive employment may apply for DARS services.
	HCS, TxHmL, CLASS, DBMD, MDCP	In accordance with §1915(c)(5)(C) of the Social Security Act, a DADS consumer enrolled in a 1915(c) Medicaid waiver that offers employment assistance is required to seek DARS services before receiving DADS-funded employment assistance.
	ICF/IID, ID/RC/GR	A DADS consumer enrolled in a program other than a 1915(c) Medicaid waiver that offers employment assistance and who wants assistance finding integrated, competitive employment, is not required to seek DARS services, but has the option to apply for such services.
	All programs	A DADS consumer who needs assistance maintaining employment is not required to, and should not seek DARS services in order to receive supported employment or another DADS-funded service that helps maintain employment, or to use Ticket to Work funding.
<b>DARS application</b>	All programs	A person is not ineligible for DARS services because he or she has access to DADS funded services.
	HCS, TxHmL, CLASS, DBMD, MDCP, ID/RC/GR	DADS providers may provide employment assistance using DADS funds or other funding such as Ticket to Work to DADS consumers who have applied for DARS services until DARS has developed the individual plan for employment (IPE). The DADS representative must maintain communication with the DARS VRC regarding services provided between the DARS VR application and the “Start Date” of DARS Services as defined in the person’s DARS VR IPE.



<p><b>DARS eligibility determination</b></p>	<p>All programs</p>	<p>In accordance with 34 CFR §361.42(a)(1) and 29 USC §722 et seq., individuals receiving DARS services must meet the eligibility requirements for VR services:</p> <ul style="list-style-type: none"> <li>• A determination by a qualified vocational rehabilitation counselor (VRC) that the applicant has a physical or mental impairment.</li> <li>• A determination by a qualified VRC that the applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.</li> <li>• A determination by a qualified VRC employed by the designated state unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.</li> <li>• A presumption that the applicant can achieve an employment outcome, unless an extended evaluation demonstrates by clear and convincing evidence that the applicant cannot achieve an employment outcome because of the severity of the applicant’s disability</li> </ul>
		<p>DARS Division for Rehabilitation Services (DRS) processes for initial contact, application eligibility and assessing and planning can be found in their entirety in the DRS Rehabilitation Policy manual here <a href="http://www.dars.state.tx.us/drs/rpm/default.htm">www.dars.state.tx.us/drs/rpm/default.htm</a></p> <p>DARS Division for Blind Services’ (DBS) processes for intake, eligibility and planning can be found in their entirety in the DBS Vocational Rehabilitation Policy manual here <a href="http://www.dars.state.tx.us/dbs/vr/default.htm">www.dars.state.tx.us/dbs/vr/default.htm</a></p>
		<p>DARS, in accordance with 29 USC §722, will notify a person in writing if he or she is determined to be eligible, ineligible, or if DARS services are unavailable, and when DARS services have been completed.</p>

<p><b>DARS coordination of services</b></p>	<p>All programs</p>	<p>With permission of the person, the DADS team members supporting a person receiving DADS services determined eligible for DARS services, along with the person, must:</p> <ul style="list-style-type: none"> <li>• If possible, attend any DRS/DBS planning meetings related to the person’s employment,</li> <li>• If possible, take an active role in providing input to the DARS IPE,</li> <li>• Ensure that the person’s DADS service plan is updated as necessary to incorporate the Comparable Benefits and Extended Supports identified in the IPE and needed for the person’s successful job maintenance, and</li> <li>• Provide or arrange the Comparable Benefits and Extended Supports necessary for successful job retention prior to DARS closure of the person’s case.</li> </ul>
		<p>The DARSVRC, with written consent from the person, will maintain contact with, and inform DADS representative through contact information listed on application documents of planning meetings related to the person’s employment.</p>
		<p>Upon request and with proper authorization for disclosure, the DADS representative will provide copies of any of the person’s records to the DARSVRC, including the following:</p> <ul style="list-style-type: none"> <li>• The person’s most recent service plan.</li> <li>• Any current vocational assessments or person-directed plans that focus on employment opportunities.</li> <li>• Any other available records pertaining to the person’s disabilities, including but not limited to medical, psychological and psychiatric reports.</li> <li>• For DRS applicants, items described in the DARS Guide for Applicants (<a href="http://www.dars.state.tx.us/publications/pdf/01856.p4j">www.dars.state.tx.us/publications/pdf/01856.p4j</a>); for DBS, call 1-800-628-5115 or go to <a href="http://www.dars.state.tx.us/dbs/offices/OfficeLocator.aspx?div=4">www.dars.state.tx.us/dbs/offices/OfficeLocator.aspx?div=4</a> to obtain the local office number;</li> <li>• A copy of the person’s court-ordered guardianship documents, if any guardian has been appointed.</li> <li>• Contact information for the person’s qualified intellectual disability professional, QDDP, case manager or service coordinator.</li> </ul>

<p><b>DARS coordination of services (cont.)</b></p>	<p>All programs (cont.)</p>	<p>DARS, in accordance with 29 USC §722 will:</p> <ul style="list-style-type: none"> <li>• Develop with the eligible person an Individualized Plan of Employment (IPE) within 90 days of determination of eligibility for services.</li> <li>• After the IPE is completed, begin coordinating the provision of services as identified on the IPE, which includes supported employment services; and</li> <li>• Upon request and with proper authorization for disclosure, provide copies of any of the person’s records to the DADS representative (e.g. provider, case manager or service coordinator), including the following documents:             <ul style="list-style-type: none"> <li>▪ A completed copy of the person’s application statement.</li> <li>▪ An person’s completed IPE,</li> <li>▪ Written documentation specifying the person’s eligibility status.</li> <li>▪ The notification letter indicating DARS services have been completed.</li> </ul> </li> </ul>
	<p>HCS, TxHmL, CLASS, DBMD, MDCP</p>	<p>If someone is receiving services from a 1915(c) Medicaid waiver that offers employment assistance and the VRC determines that DARS is not the appropriate resource to meet the person’s needs while that person still requests help locating competitive, integrated employment, the DADS representative must document this in the person’s file and may begin to provide and bill DADS for DADS-funded employment assistance.</p>
	<p>HCS, TxHmL, CLASS, DBMD, MDCP</p>	<p>If a person is receiving services from a 1915(c) Medicaid waiver that offers employment assistance and the person refuses to contact DARS, he or she may not receive DADS funded employment assistance.</p>
<p><b>Medicaid Buy-In</b></p>	<p>HCS, TxHmL, CLASS, DBMD, MDCP</p>	<p>People receiving waiver services can continue to receive waiver and other Medicaid-funded services as a Medicaid Buy In recipient.</p>
<p><b>Ticket to Work Employment Network (EN)</b></p>	<p>HCS, TxHmL, CLASS, DBMD, MDCP, ICF/IID</p>	<p>There is no conflict when a Medicaid provider receives payment for employment assistance or supported employment, and then later receives, ticket outcome or milestone payments based on employment outcomes.</p>

## 1. References- DADS Employment-Related Policies

<b>Program</b>	<b>Topic</b>	<b>Reference</b>
<b>CLASS</b>	Informing the person about available services	Provider Manual, Sections 2310 and 2320
	Service planning	Provider Manual, Sections 2310 and 2320
	Providing employment-related services and supports	40 TAC 45.80 5(a)(1)
	Transportation	CLASS Waiver Application
	Other services that support employment	CLASS Waiver Application
<b>HCS</b>	Informing the person about available services	40 TAC 9.158(e)(1); 40 TAC 9.173(b)(4)
	Service planning	40 TAC 9.190 (e)(1)
	Providing employment-related services and supports	40 TAC 9.174 (a)(46)
	Transportation	HCS Waiver Application
	Other services that support employment	HCS Waiver Application
<b>TxHmL</b>	Informing the person about available services	40 TAC 9.583 (m)(3)(B)
	Service planning	40 TAC 9.567 (a)(3)
	Providing employment-related services and supports	40 TAC 9.578(e) and (n)(1)(2)(3)
	Transportation	TxHmL Waiver Application
	Other services that support employment	TxHmL Waiver Application
<b>DBMD</b>	Informing the person about available services	40 TAC 42.212(c)(1)(A) and 40 TAC 42.223(b)(3)(C)
	Service planning	40 TAC 42.21 4(d)
	Providing employment-related services and supports	40 TAC 42.40 4(e),(f)
	Transportation	DBMD Waiver Application
	Other services that support employment	DBMD Waiver Application

<b>MDCP</b>	Informing the person about available services	Case Manager MDCP Handbook Sections 2310.3, 2320
	Service planning	Case Manager MDCP Handbook Sections 3130, 3130.2
	Providing employment-related services and supports	40 TAC 51.41 I(a)
	Other services that support employment	40 TAC 51.103(4)(A)(iii)
<b>ID/GR</b>	Informing the person about available services	40 TAC 2.307 (b)(1)
	Service planning	40 TAC 2.307(b)(4) and (e)(1)(A)
	Transportation	Performance Contract, Attachment F
	Other services that support employment	Performance Contract, Attachment F
<b>ICF/IID</b>	Informing the person about available services	40 TAC 9.244 (d)
	Service planning	CFR 483.440(c)(4)
	Providing employment-related services and supports	CFR 483.440(d)(3)
	Transportation	40 TAC §9.254



## ATTACHMENT B:

### First Steps to Employment for People with Significant Disabilities

The Texas Department of Assistive and Rehabilitative Services (DARS), the Texas Department of Aging and Disability Services (DADS), the Texas Department of State Health Services (DSHS) and the Texas Department of Family and Protective Services (DFPS) have collaborated to develop this tool for people with disabilities, along with those who support and know the person well, who are interested in competitive employment in integrated settings. The tool is intended to guide that team, including the person, to consider the interests and strengths of, and supports available to the person before applying for DARS Division for Rehabilitation Services (DRS) or Division for Blind Services (DBS) vocational rehabilitation services. In this manner, DARS staff will be better informed of the person's likes and dislikes, as well as what works or does not work well in various situations. No one is required to use this tool to apply for DRS or DBS vocational rehabilitation (VR) services. Using this tool does not guarantee eligibility for DRS/DBS VR services. Information about the DRS application process is available at [www.dars.state.tx.us/drs/](http://www.dars.state.tx.us/drs/). The Guide for Vocational Rehabilitation Applicants, page 2, lists the documents needed for the first appointment with a DRS counselor. Information about the DBS VR program can be found at: [www.dars.state.tx.us/dbs/vr.shtml](http://www.dars.state.tx.us/dbs/vr.shtml).

Below are topics to discuss as part of the employment planning process. While they were developed in consultation with DARS, considering these topics as a team should help a person receiving DADS or DSHS services be successful in employment even if he or she does not receive DARS services.

#### Interests and skills

- Everyone has a reason why they want a job. Some people want to make money, to meet people, or to do what they are interested in for a living. Explore the reason the person wants to work; begin by asking the individual why he or she wants to go to work at this time.
- The DRS/DBS vocational rehabilitation counselor will ask about any previous work or volunteer experience the person has, to get an idea of the person's interests, skills, and what skills they might need to develop to get a job matching their interests. Even without work or volunteer experience, everyone has skills and interests that can help in or lead to a job. Explore the person's interests and skills; begin by asking the person what interests he or she has that might lead to a job, and how he or she might get the skills needed to hold a job that matches their interests (such as on-the-job training or volunteer experience).

#### Long-term supports

DRS and DBS provide time-limited services. People who require on- or off-the-job supports for an extended time will be required to have those support services in place prior to the end of DRS/DBS services.

# DADS Guide to Employment for People with Disabilities

## General

Most people need some help to keep their jobs. Sometimes a person's parent or spouse will make him or her a lunch to take to work, or help with laundry. Sometimes a roommate will make sure the person wakes up in time to get ready for work. Explore who might support the person once they get a job; begin by asking the person who in their life –such as family members, direct support staff, case manager, legally authorized representative –would support their goal of going to work, and who might help them if needed.

## Transportation

Some people drive their own cars, ride the bus, or walk to their job. Some people have friends, relatives, or paid staff drive them to a job. Explore the person's preference for transportation; begin by asking the person how they might reliably get to and from a job.

## Job coaching

Anyone in a new job needs assistance and mentoring before being able to do the job independently. If the person might need long-term, paid, on-the-job coaching, in addition to the natural supports provided by supervisors and co-workers, explore the funding sources for that coaching, as well as where the person might access job coaches. Talk about a plan for gradually fading the support, such that the person is eventually doing the job with no or infrequent paid, on-the-job coaching.

## Employment expectations

All jobs come with certain expectations and responsibilities of employees, regardless of having or not having a disability. Talk about these expectations; begin by asking the person how he or she, with the help of his or her team if needed, can meet them. These expectations include:

- Letting the employer know in a timely manner if he or she will be late for work or out due to illness.
- Meeting a company's dress code, or, if there is no dress code, dressing appropriately for the particular job.
- Conducting him or herself in a manner that is socially acceptable in the particular workplace; begin by asking the person if he or she has any habits or routines that might make it hard to get or keep a job. If so, talk about how the person might address these.
- Following a supervisor's directions.

Finally, explore what else the person may need to be successful finding and maintaining employment.

## ATTACHMENT C:

### Joint DADS/DARS Providers: The benefits

DARS contracts with Community Rehabilitation Programs (CRPs) to provide a variety of employment services.

*Why should a DADS program provider consider becoming a CRP?*

When people enrolled in a DADS program are determined eligible for DARSVR services and choose their DADS program provider as their CRP, everyone benefits.

- An organization must fulfill certain requirements to contract with DARS as a CRP. These requirements are described in detail in DARS’ Standards for Providers: [www.dars.state.tx.us/drs/providermanual/default.htm](http://www.dars.state.tx.us/drs/providermanual/default.htm) and [www.dars.state.tx.us/dbs/standards/index.shtml](http://www.dars.state.tx.us/dbs/standards/index.shtml).
- For information about DARS contracting opportunities, visit [www.dars.state.tx.us/business/contracting-opportunities.shtml](http://www.dars.state.tx.us/business/contracting-opportunities.shtml). DARS will accept applications to contract as a CRP only when a need has been established for a particular region. To inquire regarding such a need in the area(s) of interest, follow the instructions listed in the relevant solicitation on the Electronic State Business Daily.

<b>Person receiving DADS services</b>	<b>DADS program provider</b>	<b>Person’s employer</b>
<ul style="list-style-type: none"> <li>• Receives both job placement and on-going employment supports from the same person ► a smooth DADS-DARS-DADS transition.</li> <li>• Receives both employment and other long-term supports from the same organization, where a relationship has already been built.</li> <li>• With a potential on-going supports agency already identified, may be more likely to qualify for DARS services.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides and receives DARS payment for assisting the person to find and become stable in employment ► extra income source.</li> <li>• Provides and receives DADS payment for on-going support services needed to help the person maintain employment.</li> <li>• Has an opportunity to improve competence in employment services through the training DARS provides.</li> <li>• Is in the best position, already being familiar with the person, to help determine career goals.</li> <li>• Is in the best position, as the long-term support agency, to help develop the on-going support plan (e.g. transportation, personal assistance services, job coaching).</li> </ul>	<ul style="list-style-type: none"> <li>• Must establish a relationship with only one support staff person for the up-front and on-going employment supports ► minimal disruption to business.</li> </ul>

## ATTACHMENT D:

### How earnings from employment effect cash and medical benefits, and where to get additional assistance

Fear of loss of benefits is a leading cause for people with disabilities to remain unemployed or underemployed. To help those who want to work and keep their benefits to retain services, the Social Security Administration created work incentives – a series of exclusions that may reduce cash subsidies but helps to retain health insurance and service eligibility; see “Comparing SSI and SSDI, and their work incentives” within this attachment for more detail. Community Work Incentives Coordinators (CWIC) that work at WIPAs are available to counsel people with disabilities receiving SSI and SSDI about earned and unearned income limits and to help them manage their earnings over time. CWICs are especially helpful in providing an earnings profile for SSI and SSDI recipients so they will know what affect earnings will have on their Social Security benefits. Working with the staff at the Social Security administration as well as the CWICs, most people will be able to have a job they want and keep the supports they need to live in the community.

The starting point: Each person is unique in his or her social security history and benefits. In order to learn about his or her benefits and current status in the Social Security system, a beneficiary can request a Benefits Planning Query. This report is a basic planning tool that is critical for an individual, SSA staff, and benefits counselors to understand the person’s work benefits and to take the next steps with confidence.

People may also contact a representative at SSA’s Work Incentive Information and Referral Center (WIIRC) at 1-866-968-7842 (voice) or 1-866-833-2967 (TDD) to get help understanding SSI and SSDI programs, Social Security’s work incentives, and the effects of earnings from work on cash benefits and health care coverage, including Medicare and Medicaid. Some basic points to note:

#### SSI

- SSI monthly cash benefit amount is determined by a mathematical formula. Regardless of the amount of earned income from a job, an SSI recipient will always have more money in their pocket if they work.
- SSI Medicaid continues as long as a recipients gets any amount of SSI cash benefit- even as low as \$1 in SSI cash benefit a month.
- A person who is working will continue to receive Medicaid even if he/she doesn’t receive a monthly SSI cash benefit, up until earned income reaches the state threshold of \$32,387 gross annual income (2013).
- Even after the working person earns above the state threshold, there is a possibility of retaining Medicaid depending on what medical services and work incentives programs are used. There are people with disabilities in Texas with individualized thresholds of \$65,000 and higher.

#### SSDI

- SSDI works in stages. Many safety nets exist for people trying to work in the SSDI system.
- SSDI has provisions for getting back onto the program even if a person is terminated from cash

and health care benefits.

- Medicare continues as long as the person receives an SSDI monthly cash benefit. Extended Medicare ensures that people continue to receive health insurance for a certain period after cash benefits cease.

### **Texas Medicaid Buy-In (MBI) Program**

- MBI gives working people with disabilities access to health insurance by allowing them to purchase , or “buy in” to Medicaid.
- Some pay a premium each month to “buy in” to Medicaid. How much an they pay varies based on their earned and unearned income.
- SSDI recipients, or those who have recently “earned off” SSI (have gone over the threshold and are not eligible for an individualized threshold) meet the disability criteria for MBI, but must also demonstrate that they meet the financial criteria for the program, such as the income and asset limits.

WIIRC services may include helping consumers select a Ticket to Work Employment Network (TTW EN), developing Benefits Summary and Analyses (BS&As) and Work Incentive Plans (WIPs), counseling on state-specific benefits, offering guidance about reporting earnings in a timely manner, and referring them to community-based supports and financial services providers. Under the Ticket to Work (TTW) program, SSA issues a ticket to an SSI and SSDI beneficiary who may assign the ticket to an Employment Network (EN) of his or her choice to obtain employment services. The EN, if it accepts the ticket, helps the beneficiary obtain and maintain employment, and receives payment from SSA based on the beneficiary’s employment outcomes.

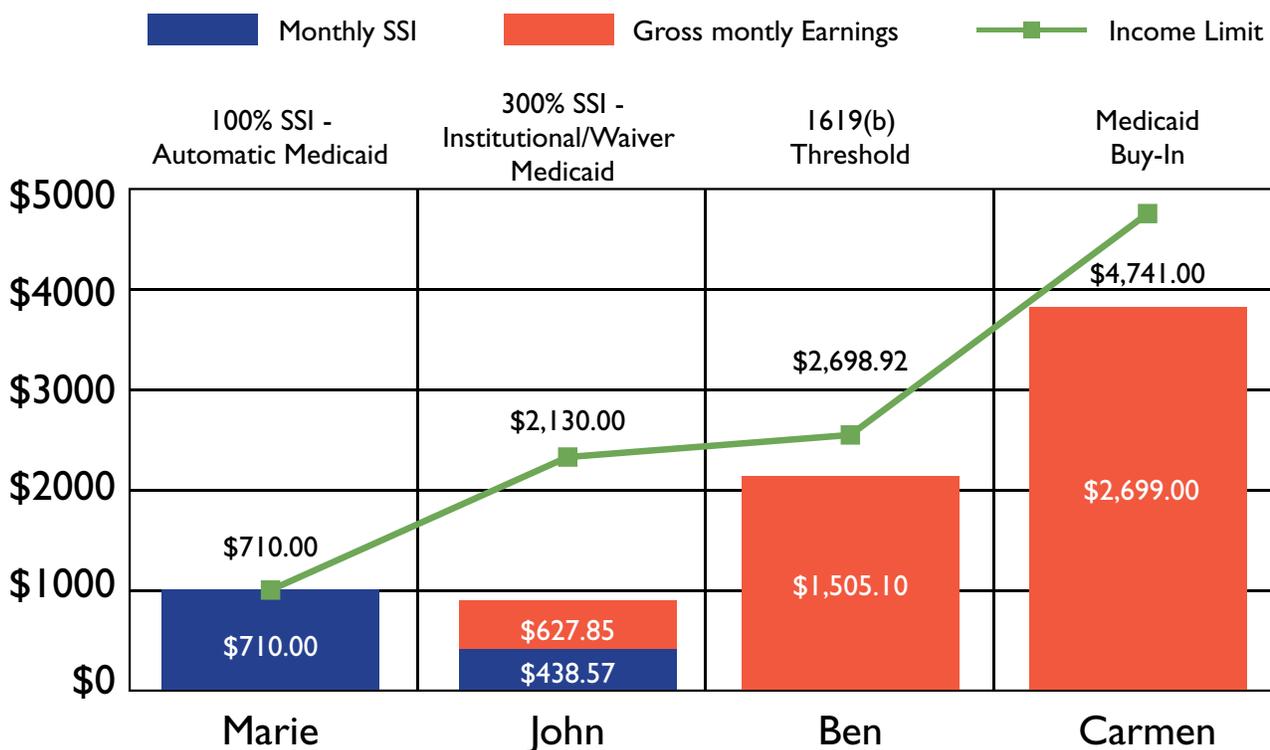
Some local HHSC benefits offices can provide information and assistance to people about their earned and unearned income limits under Medicaid. To find a Local HHSC benefits office that handles Medicaid for the Elderly and People with Disabilities (MEPD), call 2-1-1 or go to [www.yourtexasbenefits.com](http://www.yourtexasbenefits.com).

Questions about Medicare should contact a DADS regional benefits vounselor working for the Texas Health Information Counseling and Advocacy Program (HICAP) at a local area agency on aging.



Table I shows how an SSI recipient is able to retain Medicaid benefits and increase income as he or she earns more, even while SSI cash benefits are decreased.

**Table I: How recipients with disabilities retain Medicaid as income rises, 2013**



Note: Table does not include use of any SSA work incentives

**Marie**

Marie is not working and receives the full monthly SSI benefit check, \$710 per month, for 2013.

**John**

John begins working at a job earning \$7.25 an hour and works 20 hours per week. This means John’s monthly gross income is \$627.85. John still receives (in 2013) an SSI monthly cash benefit of \$438.57 in addition to his earned income of \$627.85, and he still gets his Medicaid for free.

**Ben**

Ben’s works 40 hours a week making \$8.69 an hour. This makes his monthly gross income \$1,505.10 a month. John has reached the “break-even point” in SSI and will no longer receive an SSI monthly cash benefit. However, he is now eligible for SSI’s 1619(b) program, which allows him to earn up to \$32,387 gross annual salary in 2013 and still continue to get Medicaid for free even though he no longer receives a monthly cash benefit.

## Carmen

Carmen earns \$2,699 gross each month. She earns over the 1619(b) threshold of \$32,287 (in 2013). If Carmen's annual Medicaid expenses are more than the state average of \$14,327 (in 2013), she may still be eligible for Medicaid through 1619(b) by getting approval for an individualized income threshold from SSA. If Carmen's annual Medicaid expenses are not more than the state average, Carmen is no longer eligible for Medicaid through SSI 1619(b). However, Carmen can continue to receive Medicaid by paying a monthly premium and purchasing Medicaid Buy-In.

### If Carmen is on Social Security Disability Insurance (SSDI):

If Carmen received SSDI, rather than SSI, she could purchase the Medicaid Buy-In at any time. She would then have health care coverage from both Medicare (a person gets Medicare after receiving two years of SSDI cash benefits) and Medicaid.

### If Carmen is not on SSDI and was never on SSI:

Carmen has a disability and works. She has never received SSI or SSDI. If her disability meets certain criteria she can purchase health insurance through Medicaid Buy-In.

## Success Story

Jarron is a Social Security beneficiary and receives Supplemental Security Income. His cash subsidy was \$710 per month and he was on Medicaid health insurance. Jarron's support staff noticed that he had the ability to work with hand tools and was proficient at putting together the base assembly of a rolling chair. They helped him to find a job working 20-hours per week at \$7.25 per hour. His job resulted in gross monthly earnings of \$609 per month, increasing Jarron's monthly income by \$347 to a total of \$1,057. Although his SSI check is reduced each month by \$262 using SSA's basic calculations for exclusions and countable income, his total income was greater than if he were not working and he was able to retain his Medicaid. Because Jarron needs support getting to and from his job every day, he hired a co-worker to take him to and from work for \$250/month. Using an Impairment Related Work Incentive (IRWE), this expense is calculated into his monthly SSI cash subsidy. The work incentive allows \$137 - half of the cost of the transportation - to come from SSI funds. Using this IRWE, Jarron's monthly income increased to \$1,182, leaving \$932 after paying for the transportation.

Successful on the job, Jarron received a pay raise of .10 per hour and an increase in hours to 40 hours per week. His gross earnings increased to \$1,234.80. He continues to use the IRWE for transportation support at \$250 per month. Using SSA's exclusions, work incentives, and basic calculations, Jarron still has a SSI cash subsidy of \$260.10 per month. After paying for transportation, his income is now up to \$1,244.90 per month and continues to receive his Medicaid health insurance.

## I. Comparing Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) and their Work Incentives: Texas Edition

*John Coburn, Esq., Health and Disability Advocates, September 2011*

*Parts based on document produced by University of Montana Rural Institute in 2010*

SSI <sup>1</sup>	SSDI <sup>2</sup>
<ul style="list-style-type: none"> <li>• This program may be called Supplemental Security Income (SSI) or Title XVI (16).</li> <li>• Funding comes from annual Congressional appropriation from the 'general fund'.</li> </ul>	<ul style="list-style-type: none"> <li>• This program may be called by different names: DIB (Disability Insurance Benefits), Title II (2), SSDI (Social Security Disability Insurance) and OASDI (Old Age, Survivor &amp; Disability Insurance).</li> <li>• Funding comes from the Social Security Trust Fund, which is supported through Federal Insurance Contributions Act taxes.</li> </ul>
<ul style="list-style-type: none"> <li>• No work history is required</li> </ul>	<ul style="list-style-type: none"> <li>• Work history is required.</li> <li>• Must have worked and paid Social Security taxes and accrued 'work credits,' or be a child, widow or widower of an insured worker.</li> <li>• A maximum of four credits can be earned per year.</li> <li>• The amount of earnings per credit changes annually in January.</li> </ul>
<ul style="list-style-type: none"> <li>• Benefits are only paid to person with disability.</li> <li>• Other family members can only get benefits if they are independently disabled.</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits may be paid to the worker and to certain family members who are dependent, elderly or disabled.</li> </ul>
<ul style="list-style-type: none"> <li>• Needs based: must have little or no income and resources.</li> <li>• Any income could affect and possibly reduce or eliminate benefits.</li> <li>• Resource/assets must be below \$2,000 for an individual or \$3,000 for a couple.</li> </ul>	<ul style="list-style-type: none"> <li>• No resource/asset limit; no limits on unearned income.</li> <li>• Generally there are no income limits (certain federal or state disability benefits may affect payment level).</li> </ul>
<ul style="list-style-type: none"> <li>• No waiting period from onset of disability to when benefits can be paid.</li> </ul>	<ul style="list-style-type: none"> <li>• Five-month waiting period is required from date of onset of disability until benefits can be paid.</li> </ul>
<ul style="list-style-type: none"> <li>• Designed to bring income up to Federal Benefit Rate of \$710 month or \$1,066 for a couple (in 2013).</li> <li>• Amount received depends on living situation, earnings and unearned income.</li> </ul>	<ul style="list-style-type: none"> <li>• Either eligible for full benefit check, or ineligible and receive no benefits except workers compensation offset if applicable.</li> <li>• Amount received is based on earning history of wage-earner, age when benefits begin and number of people in addition to the wage earner who are receiving benefits.</li> <li>• If benefit amount is less than SSI FBR plus \$20 (or \$710 in 2013), wage earner may also be eligible for SSI.</li> </ul>
<ul style="list-style-type: none"> <li>• Checks are paid for the month in which they are received.</li> </ul>	<ul style="list-style-type: none"> <li>• Checks are paid for one month behind.</li> </ul>

<b>SSI<sup>1</sup></b>	<b>SSDI<sup>2</sup></b>
<ul style="list-style-type: none"> <li>• Checks are paid on the first of the month. If the first is a holiday or weekend, check arrives on business day before the first.</li> </ul>	<ul style="list-style-type: none"> <li>• Checks are paid on a staggered schedule throughout the month:</li> <li>• For those qualified before May 1997: the third day of the month;</li> <li>• For those after May 1997 and birthday is between first and 10<sup>th</sup>: second Wednesday of month;</li> <li>• For those after May 1997 and birthday is between 11<sup>th</sup> and 20<sup>th</sup>: third Wednesday of month;</li> <li>• For those after May 1997 and birthday is between 21<sup>st</sup> and 31<sup>st</sup>: fourth Wednesday of month.</li> </ul>
<ul style="list-style-type: none"> <li>• SSI and Medicaid eligibility are tied together; once a person is found eligible for SSI he/she receives Medicaid.</li> </ul>	<ul style="list-style-type: none"> <li>• Medicare coverage benefits begin after 24 months of receiving cash benefits.</li> </ul>
<ul style="list-style-type: none"> <li>• Medicaid continues through 1619a and b even after cash benefit stops; up to \$32,387 annual salary (in 2013), or higher if individualized threshold is established.</li> </ul>	<ul style="list-style-type: none"> <li>• Medicaid may be available if eligibility requirement for a category, home and community based services waiver or other waiver are met.</li> </ul>
<ul style="list-style-type: none"> <li>• Medicaid Buy-In if not qualified through 1619b</li> </ul>	<ul style="list-style-type: none"> <li>• Medicaid Buy-In</li> </ul>
<b>WORK INCENTIVES</b>	
<ul style="list-style-type: none"> <li>• General Income Exclusion of \$20</li> </ul>	<ul style="list-style-type: none"> <li>• Trial Work Period (TWP)</li> <li>• Nine months over a rolling 60-month period in which person can earn whatever amount he/she is able to earn; monthly benefit check continues during TWP.</li> </ul>
<ul style="list-style-type: none"> <li>• Earned Income Exclusion of \$65 and then divide by 2 (2 for 1)</li> </ul>	<ul style="list-style-type: none"> <li>• Extended Period of Eligibility (EPE)</li> <li>• 36 months which starts immediately after the Trial Work Period ends.</li> </ul>
<ul style="list-style-type: none"> <li>• Student Earned Income Exclusion (SEIE)</li> <li>• Person under the age of 22 is in school and working.</li> <li>• Has monthly or annual income excluded up to annual threshold.</li> </ul>	<ul style="list-style-type: none"> <li>• Grace Period</li> <li>• Three consecutive months that begin the first month after the Trial Work Period where Countable Income is greater than Substantial Gainful Activity.</li> </ul>

SSI <sup>1</sup>	SSDI <sup>2</sup>
<ul style="list-style-type: none"> <li>• Impairment Related Work Expense (IRWE)</li> <li>• Are paid for out of the person’s pocket; are not reimbursable from another source; are reasonable; and are directly related to enabling the person to work.</li> </ul>	<ul style="list-style-type: none"> <li>• Impairment Related Work Expense (IRWE)</li> <li>• Are paid for out of the person’s pocket; are not reimbursable from another source; are reasonable; and are directly related to enabling the person to work.</li> </ul>
<ul style="list-style-type: none"> <li>• Plan for Achieving Self Support (PASS)</li> <li>• Self-financed work incentive that requires an occupational goal tied to expenses which are paid for by setting aside SSDI, wages and/or resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsidy / Special Conditions</li> <li>• When an employer pays the person for work which may not have the same value as non-disabled employee or when another entity, like DRS, pays for job coach or other supports on the job.</li> <li>• These can be applied only after the Trial Work Period, when working at SGA.</li> </ul>
<ul style="list-style-type: none"> <li>• Blind Work Expenses (BWE)</li> <li>• Taxes, union dues, work uniform, service animal expenses, much more.</li> </ul>	<ul style="list-style-type: none"> <li>• Un-incurred Bus Expenses/Unpaid Help</li> <li>• Self Employment.</li> </ul>
<ul style="list-style-type: none"> <li>• 1619 a and b</li> <li>• Free Medicaid even after SSI check stops, up to annual state threshold of \$32,387 (in 2013) or higher if individual threshold established.</li> </ul>	<ul style="list-style-type: none"> <li>• Extended Medicare</li> <li>• At least 93 months after the Trial Work Period.</li> </ul>
<ul style="list-style-type: none"> <li>• Property Essential to Self Support (PESS)</li> <li>• Self Employment: allows a person to have resources that support the business and still be eligible for SSI/Medicaid.</li> </ul>	<ul style="list-style-type: none"> <li>• Unsuccessful Work Attempt (UWE)</li> <li>• When earnings are over SGA but stopped, or produced earnings below the Substantial Gainful Activity level after 6 months or less. This is used during EPE or application.</li> </ul>
<ul style="list-style-type: none"> <li>• Ticket to Work (TTW)</li> <li>• Person can choose the Employment Network provider (EN) with which to work to attain an occupational goal.</li> <li>• While ticket is active, protected from regularly scheduled medical CDR.</li> </ul>	<ul style="list-style-type: none"> <li>• Ticket to Work (TTW)</li> <li>• Person can choose the Employment Network provider (EN) with which to work to attain an occupational goal.</li> <li>• While ticket is active, protected from regularly scheduled medical CDR.</li> </ul>
<ul style="list-style-type: none"> <li>• Medicaid Buy-In (MBI)</li> <li>• Medicaid Buy-In allows person to buy in to full Medicaid coverage.</li> <li>• Depending on amount of earned and unearned income a monthly premium may be required.</li> </ul>	<ul style="list-style-type: none"> <li>• Medicaid Buy In (MBI)</li> <li>• Medicaid Buy-In allows person to buy in to full Medicaid coverage.</li> <li>• Depending on amount of earned and unearned income a monthly premium may be required.</li> </ul>

SSI <sup>1</sup>	SSDI <sup>2</sup>
<ul style="list-style-type: none"> <li>• Expedited Reinstatement of Benefits (EXR)</li> <li>• For people who successfully return to work, and later lose their entitlement to SSI benefits and payments.</li> <li>• If ineligible for SSI and/or Medicaid for any reason other than medical recovery or work, may be able to restart the SSI cash payment and/or Medicaid coverage within 12 months without a new application.</li> <li>• If cash payment and Medicaid benefits ended because of work and earnings and work stops within 5 years of when benefits ceased, SSA may be able to start benefits up again.</li> </ul>	<ul style="list-style-type: none"> <li>• Expedited Reinstatement of Benefits (EXR)</li> <li>• A safety net for people who successfully return to work and later lose entitlement to SSDI benefits and payments.</li> <li>• If cash payments ended because of work and earnings, and work stops within five years of when benefits ended, SSA may be able to start benefits up again, and provide up to six months of provisional cash benefits while SSA conducts a medical review to determine whether or not the person meets the definition of disability.</li> </ul>

## I. Texas rules regarding Medicaid eligibility for employed people with disabilities

*For individualized information and planning, consult with a Medicaid for the Elderly and People with Disabilities eligibility specialist.*

For all Medicaid beneficiaries with a disability, assets held in certain types of accounts may not be counted when determining Medicaid eligibility. It is recommended that people consult with an attorney to establish trusts or other accounts that ensure they meet Medicaid requirements. (F-6000, Types of Trusts)



### Eligibility types for individuals with disabilities:

- Medical Assistance Only (MAO) – For those whose eligibility is not determined by SSA and who are not SSI eligible, eligibility for MAO is determined by the state of Texas based on a person’s income, resources and disability.
- Supplemental Security Income (SSI) – Medicaid eligibility is tied to SSI eligibility as determined by the Social Security Administration (SSA).
- SSI-Related – The person is no longer receiving SSI:
  - Because of Social Security cost-of-living increases that he or she got since he or she was last entitled to get an SSI and Social Security payment in the same month. The SSA calls this a “Pickle.”
  - Because the person is entitled to an increase in Social Security widow/widowers benefits – or he or she got an increase in those benefits – and is not eligible for Medicare. The SSA calls this “ARF for Disabled Widows or Widowers.”

- Because the person is entitled to an increase in Social Security disabled adult children's benefits, or he or she got an increase in those benefits. The SSA calls this "Childhood Disability Beneficiary / Disabled Adult Child."
- Medicaid Buy-In (MBI) - Allows a working person with a disability to purchase Medicaid benefits when they earn more than the MAO, SSI, or SSI-related Medicaid income limits.

Here are some guidelines for how people in the following programs can work and keep their Medicaid benefits:

### **HCS, CLASS, DBMD, and MDCP**

- MAO – Without establishing a Qualified Income Trust (QIT), combined countable gross earned and unearned income cannot exceed 300 percent of the SSI benefit amount, or \$2,130 per month for 2013. (Appendix XXXI, Budget Reference Chart).
  - Income held in a QIT is not counted for the purpose of establishing Medicaid eligibility. However, people may be required to contribute earnings in excess of 300 percent of the SSI benefit amount, minus allowable deductions, toward the cost of their care.
- SSI – SSA will determine if a person will remain Medicaid eligible through section 1619(b) of the Social Security Act if their income exceeds the SSI benefit amount. This provision allows beneficiaries to earn up to \$32,387 per year in 2013, or a higher individualized threshold if applicable (Social Security Administration). If the person's income exceeds \$32,387 per year (or the approved individualized threshold), the person may be able to continue to receive Medicaid benefits and waiver services through MBI.
  - 1619(b) eligibility may or may not be automatic and Social Security may apply a medical use test to determine that earnings are not sufficient to meet medical needs. Providers should contact their local SSA office and inquire about eligibility under 1619(b).
  - The person does not contribute toward the cost of their care.
- MBI - To be eligible for waiver services under MBI, countable earned income must be less than 250 percent of the federal poverty level, or \$2,394 per month for 2013. Because some income is not counted, a person can make up to \$4,872 per month, not counting possible work incentives/income disregards. (Chapter M, Medicaid Buy-In)
  - Transfer to MBI is not automatic as an individual increases their earnings; the person must apply for MBI.
  - HHSC will calculate an MBI premium, but not a co-pay, for a person in a waiver.
  - In addition to regular Medicaid resource exclusions, the following resources are not counted when determining MBI eligibility:
    - Retirement-related accounts.
    - Independence accounts.
    - Plan to Achieve Self Support (PASS).
    - \$3000 MBI Resource Exclusion.

### **TxHmL**

- SSI-related – Combined countable earned and unearned income must be less than the SSI benefit amount, or \$710 per month for 2013. (Appendix XXXI, Budget Reference Chart). If it does, the person may be able to receive Medicaid benefits and waiver services through MBI.

- SSI – SSA will determine if an person will remain Medicaid eligible through section 1619(b) of the Social Security Act if their income exceeds the SSI benefit amount. This provision allows beneficiaries to earn up to \$32,387 per year in 2013, or a higher individualized threshold if applicable (Social Security Administration). If the person's income exceeds \$32,387 per year (or the approved individualized threshold), the person may be able to continue to receive Medicaid benefits and waiver services through MBI.
  - 1619(b) eligibility may or may not be automatic and Social Security may apply a medical use test to determine that earnings are not sufficient to meet medical needs. Providers should contact their local SSA office and inquire about eligibility under 1619(b).
  - The individual does not contribute toward the cost of their care.
- MBI - To be eligible for waiver services under MBI, countable earned income must be less than 250 percent of the federal poverty level, or \$2,394 per month for 2013. Because some income is not counted, a person can make up to \$4,872 per month, not counting possible work incentives/income disregards. (Chapter M, Medicaid Buy-In)
  - Transfer to MBI is not automatic as a person increases their earnings; the person must apply for MBI.
  - HHSC will calculate an MBI premium, but not a co-pay, for a person in a waiver.
  - In addition to regular Medicaid resource exclusions, the following resources are not counted when determining MBI eligibility:
    - Retirement-related accounts
    - Independence accounts
    - Plan to Achieve Self Support (PASS)
    - \$3,000 MBI Resource Exclusion

## ICF/IID

- MAO – Without establishing a Qualified Income Trust (QIT), combined countable gross earned and unearned income cannot exceed 300 percent of the SSI benefit amount, or \$2,130 per month for 2013. (Appendix XXXI, Budget Reference Chart)
  - An person living in an ICF/IID without earned income contributes all but \$60 per month (personal needs allowance) of their unearned income, minus other allowable deductions, toward the cost of their care. An individual with earned income retains some of it (protected earned income) as follows:
    1. If the resident earns a net monthly amount of \$30 or less, he or she retains 100 percent of earnings.
    2. If the resident earns a net monthly amount of more than \$30 but not more than \$120, he or she retains 100 percent of the first \$30, plus 50 percent of the remaining earnings up to \$45.
    3. If the resident earns a net monthly amount of more than \$120, he or she retains 100 percent of the first \$30, plus 50 percent of the remaining earnings up to \$45, plus 30 percent of earnings over \$120 up to 300 percent



- of the SSI benefit amount. (H-5110 ICF/IID Co-Payments, Individual).
4. Earned income held in a QIT is not counted for the purpose of establishing Medicaid eligibility. However, people may be required to contribute earnings in excess of 300 percent of the SSI benefit amount, minus allowable deductions, toward the cost of their care.
- SSI – SSA will determine if a person will remain Medicaid eligible through section 1619(b) of the Social Security Act if their income exceeds the SSI benefit amount. This provision allows beneficiaries to earn up to \$32,387 per year in 2013, or a higher individualized threshold if applicable (Social Security Administration).
    - 1619(b) eligibility may or may not be automatic and Social Security may apply a medical use test to determine that earnings are not sufficient to meet medical needs. Providers should contact their local SSA office and inquire about eligibility under 1619(b).
    - An person retains some of their earned income (PEI) as follows:
      1. If the resident earns a net monthly amount of \$30 or less, he or she retains 100 percent of earnings.
      2. If the resident earns a net monthly amount of more than \$30 but not more than \$120, he or she retains 100 percent of the first \$30, plus 50 percent of the remaining earnings up to \$45.
      3. If the resident earns a net monthly amount of more than \$120, he or she retains 100 percent of the first \$30, plus 50 percent of the remaining earnings up to \$45, plus 30 percent of earnings over \$120 up to \$32,387 per year (or the approved individualized threshold). (H-5110 ICF/IID Co-Payments, Individual)

## ATTACHMENT E:

### Resources

Being creative and resourceful is essential when planning for employment. Even with DADS and DARS funding in place, funding realities can mean that all desired services and supports might not be available. It is important to consider all resources for putting together a package of services that support employment. Other sources of help are listed below. Additional possibilities to consider include connections and resources in your own community, what the individual's family can do, and any typical and natural supports available.

### I. General employment resources

#### Advocacy associations

Organizations such as The Arc of Texas, Disability Rights Texas, and Centers for Independent Living offer support for people and families. The Arc of Texas has created an information packet on employment for people with disabilities that is available by contacting The Arc through their website.

#### Business and community service associations

Chambers of commerce and community service associations such as the Elks and Kiwanis can be a source of jobs, funding, contacts and information sharing. The Business Leadership Network has information on employers across the state with job opportunities for people with disabilities.

### **Employment agencies**

Employment agencies are a source of temporary and full-time jobs. Some employment in finding jobs for people with disabilities and many have job openings that people with disabilities can fill. Job seekers can find disability related information at online job sites such as [www.Monster.com](http://www.Monster.com). Employment agencies are listed in newspapers or the phone book.

### **Newspaper ads and online job banks**

Probably the most common source of job openings are newspaper ads and online job banks that offer an array of possible career and job choices. The want ads section is a great source of information for the types of jobs that may be available in the community.

## **2. State agencies and programs**

Visit DADS SE webpage for links, resources, tools, etc.

### **DARS Field Offices**

DARS field offices are located across the state to help people with disabilities who are seeking employment. Job seekers must apply to DARS for a determination of eligibility before services can be offered. Services are authorized based on an Individualized Plan for Employment (IPE) that is developed with the DARS vocational rehabilitation counselor. DARS offers funding for intensive work training, job coaching, assistive technology, training and education, incentive programs for employers and other services necessary for achieving the job goal.



### **DARS Community Rehabilitation Programs**

Community rehabilitation programs (CRP) contract with DARS to provide employment services to people who are eligible for DARS services. CRPs, in collaboration with and under the supervision of DARS vocational rehabilitation counselors, help people with disabilities to locate and become stable in integrated, competitive employment.

### **DADS Regional Offices**

DADS regional offices are located across the state, and house DADS staff that provide intake, eligibility, enrollment and case management services for long-term care programs administered by DADS. These programs serve people who are elderly or have physical disabilities.

### **Local Intellectual Disability Authorities**

Local authorities are located across the state, and are governed by local boards of directors appointed by local taxing authorities. DADS holds a contract with each local authority to provide community-based services to people with intellectual disabilities/related condition, including employment services, and to help people and their families with accessing other Medicaid-funded services.

### **HHSC Regional Offices**

HHSC benefits offices are located across the state to help people arrange for Medicaid, SNAP food benefits, and other benefits. Some local offices provide information and assistance to people about their earned and unearned income limits under Medicaid, including Medicaid Buy-In. To find an office that handles Medicaid for the Elderly and People with Disabilities, call 2-1-1 or go to [www.yourtexasbenefits.com](http://www.yourtexasbenefits.com)

### **Texas Workforce Solutions**

Texas Workforce Solutions is a statewide network comprising the Texas Workforce Commission (TWC) and 28 workforce development boards and their contracted service providers and community partners. This network gives customers local access to employment, training, and support services at numerous Workforce Solutions offices.

The major functions of TWC include oversight and support of an employer-driven, integrated system that consolidates employment, job training, work-related services such as the regulation of career schools, support services such as providing child care for targeted populations participating in workforce training, and administering the unemployment benefits and unemployment tax programs through six tele-centers and numerous local tax offices across the state. TWC also provides information and analysis on shifts in occupations, industries and general labor market trends within the state.

#### **WorkInTexas.com**

This is the Texas Workforce Commission's Internet based job-matching system for both job-seekers and employers. It provides recruitment assistance to Texas employers and job search assistance to anyone seeking work in Texas. Information on system accessibility can be found [here](#).

#### **Workforce Solution Offices**

The Texas Workforce Commission, 28 Workforce Development Boards and their service contractors work together to provide workforce solutions for Texans. [Workforce Solutions offices](#) are located throughout Texas to serve you.

#### **Work Opportunity Tax Credit**

The Work Opportunity Tax Credit (WOTC) is a federal income tax benefit administered by the U.S. Department of Labor, for private, for-profit employers who hire from target populations. WOTC reduces a business' federal tax liability, serving as an incentive to select job candidates who may be somewhat disadvantaged in their efforts to find employment. Employers can receive up to a \$2,400 tax credit for hiring. Vocational rehabilitation referrals – people referred by a rehabilitation agency or an employment network approved by the Texas or the U.S. Department of Veterans Affairs.

## **3. Disability and SSA benefits/work incentives**

People with disabilities often perceive employment-related regulations for Social Security benefits as insurmountable barriers to working. However, many people misunderstand the impact of employment on benefits. By learning accurate information on Social Security Administration requirements, along with learning about work incentive programs that make it easier to go to work, people with disabilities can feel more confident in their employment search. See attachment C.I. for more information.

### **Social Security Offices**

One of the Social Security Administration's (SSA) highest priorities is to help people with disabilities achieve independence by helping them take advantage of employment opportunities. The [SSA](#) posts up-to-date information on its website which is also the source for obtaining copies of the [Red Book](#), a standard reference guide to employment support for people with disabilities.

### **Ticket to Work Employment Networks**

Ticket to Work is a Social Security Administration program that encourages people who receive SSI and SSDI to return to work. The ticket allows people to choose a qualified employment network (EN) to provide their job training and support.

### **Work Incentives Planning and Assistance Programs**

People age 14 to 64 receiving SSI and SSDI can access the area Work Incentives Planning and Assistance (WIPA) program for counseling to help people understand the effect of work on their benefits. Counselors offer strategies to enhance self-sufficiency and financial independence, and can help people and their families determine how employment earnings will affect their benefits. People who receive SSI, SSDI, and/or CDB benefits can get these services free from the Texas programs found at <https://secure.ssa.gov/apps10/oesp/providers.nsf/bystate>.

### **Going to Work: A Guide to Social Security Benefits and Employment for Young People with Disabilities**

A resource to learn about how benefits are affected by working. Printed copies can also be obtained from the Institute for Community Inclusion's Publication Office at 617-287-4300.

### **Changing the Culture and Message about Benefits: A Comprehensive Approach for Promoting Employment**

A guide to increasing awareness about how earnings affect benefits for people with disabilities. Printed copies can also be obtained from the Institute for Community Inclusion's Publication Office at 617-287-4300.

## **4. Real life job success stories**

### **Real People, Real Jobs**

This site highlights the employment successes of people with intellectual and developmental disabilities. Through the use of innovative employment support practices, these people are earning money, forming networks and contributing to their communities. Learn more about these people and the promising practices that led to their successes.

### **People Working Wikispace**

This website describes itself as "designed to celebrate the success of people with significant developmental disabilities who are working in paid jobs throughout the Pacific Northwest and beyond. These individuals have forged valuable relationships and roles with their coworkers, employers, and community members, and possess solid workplace skills." Included are more than 150 stories, complete with pictures; a tutorial about how to use the site; and opportunities to blog and discuss. The site also contains a video featuring three employers and supported employees.

## 5. Self-advocacy and self-determination

Opportunities exist both in school and upon entering the adult service world for people to determine and direct their career development--from assessing interests and goals to researching employment opportunities to starting a new job. Increasing a sense of empowerment often contributes to employment success.

### **Association of People Supporting Employment First (APSE)**

APSE is the only national organization with an exclusive focus on integrated employment and career advancement opportunities for people with disabilities. APSE is a national non-profit membership organization.

### **Self-Determination Resource Website**

This Self-Determination Toolkit is designed for teachers, parents, students and other professionals interested in supporting self-determination in home, school and community settings. The toolkit is a collection of resources, which provide a basic framework to build self-determination activities into both traditional and adapted curricula for students of all ages.

### **Self-Determination: A Fundamental Ingredient of Employment Support**

This brief examines self-determination in the employment process and suggests strategies for employment professionals to apply these principles in their work.

## 6. Person-centered career planning

### **Starting with Me: A Guide to Person-Centered Planning for Job Seekers**

A person-centered approach can help people with disabilities make satisfying job choices. This document guides job seekers through a three-stage career development process that includes assessing their interests, researching the job market, and marketing themselves to potential employers.

### **More Than Just a Job: Person-Centered Career Planning**

Sometimes people think that person-centered career planning has to involve a big meeting, or is only for people with the most significant disabilities. This publication lays out the principles of listening to job seekers to help them shape and achieve their career goals.

### **The Most Important Member: Facilitating the Focus Person's Participation in Person-Centered Planning**

This article summarizes research that explored the participation of young people in person-centered planning, and gives specific recommendations to assist facilitators in maximizing student participation.

### **Building Authentic Visions: How to Support the Focus Person in Person-Centered Planning**

This publication summarizes research on team behavior during a planning session that increased or decreased participation of the focus person. Recommendations challenge team members to think about how their own behavior influences the focus person's participation.

## **Person-Directed Planning Guidelines, Texas Department of Aging and Disability Services**

This document provides some direction to individuals, families, professionals, program providers, and local authorities in the development of effective person directed plans. This planning process will be used to develop services and supports for people with intellectual and developmental disabilities receiving community services. Person-directed planning is consistent with the recent emphasis in Texas on self-determination and the achievement of personal outcomes for people with intellectual and developmental disabilities in Texas.

## **7. Career exploration and assessment**

### **DARS Career and Community Supports Analysis**

Employment assessments like this assess the person's work history, career objectives and other aspects related to employment support, and lead the individual to consider thenwhether employment is a goal that should be included in their service plan. An employment assessment is intended for anyone with an interest in employment and should not be limited to individuals who meet a certain skill set, work performance level in a vocational program, or program eligibility criteria.

### **O\*Net Online**

This online database describes a wide variety of occupations, required skills, and earning potential.

### **YES! Your Employment Selections**

This is a job preference program using online videos. For a fee this program allows people with limited or no reading skills to watch videos of 120 different jobs, listen to a narrator describe key tasks in each job, and select preferred ones. With the help of a facilitator, the result is identification of the best-matched job, strengths and weaknesses and training priorities.

## **8. Accommodations**

### **Job Accommodation Network (JAN)**

This federally-funded program provides information and consultation on job accommodations. JAN consultants are available by phone to assist in identifying potential accommodations; they have instant access to the most comprehensive and up-to-date information about different approaches, devices, and strategies. JAN's website has a searchable online database (SOAR) which can also be used to research accommodation options. JAN also offers a variety of fact sheets and publications about the Americans with Disabilities Act (ADA).



**ABLEDATA Assistive Technology Information**

ABLEDATA provides objective information on assistive technology and rehabilitation equipment available from domestic and international sources to consumers, organizations, professionals, and caregivers within the United States. This site presents a comprehensive range of devices that are available, and also includes general information and news about topics related to assistive technology.

**9. Transportation****American Public Transportation Association**

Their website contains all available public transportation resources by state and county. The site includes links to bus, train, ferry and para-transit information.

**Texas Department of Transportation (TXDOT)**

The TXDOT website helps people find contact information for transit providers by county or category.

**The Community Transportation Association of America (CTAA)**

The CTAA has designed an Individual Transportation Planning process, along with forms and worksheets. These can be downloaded from their website (see “Documents You Can Use” midway down the right side of the page).

**Easter Seals Project Action**

The Easter Seals Project Action website has a variety of information on travel training, including training curriculums, and an array of travel training publications. Additionally, Easter Seals regularly holds travel instructor training around the country.

**Getting to Work: Addressing the Transportation Challenge**

This publication contains helpful information and guidance on solving job related transportation challenges for people with disabilities.

**ATTACHMENT F:****Questions and Answers**

**Submit your questions to [SE.Questions@dads.state.tx.us](mailto:SE.Questions@dads.state.tx.us)**

**Related to all programs:**

- I. Can people be paid subminimum wages and/or participate in unpaid work (training) in day habilitation or vocational training?

Regardless of whether the program provider bills day habilitation, vocational training or no service, wages (or lack thereof) must comply with the Fair Labor Standards Act. See the Department of Labor site on subminimum wages: [www.dol.gov/whd/specialemloyment/workers\\_with\\_disabilities.htm](http://www.dol.gov/whd/specialemloyment/workers_with_disabilities.htm) For “unpaid training,” a good test for DADS compliance is if the person is performing duties that would otherwise be performed by paid staff, then the person should be paid, too.

2. If someone with disabilities receiving DADS services applies for DARSVR services independently of their program provider or case manager/service coordinator, is the agency responsible for providing services change?

No. If DARS determines the person is eligible, they will pay the upfront costs of obtaining and becoming stable in a job. If not, the DADS program funds those services. In either case, if the person needs ongoing support, the DADS program funds those supports if available in the program in which the person is enrolled.

3. How much can someone with disabilities earn and still be eligible for Medicaid?

A working person with a disability can earn up to 250 percent of the federal poverty level (\$2,328 per month for 2013) and still qualify for Medicaid, including a Medicaid long-term care waiver, through MBI. This amount does not include any work incentives; if the person has eligible deductions, such as IRWEs, he or she could earn more and still qualify for Medicaid.

4. If the provider helps someone operating their own business, can this activity be billed as SE?

Yes.

5. Does the service plan need to contain a plan for “fading” SE?

Yes, there should be a plan for reducing/fading the amount of SE.

6. What other funding sources are available for a DADS program provider to help with someone’s job quest or job maintenance?

DARS contracts with CRPs to provide employment services, including SE. An organization must fulfill certain educational, experiential and training requirements to contract with DARS as a CRP. See the Division for Rehabilitation Services or Division for Blind Services provider manuals for more details. A CRP provides and receives payment for services that assist a DARS consumer to obtain and become stable in paid, individualized, competitive employment in the community. An organization that is contracted to provide services through both DADS and DARS can provide to someone both the upfront employment services as a CRP and the long-term employment supports as a DADS program provider.

Under the Ticket to Work (TTW) program, SSA issues a ticket to an SSI and SSDI beneficiary who may assign the ticket to an Employment Network (EN) of his or her choice to obtain employment services. The EN, if it accepts the ticket, helps the beneficiary obtain and maintain employment, and receives payment from SSA based on the beneficiary’s employment outcomes.

Other services may also be appropriate depending on the circumstances.

7. For someone receiving services from DARS, at what point should SE or any other job maintenance services be added to the person’s service plan, and at what point should the person begin receiving those services from DADS?

The time when DARS coaching ends and DADS SE begins varies by the person. It is best practice to coordinate with the DARSVR counselor from the beginning of the person’s relationship with DARS. Long-term services and supports must be in place before DARS will pay for services and/or close the case, so the person must have SE – or whatever long-term services are needed to

help the person maintain the job – approved on the service plan as soon as possible.

8. What if someone wants help finding a job, but refuses referral to DARS? Can EA be billed in that case?

If someone is enrolled in HCS, TxHmL, CLASS DBMD, or MDCP, referral to DARS is required before using EA funds, so the answer is no. If the person is receiving ID/RC/GR services, referral to DARS is optional, so the answer is yes. See the DADS/DARS MOA for more detail. For issues that arise with DARS that cannot be resolved at the local level (between the program provider or case manager/service coordinator and the VR counselor), contact DADS at [SE.Questions@dads.state.tx.us](mailto:SE.Questions@dads.state.tx.us).

9. Are program providers able to provide day habilitation to someone who is competitively employed but works within the supervision of an enclave?

As long as the outcome of the service is related to “assistance with acquiring, retaining or improving self-help, socialization and adaptive skills necessary to live successfully in the community and participate in home and community life” (part of the day habilitation definition), day habilitation can be billed, regardless of the setting or wages. The program provider must ensure that skills, other than vocational skills, are being taught while the people are participating in the enclave. Only goals that would be applicable across settings are habilitation goals.

The program provider should evaluate whether supported employment is an option for the recipient to promote his or her full integration into the workforce.

10. We are a CRP. We recently served a TxHmL recipient in DARS SE and received a successful closure. He and his family are now requesting EA to help to secure another job. He will continue to work his current job until we can secure another placement for him. Will we be able to bill TxHmL for EA services?

If someone - including a previous DARS consumer - is underemployed, they may be eligible for DARS funding again. If employment services are not otherwise available through DARS, the recipient may use DADS EA.

11. We are serving someone who was denied by DARS. We recently learned he is refusing to submit to a drug/alcohol test due to recreational drug use. He has requested we attempt to secure employment for him where drug screenings are not required. Will we be able to bill for EA under these conditions?

Yes, you may bill EA under these circumstances.

12. If a staff person transports someone to and from an employment site do they have to first exhaust SE, then use other available program services to cover the remainder of the year?

There is no requirement that SE be used before other available program services for employment-related transportation.

## ATTACHMENT H:

### Glossary

BWE – Blind Work Expenses  
 BS&A – Benefits Summary and Analysis  
 CLASS – Community Living Assistance and Support Services Waiver  
 CWIC – Community Work Incentives Coordinators  
 CRP – Community Rehabilitation Program  
 DADS – Texas Department of Aging and Disability Services  
 DARS – Texas Department of Assistive and Rehabilitative Services  
 DBMD – Deaf Blind with Multiple Disabilities Waiver  
 DBS – Division for Blind Services  
 DFPS – Texas Department of Family and Protective Services  
 DOL – Department of Labor  
 DRS – Division for Rehabilitative Services  
 DSHS – Texas Department of State Health Services  
 EA – Employment Assistance  
 EN – Employment Network  
 EXR – Expedited Reinstatement  
 EPE – Extended Period of Eligibility  
 HCS – Home and Community-based Services Waiver  
 HHSC – Health and Human Services Commission  
 HICAP - Texas Health Information Counseling and Advocacy Program  
 ICF/IID – Intermediate Care Facility for Individuals with Intellectual Disabilities and Related Conditions  
 ID/RC – Intellectual Disability or Related Condition  
 IPE – Individualized Plan of Employment  
 IRWE – Impairment Related Work Expense  
 LA – Local Authority  
 LAR – Legally Authorized Representative  
 MBI – Medicaid Buy-In  
 MDCP – Medically Dependent Children Program  
 MEPD – Medicaid for the Elderly and People with Disabilities  
 MOA – Memorandum of Agreement  
 ID/RC/GR – Intellectual Disability and Related Condition General Revenue Services  
 PASS – Plan for Achieving Self-Support  
 PCP – Person Centered Planning  
 PDA – Personal Data Assistant  
 PDP – Person-Directed Plan  
 PESS – Property Essential to Self-Support  
 QDDP – Qualified Developmental Disabilities Professional  
 QIDP – Qualified Intellectual Disabilities Professional  
 RTA – Regional Transit Authority  
 SE – Supported Employment  
 SGA – Substantial Gainful Activity  
 SS – Social Security

SSA – Social Security Administration  
SSI – Supplemental Security Income  
SSDI – Social Security Disability Insurance  
TTW – Ticket to Work  
TTY – Text Telephone  
TWC – Texas Workforce Commission  
TWP – Trial Work Period  
TxHmL – Texas Home Living Waiver  
UWA – Unsuccessful Work Attempt  
VA – Veterans Administration  
VR – Vocational Rehabilitation  
VRC – Vocational Rehabilitation Counselor  
WIIRC – Work Incentive Information and Referral Center  
WIP – Work Incentives Plan  
WIPA – Work Incentives Planning and Assistance

*(Footnotes)*

**1. Legal Citations:**

- Title XVI (16) of the Social Security Act (Title 42 US Code, The Public health and Welfare, Chapter 7, Subchapter XVI);
- Regulations in 20 CFR, Part 416.

**2. Legal Citations:**

- Title II (2) of the Social Security Act (Title 42 US Code, The Public health and Welfare, Chapter 7, Subchapter II);
- Regulations in 20 CFR, Parts 400-499.