



## Fact Sheet: Settings Final Rule and Supported Employment Services

### Overview

Supported employment services may be provided to assist recipients to acquire and maintain the work-related skills necessary to become self-employed or for employment in an integrated work setting in the general workforce, at or above minimum wage with the level of benefits paid by the employer for the same or similar work performed by individuals who are not recipients.

### Meeting the Recipient's Goals

Supported employment services focus on activities that will meet the recipient's personal and career goals; lead to an appropriate job match for the recipient and the employer; and may include vocational or job-related discovery or assessment, person-centered employment planning, job placement, job development, negotiation with prospective employers, job analysis, job carving, training and systematic instruction, and career advancement activities. In addition, the services may include benefits support, training, planning, and asset development. Following job placement, the provider may offer intensive, ongoing supports, including supervision, job coaching, and additional training, to enable recipient to perform in the workplace.

Supported employment services may be offered in a variety of settings, but, because independence and community integration are significant goals for these services, they may not be provided in sheltered workshops or other similar specialized vocational facilities.

### Integration with the Community

Supported Employment services are subject to the Settings final rule. The most common findings for both individual and small group supports relate to integration and competitiveness.

Asking the following questions will assist in determining integration with the larger community:

- What is the composition of the work team in terms of recipients/non-recipients and individuals with disabilities versus those without?
- What hours are worked and are there individual shifts or team shifts? Is the site open or closed for business during time work is performed?
- Are individuals from the community interviewed/hired who work on this team?
- Are positions advertised with community wide solicitation?
- Does the public at large access the place of business and do recipients interact with them when they do?
- Where is the worksite located (e.g. industrial area, downtown, etc.)?
- Is the community actively engaging around the worksite during the hours the work shifts are operated?

Assess for any level of daily integration with the community including during break or meal times such as eating at a nearby restaurant for meal break or sharing the breakroom with all employees at the worksite.

## Competitive Employment

Competitive employment is characterized by fair employee practices, discernible evaluation and advancement processes, and fair wage distribution. Asking the following questions will assist in determining competitiveness:

- Do standard employee practices exist that are typical to all employees such as:
  - performance appraisals raise considerations based on performance evaluation
  - upward mobility opportunities to level of ability
  - advertisement and solicitation of employees
  - fair wage distribution scales
- Are supports decreased as recipients increase their independence in the workplace?
- What models are used for training employees: peer mentoring/support, co-worker models, other?
- Are break rooms and other facilities shared across all employees?
- Who produces and distributes employee's paycheck?

## About Small Group Supports and Settings Rule

An emerging issue has arisen for providers of supported employment using the work crew model to provide services to agency-owned properties. This model presents some unique challenges in meeting the Settings final rule but it ultimately can be Settings compliant if the issues of integration and competitiveness as defined above are carefully considered and inherent in program design. The setting will not be compliant if the work crews are isolated from interaction with the greater community, comprised solely of individuals experiencing disabilities, are not paid a competitive wage or do not have standardized employee processes.

### Two Examples to Consider:

Example #1: Agency XYZ has secured a contract with a local restaurant to produce linen-wrapped silverware for use in dinner service. The crew is supervised by an employee of the agency that delivers supported employment services and the team is comprised solely of individuals who experience developmental disabilities. The work site is in the basement separate from patrons and employees of the restaurant. The recipients' paychecks are generated by the agency and not the restaurant. This setting will not be deemed compliant with the final rule. The work crew is isolated and lacks integration.

Example #2: Agency XYZ has a shredding company that provides service to its local community. Positions are advertised community wide and the work crew is integrated with people of a variety of backgrounds including those who experience disabilities. Work for shredding is occasionally brought to the center and a crew goes into the community to retrieve projects for shredding (mobile shredding). The business is located downtown in an area widely used by community members for multiple uses. Employee training and evaluation efforts attempt to match employees to the best job fit. Employee compensation is to the level of community and job norm. This setting would be compliant with the final rule.

## Contact/Resources

Contact Caitlin Rogers at [Caitlin.Rogers@alaska.gov](mailto:Caitlin.Rogers@alaska.gov) with any additional questions or concerns relating to the ISW or see the [Alaska HCBS Settings website](#).