



Policy No. 500	Subject: Competitive Integrated Employment Settings
Section: Employment	Revised: 10/2017
Signature: Brandy McOmber, Resource Manager	Version: FINAL

1. DEFINITIONS

Competitive integrated employment means work that:

- a. Is performed on a full-time or part-time basis for which an individual is compensated at a rate that is no less than the higher of the rate specified in the Fair Labor Standards Act of 1938 or the rate required under the applicable State or local minimum wage law for the place of employment;
- b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are in similar situations, in similar occupations, by the same employer and who have similar training, experience and skills; are eligible for the level of benefits provided to other employees;
- c. In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who do not have disabilities and who are self-employed in similar occupations or perform similar tasks and have similar training, experiences, and skills; and
- d. For the purposes of an employment outcome, the following conditions must be met:
 - i. Is at a location typically found in the community;
 - ii. Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site who are not individuals with disabilities to the same extent that employees who are not individuals with disabilities and in comparable positions interact with co-workers;
 - iii. Quality integrated interaction does not include supervisory personnel or individuals who are providing services to such employees; and



- iv. Presents, as appropriate, opportunities for advancement that are similar to opportunities for individuals who do not have disabilities.

2. SCOPE OF SERVICES

Competitive integrated employment requires an assessment by the rehabilitation counselor and/or supervisor with the Department of Human Services in determining if the job site meets the definition as follows:

- a. **Enclave and group employment:** 361.5(c)(32)(ii) - the criteria of integrated setting, for the purposes of the VR program, demonstrates that group and enclave employment settings operated by businesses formed for the purpose of employing individuals with disabilities will not satisfy the definition of competitive integrated employment.

- b. **Typically found in the community:** An integrated setting must be one that is typically found in the competitive labor market where people with disabilities engage in typical daily work patterns with co-workers who do not have disabilities and “where workers with disabilities are not congregated...” (Senate report 105-166, page 10, March 2, 1998.) “Settings established by community rehabilitation programs specifically for the purposes of employing individuals with disabilities do not constitute integrated settings because these settings are not typically found in the competitive labor market, the first of two criteria that must be satisfied if the setting is to be determined to be in an integrated location” (Preamble WIOA, page 81, July, 2016). “Typically found” is defined as the purpose for which the business is formed.

- c. **Level of interaction among individuals with and without disabilities:** 361.5(c) (9) (ii) (B) is applied by considering the quality of the interaction among employees with disabilities and persons without disabilities when compared to that of employees without disabilities in similar positions. Determination on whether or not the setting is integrated should be on the interaction between employees with and without disabilities, and not solely on the interaction of employees with disabilities with people outside the work unit.



- d. **Work unit:** 361.5(c) (9) (ii) (B) properly focuses the consideration of the interaction of the person with the disability with employees without disabilities within the environment in which the work is performed. Work unit may refer to all employees in a particular job category or to a group of employees working together to accomplish tasks, depending on the employer's organizational structure. This does not exclude settings where the employee works alone, such as telecommuting, so long as the employee with the disability interacts with employees of the employer in similar positions and interacts with other persons without disabilities to the same extent that employees without disabilities interact with others.

- e. **Interaction during performance of job duties:** means the interaction between employees with disabilities and those without disabilities that is specific to the performance of the employee's job duties and not the casual, conversational, and social interaction that takes place in the workplace. As such it would not be pertinent to consider interactions in the lunchrooms and other common areas of the work site in which employees are not engaged in performing work responsibilities.

- f. **Opportunities for advancement:** 361.5(c)(9)(iii) - ensures that employment of persons with disabilities is equivalent in all respects to that of person without disabilities require that the employee with the disabilities has the same opportunities for advancement as employees without disabilities in similar positions, regardless of the size of the business.

- g. IVRS must determine on a case-by-case basis that the job is being performed in an integrated setting.

3. SUBMINIMUM WAGE EMPLOYMENT

It is the philosophy and belief of IVRS that all individuals can and should be provided information on the opportunities of working in a competitive integrated environment. Whenever an individual who is working or desires to work at subminimum wage is made known to IVRS, IVRS will provide counseling to the individual about the benefits of working in a competitive integrated work environment. IVRS will also provide information on benefits planning and services available through IVRS to assist the



individual to achieve competitive integrated work. IVRS also recognizes that there are times when an individual, even after that information is provided to them either through IVRS or through their case managers, still desire to work in subminimum wage employment. In such cases, IVRS does not facilitate those referrals and only provides the documentation to the individual with a disability or the parent/guardian. IVRS does not refer individuals to subminimum wage employment; only the individual with a disability may receive the documentation from IVRS.

Students and Youth with Disabilities: Students with disabilities seeking subminimum wage employment must be provided a meaningful opportunity in employment. IVRS must (in consultation with the Iowa Department of Education) provide a variety of activities including the receipt of transition services provided under IDEA by LEAs and pre-employment transition services provided by IVRS. IVRS must provide career counseling and information and referral within 30 calendar days of the date the youth known to IVRS is seeking subminimum wage employment. IVRS must provide documentation of the student completing pre-employment transition services and the determination of eligibility for VR services to the student and/or parent/guardian if applicable. IVRS does not provide the information directly to the entity providing subminimum wage employment. IVRS is a partner with the schools and will work with LEAs on appropriate referrals with common cases. Documentation provided to the student, which is to be provided as evidence includes:

- a. Cover letter/e-mail detailing information being provided to the student with counselor's signature, date, and method of transmittal;
- b. Eligibility justification summarizing the pre-employment transition services, specifically career counseling and information and referral services, and LEA transition required services;
- c. Documentation of the results of the student/youth's work toward an employment outcome in the competitive integrated employment setting;
- d. IPE-2 and case note plan justification;
- e. Closure form (IPE-3) and closure summary case note summarizing pre-employment transition services and reason for closure; and
- f. Documentation from the LEA that summarizes the IDEA transition services provided to the student by the LEA.



Documentation must be provided within 45 calendar days after the completion of the required services; or 90 calendar days if additional time is needed for extenuating circumstances. Extenuating circumstances are defined as:

- a. A death in the family;
- b. Extreme medical risk;
- c. Natural disasters;
- d. Extended health reasons, etc.

LEA staff absence due to summer break is not considered an extenuating circumstance and IVRS staff, in this situation, would provide to the student the IVRS documentation with a notation that the LEA staff failed to provide the information.

Youth and the parent/guardian must be advised that IVRS will maintain a record of the documentation and will review the youth's placement in subminimum wage employment every six months the first two years, and annually thereafter.

Students Refusing Services: If a student with a disability who is known to IVRS or, as applicable, the student's parent or guardian, refuses, through informed choice, to participate in the activities required by Section 511 or the implementing regulations in Part 397, documentation must contain, at a minimum:

- a. The student's name;
- b. Description of the refusal and reason for refusal;
- c. Signature of the youth, or, as applicable, parent or guardian;
- d. Date and signature of the IVRS staff person or the LEA personnel documenting the refusal;
- e. Date and method by which the documentation was transmitted;
- f. Statement that IVRS will retain a copy of all documentation; and
- g. Acknowledgement that IVRS will follow up every six months for the first two years and annually thereafter.

This documentation must be provided to the student within 10 calendar days of the student's refusal to participate.



If a student with a disability, or, as applicable, the student's parent or guardian refuses, through informed choice, to be made known to IVRS or to allow the LEA to provide contact information to IVRS for purposes of participating in the activities required by Section 511 or the implementing regulations in Part 397, it would be the responsibility of the LEA to document the refusal and the student would not be considered known to IVRS.

Requirements Related to Individuals of Any Age: Individuals who are known to IVRS and who have made the choice to work in non-integrated settings at a subminimum wage are reviewed semi-annually for the first year of that decision and annually thereafter. Individuals who are considered as being known to IVRS are those:

- a. Who have been made known to IVRWS from a referral source, including self-referrals;
- b. Who have a record of service as either an applicant or eligible individual with IVRS;
or
- c. Who after receiving IVRS services decided to work in extended employment compensated at subminimum wage.

For individuals with disabilities who meet the above criteria, IVRS must conduct a re-evaluation of the status of the individual to determine the interests, priorities, and needs in respect to competitive integrated employment or training for competitive integrated employment and:

- a. Enable the individual and, if appropriate, the individual's representative to provide input into the review and must document that input into the record of services, with signed acknowledgement that the re-evaluation was conducted; and
- b. Make maximum efforts to identify the VR services, reasonable accommodations, and other necessary support services to assist the individual in engaging in competitive integrated employment.

For cases that have been opened, documentation of the above activities are entered in an R-413 case note. Documentation for individuals who continue to remain in extended employment must be provided within 45 calendar days after the completion of the required services; or 90 calendar days if additional time is needed for extenuating



circumstances. Services must not be provided by the community rehabilitation program that has a financial interest in employment of the individual at subminimum wage.

For individuals in extended employment who are not known to IVRS, Case Managers with the DHS, TCM, or MCOs meet every six months with the individuals and they discuss competitive integrated employment and resources available from IVRS and other State and Federal programs to achieve competitive integrated employment. Case Managers routinely refer the individuals to IVRS from extended employment when, through those discussions and staffings, the individual decides to try competitive integrated work and require IVRS assistance in achieving an employment outcome. DHS expects that within two years all individuals will be working in some capacity in competitive integrated work and IVRS is a partner in achieving that goal.

Individuals Refusing Services: If an individual who is known to IVRS or, as applicable, the individual's legal guardian, refuses, through informed choice, to participate in the activities required above to include counseling on opportunities for competitive integrated employment and information and referral, the following documentation is required to be sent to the resource manager in charge of independent living:

- a. The individual's name;
- b. Description of the refusal and reason for refusal;
- c. Signature of the individual or, as applicable, legal guardian;
- d. Date and signature of the IVRS staff person;
- e. Date and method by which the documentation was transmitted;
- f. Statement that IVRS will retain a copy of all documentation; and
- g. Acknowledgement that IVRS will follow up every six months for the first year and annually thereafter.

This documentation must be provided to the individual within 10 calendar days of the individual's refusal to participate.



4. RE-EVALUATION

Individuals who are known to IVRS who are working at subminimum wage employment must receive career counseling and information and referral. This may be satisfied in one of two ways:

- a. IVRS staff presents career counseling required information and documents the provision of the information.
- b. The Iowa Coalition for Integration and Employment presents training (by various modes of electronic communication) and documents the career counseling provided.

5. EXCEPTIONS

- a. Providing documentation directly to the CRP with a release of information from the job candidate when the job candidate is pursuing subminimum wage employment.

6. APPLICABLE FORMS/POLICIES

- a. [Student Refusal](#)
- b. [Out of School Refusal](#)
- c. [Certificate of Attendance](#)
- d. [CIE Template](#)
- e. [Competitive Integrated Employment Internal Controls](#)
- f. [Request for Exception to Policy](#)