

# OFFICE OF LONG-TERM LIVING BULLETIN

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**SUBJECT:**

Employment and Employment Related Services



Juliet Marsala

Deputy Secretary, Office of Long-Term Living

**PURPOSE:**

The purpose of this bulletin is to communicate the Commonwealth's established "Employment First" policy to the Community HealthChoices (CHC) Managed Care Organizations (MCOs) and Service Coordination Entities (SCE) and update the obligations of and the resources available under that policy.

**SCOPE:**

This bulletin applies to the CHC-MCOs that provide services to participants in the Community HealthChoices (CHC) waiver and to SCEs that provide services to participants in the OBRA waiver and the Act 150 Program.

**BACKGROUND/DISCUSSION:**

On March 10, 2016, the Governor of Pennsylvania issued Executive Order 2016-03 establishing the "Employment First" policy. Under the "Employment First" policy, the first consideration and preferred outcome of publicly-funded long-term services and supports for working-age Pennsylvanians with a disability shall be competitive integrated employment. Competitive integrated employment means any full or part-time work for which a person is:

1. Compensated at not less than federal minimum wage requirements or State or local minimum wage law (whichever is higher) and not less than the customary rate paid by the employer for the same or similar work performed by people without a disability;
2. At a location where the employee interacts with people without a disability (not including supervisory personnel or people who are providing services to such employee); and
3. Presented, as appropriate, opportunities for similar benefits and advancement like those for other employees without a disability and who have similar positions.

Consistent with that policy, the Office of Long-Term Living (OLTL) is committed to increasing employment opportunities and outcomes for participants. The Centers for Medicare & Medicaid Services requires that the setting (where a participant receives waiver services) is integrated in and supports full access to the greater community for participants receiving Medical Assistance (MA) Home and Community-Based Services (HCBS), including opportunities to seek employment and work in competitive integrated settings, engage in

community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving MA HCBS. See 42 CFR 441.301(c)(4)(i).

This bulletin provides information and resources to SCEs to increase employment opportunities for participants and encourage increased utilization of employment-related services by OLTL participants.

Service Coordinators (SC) play an important role in promoting employment and providing information to, and supporting, participants with disabilities who are interested in, or are receiving, employment services to obtain and maintain competitive integrated employment.

## **PROCEDURES:**

As part of the development of a participant's person-centered service plan (PCSP), pursuant to 55 Pa. Code § 52.26, SCs must:

- Devote time during the participant's initial and subsequent service planning meetings to discuss employment with the participant and others chosen by the participant, including family, as well as discuss the process to obtain employment services and supports. This information should be reflected in the PCSP.
- Determine if a participant has an interest in employment, and if so, ensure that the participant's PCSP reflects this goal. The PCSP should include the participant's specific employment goals, referral status, work status, and detailed work information.
- SC should offer to support participants with the application process and, when requested by the participant, assist with completing the Office of Vocational Rehabilitation (OVR) Referral Form via the PA CareerLink website to obtain services and supports to address employment goals. Referrals are made to OVR when a person with a disability needs assistance obtaining or maintaining employment. Referrals to OVR must be made before MA waiver-funded employment-related services may be authorized unless the participant has already been deemed ineligible by OVR and/or has a closed OVR case. If OVR has not made an eligibility determination within 120 days of a referral being sent, then OVR services are considered to not be available to the participant, and OLTL employment services may be provided under an OLTL HCBS program. OVR referrals are not required for benefits counseling services. As detailed below, benefits counseling should be sought through Work Incentives Planning and Assistance programs and then through MA waiver services as applicable.
- Verify for any participant eligible for Individuals with Disabilities Education Act (IDEA) services, that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA.
- Work with participants to access employment services that can be provided through an OLTL HCBS program should OVR have a waiting list (Order of Selection Closure). The SC is responsible to determine the participant's status with OVR. During the closure of the order of selection, the following process will be followed:

- Prior to adding one of the OLTL HCBS employment services to a participant's PCSP, the SC must determine the status of the participant's case with OVR.
  - A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive OLTL HCBS employment services.
  - A participant who has not been referred to OVR may receive OLTL HCBS employment services without a referral to OVR.
- Continue to explore the possibility of employment at subsequent service planning meetings for participants who do not have a current interest in employment or are not employed in the community. If the participant is employed, continue to explore with the participant how the job is going, whether additional supports are needed to maintain the job, or if they are interested in exploring a career change or career advancement. Also, employment considerations, such as urgent job retention supports planning, must be included in their individualized and emergency back-up plans.
  - Ensure that transportation needs to achieve or maintain employment are addressed in the development and monitoring of the participant's PCSP.
  - Utilize the Guidance on Conversations about Employment for OLTL Participants included in the attachment to this bulletin to guide the discussion.

In providing Service Coordination, each SC must:

- Work with each participant and others chosen by the participant, including family, to determine their role in employment services. Promote the use of employment services and explore resources and funding sources (both HCBS and non-HCBS) to obtain and maintain employment.
- Build relationships that enhance the delivery of employment and non-employment services that support integrated, competitive employment in the open labor market. This may include communication with local OVR offices, Pennsylvania CareerLink, trainings available locally, and other networking opportunities. If requested by the participant, SCs are required to participate in OVR support team meetings when a participant is receiving services through OVR.
- Play a key role in locating, coordinating, and monitoring employment support services and addressing barriers to employment for those enrolled in HCBS waivers and the Act 150 program. This may include adjustments to other services on the PCSP, as needed. An HCBS participant can receive Personal Assistance Services (PAS) while they are working, when it is identified as an assessed need and properly documented in the PCSP, but PAS workers cannot perform tasks related to a participant's employment.
- Share information related to employment with those receiving waiver and Act 150 services and their families, and coordinate effectively with other agencies.

- Promote or initiate opportunities for participants to learn about employment success stories.

## Non-HCBS funded Employment Resources for SCs

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

Some information and resources include:

1. **PA OVR:** OVR is a state agency within the Department of Labor and Industry, (with district offices in your local area) that assists Pennsylvanians with a disability to secure and maintain employment. PA OVR's mission is: "To assist Pennsylvanians with disabilities secure and maintain employment, and independence." A person with a disability can refer themselves, or their SC, advocate, family or friend may make the referral.

OVR Contact Information - To contact the OVR district office in your area visit the [OVR Office Directory webpage](#) on the Pennsylvania Department of Labor and Industry website:

<http://www.dli.pa.gov/Individuals/Disability-Services/ovr/Pages/OVR-Office-Directory.aspx>

Labor and Industry Disability Services information can be found on the [Disability Services webpage](#) on the Pennsylvania Department of Labor and Industry website:

<https://www.dli.pa.gov/Individuals/Disability-Services/Pages/Disability-Services.aspx>

2. **PA CareerLink®:** PA CareerLink gives individuals the ability to search and apply for job openings across the Commonwealth or narrow it down to their own town. They can create and upload a resume and make themselves available to thousands of employers. PA CareerLink will also recommend jobs based on the user's preferences. [Additional information about PA CareerLink](#) can be found on their website.  
<https://www.pacareerlink.pa.gov/jponline/>

3. **Work Incentives Planning and Assistance (WIPA):** WIPA programs are organizations within PA that are authorized by the Social Security Administration (SSA) to provide free benefits counseling to Social Security disability beneficiaries to help participants make informed choices about employment. "Certified Work Incentive Counselors" (CWIC) receive SSA-approved training and possess SSA-required certification to assist participants to learn facts and dispel myths about how waiver, health care or other benefits may or may not be affected by earning income.

As required by the PA CHC 1915(c) waiver, MA waiver-funded benefits counseling may only be provided after it is documented in the service plan that benefits counseling services provided by a WIPA program were sought and it was determined that such services were not available either because of ineligibility or because of wait lists that would result in services not being available within 30 calendar days.

The comprehensive list of WIPA organizations for the Commonwealth of Pennsylvania can found on the [Pennsylvania WIPA CWIC Directory](https://www.dhs.pa.gov/WeCanWork/Resources/Documents/PA%20WIPA%20CWIC%20Provider%20Directory%2010.05.21.pdf):

<https://www.dhs.pa.gov/WeCanWork/Resources/Documents/PA%20WIPA%20CWIC%20Provider%20Directory%2010.05.21.pdf>

4. **MA for Workers with Disabilities (MAWD):** MAWD enables a participant to enroll or stay enrolled in MA even when they are earning income. Compared to other MA Programs, MAWD has higher income and resource limits. It also has flexible work and disability requirements. To be on MAWD, a participant can financially qualify for a waiver even if they have higher income limits.

Applying for MAWD:

- Once participants are employed, or about to be employed, they should contact their caseworker at their local County Assistance Office (CAO).
- The CAO will send the waiver participant specific sections of the [PA 600 Application for Benefits](#) to fill out and return.
- A participant can discuss MAWD with a WIPA project counselor or any qualified CWIC.
- Additional information can be found online on the [Medical Assistance Benefits for Workers with Disabilities webpage](#) on the Pennsylvania Department of Human Services website:
  - <https://www.dhs.pa.gov/Services/Assistance/Pages/MA-for-Disabled-Workers.aspx>

This bulletin rescinds OLTL Bulletin 17-20-02, Employment and Employment Related Services, issued July 9, 2020, and any other OLTL policy documents or parts of policy documents that are inconsistent with this bulletin's contents.

## ATTACHMENTS

- [Guidance on Conversations about Employment for OLTL Participants](#)

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

PA Dept. of Human Services  
OLTL/Forum Place 6th Floor  
Bureau of Policy and Communications Management  
P.O. Box 8025  
Harrisburg, PA 17105-8025  
(717) 857-3280