



DHS Intra-Agency Cooperative Agreement Between Developmental Disabilities Services And Vocational Rehabilitation

1. INTRODUCTION

The Department of Human Services Vocational Rehabilitation (VR) and Office of Developmental Disabilities Services (ODDS) share a common mission, philosophy and goal to increase competitive integrated employment opportunities for individuals with intellectual and developmental disabilities (IDD). Because of the interdependent nature of the service system, each office also shares a need to collaborate to accomplish this objective. This mutual goal is best achieved by the ODDS and VR joint adoption and endorsement of the “Employment First Policy” for working age adults with IDD.

2. PURPOSE, GOAL and OBJECTIVES

This Collaborative Agreement (Agreement) is to be implemented statewide, with a target population of all working age individuals with IDD who are eligible for both VR and ODDS services. This also includes school age individuals engaged in employment related transition services. The general purpose of this Agreement is to fully implement Lane v. Brown Settlement and Executive Order 15-01; and fulfill mandates from the Workforce Innovation and Opportunity Act (WIOA) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society.

- 2.1 The specific purpose is to outline mutual goals, strategies, actions, and responsibilities to increase the opportunities and success of working age adults with IDD to achieve and sustain competitive integrated employment, as delineated in Executive Order 15-01, Integrated Employment Plan (7/6/15), and Lane v. Brown Settlement Agreement (2015)
- 2.2 The objectives supporting this intent are to:
 - (a) Promote actions that will directly improve employment outcomes for mutual clients;
 - (b) Promote systems change that positively and collaboratively impacts the effective and efficient operation of VR and ODDS;
 - (c) Engage all applicable stakeholders in the accomplishment of desired outcomes.

3. PARTIES

Within the Department of Human Services, Vocational Rehabilitation (VR) and Office of Developmental Disabilities Services (ODDS) desire to enter into an intra-agency agreement to provide improved employment outcomes for individuals with intellectual or developmental disabilities.

- 3.1 VR will ensure that individuals exercise informed choice as it assists them to identify their strengths, resources, priorities, capabilities, concerns, and interests including vocational goals. VR will develop individualized plans of employment to address identified employment barriers. VR will also provide and purchase goods, services, aids and devices in support of individualized plans for employment (IPE).
- 3.2 ODDS provides supports and services to youth and adults with intellectual and developmental disabilities. Eligible individuals and their families can access service coordination, generic and specialized services to provide the support, including appropriate employment support, based on the individual needs of the person, to be able to live independent, productive lives integrated within their community.

4. Mutual Responsibilities of the Parties

VR and ODDS agree to perform the following:

- 4.1 Promote a goal that all persons with IDD who want to work in the community will be afforded an opportunity to pursue competitive integrated employment that allows them to work the maximum number of hours consistent with their abilities and preferences. Develop policies and recommend that the standard for planning and implementing supported employment services is the opportunity to work at least 20 hours per week, recognizing that based on individual choice, preferences, and circumstances, some may choose to work at a different level;
- 4.2 Collaboratively govern this agreement;
- 4.3 Collaboratively design a coordinated service system that continues to produce positive employment outcomes and engage VR and DD staff, service providers (vendors) and other stakeholders at the local level, through strategies that include: regional training, use of a uniform referral and release of information, self-employment, summer work experience, and expanding youth services;

- 4.4 Determine gaps or other issues in services and eliminate those gaps or issues through local and regional strategies including dispute resolution and the cross-agency Triage Group;
- 4.5 Share data, within the bounds of confidentiality and as established through the Lane v. Brown Settlement and Executive Order 15-01;
- 4.6 Continue to encourage networking and collaboration among VR and ODDS at regional and local levels;
- 4.7 Collaboratively address capacity by use of strategies including classroom training for vendors, vendor training modules available on-line; and by co-enrolling vendors.

5. INDIVIDUAL RESPONSIBILITIES of the PARTIES

In addition to the mutual responsibilities listed in section 4, ODDS agrees to do the following:

- 5.1 Assure that the CDDP/Brokerage working with the individual who is referred to VR provides as much pertinent existing information as possible to assist in planning the individual's employment goal and developing their VR Individualized Plan for Employment (IPE). Documents that may be available include: work history, Individual Support Plan (ISP), Career Development Plan (CDP), Positive Behavior Support Plan (PBSP), original eligibility determination documentation and Discovery Profile. The Universal Referral and Release of Information documents were developed to assist in this effort. The Service Coordinator or Personal Agent will attend as many team meetings as possible to assure that information is shared and understood by the entire team;
- 5.2 The individual service plan (ISP) reflects the VR plan (IPE) and is updated in a timely fashion as needed to support necessary changes in supports for the individual participant;
- 5.3 For those eligible for long term support services, ODDS will provide this support once the individual reaches stabilization;
- 5.4 Refer individuals for ODDS services (e.g., Discovery, Employment Path) at the individual's request and when the team agrees that it is the appropriate course of action;
- 5.5 Share information on new services provided to the individual participant with the team including VR;
- 5.6 If VR goes into Order of Selection, ODDS will create a plan for services that may include job development.

In addition to the mutual responsibilities listed in section 4, VR agrees to do the following:

- 5.7 Utilize existing employment data/information to the maximum extent possible when working with a participant to set their employment goal, address barriers to employment, and create the IPE;
- 5.8 Include brokerage and county staff in targeted participant's team meetings, at a minimum the intake meeting and IPE planning meeting(s);
- 5.9 The IPE reflects the ODDS plan (ISP) and other pertinent ODDS employment services and is amended as needed to reflect changes in needed services as well as changes in ODDS services for the individual participant;
- 5.10 Provide job development and job coach services until job stabilization is reached. Job stabilization is determined by the individual and their VR Counselor;
- 5.11 Share employment outcome data about shared individual clients, with the team, including local county or brokerage staff on an ongoing and timely basis; at a minimum during advancement toward the employment goal; at job placement; and, at the approach and accomplishment of job stabilization;
- 5.12 If VR goes into Order of Selection, VR will encourage and assist VR job development contractors to become ODDS providers of job development services.

6. DEFINITIONS

6.1 Positive Behavior Support Plan (PBSP) - means the document written by a behavior professional in accordance with OAR 411-304-0150 that describes behavior supports used to reduce the frequency or intensity of an individual's challenging behavior.

6.2 Behavior Supports means the emergency crisis strategy, proactive strategy, reactive strategy, and recovery strategy, as defined in this rule, included in a Positive Behavior Support Plan or Temporary Emergency Service Plan and delivered by a designated person to assist an individual with challenging behavior.

6.3 Career Development Plan (CDP) -- means the part of an ISP that identifies: the employment goals and objectives; services and supports needed to achieve those goals; people, agencies and providers assigned to assist with goal attainment; obstacles to working in an individualized job in a competitive integrated employment setting; and is based on person-centered planning principles.

6.4 Competitive Integrated Employment – means work that

(i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—
(A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;

(A) 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 similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(B) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(C) Is eligible for the level of benefits provided to other employees; and

(ii) Is at a location

(A) Typically found in the community; and

(B) 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 worksite, and, as appropriate to the work performed, other persons (*e.g.*, customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

- 6.5 Discovery – is an ODDS time-limited comprehensive person-centered and community-based employment planning support service to better inform an individual seeking an individualized job in an integrated employment setting; that includes a series of work or volunteer related activities to inform about the strengths, interests, abilities, skills, experiences and support needs of the individual; and to identify the conditions and employment settings in which the individual will be successful. A Discovery Profile is the report generated about these activities.

- 6.3 Employment Path Services – Is a ODDS provided limited service to provide learning and work experiences, including volunteer opportunities, for an individual to develop general, non-job-task-specific, strengths and skills that contribute to employability in an individual job in a competitive integrated employment setting in the general workforce.
- 6.4 Job coach services--
- For VR -- means time limited services provided on the job to teach the participant the essential skills necessary to complete required job tasks beyond what is normally provided by the employer.
 - For ODDS -- means support for an individual to maintain an individual job in a competitive integrated employment setting in the general workforce.
- 6.7 Job developer services – means support for an individual to obtain an individual job in a competitive integrated employment setting in the general workforce, including customized employment.
- 6.8 Job Stabilization -- is the point when the individual and their VR Counselor agree that the employment goal, including hours worked, in the IPE has been reached and that they and the employer agree that the individual is performing well on the job. At this point, transition to extended long-term support services funded by an agency other than Oregon Vocational Rehabilitation can begin.
- 6.9 Team (the team) – is composed of an individual receiving services from ODD, VR or both; the legal or designated representative of the individual (as applicable); services coordinator or personal agent; VR counselor; and others chosen by the individual, such as service providers and family members.

7. COLLABORATIVE GOVERNANCE STRUCTURE and STRATEGIES

In implementing this Agreement, assigned VR and ODDS management and program staff will check in as needed during the Employment First Policy and Innovation Workstream monthly meeting, and meet as needed, to plan, monitor, and evaluate the resulting activities. Assignment of management and program staff will be made by VR and ODDS Directors.

The assigned management and program staff will report to program leadership as frequently as needed but at least every six (6) months (utilizing the Employment First Steering Committee meetings) to review progress, suggest possible changes or innovative strategies related to implementation of the Agreement.

In implementing this Agreement, assigned staff will consider such principle strategies as:

- Identifying, reviewing and improving key policies and procedures that include, but are not limited to such areas as program eligibility and access, individual service planning, and service evaluation;
- Communicating activities, key information, and updates on outcomes with VR and ODDS staff and principal internal and external stakeholders;
- Implementing training and technical assistance activities;
- Improving or expanding service capacity;
- Conducting case reviews to identify systems issues;
- Developing written materials such as practice guides and procedures;
- Reviewing program and outcome data and sharing that data with VR and ODDS staff and principal internal and external stakeholders.

8. General Provisions

- 8.1 This agreement supersedes and replaces all previous Memoranda of Understanding or Agreements between these two parties regarding the Employment First program;
- 8.2 The parties agree to revise this document as needed;
- 8.3 The agreement will be formally reviewed every three years;
- 8.4 The agreement may, at any time, be modified or extended by the written consent of both parties;
- 8.5 If a conflict arises between the parties, it is understood that the Administrators of the Offices will attempt to resolve the conflict through negotiation;
- 8.6 Either party may terminate this agreement by giving the other party 30 days of notice. The notice will include the reasons for the request for termination. Termination of the agreement does not relieve the parties of fulfilling their responsibilities under this agreement until the termination date.

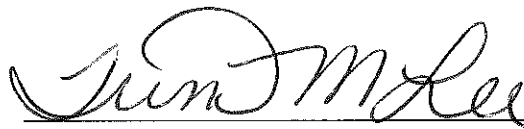
Signatures are on Page 8.

Signature Page for Intra-Agency Cooperative Agreement between
Developmental Disabilities Services and Vocational Rehabilitation

For Office of Developmental Disabilities Services:

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Lilia Teninty, Director Date 9/7/18

For Vocational Rehabilitation:

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Trina M. Lee, Director Date 9-7-18