

Rehabilitation Services Policy Manual

SECTION
PART

Closures
Individuals Determined to Have Achieved an Employment
Outcome

SECTION NO.
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Section 5 Closures

Part 1 Individuals Determined to Have Achieved an Employment Outcome

Synopsis of Federal Regulation

An individual is determined to have achieved an employment outcome only if the following requirements are met:

- The provision of services under the individual's IPE has contributed to the achievement of the employment outcome.
- The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- The employment outcome is in competitive integrated employment, consistent with the individual's informed choice.
- The individual has maintained the employment outcome for a period of at least 90 days.
- At the end of the appropriate period to achieve stability (at least 90 days), the individual and the rehabilitation counselor considers the employment outcome to be satisfactory and agree that the individual is performing well on the job.

Competitive integrated employment means work that—

- 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;
 - (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 similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
 - (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 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
 - (D) Is eligible for the level of benefits provided to other employees; and
- Is at a location—
 - (A) Typically found in the community; and

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- (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 work site, 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
- 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.

RS Policy

Some employment outcomes available in the Kansas economy are based on seasonal work or temporary employment.

In some industries, such as construction and oil production, it is typical for the worker to frequently change employers but maintain stability in employment. In such situations, it is not necessary to restart the 90-day employment period. In such situations, determining whether the client has achieved an employment outcome shall be based on client choice, counselor discretion, and consistency of the outcome within the standards of the industry, client satisfaction with the outcome and employment stability measured by whether there is a need for further services.

In other industries:

- If an individual changes employers but remains in the same type of work, it is not necessary to restart the employment period if there is no more than a typical weekend (2-day) break in employment. An example would be changing employers from Wendy's to McDonald's (both fast food) but staying in the same line of work, such as taking orders.
- If an individual changes employers and the type of work, it is necessary to restart the 90-day employment period to assure stability in the new line of work.

Ideally, the job obtained by the person will be in the same field as the vocational objective. However, the job obtained depends on the availability of employment opportunities in the labor market at the time the person is seeking work. The responsibility of RS is to ensure that the job obtained is suitable gainful employment consistent with the client's choice.

RS emphasizes placement on a full-time, or if appropriate, part-time basis. However, in some circumstances, consistent with informed choice of the individual and goals and services on the IPE, a rehabilitation outcome may include homemaker, unpaid family worker, or placement in supported employment but not meeting the criteria of minimum wage or integrated setting.

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Job retention cases: In job retention cases (when clients are employed prior to application), the 90-day period for maintaining employment prior to case closure will begin when the substantial IPE services have been completed.

Record of services - For individuals achieving a competitive integrated employment outcome, the record of services must verify that the individual is compensated at or above minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals. (*Reference §361.47*) In obtaining evidence of wages and benefits, staff will be sensitive to whether the client wishes for the employer to know of his or her relationship with RS.

Supporting documentation requirements

Federal requirements specify specific data to be recorded in the case management system and the types of supporting documentation that must be kept in the case file.

Start Date of Employment in Primary Occupation	<input type="checkbox"/> Pay stub identifying the individual's start date.	
Employment Status at Closure	<input type="checkbox"/> Detailed case notes signed by the counselor in the case service record, including the date employment start date verification was received and justification for individual not providing formal documentation. <input type="checkbox"/> Automated database systems indicating the individual's start date. <input type="checkbox"/> Self-employment worksheets	
Weekly Earnings at Employment	Weekly Earnings at Employment is the amount of money (to the nearest dollar) the individual earned in a typical week after achieving an employment	<input type="checkbox"/> Unemployment Insurance (UI) wage match, Federal employment records, or military employment records that verify the hourly wage rate (not aggregated for the quarter).

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	<p>outcome consistent with the employment goal on an individual's IPE at the time the service record was closed and includes all income from wages, salaries, tips, and commissions received as income before payroll deductions of Federal, State, and local income taxes and Social Security payroll tax.</p> <p>Earnings also include profits derived from self-employed individuals. Earnings for salespersons, consultants, self-employed individuals, and other similar occupations are based on the adjusted gross income.</p> <p>The documentation must include the individual's hourly wage rate, or average hourly rate if compensated through commission, along with the minimum wage rate for the location where the individual is employed at (Federal, State, or local, whichever is higher).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Pay stub identifying the individual's hourly wage rate or annual salary. <input type="checkbox"/> Income earned from commission in sales or other similar positions. <input type="checkbox"/> Detailed case notes signed by the counselor in the case service record, including the date verification was received and justification for individual not providing formal documentation. <input type="checkbox"/> Automated database systems; <input type="checkbox"/> One-stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (e.g., TANF or SNAP). <input type="checkbox"/> Self-employment worksheets; <input type="checkbox"/> Verification received from employer (as appropriate) documented in case service record, including date of verification or copy of email, fax, or letter.
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Contact with client at time of closure

The record of services must also document direct contact between the RS counselor and the client at the time of Status 26 closure. The contact must address whether the client and the counselor consider the employment to be satisfactory and whether they agree that the client is performing well in the employment. Completion of the required [Closure Checklist \(see Form Part 42\)](#) is acceptable to meet this requirement.

If the counselor has made multiple attempts (at a variety of times and using a variety of methods) but is unable to reach the client directly, the following procedure should be followed:

1. Send a letter conveying the counselor's attempts to contact the client multiple times, and the intention to close the case in 10 days. See [Resources / Part 8](#) for an example letter. Include the Status 26 Client Report form.
2. After 10 days have passed; send the standard closure (IPE Amendment) letter including appeal rights. (Or, if the client returns the Status 26 Client Report form [\(Form Part 41\)](#), proceed appropriately based on the information provided.)