

Agenda

SRC POLICY AND PROCEDURES COMMITTEE SPECIAL MEETING

Monday, July 13, 2020 12:00 PM – 1:00 PM

Zoom (email kate.larose@vermont.gov for meeting access)

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| 12:00 pm – 12:02 pm | Approval of Agenda (Sherrie Brunelle) |
| 12:02 pm – 12:05 pm | Open for Public Comment (Sherrie Brunelle) |
| 12:05 pm – 12:07 pm | Approval of Minutes (Chair)
Minutes from May 7, 2020 |
| 12:07 pm – 12:33 pm | DVR Evolving Guidance to Staff During COVID 19 Restrictions (Group) |
| 12:33 pm – 1:00 pm | VR Services for SSI/SSDI Beneficiaries under WIOA (Group) |
| 1:00 pm | Adjournment (Chair) |

*VR Policy & Procedures Manual Chapters can be found at
<https://vocrehab.vermont.gov/about-us/policy-and-procedure-manual>

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MEMORANDUM

TO: All DVR Staff

FROM: Diane Dalmasse

DATE: June 29, 2020

SUBJECT: Guidance regarding job placement, job development, progressive employment and worksite supports during the COVID-19 pandemic. Effective June 22nd, 2020 through July 13th, 2020. **This guidance supersedes all prior guidance provided to DVR staff. Updated June 29, 2020.**

Overview

This memo is intended to provide guidance for all DVR and VABIR staff around providing employment services during this pandemic. Consistent with the Governor's guidance, the overriding concern for DVR and VABIR will be to do so safely and to prevent the spread of the virus. DVR and VABIR will routinely update this guidance as the conditions change and to be consistent with direction from the administration.

Section I. Guidance for Business Account Managers (BAMs), Employment Consultants (ECs) and Job Coaches regarding job development and employer outreach, progressive employment and worksite support.Job Development and Employer Outreach

To limit exposure for DVR and VABIR staff and our employer partners, BAMs and ECs will continue to conduct most outreach remotely. Therefore, for the period covered by this memo, BAM and EC staff will conduct most employer outreach remotely via phone and video conference. In some rare cases, it may only be possible to outreach effectively to an employer through an in-person meeting. In such circumstances, the BAM or the EC must:

- Get approval from the DVR Regional Manager or VABIR Regional Manager after demonstrating an in-person meeting is necessary
- Follow the safety guidelines for an in-person meeting outlined in Section II

When conducting job development and job placement activities on behalf of VR consumers, BAM and EC staff will, in consultation with the VR counselor, follow the guidance in Section III of this memo regarding job placement and COVID-19.

Progressive Employment

During this period, DVR and VABIR will continue to suspend the following in-person progressive employment activities: informational interviews, company tours and job shadows. This is because these are primarily exploration and assessment activities and are not essential to be completed at this time.

Informational Interviews: Informational interviews will only be conducted via phone or video conference. BAM, EC and Job Coach staff will not arrange for or participate in, in person informational interviews.

Company Tours: BAM, EC and Job Coach staff will not arrange for or participate in any in person company tours during the period covered by this memo.

Job Shadows: BAM, EC and Job Coach staff will not arrange for in person job shadows during the period covered by this memo.

During this period, DVR and VABIR *will allow* for and support work experiences and On the Job Training Agreements (OJTs) for consumers who are interested in participating in these activities. This is because these activities can lead directly to competitive employment. When considering the development of a work experience or OJT agreement, BAM and EC staff, in consultation with the VR counselor, will follow the guidance in Section III of this memo regarding competitive job placement and COVID-19.

Typically, a BAM or an EC might be onsite on the first day of a work experience or OJT and/or check in periodically with the employer. *If at all possible, the EC or BAM should arrange to provide this support remotely.* If it is absolutely necessary for a BAM or EC to be on-site, they must:

- Get approval from your DVR Regional Manager or VABIR Regional Manager after demonstrating that being on site is necessary
- Follow the safety guidelines for an in-person meeting outlined in Section II

Worksite Supports

In most cases, BAM, EC and Job Coach staff will not provide any in person on-site work supports during the period covered by this memo. Staff can provide support remotely via phone or video conference. For example, a Job Coach can support a consumer on their first day of work via a phone check in during a lunch break.

In exceptional circumstances, it may be necessary for an employment staff person to go to a worksite to assist a consumer. This should only be considered if the consumer's employment is at risk and an on-site intervention is absolutely needed. Before going on-site, the employment staff person must:

- Get approval from the direct supervisor after demonstrating that being on site is necessary
- Follow the safety guidelines for an in-person meeting outlined in Section II

Section II: Health and Safety Guidelines for Employment Staff for In Person Contact

At this time, no BAM, EC or Job Coach will be required to provide on-site and in person services if they have concerns about their personal health and safety. If a BAM, EC or Job Coach volunteers to provide in person support for a consumer at a work experience, OJT or competitive placement they must abide by the following safety protocols:

- Staff will wear a facemask in the presence of the consumer and any other people.
- While on site, the staff should adhere to strict social distancing, keeping at least six feet from others
- Staff will wash their hands frequently and for at least twenty seconds. If soap and water are not available, staff should use an alcohol-based hand sanitizer.
- Staff will keep the time they spend on the work site to the absolute minimum necessary
- If possible, they will meet with the consumer and employer outdoors or in a well-ventilated area

Section III: Guidance for All DVR and VABIR Staff Regarding Consumer Job Placement

Overview

The DVR process has always been and will continue to be a consumer driven one. In that respect, the decision to pursue, or not pursue, employment or participate in a work experience or OJT is ultimately the consumer's. It is DVR and VABIR's role to help the consumer access the information they need to make a fully informed decision. First and foremost, the consumer will be encouraged to contact their health care provider/PCP for consultation regarding their fitness for employment. There may also be situations where the VR counselor and employment team should not support the consumer going to work or participate in a work experience or OJT because the potential risk is too great. This guidance is intended to help counselors and employment team members through the counseling process and document the process and outcome appropriately.

Factors which would Prevent DVR from Supporting a Consumer to Accept a Job Opportunity or Participate in a Work Experience or OJT include:

- Is the consumer over 65?
- Regardless of their age, does the consumer have underlying health conditions that would make them especially vulnerable such as:
 - People with chronic lung disease or moderate to severe asthma
 - People who have serious heart conditions
 - People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
 - People with severe obesity (body mass index [BMI] of 40 or higher)
 - People with diabetes
 - People with chronic kidney disease undergoing dialysis
 - People with liver disease (CDC Coronavirus Disease 2019 6/19/20)

If any of the above apply, the VR counselor and employment team should advise the consumer against the job. DVR and VABIR should not offer any support for a job opportunity that puts the consumer at risk. DVR will allow exceptions to this guidance based on individual circumstances including the following:

- The consumer can work from home
- The employment setting allows the consumer to reliably self-isolate and has strong safeguards in place
- The consumer is over 65 but is in very good health

All exceptions must be pre-approved by the Regional Manager

The counselor may already be aware of a consumer's underlying health conditions through the eligibility and comprehensive assessment process. If the counselor does not have this information, they should review the risk factors with the consumer as part of an informed decision-making process. This would include being clear about current DVR guidance that we are not supporting individuals in the above categories go to work at this time. The counselor should also encourage the consumer to consult with their primary healthcare provider if they do not know if they are at greater risk or want medical advice. However, if the consumer does not want to share healthcare information, DVR *cannot* require they provide it before providing services.

This guidance does not require other services approved under the IPE *that are not directed towards immediate job* placement should be ceased. For example, services like benefits counseling, skills training, counseling services, medical services can continue in anticipation that the consumer will be able to go to work when it is safer to do so. It is important to continue to support and engage consumers in these categories around their IPE goals.

If a consumer was already employed prior to the release of the initial DVR COVID-19 guidance on May 15, 2020, DVR will continue to support their employment even if they fall into one of the high-risk categories. The counselor should still discuss with the consumer the potential risks and encourage the consumer to discuss their continued employment with their primary care provider. However, all services agreed under the IPE should continue.

If a counselor is considering denying or delaying a service because a consumer is in a high-risk group they should consult with their regional manager to get approval. If the regional manager agrees that DVR should not provide the service, DVR must provide written notice of the denial to the consumer. The denial should include DVR appeals information and contact information for the Client Assistance Program (CAP).

What Factors should the Counselor consider when Counseling a Younger and Healthy Consumer about a Job Opportunity, Work Experience or OJT?

If the consumer is younger and relatively healthy, the counselor should counsel them around the following issues before supporting the job opportunity:

- What is the potential risk in the work environment? Many employers have information on their websites about safety precautions they have put in place. The BAMs and EC staff can provide good information on which employers have implemented the good safety protocols. The VR counselor can also assist the consumer in developing questions they need answered before accepting a position.
- Does the consumer live with other vulnerable individuals who could be infected?
- How would the consumer get to work? Would they rely on public transportation or other less safe means?
- If the consumer is under 18 years old and/or has a guardian, is the guardian in agreement about pursuing the job opportunity? This is a direct conversation between VR and the guardian and not based upon consumer report.
- Have they consulted with a health care provider?

Case Note Documentation if the Counselor Supports the Placement, Work Experience or OJT

The following are sample case notes documenting the counselor's process and decision to support the job placement.

Michael



Michael is a current VR participant and is seeking immediate employment after experiencing furlough from his current employer due to COVID-19 protocols for non-essential businesses. He has previous retail experience and expressed interest in Hannaford Market, South Barre, located very close to Michael's home. Michael is 35

years old and, according to his medical records, has no major underlying health conditions. Due to COVID-19 circumstances and in order for Michael to make an informed choice, we discussed the following based on Labor Market information from the District Business Account Manager:

- *Hannaford is deemed an essential business, is fully operational and seeking part-time as well as temporary staff*
- *Hannaford has measures in place to ensure the safety of their customers, staff & job seekers: <https://www.hannaford.com/customer-service/htg-coronavirus-updates>*
- *Current opportunities are posted here: <https://www.hannaford.com/about-us/careers>*
- *Applications are received online, however, interviews will take place at the store location (due, in part, to the customer facing nature of the positions)*
- *Progressive Employment options are available to assist with career exploration (Informational Interview & Company Tour)*

Michael will consider the information and we'll touch base again in 2 workdays to evaluate applying at Hannaford, South Barre.

Jennie

Jennie has been offered a bank teller position at the Merchants Bank. We discussed the potential risk of COVID-19 if she accepted the job. Jennie is 25 years old and in good health according to her primary care doctor. She lives with her sister who is 27 and is also in good health. No vulnerable individuals live with her who could be infected. We discussed the protocols that Merchants Bank has put in place to keep staff safe. She will be working in the drive through and have no in person contact with customers. She would have limited contact with coworkers, but Merchants Bank is requiring strict social distancing. The bank also is deep cleaned daily and has hand sanitizer and disinfectant sprays available. Jennie's sister will drive her to the job, so she does not have to take the bus. I discussed with Jennie that it was impossible to eliminate all risk. Based on the information she has she feels it is a safe option for her. I authorized \$100 for gas money for Jennie to pay her sister until she gets her first paycheck.

Case Note Documentation if the Counselor Does Not Support the Placement

The following is a sample case note documenting the counselor's decision not to support the job placement.

John is interested in applying to Hannaford as a grocery clerk. I discussed with John that even though he is only 55, he does have cardiovascular disease which puts him at higher risk for COVID-19. I shared with him I felt this work environment was too risky for him. John feels he must work right now. I suggested we research with the employment consultant and Business Account Manager alternative job opportunities that might be safer options. John feels he does not have time to explore other options and told me he plans to apply to Hannaford. I told John I could not support his decision and strongly urged him to reconsider. He requested funds for work clothing. I denied this request because VR cannot support this job opportunity.

**Volume 34 of the Code of Federal Regulations Part 361 Subpart B
(Scope of Services)**

§361.54 Participation of individuals in cost of services based on financial need.

(a) *No Federal requirement.* There is no Federal requirement that the financial need of individuals be considered in the provision of vocational rehabilitation services.

(b) *State unit requirements.* (1) The State unit may choose to consider the financial need of eligible individuals or individuals who are receiving services through trial work experiences under §361.42(e) for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in paragraph (b)(3) of this section.

(2) If the State unit chooses to consider financial need—

(i) It must maintain written policies—

(A) Explaining the method for determining the financial need of an eligible individual; and

(B) Specifying the types of vocational rehabilitation services for which the unit has established a financial needs test;

(ii) The policies must be applied uniformly to all individuals in similar circumstances;

(iii) The policies may require different levels of need for different geographic regions in the State, but must be applied uniformly to all individuals within each geographic region; and

(iv) The policies must ensure that the level of an individual's participation in the cost of vocational rehabilitation services is—

(A) Reasonable;

(B) Based on the individual's financial need, including consideration of any disability-related expenses paid by the individual; and

(C) Not so high as to effectively deny the individual a necessary service.

(3) The designated State unit may not apply a financial needs test, or require the financial participation of the individual—

(i) As a condition for furnishing the following vocational rehabilitation services:

(A) Assessment for determining eligibility and priority for services under §361.48(b)(1), except those non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences under §361.42(e).

(B) Assessment for determining vocational rehabilitation needs under §361.48(b)(2).

(C) Vocational rehabilitation counseling and guidance under §361.48(b)(3).

(D) Referral and other services under §361.48(b)(4).

(E) Job-related services under §361.48(b)(12).

(F) Personal assistance services under §361.48(b)(14).

(G) Any auxiliary aid or service (*e.g.*, interpreter services under §361.48(b)(10), reader services under §361.48(b)(11)) that an individual with a disability requires under section 504 of the Act (29 U.S.C. 794) or the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*), or regulations implementing those laws, in order for the individual to participate in the vocational rehabilitation program as authorized under this part; or

(ii) As a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under titles II or XVI of the Social Security Act.

(Authority: Section 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c))