



Guide for OPWDD Supported Employment Provider Agencies

October 2026

INTRODUCTION TO THE SEMP GUIDE

Guide for OPWDD Supported Employment Provider Agencies and Staff



Purpose of this guide:

The purpose of this guide is to provide an overview of OPWDD's Supported Employment (SEMP) Services. Included in this guide are updated regulations as listed on the [OPWDD website](#), policies and procedures, billing guidelines, documentation requirements, and reporting instructions.

Audience for this guide:

Management, employment support professionals and quality assurance staff will benefit from the information in this guide.

How this guide may be used:

This guide is a valuable resource for management and quality assurance staff related to SEMP service provision, billing, and documentation requirements. Management and quality assurance staff need to fully understand OPWDD regulations and policies in order to guide staff, provide quality supervision, bill for services, ensure program sustainability and implement corporate compliance tasks. This guide may also be used by direct support staff as an introduction to supported employment regulations, job expectations and performance guidelines.

More information about SEMP:

More information on SEMP can be found at:

OPWDD Website: www.opwdd.ny.gov

Eleversity Website: www.eleversity.org

Information contained in this guide is current as of October 2026 and is subject to change. Please visit the OPWDD website for updated information.

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ADMINISTRATIVE MEMORANDUM

Transmittal:	ADM-2023-09
To:	Executive Directors of Voluntary Provider Agencies Developmental Disabilities Regional Office Directors Developmental Disabilities State Operations Office Directors Executive Directors of Care Coordination Organizations (CCO)
Issuing OPWDD Office:	Program Implementation and Service Access, Regional Offices – Employment and Meaningful Community Activities Unit
Date:	<i>January 2, 2024</i>
Subject:	Supported Employment (SEMP)
Suggested Distribution:	Quality Improvement Staff Fiscal/Billing Staff Care Managers Regional Office Front Door Staff Central Office Leadership Team Regional Office Front Door Staff Administrators and Managers of Supported Employment Services
Contact:	Employment and Meaningful Community Activities employment.vocational.services@opwdd.ny.gov
Attachments:	Attachment 1: Verification that Job Meets SEMP Criteria Attachment 2: Request for SEMP Staff Training Period Extension Attachment 3: Request to Bill OPWDD SEMP Intensive Services Attachment 4: Request to Bill OPWDD Additional Extended SEMP Service Attachment 5: Supported Employment Quarterly Status Report

Related ADMs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
ADM-2016-01 ADM-2012-01 ADM-2018-06R ADM-2018-09R ADM-2021-03R	ADM-2016-01	14 NYCRR Part 635	MHL §§ 13.07, 13.09, and 16.00	New York False Claims Act (State Finance Law §192)

PURPOSE

This Administrative Directive Memorandum (ADM) describes requirements applicable to Supported Employment (SEMP) services, including program and reimbursement standards. These requirements apply to SEMP services delivered to individuals who are enrolled in OPWDD's Home and Community Based Services (HCBS) Waiver as well as non-waiver enrolled individuals.

BACKGROUND

SEMP services provide supports for individuals with developmental disabilities to obtain and maintain competitive employment or attain and maintain self-employment. OPWDD amended regulations in 14 NYCRR Sections 635-10.4 and 635-10.5 pertaining to SEMP services regulations at 14 NYCRR Part 635 effective January 2, 2024. This ADM supersedes ADM 2016-01 and includes updated information in conformance with the January, 2, 2024 regulatory amendments.

In addition to the requirements in this ADM, SEMP providers must continue to comply with applicable OPWDD regulations, ADMs, and other applicable state and federal requirements.

DISCUSSION

1. SEMP SERVICES GENERALLY

A. SEMP Services

SEMP is a person-centered employment support service that assists individuals in obtaining, maintaining, or advancing in self-employment or competitive, integrated employment in the general workforce, for which the individual is compensated at or above the minimum wage. The goal of SEMP services is sustained, paid, integrated employment in a job or self-employment that meets the individual's personal and career goals. SEMP services may be provided as either Intensive or Extended SEMP. SEMP may be provided to a single individual, or to a small group of two to eight (2-8) individuals. When a job that meets the individual's personal and career goals is obtained, providers must either complete and keep Attachment #1, *Verification that Job Meets SEMP Criteria* or maintain all the information required on this form in their records for auditing.

B. Minimum Wage Requirement for Hired Employment

Individuals enrolled in SEMP who are earning a wage must be compensated at or above the applicable county, state or federal minimum wage. The SEMP service provider must obtain wage documentation verifying that the individual is earning at least minimum wage. Where the individual is earning less than the highest minimum wage available, the provider must provide documentation that a lower wage is legally permissible (e.g., waiter who receives tips). Wage verification from the employer must be obtained when the individual is initially employed and attached to the verification on Attachment #1 *Job Meets SEMP Criteria* form prescribed in Section A SEMP Requirements.

If the individual obtains a new job, the service provider must complete a new Attachment #1, *Verification that Jobs Meets SEMP Criteria* form or maintain all the information required on this form in their records for auditing and obtain written verification that the wage for the new job is at

least minimum wage.

If an individual receiving SEMP services is employed in a job where New York wage requirements do not apply (e.g., county employment or employment in a state other than New York) the individual must be compensated at or above the minimum wage of the state or county of employment, and the provider must maintain documentation of that minimum wage requirement.

C. Minimum Wage Requirement for Self-Employment

The minimum wage requirement is not applicable to individuals that are pursuing self-employment or who are self-employed. However, there must be documentation to ensure that the self-employment is a business. This may include documentation from the Internal Revenue Service (IRS) or a tax return.

D. Group and Individual Billing

SEMP services are billed as either Individual SEMP or Group SEMP.

Individual SEMP must be billed when one staff person provides and documents the service to one individual either face-to-face, remotely (e.g., telephone, video conference, other job coaching software/equipment), or on behalf of the individual (i.e., individual is not physically present at the time-of-service delivery). Providers must comply with OPWDD regulations and guidance related to remote service delivery, including that SEMP services must not be delivered only remotely.

Group SEMP must be billed when a staff person delivers and documents SEMP services to a small group. Groups include 2-8 individuals and cannot exceed 8 individuals.

Both individual and group employment services may be delivered at any one work location. However, one staff person cannot bill for both individual and group SEMP services simultaneously.

E. Billing for SEMP Services Delivered Without the Individual Present

SEMP services delivered without the individual present are services delivered on behalf of an individual.

Examples of allowable SEMP services delivered without the individual present include, but are not limited to:

- discussions with families about benefits planning;
- meeting with employers and potential businesses about hiring an individual;
- developing the SEMP Staff Action Plan;
- documenting the delivery of SEMP services; or
- traveling to a job site to provide an allowable SEMP service.

SEMP services delivered without the individual present may be delivered and billed for while an individual receives another SEMP service or other OPWDD Waiver service. This is not considered double billing because the individual is receiving two separate services: one face-to-face service is provided directly to the individual, and the other service is provided on behalf of the individual without the individual being present (e.g., SEMP provider communicating with the individual's employer, while the individual is receiving Community Prevocational Services).

F. Billing for Staff Travel Time

Staff travel time is a billable service for Intensive and Extended SEMP. This travel may be with or without the individual present. Staff may bill for travel time when the individual is present and being transported to or from an allowable SEMP service.

When the individual is not present, and services are being provided on behalf of the individual, SEMP staff may bill for travel time when travelling to:

- job sites to provide SEMP services;
- meetings with potential and current employers and businesses;
- conduct vocational assessments;
- attend OPWDD Innovations in Employment Supports trainings designed to enhance the quality of SEMP services; or
- provide other billable SEMP activities (including documentation of services and all other allowable SEMP services).

Travel time is billable when services provided occur when the staff is being paid by the service provider billing for the service. Travel time must be billed to either an individual or group fee with the specific SEMP participant(s) identified.

i. Travel Time to OPWDD's Innovations Trainings for Agency Staff

Travel time to OPWDD's Innovations Trainings is billable if the staff is being paid by the service provider during the time of the travel. OPWDD's Innovations Training travel must be billed using the group fee for up to five (5) individuals, even if the staff is serving a larger number of individuals. OPWDD's Innovations Training travel cannot be billed to one individual at the individual fee, even if they are serving only one individual.

It is expected that when staff or managers bill for attendance at OPWDD's Innovations Training, the staff attending the training have had contact, provided services to, or will provide services to those specific individuals. If multiple staff travel to an OPWDD Innovations in Employment Supports Training, each staff person can bill using the group fee for travel time (up to five individuals), but they cannot bill for the same individual(s) during the same training times.

ii. Travel Time to OPWDD's Innovations Trainings for Self-Hired Self Direction Staff

Travel time to OPWDD's Innovations Trainings is billable if the staff is being paid during the time of the travel. OPWDD's Innovations Training travel may be billed using the individual fee.

G. Billing for Meetings

Time spent attending meetings with an individual or on behalf of an individual receiving SEMP services is billable. When more than one SEMP staff attend a meeting, the billing may be split between the multiple SEMP staff or billed by only one SEMP staff person. Meetings may be billed as an individual or group service.

H. Billing for Planning the Delivery of All Allowable SEMP Services and Managing the Delivery of All Allowable SEMP Services

SEMP staff may bill individual or group in the allowable service titled “Planning the delivery of all allowable SEMP services” when planning for SEMP services.

A manager, supervisor, or director may bill individual or group in the allowable service titled “Managing the Delivery of All Allowable SEMP Services”.

When a manager, supervisor or director meets one-on-one with a SEMP staff person to provide direction for services, the manager, supervisor or director and the staff each must bill for a different SEMP service. The manager, supervisor or director would bill the service “Managing the Delivery of All Allowable SEMP services” and the staff would bill “Planning the Delivery of All Allowable SEMP services”.

“Managing the Delivery of All Allowable SEMP services” may not be billed when a manager, supervisor, or director is meeting with *multiple* staff. Meetings with more than two people are covered under Billing for Meetings. (See Section G: Billing for Meetings).

When a manager, supervisor, or director spends time without other staff present determining, assessing, and/or assigning resources to meet the needs of individuals receiving SEMP services, the manager may bill “Managing the Delivery of All Allowable SEMP Services.”

For example:

1. The SEMP director, manager, supervisor, or employment specialist reviews records, files, and reports, without other staff present, to plan appropriate services to be delivered to the individual(s). This time may be billed as either “group” if reviewing documentation for multiple individuals, or “individual” if reviewing for one individual. The SEMP director, supervisor, or employment staff may bill “Planning the Delivery of All Allowable SEMP Services.”
2. The SEMP director/supervisor has a one-to-one planning session with an employment staff where the SEMP director provides guidance and direction to the employment staff regarding service delivery. Both the SEMP director and the employment staff may bill for this meeting, but they must bill for a different allowable service. The SEMP director may bill “Managing the Delivery of all Allowable SEMP Services” and the staff person may bill “Planning the Delivery of all Allowable Services”.

I. SEMP Enrollment and Anniversary Date

Individuals enrolled in SEMP have a SEMP enrollment date. The month and day of the individual’s SEMP enrollment date becomes their SEMP anniversary date. Intensive and Extended SEMP service hours must only be authorized and used within one year of their anniversary date.

The SEMP enrollment date can be found in OPWDD CHOICES. If the individual was enrolled in SEMP prior to 7/1/15 and continuously remained enrolled since, the SEMP enrollment anniversary date must be 7/1.

If an individual disenrolls from SEMP and later re-enrolls into SEMP, the individual will have a new SEMP enrollment date and a new anniversary date. The individual's anniversary date is their most recent enrollment date into SEMP services. The new enrollment and anniversary dates begin the new billing limits.

J. Self-Employment

SEMP may include services and supports to assist an individual to achieve self-employment, including home-based self-employment.

For example, a service provider may assist an individual with:

- identifying potential business opportunities;
- developing a business plan;
- identifying community resources that could help the individual in operating a business; or
- offering ongoing supports and assistance once the business has been created, as needed.

The service provider must not staff the business, or purchase supplies or equipment for the business with OPWDD waiver funding.

K. Staff Training Requirements

Staff providing SEMP services must participate in OPWDD's Innovations in Employment Supports Training including managers, supervisors, directors and any other staff providing and billing for SEMP Services. Innovations in Employment Supports classes may be offered either in person or remotely. Staff providing SEMP services must complete 24 hours of OPWDD's Innovations in Employment Supports Training no later than December 31st two years after their date of hire or transfer to a SEMP service. The service provider must maintain documentation of all Innovations trainings that demonstrate the staff meets the training requirements.

Effective January 1, 2024, after completing the initial 24 hours of training, staff billing for SEMP services must obtain 6 hours of continuing education for each calendar year, beginning on each full calendar year (January 1 to December 31) thereafter. The service provider must maintain documentation that the annual continuing education requirements for each staff person are met. To meet this requirement, all Innovations Trainings completed by the individual staff are listed on their official transcript. If a SEMP staff person changes employment from one SEMP agency to another, the staff person's training records and credits follow them to the new agency.

Staff who were required to obtain 6 hours of continuing education prior to their anniversary date that occurs in 2023, and completed the training to meet this requirement at any time during 2022 or 2023 are not required to complete the next annual continuing education requirement until December 31, 2024. They must maintain their annual training requirements for each calendar year thereafter.

If a staff person, supervisor, manager, or SEMP director ends employment prior to both completing the required training and to the deadline for completing the training, the provider's prior billing may be considered valid. For example, if the staff person must complete their required training by September 1, 2023 but they end their employment with the provider on June 1, 2023,

the provider may be reimbursed for the services provided by that staff person. However, services provided after the required training deadline will not be reimbursed.

OPWDD Central Office may, in extenuating circumstances, waive, modify, extend, or grant exceptions to the period for the training requirement. Requests for exceptions to the training requirement must be submitted to Central Office on Attachment #2 *Request for SEMP Staff Training Period Extension*. Documentation of the modification, extension, or exception approved by OPWDD must be maintained by the service provider. All future trainings must be completed within the original required time periods as outlined in OPWDD policy and regulation unless otherwise specified by OPWDD.

L. Staff Training Billing Requirements

For Provider Agency staff, OPWDD trainings must be billed under the allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

Staff can bill no more than five (5) individuals for the hours of attendance at OPWDD Innovations in Employment Supports Training or Innovations Training travel time, even if the staff serves more than 5 individuals.

A SEMP staff person may bill for travel to, and attendance of, the OPWDD Innovations in Employment Supports Training. The SEMP staff person can bill up to five (5) hours per day for the in-person classroom training time, plus billing for travel time to the training, at the group fee for up to five individuals. If virtual then can bill up to 6 hours at the group fee for up to 5 individuals. (see F(ii) on page 4).

If more than one SEMP staff travels to and attends an OPWDD Innovations in Employment Supports Training, each staff person can bill up to 5 hours per day for the in-person classroom training time, plus billing for travel time to the training, using the group fee for up to five individuals. Multiple SEMP staff cannot bill for the same individuals for the same training time.

The group fee – and *not* the individual fee – must be billed for Innovations Training, even if providers have a limited number of SEMP enrollees and cannot otherwise bill at the group fee.

OPWDD recognizes that it is important that staff are available to work with individuals across the program to provide back-up supports to individuals (e.g., staff leave, job vacancies). If staff attend Innovations Training on different dates or times, they may bill for the same individual.

Self-Hired Self-Directed Staff may bill using the individual fee for training time (up to 5 hours of classroom) under the following allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

M. Self-Directed SEMP

Self-Directed SEMP may be direct provider purchased, agency supported or self-hired. Self-Directed Services must adhere to OPWDD regulations related to staff training requirements and allowable SEMP services.

If Self-Directed SEMP services are self-hired, the self-hired staff and fiscal intermediary must adhere to OPWDD SEMP training requirements and provide SEMP allowable services. However, the wages of SEMP staff are determined by the individual receiving SEMP services with their budget authority.

N. Rounding for Units of Service

Providers may round their units of service for billing. Rounding for units of service is permitted based on the criteria outlined in 14 NYCRR 635-10.5(a)(2). Only the total minutes of the specific billing category (individual or group) for the day may be rounded up to the next 15-minute increment. If there are multiple periods of service during the day, the provider must combine the total minutes for the specific billing category (individual or group) for the day and may not round each specific service period separately.

2. INTENSIVE SEMP SERVICES

A. Intensive SEMP Eligibility and Other Funding Sources

Individuals are eligible for Intensive SEMP services as specified in 14 NYCRR 635-10.4(j)(5), only if all other funding sources have been exhausted. The provider must have written documentation that funding from other sources was: requested and denied; received and used; or is not available for SEMP services. Examples of this documentation may include, but are not limited to:

- The closure date of the ACCES-VR case;
- A form/letter/communication from ACCES-VR that services are not available or would be better provided by OPWDD;
- A note in the individual's Staff Action Plan, Medicaid Care Manager's records, Life Plan/Individualized Service Plan, or other SEMP notes file describing why the individual did/did not receive ACCES-VR services;
- If the individual participated in OPWDD's Employment Training Program (ETP), a copy of the letter of agreement between OPWDD and ACCES-VR. The letter of agreement clarifies that individuals receiving ETP, Prevocational Services or Pathway to Employment Services are not required to first receive services from ACCES-VR; or
- If an individual participated in Enhanced Supported Employment (ESEMP), a copy of the letter of agreement between OPWDD and ACCES-VR.

B. Prior Approval to Bill for Intensive SEMP

A provider must obtain prior approval from OPWDD's Central Office Employment Unit to bill for all Intensive SEMP services per 14 NYCRR 635-10.4(j)(5)(e) using Attachment #3 *Request to Bill OPWDD SEMP Intensive Services*. Retroactive approvals may only be granted by OPWDD under extenuating circumstance per 14 NYCRR 635-10.4(j)(5)(i)(g).

C. Additional Hours of Intensive SEMP Services

Additional Intensive SEMP hours may be requested after the first approved request. The criteria listed in 14 NYCRR 635-10.4(j)(5)(e) is applicable to all Intensive SEMP requests. However,

each request for additional Intensive SEMP hours must include a justification for additional hours, including:

- New information/skills learned to address job challenges;
- Changes to the job development plan;
- New strategies and resources to address any job development/job match challenges; and
- Any other information that may help in making a determination.

Provider agencies should plan and project the usage of hours and request additional hours from OPWDD at least four (4) weeks before the hours are used to ensure continuity of service to the individual.

D. Limits on Hours of Intensive SEMP

Intensive SEMP services may be authorized by OPWDD up to 250 hours. The individual's approved Intensive SEMP service hours expire on their SEMP enrollment date anniversary. The service provider must obtain approval to continue billing for Intensive SEMP services before the individual's SEMP enrollment date anniversary. If the individual uses all of their authorized Intensive SEMP hours before their SEMP enrollment date anniversary, the provider must stop billing for Intensive SEMP services until OPWDD approved additional Intensive SEMP hours.

If the individual is still not employed after their approved Intensive SEMP hours are used or expired, additional Intensive SEMP hours may be requested. If additional Intensive SEMP hours are approved by OPWDD's Central Office Employment Unit, the provider may continue to provide Intensive SEMP services. If an individual becomes employed while receiving Intensive SEMP services, the service provider may deliver and bill for Extended SEMP services or utilize the remaining Intensive hours before billing Extended SEMP.

All requests to bill Intensive SEMP hours must be submitted on Attachment #3, *Request to Bill OPWDD SEMP Intensive Services*. Retroactive approvals may be granted under exceptional circumstances by OPWDD's Central Office Employment Unit. The service provider must maintain documentation of OPWDD's approval to bill for Intensive SEMP services.

3. EXTENDED SEMP SERVICES

A. Eligibility for Extended SEMP Services

Prior OPWDD approval is not needed for an individual to receive the first 200 hours of Extended SEMP service hours if the criteria in 14 NYCRR 635-10.4(j)(5)(ii)(a) are met.

Individuals eligible for and enrolled in OPWDD SEMP Waiver services who require extended ("follow along") services are not eligible to receive ACCES-VR extended services by agreement with OPWDD and ACCES-VR.

B. Limits on Hours of Extended SEMP Services

If the individual is employed, Extended SEMP services are limited to 365 days from the SEMP enrollment anniversary or up to 200 hours annually without prior approval. Additional Extended SEMP hours must be requested and approved by OPWDD's Central Office Employment Unit to provide more than 200 hours in the 365-day period beginning on the anniversary day of the individual's

SEMP enrollment date annually thereafter. The service provider must stop billing for Extended SEMP services if they exceed 200 hours within the SEMP enrollment year and do not have additional hours approved.

C. Additional Hours of Extended SEMP Services

A service provider may submit a written request to OPWDD's Central Office Employment Unit for additional Extended SEMP hours beyond the initial 200 hours per enrollment year for individuals who are employed per 635-10.4(j)(5)(ii)(g). Providers must use Attachment #4, *Request to Bill OPWDD Additional Extended Services*.

Additional hours requested for Extended SEMP must be authorized by OPWDD through the end of an individual's SEMP enrollment year (i.e., prior to their anniversary date). Approval of additional hours is based on an individual's need for additional hours and the type of employment supports needed to assist the individual in successfully maintaining employment. Criteria for approval of additional Extended SEMP can be found at 14 NYCRR 635-10.4(j)(5)(ii)(e).

Requests for more than 100 additional hours for Individual Extended SEMP or 600 additional hours for group Extended SEMP require a second level review by the Director of the Employment Unit at Central Office or designee prior to approval.

Provider agencies should plan and project the usage of hours and request additional hours from OPWDD at least four (4) weeks before the hours are used to ensure continuity of service to the individual, or longer if requesting 100+ hours of Individual Extended SEMP or 600+ hours of Group Extended SEMP.

Retroactive approvals may be granted under extenuating circumstances by OPWDD's Central Office Employment Unit. The service provider must maintain documentation of OPWDD's approval to bill for Extended SEMP services.

D. Job Loss

If an individual receiving Extended SEMP services becomes unemployed (and they are not expected to return to that employer), the service provider may continue to provide Extended SEMP services for no more than 120 days from the date the job was terminated provided that there are authorized hours remaining either through the first 200 hours of Extended SEMP OR through authorized additional hours of Extended SEMP. If the 120 days moves the individual into a new anniversary year, billing for Extended SEMP may continue until the 120 days are completed.

During the 120-day period, the service provider may:

- Apply to ACCES-VR for ACCES-VR services;
- Provide the individual with SEMP supports, such as person-centered employment planning, modified job-related discovery, addressing impediments to employment, or addressing soft skills and job retention skills;
- Use OPWDD Extended SEMP services to help the individual obtain a new job; and/or
- Submit a request to OPWDD's Central Office Employment Unit for approval of hours to provide Intensive SEMP for the individual or apply to the Employment Training Program (ETP).

If the individual remains unemployed after 120 calendar days, the service provider must stop billing for Extended SEMP services on the 121th day.

4. REQUIRED DOCUMENTATION FOR SEMP SERVICES

A. Service Documentation and Monthly Summary

Service documentation supporting a provider's billing for SEMP services must include Service Documentation for each SEMP service session and a Monthly Summary.

i. Service Documentation

Required service documentation elements include:

- 1) **Individual's name and Medicaid number (CIN)** (Medicaid number required only for HCBS Waiver enrollees).
- 2) **Name of the agency providing the Supported Employment (SEMP) service.**
- 3) **Identification of the category of Waiver service provided** (i.e., Supported Employment or SEMP service).
- 4) **Documentation of start and stop times.** Document the service start time and service stop time for each continuous period of service provision.
- 5) **Documentation if Individual is Present.** Document whether the individual was present for the service, or if it was delivered on behalf of the individual.
- 6) **Documentation of whether service was delivered to a Group or Individual.**
- 7) **Description of services.** Each documented session must list at least one allowable service delivered in accordance with the individual's SEMP Staff Action Plan. The location of the service does not need to be documented.
- 8) **Date of service provision.**
- 9) **Verification of service provision by the staff person delivering the service.** Either a signature or initials must be provided. Initials are permitted if a "key" is provided that identifies the title, signature, and full name associated with the staff initials.
- 10) **Date the service was documented.**

ii. Monthly Summary

The narrative monthly summary must be completed, signed, and dated no later than the end of the following month of service. A narrative monthly summary must include a summary of the following:

- The implementation of the individual's SEMP Staff Action Plan for the month;
- A description of the individual's vocational progress including additional supports that may be needed to maintain employment and enhance future opportunities;
- A description of some of the actions of staff to address vocational challenges;
- A description of the individual's response; and
- Any issues or concerns, if applicable.

B. Other Documentation Requirements for SEMP Services

In addition to the service documentation and monthly summary supporting the SEMP service billing claim, the agency providing SEMP services must maintain the following documentation:

i. A copy of the individual's Life Plan, covering the time of the claim.

For SEMP, the following elements must be included in the Life Plan:

- Identification of at least one goal or valued outcome that relates to competitive employment or self-employment;
- Identification of supported employment or SEMP as the type of HCBS waiver service;
- Identification of the agency providing SEMP Services;
- Specification of an effective date for SEMP that is on or before the first date of service for which the agency bills SEMP Services for the individual;
- Specification of the frequency for SEMP as "hour" or "hourly," and
- Specification of the duration of SEMP as "Ongoing."

Note: Care Managers create the individual's Life Plan. However, Service providers are responsible for reviewing the finalized, acknowledged, and agreed to Life Plan. Providers may occasionally find inaccuracies in the finalized, acknowledged, and agreed to Life Plan. Providers should demonstrate due diligence in working with the Care Manager, CCOs, OPWDD, and/or others to correct the Life Plan as soon as possible. Service providers should document their timely efforts to correct any errors in the Life Plan. Examples of this documentation may include notes in the individual's monthly summary, e-mails, dispute resolution, phone calls, etc.

ii. The SEMP Staff Action Plan.

The SEMP Staff Action Plan developed by the agency providing SEMP services must conform to the corresponding Staff Action Plan (#2018-09). The Staff Action Plan must identify SEMP as the service but does not need to identify whether the individual received Intensive or Extended SEMP.

iii. Additional information for SEMP Services delivered remotely.

SEMP services may be delivered remotely. However, providers must ensure remote SEMP service delivery complies with OPWDD ADM #2021-03R *Ability to use*

Technology to Remotely Deliver Home and Community-Based Services.

SEMP services provided via remote technology directly to the person (i.e., direct services) must be listed in the Life Plan and reflected in the Staff Action Plan. However, providers can call individuals over the phone as an incidental component of service delivery to check-in with participants as allowed in the service definition or in emergency circumstances. This is different from phone calls that involve teaching/training with the staff that are considered telehealth.

In SEMP, examples of incidental calls to individuals include:

- reminding the individual about a job interview;
- reminding the individual to wash their uniform;
- informing the individual of job schedule changes;
- learning about the individual's work schedule so the staff know when to visit sites;
- checking in to see if there are any unforeseen challenges; and
- scheduling upcoming service activities.

Emergency phone calls include helping the individual trouble shoot an unexpected, non-regular problem at work site.

SEMP services provided via remote technology on behalf of the person (i.e., indirect services) do not need to be listed in the Life Plan but must be reflected in the Staff Action Plan.

V. Data and Other Reports

Providers must submit Supported Employment (SEMP) related data quarterly to OPWDD's Employment and Meaningful Community Activities Unit. Providers must use *Attachment #5: Supported Employment Quarterly Status Report* to submit this data to OPWDD.

These quarterly reports must be submitted to OPWDD no later than:

- April 15th (using data from previous January 1 - March 31);
- July 15th (using data from previous April 1 – June 30);
- October 15th (using data from previous July 1 – September 30); and
- January 15 (using data from previous October 1 – December 31).

RECORDS RETENTION:

New York State regulations require each Medicaid provider to prepare records to demonstrate its right to receive Medicaid payment for a service.

All documentation specified above, such as the service documentation, Life Plan, SEMP Staff Action, and ACCES-VR information, must be retained for a period of at least 10 years from the date the service was delivered or when the service was billed, whichever is later.

For additional information on the documentation requirements, contact the OPWDD Office of Employment & Meaningful Community Activities at:
employment.vocational.services@opwdd.ny.gov

DRAFT RESPONSES
OPWDD ASSESSMENT OF PUBLIC COMMENT
Supported Employment (SEMP) ADM
November 17, 2023

Comment 1 - Regarding Section 1; Part A and B: The section goes into detail regarding the Minimum Wage requirement, there should be consideration of including greater specific details of Worksite Integration including supervisor not paid by SEMP; interacts with other workers, meets/serves customers in the broader community, etc.

Response 1 - SEMP services assist individuals in obtaining, maintaining, or advancing in self-employment or competitive, integrated employment in the general workforce. How an individual interacts with their supervisor (not paid by SEMP), interacts with other workers, etc. is unique to the individual and the type of job they hold. Therefore, this must be explored by the provider and isn't detailed in this ADM.

Comment 2 – The Minimum Wage Requirement for Hired Employment (page 2, B of ADM) states that “If the individual obtains a new job, the service provider must complete a new Attachment #1, Verification that Job Meets SEMP Criteria form or maintain all the information required on this form in their records for auditing and obtain written verification that the wage for the new job is at least minimum wage.” We are seeking clarification on the requirements for verification of minimum wage. Is it OPWDD’s intent that this form replaces the collection of paystubs or in addition to the collection of paystubs? Providers often have barriers to collecting pay stubs and see this form as an attestation by the agency which has confirmed all wage and employment information via this form.

Response 2 – No, it is not OPWDD’s intent that this form replaces the collection of paystubs or other documentation that the person earns at least minimum wage. While use of the form is not required, all the information on the form is needed to support a SEMP billing claim. A provider must maintain the information in their records and produce it on audit. The form is simply intended to help providers gather the appropriate information. Justification for the information required by the form (e.g., paystubs) must be attached to the form or retained by the provider. In Section 1 of the Verification that Job Meets SEMP Criteria Form, there is a question that asks what type of documentation demonstrates that the person is earning at least minimum wage and if it is attached. Providers are responsible for documenting that the person is earning at least minimum wage to bill SEMP.

Comment 3 – Regarding attachment #1, the wage verification needs clarification. It asks if there is wage documentation attached and gives the option for “no.” Therefore, is the form alone sufficient or does a pay stub need to be attached?

Response 3 – No, it is not OPWDD’s intent that this form replaces the collection of paystubs or other documentation that the person earns at least minimum wage. While use of the form is not required, all the information on the form is needed to support a SEMP billing claim. A provider

must maintain the information in their records and produce it on audit. The form is simply intended to help providers gather the appropriate information. Justification for the information required by the form (e.g., paystubs) must be attached to the form or retained by the provider. In Section 1 of the Verification that Job Meets SEMP Criteria Form, there is a question that asks what type of documentation demonstrates that the person is earning at least minimum wage and if it is attached. Providers are responsible for documenting that the person is earning at least minimum wage to bill SEMP.

OPWDD will remove the “No” option from the form.

Comment 4 - On Attachment #1 the Job integration standards section seems unnecessary. It seems that if this is provided in Innovations trainings, the definition of integrated is in the ADM, this just creates more work for the provider.

Response 4 – The information listed in Attachment #1, Verification that Job Meets SEMP Criteria is required to support a SEMP billing claim and must be produced on audit.

The minimum standards to bill SEMP are:

1. the person is earning at least minimum wage (or for example, they are in a tipped position that does not require payment of minimum wage)
2. the job is in an integrated setting. The criteria can be met in a number of ways, however, the person must be working alongside people with and without disabilities
3. funding is not available from another source
4. whether it is a group or individual placement.

Given that competitive integrated employment is the goal for people in SEMP and that an integrated job is an essential element to support and justify a provider’s billing, it is included in the form and is information that must be maintained by the provider.

Comment 5 – In section 3; Part B: “Extended SEMP services are limited to 365 days from the SEMP enrollment anniversary or up to 200 hours without prior approval”, the language is confusing regarding continuation of service past the first year. If the individual remains employed, and continues to require the Extended SEMP service, the 200 hours restarts at the anniversary date.

Response 5– The word annually has been added to the ADM for clarification. The paragraph will read as follows:

“If the individual is employed, Extended SEMP services are limited to 365 days from the SEMP enrollment anniversary or up to 200 hours annually without prior approval. Additional Extended SEMP hours must be requested and approved by OPWDD’s Central Office Employment Unit to provide more than 200 hours in the 365-day period beginning on the anniversary day of the individual’s SEMP enrollment date and annually thereafter. The service provider must stop billing for Extended SEMP services if they exceed 200 hours within the SEMP enrollment year and do

not have additional hours approved.”

Comment 6 – A section regarding combination of services may be helpful. Something that states what services can and cannot be combined with SEMP.

Response 6 – There are no daily combination limits on billable service time with regards to SEMP. This will be addressed in OPWDD trainings and materials.

Comment 7 - We are seeking clarification of training requirements for Self-Directed SEMP (page 7 of ADM) states “Self-Directed Services must adhere to OPWDD and Department of Health regulations related to staff training requirements and allowable SEMP Services. We are unclear as to what training requirements are necessary for Self-Directed SEMP services and if OPWDD could provide more clarification.

Response 7 – All staff providing and billing for SEMP services must meet the requirements in Section 1, Paragraph K of the ADM, including self-hired self-directed staff.

For clarity, OPWDD will remove the words “and Department of Health”. The paragraph will now read as follows:

“Self-Directed SEMP may be direct provider purchased, agency supported or self-hired. Self-Directed Services must adhere to OPWDD regulations related to staff training requirements and allowable SEMP services.”

Staff training requirements are listed in the SEMP ADM, Section 1, Paragraph K, L and M.

Comment 8 - The ADM states that “Only the total minutes of the specific billing category (individual or group) for the day may be **rounded up** to the next 15-minute increment.” In what scenario(s) can the total minutes for each billing category be “rounded up”?

Response 8 - Rounding for units of service is permitted based on the criteria outlined in 14 NYCRR 635-10.5(f)(2). OPWDD will provide specific examples during the upcoming training.

Comment 9 - Regarding attachment #1 section N, Is it correct to deduce from this section that a provider will round up once if the minutes are in the range of 10-14 minutes, like in HCBS Pre Voc, and if there are other periods of service in the same day that are less than 15 min, these are added all together for a final billing?

Response 9 - Rounding for units of service is permitted based on the criteria outlined in NYCRR 635-10.5(f)(2).

Comment 10 - Will there be more guidance on examples of successful self-employment across the state? Attachment #1 seems redundant as these questions are answered via the quarterly reports.

Response 10 – Yes. During the OPWDD SEMP Trainings, there will be discussion about self-employment. Attachment #1 is for the provider's records and is not submitted to OPWDD.

Comment 11 – On Attachment #5, for ease of use the name should be the first column. If there is a TABS id is SSN and DOB necessary? Could the DDRO region/name column be combined and be drop downs to simplify the spreadsheet?

Response 11 – OPWDD is developing a portal for the provider to enter this information, and we will consider some of these options. TABS, SSN and DOB are required to identify the person between data systems. This information is only entered once by the provider.

Comment 12 - Regarding attachment #1 section G, In the area of compliance there may be a need for more detail. How to actually write instructions for staff on who gets to bill for what such as many staff attend a Life Plan meeting?

Response 12 - In Section G of the SEMP ADM, OPWDD will remove the last sentence: "Multiple staff must not bill for the same individuals during the same exact period." This should provide clarification as to when staff can bill. Providers are responsible for directing and guiding their staff. This will be further discussed in SEMP trainings.

Comment 13 - Regarding attachment #1 section M, this statement – *Self Directed Services must adhere to OPWDD and Department of Health regulations related to staff training requirements and allowable SEMP services.* We are unaware of the Department of Health regulations related to staff training – please clarify what these are and/or where they can be found on the DOH website?

Response 13 - For clarity, OPWDD will remove the words "and Department of Health" from page 7 section M of the ADM. This sentence will now read as follows:

"Self-Directed Services must adhere to OPWDD regulations related to staff training requirements and allowable SEMP services."

Comment 14 - Page 4. F (i)(ii): Billing for Staff Training Time; and Page 7, L. Staff Training Billing Requirements. The fear here is that, as written, providers and auditors may interpret the instructions differently. Please attempt to clarify the requirements, possibly using examples.

Response 14 - OPWDD will address this in upcoming trainings.

Comment 15 - Page 7, L: Please explain the 5-hour limit and include a statement regarding training that takes longer than 5 hours, is still limited to billing for 5 hours. Also, please clarify that the billing for the travel time to/from the training should be for the actual travel time.

Response 15 – For clarity, OPWDD added the words "in-person". The paragraphs will now read

as follows:

“A SEMP staff person may bill for travel to, and attendance of, the OPWDD Innovations in Employment Supports Training. The SEMP staff person can bill up to five (5) hours per day for the in-person classroom training time, plus billing for travel time to the training, at the group fee for up to five individuals. If virtual then can bill up to 6 hours at the group fee for up to 5 individuals. (see F(ii) on page 4).

If more than one SEMP staff travels to and attends an OPWDD Innovations in Employment Supports Training, each staff person can bill up to 5 hours per day for the in-person classroom training time, plus billing for travel time to the training, using the group fee for up to five individuals.”

Comment 16 - Page 4. G. Billing for Meetings: Examples may be helpful to bring clarity to these instructions. Please include an example of a Life Plan meeting.

Response 16 - In Section G of the SEMP ADM, OPWDD will remove the last sentence: “Multiple staff must not bill for the same individuals during the same exact period.” This should provide clarification as to when staff can bill.

The following allowable services are listed in 14 NYCRR Subparts 635-10 & 635-99:

(xiii) communication with the individual, family or other members of the individual's circle of support to discuss and address employment-related issues, such as management of benefits or challenges the individual may have in the work environment;

(xiv) meetings, reports, and communication with OPWDD staff regarding progress and outcomes for individuals receiving SEMP services

Comment 17 - Page 10. C Additional Hours of Extended SEMP Services: The second level review threshold should be increased to requests for an additional 200 hours, as the 100-hour threshold request is very routine.

Response 17 - OPWDD has reviewed and considered, however, the 100-hour threshold will remain.

Comment 18 - Page 11, A.1. Service Documentation: 5. Documentation if the Individual is present. Include “(including remote presence)”.

Response 18- Remote presence cannot be added at this time. OPWDD will consider in the future.

Comment 19 - While the proposed revisions are positive, they will require many changes to the provider’s service documentation, necessitating updates to Electronic Health Record software,

which can take several months to complete. These updates are out of the provider's control but significantly impact their ability to comply with the service documentation requirements and ability to bill for service delivery. SEMP employees will also need training in the new requirements, and providers will need to update their auditing protocols to ensure effective compliance monitoring. Given that there will need to be time provided to OPWDD to review and respond to stakeholder comments on the ADM, it is reasonable to expect that this ADM will not arrive until the end of August at the earliest. The proposed SEMP regulations and this ADM are set to become effective at the start of November, giving providers and vendors, at best, two months to get this all accomplished. Thus, we ask OPWDD to make the effective date of the ADM the start of 2024 at the earliest.

Response 19 - The planned effective date will be effective January 2, 2024.

Comment 20 - The expanded allowable services will be beneficial towards achieving employment outcomes. The expanded allowable services will also likely result in requests for additional hours within a year, possibly triggering the second-level review by the Director of the Employment Unit at Central Office. We hope the Director will consider how the expansion of allowable services has impacted what is needed as requests are made.

Response 20 - This will be one of the factors considered during second-level approval.

Comment 21 - Additional training on planning, managing and delivering the new allowable SEMP services would be valuable. We are seeking clarification on how these new allowable services should be documented.

Response 21 - OPWDD will conduct SEMP Trainings. However, documentation requirements will be the same as all other allowable SEMP services.

Comment 22 - While we understand the value of planning and projecting the usage of hours when requesting additional Extended and Intensive hours, we are hopeful that the four-week standard in the ADM is a best practice and will not result in the denial of requests.

Response 22 – Yes, this is best practice to assure that providers receive approval before their hours are expended and they can provide a continuity of service to the individuals. Requests are not approved or denied based on the submission date, but rather on the justification.

Comment 23 - Chapters of The Arc New York have reported challenges obtaining documentation from ACCES-VR if a person is denied services. This is documentation that may support the fact that funding from other sources was requested and denied; any assistance in getting ACCES-VR to provide this consistently would be appreciated. The changes with the ADM represent an opportunity for OPWDD to communicate this need to ACCES-VR.

Response 23 - The new ADM has a list of different types of documentation proving that someone has not be able to receive services from ACCES-VR. Getting a document from ACCES-VR is NOT

the only way to demonstrate that a person has received services. Additionally, providers seeking Intensive SEMP Services to develop a job for an individual should consider ETP if there is a concern that ACCES-VR (or IDEA funding) was never pursued. Following is the section listing the types of documentation.

“Individuals are eligible for Intensive SEMP services as specified in 14 NYCRR 635-10.4(j)(5), only if all other funding sources have been exhausted. The provider must have written documentation that funding from other sources was: requested and denied; received and used; or is not available for SEMP services. Examples of this documentation may include, but are not limited to:

- The closure date of the ACCES-VR case;
- A form/letter/communication from ACCES-VR that services are not available or would be better provided by OPWDD;
- A note in the individual’s Staff Action Plan, Medicaid Care Manager’s records, Life Plan/Individualized Service Plan, or other SEMP notes file describing why the individual did/did not receive ACCES-VR services;
- If the individual participated in OPWDD’s Employment Training Program (ETP), a copy of the letter of agreement between OPWDD and ACCES-VR. The letter of agreement clarifies that individuals receiving ETP, Prevocational Services or Pathway to Employment Services are not required to first receive services from ACCES-VR; or

If an individual participated in Enhanced Supported Employment (ESEMP), a copy of the letter of agreement between OPWDD and ACCES-VR.”

Comment 24 - The ADM references “Enhanced Supported Employment (ESEMP).” Several comments were received inquiring about this service. Some additional information about the history of this service may be valuable to those newer to employment services.

Response 24 - This service is no longer available. Please contact our technical assistance email employment.vocational.services@opwdd.ny.gov if there is a specific question.

Comment 25 - Explanation behind a change in service documentation elements from ADM 2016-01 is requested. The proposed ADM includes “Date the service was documented” (Element 10), removing the specific requirement of the signature of the SEMP staff delivering the service (Element 9 in ADM 2016-01). This change may have been implemented to condense the elements since Element 9 covers the verification of service provision by the staff person delivering the service, rendering the additional previous signature requirement unnecessary. While this does not appear consequential, the rationale behind this change would be valuable to understand, given that this is a compliance standard tied to payment for services.

Response 25 - OPWDD will add language as noted below to clarify the requirements:

“9. Verification of service provision by the staff person delivering the service. Either a signature or initials must be provided. Initials are permitted if a “key” is provided that identifies the title, signature, and full name associated with the staff initials.”

Comment 26 - On Attachment #3 it is unclear on page 2 what “completed ACCES-VR” is. I suggest clarifying this. On page 2 under I suggest earning “at least” minimum wage. On page 3 under E could there be an option to attach a document with this info rather than having to enter it manually (i.e. a resume)? Similarly page 8 also asks for this information a second time.

Response 26 - OPWDD will change “completed” ACCES-VR or ETP to “previously utilized” ACCES-VR Supported Employment or ETP.

OPWDD will add “at least” to minimum wage and allow the provider to attach a resume that contains the required information rather than manually enter this information. The information on Page 8 (Section IV) is required only if the provider is requesting additional hours, and this section allows the provider to justify that request. The only other section of the form required when requesting additional hour is Section I which asks for information about the person such as name, TABS ID, current service enrollment, etc.

Comment 27 - Our belief remains that if an individual successfully completed ACCES-VR before entering OPWDD SEMP and subsequently became unemployed, they would remain eligible for Intensive SEMP and would not have to re-apply for ACCES-VR. (i.e., the individual would not have to re-apply for ACCES-VR each time they become unemployed). While we do not believe the ADM indicates this, we ask that OPWDD confirm or clarify this understanding.

Response 27 - ACCES-VR and OPWDD have agreed that if a person has previously received ACCES-VR Supported Employment or ETP, there is no requirement that they receive ACCES-VR services to replace a lost job.

In the SEMP ADM, Section 3, Paragraph D: Job Loss: If an individual receiving Extended SEMP services becomes unemployed (and they are not expected to return to that employer), the service provider may continue to provide Extended SEMP services for no more than 120 days from the date the job was terminated provided that there are authorized hours remaining either through the first 200 hours of Extended SEMP OR through authorized additional hours of Extended SEMP. If the 120 days moves the individual into a new anniversary year, billing for Extended SEMP may continue until the 120 days are completed. During the 120-day period, the service provider may:

- Apply to ACCES-VR for ACCES-VR services;
- Provide the individual with SEMP supports, such as person-centered employment planning, modified job-related discovery, addressing impediments to employment, or addressing soft skills and job retention skills;
- Use OPWDD Extended SEMP services to help the individual obtain a new job; and/or
- Submit a request to OPWDD’s Central Office Employment Unit for approval of hours to provide Intensive SEMP for the individual or apply to the

Employment Training Program (ETP).

If the individual remains unemployed after 120 calendar days, the service provider must stop billing for Extended SEMP services on the 121th day.

Comment 28 - Regarding Section 3, part A, specific criteria from the regulation should be included as it is unclear what criteria qualifies the employment. Additionally, the ACCES-VR “are not eligible to receive ACCES-VR extended services by agreement with OPWDD and ACCES-VR, therefore, no other funding is available” is confusing as it seems to say that if the service is required, no funding is available.

Response 28 – Please refer to 14 NYCRR 635-10.4(j)(5)(ii)(a).

For clarity, OPWDD will remove the words “no other funding is available” in the ADM. The paragraph will now read as follows:

“Individuals eligible for and enrolled in OPWDD SEMP Waiver services who require extended (“follow along”) services are not eligible to receive ACCES-VR extended services by agreement with OPWDD and ACCES-VR.”

Comment 29 - The “Intensive SEMP Eligibility and Other Funding Sources” section states that individuals are eligible for Intensive SEMP services at the closure of the stabilization date of the ACCES-VR case. It is unclear if this means individuals will switch to Extended SEMP at stabilization or if that will not occur until case closure. The standards will necessitate that providers have a more formal process of documenting when individuals are directly admitted to Extended SEMP. If these expectations can be discussed in an upcoming training with suggestions on acquiring the best possible documentation, that would be valuable.

Response 29 – The word stabilization date has been removed. OPWDD is working with ACCES-VR on finalizing this information. When OPWDD has more information, we will provide updated guidance and/or training to providers.

**Supported Employment
Amendments to 14 NYCRR Subparts 635-10 & 635-99**

**ADOPTED REGULATIONS
Effective Date: January 2, 2024**

- **Existing subdivision 635-10.4(d) is deleted and reserved**
- **Existing subdivision 635-10.4(j) is amended as follows:**
 - (j) Supported employment (SEMP) services on and after January 2, 2024 [July 1, 2015]. SEMP is a person-centered employment planning and support service that provides assistance for an individual to obtain, maintain, or advance [in self-employment or] in competitive [integrated] employment in the general workforce[,] for which the individual is compensated at or above the applicable County, State, or Federal minimum wage or in self-employment [(whichever is greater)]. The goal of this service is sustained self-employment or competitive integrated employment at or above the applicable County, State, or Federal minimum wage [(whichever is greater)] in the general workforce, in a job that meets the individual's personal and career goals.
- **Existing paragraph 635-10.4(j)(1) is amended as follows:**
 - (1) SEMP consists of the following allowable services provided to and/or on behalf of an individual, including remote services, if they are not the only service delivery method:
 - (i) vocational assessment, person-centered employment planning and job-related experiential learning;
 - [(ii) person-centered employment planning;
 - (iii) job-related learning discovery;]
 - (ii) assessment and instruction in the use of remote and assistive technology to increase independence in the workplace;

Note: New material is underlined and deleted material is in [brackets].

- [(iv)](iii) job development, analysis, customization, and carving, including negotiating and creating potential jobs with prospective employers on behalf of an individual or group of individuals;
- [(v)](iv) training, orientation, and systematic instruction prior to employment;
- [(vi)] job placement;]
- [(vii)](v) job coaching, training, and planning within the work environment;
- [(viii)](vi) development and review of a business plan (for individuals who are pursuing self-employment or are self-employed);
- [(ix)](vii) [transportation] travel time to allowable SEMP [between] activities when delivering services on behalf of an individual and to and from allowable activities when the individual is present;
- [(x)](viii) travel training;
- [(xi)](ix) development of soft skills and job retention strategies (e.g., social interaction, maintaining relationships with co-workers and supervisory personnel);
- [(xii)](x) benefits support, advisement, and asset development;
- [(xiii)] career advancement services;]
- [(xiv)](xi) other workplace support services including services that enable the individual to be successfully integrated into the job setting (e.g., development of natural supports in the work environment);
- [(xv)] negotiating potential jobs with prospective employers on behalf of an individual;]
- [(xvi)] communication with an existing employer to review the individual's progress in meeting workforce expectations and to discuss and address any challenges the individual may have in the work environment;]
- [(xvi)](xii) communication with an existing employer to review the individual's progress in meeting workforce expectations and to discuss and address any challenges the individual may have in the work environment and career advancement services;

- [(xvii)] (xiii) communication with the individual, family or other members of the individual's circle of support to discuss and address employment-related issues, such as management of benefits or challenges the individual may have in the work environment; [and/or]
- [(xviii)](xiv) meetings, reports, and communication[s] with OPWDD staff [providing other OPWDD approved services] regarding progress and outcomes for individuals receiving SEMP services [that impact an individual's ability to successfully achieve employment goals];
- [(xix)](xv) documentation of the delivery and support of all allowable SEMP services; [and]
- [(xx)](xvi) planning the delivery of all allowable SEMP services [other activities previously approved by OPWDD.];
- (xvii) managing the delivery of all allowable SEMP services;
- (xviii) preparation and review of documents, reports, and other required information in support of SEMP allowable services as required by OPWDD;
- (xix) staff time to attend OPWDD Innovations Training; and
- (xx) other activities with prior approval from OPWDD.

- **Existing paragraph 635-10.4(j)(2) is deleted and a new paragraph 635-10.4(j)(2) is added as follows:**

- (2) Self Employment. SEMP includes services that assist an individual to achieve self-employment, including home-based self-employment. Wages earned in self-employment may be below the applicable County, State, or Federal minimum wage. Self-employment services include, but are not limited to:
 - (i) assistance with identifying potential business opportunities;
 - (ii) assistance with developing, updating, and implementing a business plan, including identification of potential sources of business financing, managing finances, and other assistance in developing and launching a business;

(iii) identifying the supports the individual needs to operate the business; and

(iv) providing ongoing assistance, counseling, and guidance once the business has been launched.

- **Existing paragraph 635-10.4(j)(3) is deleted and a new paragraph 635-10.4(j)(3) is added as follows:**

(3) Self-Directed Services. Intensive and Extended SEMP (see paragraph (5) of this subdivision) may be provided as self-directed services to an individual who hires their own SEMP support staff.

- **Existing paragraph 635-10.4(j)(4) is amended as follows:**

(4) All staff providing SEMP services must:

(i) have at least a high school equivalency diploma or one year of work experience providing vocational or pre[-]vocational services to individuals with disabilities; and

(ii) complete [an] required OPWDD approved [vocational rehabilitation or]supported employment training [program]. This includes:

(a) 24 hours of initial training completed no later than December 31st two (2) years after the staff's date of hire or transfer into SEMP service; and

(b) 6 additional hours of training annually, starting January 1st of the following calendar year after the completion of initial training in clause (a) of this subparagraph. OPWDD may grant extensions or waivers under extenuating circumstances.

- **Existing paragraph 635-10.4(j)(5) is deleted and a new paragraph 635-10.4(j)(5) is added as follows:**

(5) SEMP may be delivered as follows:

(i) Intensive SEMP.

(a) An individual is eligible to receive Intensive SEMP services if:

- (1) A competitive employment or self-employment related goal or valued outcome(s) is identified in the individual's Life Plan, unless the individual is approved for state funded SEMP;
- (2) There is:

 - i) OPWDD approved Initial Intensive SEMP hours;
 - ii) OPWDD approved additional hours of Intensive SEMP; or
 - iii) Documentation that the individual has lost employment within the last 120 days; and
- (3) supported employment funding is not available or not required from another funding source.
- (b) Intensive SEMP services include but are not limited to:

 - (1) job development (i.e., activities that assist an individual in obtaining a job or establishing self-employment);
 - (2) job coaching services (i.e., initial supports that assist an individual to adjust to and maintain a job, once hired or self-employed.); and
 - (3) other allowable SEMP services as approved by OPWDD.
- (c) Intensive SEMP may be provided to one individual or a group of 2-8 individuals. An individual may move to and from individual and group SEMP as needed.
- (d) Limits on hours and days of Intensive SEMP.

 - (1) OPWDD may authorize up to 250 hours of Intensive SEMP per approval. Authorized Intensive SEMP hours must be provided within 365 days of the individual's SEMP enrollment annual anniversary date.
 - (2) These limits apply whether such services are delivered to an individual, a group of individuals, or a combination of both.

- (e) Initial Intensive SEMP approval. Initial Intensive SEMP services require authorization from OPWDD.
- (1) Application for Intensive SEMP hours must be submitted in the form and format specified by OPWDD.
 - (2) OPWDD approval of Intensive SEMP is determined on an individual basis. OPWDD considers:
 - (i) the individual's previous work experience (actual employment, work tryout, or job development) and if the individual needs job development services;
 - (ii) the individual's documented community experiences that created opportunities to explore and discover employment skills and interests, including volunteer activities, or the information contained within a comprehensive assessment (e.g., discovery report) of the individual's skills and interests that has been completed;
 - (iii) the strategies and resources used to address impediments to employment and the individual's response;
 - (iv) a justification of the individual's need for Intensive SEMP services describing how the Intensive SEMP services will assist the individual to obtain employment and specifying that Intensive SEMP is the appropriate service for the individual; and
 - (v) documentation that funding is not available or not required from the NYS Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCESS-VR).
- (f) Additional Hours of Intensive SEMP. Additional hours of Intensive SEMP services require additional authorization from OPWDD.
- (1) If the service provider determines that an individual needs additional hours of Intensive SEMP beyond the initial approval of Intensive SEMP hours, the service provider must submit a written request to OPWDD, in the form and format specified by OPWDD, for additional hours of

Intensive SEMP services.

- (2) OPWDD approves additional hours of Intensive SEMP using the criteria specified in section 635-10.4(j)(5)(i)(e)(1) of this Subpart and considers whether the Intensive SEMP hours previously approved by OPWDD were appropriately used.
- (3) Authorized additional Intensive SEMP hours must be provided within 365 days of the individual's SEMP enrollment annual anniversary date.
- (g) Retroactive approvals of Intensive SEMP may only be granted by OPWDD under extenuating circumstances.

(ii) Extended SEMP.

- (a) An individual is eligible to receive Extended SEMP services if:
 - (1) A competitive employment or self-employment related valued outcome or goal is identified in the individual's Life Plan, unless the individual is approved for state funded SEMP;
 - (2) the individual is currently employed in an integrated setting and earning at least the applicable County, State or Federal minimum wage, or is self-employed, or has lost employment and been unemployed for 120 days or less;
 - (3) the individual needs Extended SEMP to maintain employment and achieve employment goals identified in the Life Plan; and
 - (4) the individual does not receive Supported Employment services from the NYS ACCES-VR.
- (b) Extended SEMP services include, but are not limited to:
 - (1) ongoing job coaching; and
 - (2) career development services.

- (c) Extended SEMP may be provided to one individual or a group of 2-8 individuals. An individual may move to and from individual and group supported employment as needed.
- (d) Extended SEMP can only be provided for a limited number of hours in accordance with section 635-10.5 of this Subpart, unless additional hours are approved by OPWDD.

 - (1) Prior approval from OPWDD is not required for the first 200 hours of Extended SEMP annually. The first 200 hours of service annually must be provided within 365 days from the individual's SEMP enrollment anniversary date.
 - (2) These limits apply whether such services are delivered to an individual, a group of individuals, or a combination of both.
- (e) Additional hours of Extended SEMP services require authorization from OPWDD.

 - (1) If the service provider determines that an individual needs more than 200 hours of Extended SEMP within 365 days of their SEMP enrollment annual anniversary date, the service provider must submit a justification in a written request to OPWDD for review and approval, in the form and format specified by OPWDD, for additional hours of services. Authorized additional Extended SEMP hours must be provided within 365 days of the individual's SEMP enrollment annual anniversary date.
 - (2) OPWDD's decision on the extension request will be based on whether:

 - (i) changes in the individual's job responsibilities warrant additional hours of job coaching, training, and planning within the work environment;
 - (ii) changes in the individual's workplace warrant additional hours to develop new supports in the work environment;
 - (iii) the individual has expressed an interest in obtaining a second job, a new position, or career advancement; and/or

(iv) the additional hours are in the best interests of the individual.

- **Existing subdivision 635-10.5(d) is deleted and reserved**
- **Existing subdivision 635-10.5(af) is amended as follows:**
 - (af) Reimbursement for supported employment services on and after January 2, 2024[July 1 2015].
- **Existing paragraphs 635-10.5(af)(1)-(9) are deleted and paragraphs 635-10.5(af)(1)-(6) are added as follows.**
 - (1) Unit of service. SEMP is an hourly service and is reimbursed in 15-minute increments. When there is a break in service delivery during a single day, the service provider must combine, for billing purposes, the durations of the continuous periods/sessions of each specific type (individual or group) of service provision. The durations of each individual session within a day must be combined, but individual and group sessions provided in the same day must not be combined.
 - (2) Rounding. Only the total minutes of the specific billing category (individual or group) for the day may be rounded up to the next 15-minute increment. If there are multiple periods of service during the day, the provider must combine the total minutes for the specific billing category (individual or group) for the day and may not round each specific service period separately. The provider should determine how many 15-minute increments were provided for each specific service. If there are additional minutes of the specific service provided that do not meet the full 15-minute increment, the additional minutes may be rounded to one additional 15-minute increment if there were 10-14 minutes of additional service.
 - (3) Billable service time. Billable service time for Intensive and Extended SEMP is:
 - (i) time when the service provider is providing SEMP services as specified in this Subpart in support of the individual's supported employment /staff action plan; and
 - (ii) time when service provider is developing the supported employment staff action plan.
 - (4) Restrictions on billable service time.

- (i) Allowable SEMP services provided without the individual present may be delivered when the individual is simultaneously receiving another direct Medicaid service. Allowable SEMP services provided with the individual present must not be delivered when the individual is simultaneously receiving another direct Medicaid service (except for Care Management).
- (ii) Intensive and Extended SEMP cannot be delivered to an individual on the same date of service.

(5) Documentation.

- (i) The service provider must maintain documentation and a monthly summary to show that an individual received SEMP services in accordance with their Life Plan and supported employment staff action plan.
- (ii) For each continuous SEMP service session, the service provider must document at least one allowable service delivered during the SEMP service session.
- (iii) The service provider must maintain documentation that funding is not available or not required from NYS ACCES-VR.
- (iv) The service provider must report quarterly on Supported Employment (SEMP) data and related requested information in a form and format specified by OPWDD.

(6) Fee-setting. The fees for SEMP services are in 10 NYCRR Subpart 86-13.

- **Existing subdivision 635-99.1(v) is amended as follows:**

- (v) Competitive Integrated Employment. Employment integrated in the general workforce, for which an individual is compensated at or above the applicable County, State, or Federal minimum wage[(whichever is greater)], but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

Supported Employment Amendments to 14 NYCRR Subparts 635-10 & 635-99
ADOPTED REGULATIONS Effective Date: January 2, 2024

SEMP consists of the following allowable services provided to and/or on behalf of an individual, including remote services, if they are not the only service delivery method:

- (i) vocational assessment, person-centered employment planning and job-related experiential learning;
- (ii) assessment and instruction in the use of remote and assistive technology to increase independence in the workplace;
- (iii) job development, analysis, customization, and carving, including negotiating and creating potential jobs with prospective employers on behalf of an individual or group of individuals;
- (iv) training, orientation, and systematic instruction prior to employment;
- (v) job coaching, training, and planning within the work environment;
- (vi) development and review of a business plan (for individuals who are pursuing self-employment or are self-employed);
- (vii) travel time to allowable SEMP activities when delivering services on behalf of an individual and to and from allowable activities when the individual is present;
- (viii) travel training;
- (ix) development of soft skills and job retention strategies (e.g., social interaction, maintaining relationships with co-workers and supervisory personnel);
- (x) benefits support, advisement, and asset development;
- (xi) other workplace support services including services that enable the individual to be successfully integrated into the job setting (e.g., development of natural supports in the work environment);
- (xii) communication with an existing employer to review the individual's progress in meeting workforce expectations and to discuss and address any challenges the individual may have in the work environment and career advancement services;
- (xiii) communication with the individual, family or other members of the individual's circle of support to discuss and address employment-related issues, such as management of benefits or challenges the individual may have in the work environment;
- (xiv) meetings, reports, and communication with OPWDD staff regarding progress and outcomes for individuals receiving SEMP services;
- (xv) documentation of the delivery and support of all allowable SEMP services;
- (xvi) planning the delivery of all allowable SEMP services [other activities previously approved by OPWDD.];
- (xvii) managing the delivery of all allowable SEMP services;
- (xviii) preparation and review of documents, reports, and other required information in support of SEMP allowable services as required by OPWDD;
- (xix) staff time to attend OPWDD Innovations Training; and
- (xx) other activities with prior approval from OPWDD.



Center for Medicaid, CHIP and Survey & Certification

CMCS Informational Bulletin

DATE: September 16, 2011

FROM: Cindy Mann, JD
Director
Center for Medicaid, CHIP and Survey & Certification (CMCS)

SUBJECT: Updates to the §1915 (c) Waiver Instructions and Technical Guide regarding employment and employment related services

This Informational Bulletin is intended to provide clarification of existing CMS guidance on development and implementation of §1915 (c) Waivers regarding employment and employment related services. Specifically, this letter provides updates to several sections of the current Waiver Technical Guide Version 3.5, which was released in January of 2008, in advance of a future release of Technical Guide Version 3.6.

This guidance does not constitute new policy, but rather highlights the opportunities available to use waiver supports to increase employment opportunities for individuals with disabilities within current policy. Further, it underscores CMS's commitment to the importance of work for waiver participants and provides further clarification of CMS guidance regarding several core service definitions.

While States have the flexibility to craft their own service definitions and modify CMS core service definitions, many States rely on CMS language for their waiver core service definitions. We hope that by emphasizing the importance of employment in the lives of people with disabilities, updating some of our core service definitions, and adding several new core service definitions to better reflect best and promising practices that it will support States' efforts to increase employment opportunities and meaningful community integration for waiver participants.

The major changes in the Instructions and Technical Guide are summarized below:

- Highlights the importance of competitive work for people with and without disabilities and CMS's goal to promote integrated employment options through the waiver program
- Acknowledges best and promising practices in employment support, including self direction and peer support options for employment support
- Clarifies that Ticket to Work Outcome and Milestone payments are not in conflict with payment for Medicaid services rendered because both Ticket to Work and Milestone payments are made for an outcome, not service delivery
- Adds a new core service definition- by splitting what had previously been supported employment into two definitions- individual and small group supported employment
- Includes a new service definition for career planning, that may be separate or rolled into the other employment related service definitions

- Emphasizes the critical role of person centered planning in achieving employment outcomes
- Modifies both the prevocational services and supported employment definitions to clarify that volunteer work and other activities that are not paid, integrated community employment are appropriately described in pre-vocational, not supported employment services
- Explains that pre-vocational services are not an end point, but a time limited (although no specific limit is given) service for the purpose of helping someone obtain competitive employment

I hope that you will find this information helpful. States and other interested parties may also find information contained in the attachments at www.hcbswaivers.net. If you have any additional questions about this guidance, please contact Ms. Nancy Kirchner, Health Insurance Specialist, Division of Long Term Services and Supports at 410-786-8641 or nancy.kirchner@cms.hhs.gov.

Attachments (2):

- 1 - Revisions to the Instructions and Technical Guide for §1915 (c) Waivers - Supported Employment and Prevocational Services
- 2 - Revisions to the Core Service Definitions for Employment and Employment related services in the Instructions and Technical Guide for §1915 (c) Waivers

Attachment 1

Revisions to the Instructions and Technical Guide for §1915 (c) Waivers for Supported Employment and Prevocational Services

Work is a fundamental part of adult life for people with and without disabilities. It provides a sense of purpose, shaping who we are and how we fit into our community. Meaningful work has also been associated with positive physical and mental health benefits and is a part of building a healthy lifestyle as a contributing member of society. Because it is so essential to people's economic self sufficiency, as well as self esteem and well being, people with disabilities and older adults with chronic conditions who want to work should be provided the opportunity and support to work competitively within the general workforce in their pursuit of health, wealth and happiness. All individuals, regardless of disability and age, can work – and work optimally with opportunity, training, and support that build on each person's strengths and interests. Individually tailored and preference based job development, training, and support should recognize each person's employability and potential contributions to the labor market.

Peer support is a powerful best practice model for helping support people to be successful in the world of employment. Most specifically for people with mental illness, the evidenced based practice of peer support has been a critical component of successful community living, including employment. Additionally, various types of employment and employment related supports may be provided by consumer operated service programs, independent nonprofit organizations that have a majority consumer board of directors. There is broader applicability for peer support and self advocacy for other disability population groups to ease the transition into community living and/or to develop stronger ties in those communities through the support and guidance from others who have navigated those situations and can now mentor others and offer mutual support. States may wish to consider provider qualifications for employment supports that draw on peer support models. Additional information concerning peer support services is contained in the August 15, 2007 State Medicaid Director letter #07-011at <http://www.cms.gov/SMDL/downloads/SMD081507A.pdf>.

Self directed service delivery models can also be used to provide employment supports. In a self-directed model, individuals may hire their own job coaches and employment support staff, rather than relying exclusively on agency based staffing models. This may be particularly useful as individuals seek to expand the pool of people who can provide employment supports and services to include friends, family members, co-workers and other community members that do not view themselves as part of the traditional Medicaid provider employment supports workforce.

Customized employment is another approach to supported employment. Customized employment means individualizing the employment relationship between employees and employers in ways that meet the needs of both. It is based on an individualized determination of the strengths, needs, and interests of the person with a disability, and is also designed to meet the specific needs of the employer. It may include employment developed through job carving, self-employment or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability. Customized employment assumes the provision of reasonable accommodations and

supports necessary for the individual to perform the functions of a job that is individually negotiated and developed. (Federal Register, June 26, 2002, Vol. 67. No. 123 pp 43154 -43149).

Co-worker models of support to deliver on the job supports are effective service delivery methods that are often less expensive to provide and less intrusive to the flow of a business, helping the employee with a disability not just learn the task based elements of the job, but also the cultural norms and relationships within that job setting. Co-worker models of support rely on regular employees within the work setting who provide on the job training and ongoing support to the waiver participant that is beyond what is typically provided as part of supervision or training to employees. Co-worker supports may be delivered on a volunteer basis or paid through a stipend or other statewide payment methodology and unit cost as described in the waiver application Appendices I and J. Importantly, payment for co-worker supports is not payment to the employer for hiring the individual. Instead, it is encouraging the forging of natural work relationships with individuals already present and participating in the work environment. These models are not intended to replace the support provider's work, rather, it would be an additional mentoring/support role for which co-workers could receive additional compensation above what they receive in the course of their typical job responsibilities.

The Ticket to Work Program (TTW) is an employment support program offered through the Social Security Administration (SSA) which is available to SSA beneficiaries with disabilities who want to achieve and maintain their employment goals and can work in a complementary fashion with waiver services. Ticket Outcome and Milestone payments do not conflict with CMS regulatory requirements and do not constitute an overpayment of Federal dollars for services provided since payments are made for an outcome, rather than for a Medicaid service rendered. Additional information regarding the receipt of Federal funds under the SSA's Ticket to Work program is contained in the January 28, 2010 State Medicaid Director letter SMD# 10-002 at <http://www.cms.gov/SMDL/SMD/list.asp>.

Supported employment and prevocational services may be furnished as expanded habilitation services under the provisions of §1915(c)(5)(C) of the Act. They may be offered to any target group for whom the provision of these services would be beneficial in helping them to realize their goals of obtaining and maintaining community employment in the most integrated setting. As provided in Olmstead Letter #3 (included in Attachment D), the provision of these services is not limited to waiver participants with intellectual or developmental disabilities, and can be a meaningful addition to the service array for any of the regulatorily identified target groups.

It is important to note that such services may only be furnished to a waiver participant to the extent that they are not available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973. When a state covers any category of supported employment services and/or prevocational services in a waiver, the waiver service definition of each service must specifically explain that the services do not include services that are available under section 110 of the Rehabilitation Act of 1973 or, in the case of youth, under the provisions of the Individuals with Disabilities Education Act (IDEA), as well as assure that such services are not available to the participant before authorizing their provision as a waiver service.

Waiver funding is not available for the provision of vocational services delivered in facility based or sheltered work settings, where individuals are supervised for the primary purpose of producing goods or performing services. The distinction between vocational and pre-vocational services is that pre-vocational services, regardless of setting, are delivered for the purpose of furthering habilitation goals *such as attendance, task completion, problem solving, interpersonal relations and safety*, as outlined in the individual's person-centered services and supports plan. Prevocational services should be designed to create a path to integrated community based employment for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

Although this is guidance with respect to the 1915 (c) Waiver program, we note that states have obligations pursuant to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Supreme Court's *Olmstead* decision interpreting the integration regulations of those statutes. Consistent with the *Olmstead* decision and with person centered planning principles, an individual's plan of care regarding employment services should be constructed in a manner that reflects individual choice and goals relating to employment and ensures provision of services in the most integrated setting appropriate.

Attachment 2

Revisions to the Core Service Definitions for Employment and Employment related services in the Instructions and Technical Guide for §1915 (c) Waivers

Day Habilitation

Core Service Definition:

Provision of regularly scheduled activities in a non-residential setting, separate from the participant's private residence or other residential living arrangement, such as assistance with acquisition, retention, or improvement in self-help, socialization and adaptive skills that enhance social development and develop skills in performing activities of daily living and community living. Activities and environments are designed to foster the acquisition of skills, building positive social behavior and interpersonal competence, greater independence and personal choice. Services are furnished consistent with the participant's person-centered plan. Meals provided as part of these services shall not constitute a "full nutritional regimen" (3 meals per day).

Day habilitation services focus on enabling the participant to attain or maintain his or her maximum potential and shall be coordinated with any needed therapies in the individual's person-centered services and supports plan, such as physical, occupational, or speech therapy.

Instructions

- Supplement or modify the core definition as appropriate to specify service elements/activities furnished as day habilitation under the waiver.
- Day habilitation may be furnished in any of a variety of settings in the community other than the person's private residence. Day habilitation services are not limited to fixed-site facilities. Supplement the core definition by specifying where day habilitation is furnished.
- If transportation between the participant's place of residence and the day habilitation site, or other community settings in which the service is delivered, is provided as a component part of day habilitation services and the cost of this transportation is included in the rate paid to providers of day habilitation services, the service definition must include a statement to that effect in the definition.

Guidance

- Day habilitation may not provide for the payment of services that are vocational in nature (i.e., for the primary purpose of producing goods or performing services).

- Personal care/assistance may be a component part of day habilitation services as necessary to meet the needs of a participant, but may not comprise the entirety of the service.
- Participants who receive day habilitation services may also receive educational, supported employment and prevocational services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.
- Day habilitation services may be furnished to any individual who requires and chooses them through a person-centered planning process. Such services are not limited to persons with intellectual or developmental disabilities.
- For individuals with degenerative conditions, day habilitation may include training and supports designed to maintain skills and functioning and to prevent or slow regression, rather than acquiring new skills or improving existing skills.
- Day habilitation services may also be used to provide supported retirement activities. As some people get older they may no longer desire to work and may need supports to assist them in meaningful retirement activities in their communities. This might involve altering schedules to allow for more rest time throughout the day, support to participate in hobbies, clubs and/ or other senior related activities in their communities.
- If States wish to cover "career planning" activities they may choose to include it as a component part of day habilitation services or it may be broken out as a separate stand alone service definition.

Prevocational Services

Core Service Definition:

Services that provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. Services are expected to occur over a defined period of time and with specific outcomes to be achieved, as determined by the individual and his/her service and supports planning team through an ongoing person-centered planning process.

Individuals receiving prevocational services must have employment-related goals in their person-centered services and supports plan; the general habilitation activities must be designed to support such employment goals. Competitive, integrated employment in the community for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities is considered to be the optimal outcome of prevocational services.

Prevocational services should enable each individual to attain the highest level of work in the most integrated setting and with the job matched to the individual's interests, strengths, priorities, abilities, and capabilities, while following applicable federal wage guidelines. Services are intended to develop and teach general skills; Examples include, but are not limited to: ability to communicate effectively with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; general workplace safety and mobility training.

Participation in prevocational services is not a required pre-requisite for individual or small group supported employment services provided under the waiver. Many individuals, particularly those transitioning from school to adult activities, are likely to choose to go directly into supported employment. Similarly, the evidence-based Individual Placement and Support (IPS) model of supported employment for individuals with behavioral health conditions emphasizes rapid job placement in lieu of prevocational services.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished under the waiver.
- Prevocational services may be furnished in a variety of locations in the community and are not limited to fixed-site facilities. Specify in the service definition where these services are furnished.
- If transportation between the participant's place of residence and the prevocational service site/s is provided as a component part of prevocational services and the cost of this transportation is included in the rate paid to providers of prevocational services, the service definition must include a statement to that effect.
- Specify in the definition how the determination is made that the services furnished to the participant are prevocational rather than vocational in nature in accordance with 42 CFR §440.180(c)(2)(i).

Guidance

- Pre-vocational Services include activities that are not primarily directed at teaching skills to perform a particular job, but at underlying habilitative goals (e.g., attention span, motor skills, interpersonal relations with co-workers and supervisors) that are associated with building skills necessary to perform work and optimally to perform competitive, integrated employment. Vocational services, which are not covered through waivers, are services that teach job task specific skills required by a participant for the primary purpose of completing those tasks for a specific facility based job and are not delivered in an integrated work setting through supported employment. The distinction between vocational and pre-vocational services is that pre-vocational services, regardless of setting, are delivered for the purpose of furthering habilitation goals that will lead to greater opportunities for competitive and integrated employment and career advancement at or above minimum wage. These goals are described in the individual's person centered services and supports plan and are designed to teach skills that will lead to integrated competitive employment.
- A person receiving pre-vocational services may pursue employment opportunities at any time to enter the general work force. Pre-vocational services are intended to assist individuals to enter the general workforce.
- Individuals participating in prevocational services may be compensated in accordance with applicable Federal laws and regulations and the optimal outcome of the provision of prevocational services is permanent integrated employment at or above the minimum wage in the community.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.

- Personal care/assistance may be a component of prevocational services, but may not comprise the entirety of the service.
- Individuals who receive prevocational services may also receive educational, supported employment and/or day habilitation services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.
- If States wish to cover "career planning" activities they may choose to include it as a component part of pre-vocational services or it may be broken out as a separate stand alone service definition.
- Prevocational services may include volunteer work, such as learning and training activities that prepare a person for entry into the paid workforce.
- Prevocational services may be furnished to any individual who requires and chooses them through a person-centered planning process. They are not limited to persons with intellectual or developmental disabilities.

Supported Employment -Individual Employment Support Core Service Definition

Supported Employment -Individual Employment Support services are the ongoing supports to participants who, because of their disabilities, need intensive on-going support to obtain and maintain an individual job in competitive or customized employment, or self-employment, in an integrated work setting in the general workforce for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. The outcome of this service is sustained paid employment at or above the minimum wage in an integrated setting in the general workforce, in a job that meets personal and career goals.

Supported employment services can be provided through many different service models. Some of these models can include evidence-based supported employment for individuals with mental illness, or customized employment for individuals with significant disabilities. States may define other models of individualized supported employment that promote community inclusion and integrated employment.

Supported employment individual employment supports may also include support to establish or maintain self-employment, including home-based self-employment. Supported employment services are individualized and may include any combination of the following services: vocational/job-related discovery or assessment, person-centered employment planning, job placement, job development, negotiation with prospective employers, job analysis, job carving, training and systematic instruction, job coaching, benefits support, training and planning, transportation, asset development and career advancement services, and other workplace support services including services not specifically related to job skill training that enable the waiver participant to be successful in integrating into the job setting.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment; or
2. Payments that are passed through to users of supported employment services.

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.
- Supported employment individual employment supports is not intended for people working in mobile work crews of small groups of people with disabilities in the community. That type of work support is addressed in the core service definition for Supported Employment Small Group employment support.
- If transportation between the participant's place of residence and the employment site is a component part of supported employment individual employment supports services and the cost of this transportation is included in the rate paid to providers of supported employment individual employment supports services, the service definition must include a statement to that effect.

Guidance

- Statewide rate setting methodologies, which are further described in I-2-a of the waiver application may be used to embrace new models of support that help a person obtain and maintain integrated employment in the community. These may include co-worker support models, payments for work milestones, such as length of time on the job, number of hours the participant works, etc. Payments for work milestones are not incentive payments that are made to an employer to encourage or subsidize the employer's hiring an individual with disabilities, which is not permissible.
- Supported employment individual employment supports does not include facility based, or other similar types of vocational services furnished in specialized facilities that are not a part of the general workplace.
- In addition to the need for an appropriate job match that meets the individual's skills and interests, individuals with the most significant disabilities may also need long term employment support to successfully maintain a job due to the ongoing nature of the waiver participant's support needs, changes in life situations, or evolving and changing job responsibilities.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Supported employment individual employment supports do not include volunteer work. Such volunteer learning and training activities that prepare a person for entry into the paid workforce are addressed through pre-vocational services.
- Supported employment individual employment supports do not include payment for supervision, training, support and adaptations typically available to other workers without disabilities filling similar positions in the business.
 - Supported employment individual employment supports may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of the normal duties of the co-worker, supervisor or other personnel and these individuals meet the pertinent qualifications for the providers of service.

- Personal care/assistance may be a component part of supported employment individual employment supports, but may not comprise the entirety of the service.
- Supported employment individual employment supports may include services and supports that assist the participant in achieving self-employment through the operation of a business; however, Medicaid funds may not be used to defray the expenses associated with starting up or operating a business. Assistance for self-employment may include: (a) aid to the individual in identifying potential business opportunities; (b) assistance in the development of a business plan, including potential sources of business financing and other assistance in including potential sources of business financing and other assistance in developing and launching a business; (c) identification of the supports that are necessary in order for the individual to operate the business; and (d) ongoing assistance, counseling and guidance once the business has been launched.
- Individuals receiving supported employment individual employment supports services may also receive educational, pre-vocational and/or day habilitation services and career planning services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of time.
- If States wish to cover "career planning" they may choose to include it as a component part of supported employment individualized employment support services or it may be broken out as a separate stand alone service definition.
- Supported employment individual employment supports may be furnished to any individual who requires and chooses them through a person-centered planning process. They are not limited to persons with intellectual or developmental disabilities.

Supported Employment - Small Group Employment Support

Core Service Definition

Supported Employment Small Group employment support are services and training activities provided in regular business, industry and community settings for groups of two (2) to eight (8) workers with disabilities. Examples include mobile crews and other business-based workgroups employing small groups of workers with disabilities in employment in the community. Supported employment small group employment support must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces. The outcome of this service is sustained paid employment and work experience leading to further career development and individual integrated community-based employment for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Small group employment support does not include vocational services provided in facility based work settings.

Supported employment small group employment supports may include any combination of the following services: vocational/job-related discovery or assessment, person-centered employment planning, job placement, job development, negotiation with prospective employers, job analysis, training and systematic instruction, job coaching, benefits support, training and planning transportation and career advancement services. Other workplace support services may include

services not specifically related to job skill training that enable the waiver participant to be successful in integrating into the job setting.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment services; or
2. Payments that are passed through to users of supported employment services.

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.
- If transportation between the participant's place of residence and the employment site is a component part of supported employment services small group employment support and the cost of this transportation is included in the rate paid to providers of supported employment small group employment supports services, the service definition must include a statement to that effect.

Guidance

- Supported employment small group employment support does not include vocational services provided in facility based work settings or other similar types of vocational services furnished in specialized facilities that are not a part of general community workplaces.
- Supported employment small group employment supports do not include volunteer work. Such volunteer learning and training activities that prepare a person for entry into the paid workforce are more appropriately addressed through pre-vocational services.
- Supported employment small group employment support does not include payment for supervision, training, support and adaptations typically available to other workers without disabilities filling similar positions in the business.
 - Supported employment small group employment support services may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of the normal duties of the co-worker, supervisor or other personnel and these individuals meet the pertinent qualifications for the providers of service.
- Personal care/assistance may be a component part of supported employment small group employment support services, but may not comprise the entirety of the service.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Individuals receiving supported employment small group employment support services may also receive educational, prevocational and/or day habilitation services and career planning services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of time.

- If States wish to cover “career planning” they may choose to include it as a component part of supported employment small group employment support services or it may be broken out as a separate stand alone service definition.

- Supported employment small group employment support services may be furnished to any individual who requires and chooses them. If a state offers both supported employment- individual and small group employment support services, individuals should be provided information to make an informed decision in choosing between these services. Supported employment small group employment support services are not limited to persons with intellectual or developmental disabilities.

Career Planning

Core Service Definition

Career planning is a person-centered, comprehensive employment planning and support service that provides assistance for waiver program participants to obtain, maintain or advance in competitive employment or self-employment. It is a focused, time limited service engaging a participant in identifying a career direction and developing a plan for achieving competitive, integrated employment at or above the state’s minimum wage. The outcome of this service is documentation of the participant’s stated career objective and a career plan used to guide individual employment support.

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.
- Supplement the core service definition by specifying where in the community career planning may be furnished.
 - If transportation between the participant's place of residence and the site where career planning is delivered is provided as a component part of career planning services and the cost of this transportation is included in the rate paid to providers of career planning services, the service definition must include a statement to that effect in the definition.

Guidance

- For young people with disabilities transitioning out of high school or college into adult services, it is important to have the opportunity to plan for sufficient time and experiential learning opportunities for the appropriate exploration, assessment and discovery processes to learn about career options as one first enters the general workforce.
- Individuals who receive career planning services may also receive educational, supported employment, pre-vocational and/or day habilitation services. A participant’s person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.
- If a waiver participant is receiving prevocational services or day habilitation services, career planning may be used to develop experiential learning opportunities and career options consistent with the person’s skills and interests.

- If a waiver participant is employed and receiving either individual or small group supported employment services, career planning may be used to find other competitive employment more consistent with the person's skills and interests or to explore advancement opportunities in his or her chosen career.
- All prevocational and supported employment service options, including career planning, should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Career planning furnished under the waiver may not include services available under a program funded under section 110 of the Rehabilitation Act of 1973 or section 602(16) and (17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(16 and 17)).
- Career planning may include benefits support, training and planning, as well as assessment for use of assistive technology to increase independence in the workplace.
- If a State wishes to cover "career planning" it may choose to include it as a component part of day habilitation, pre-vocational services or supported employment small group or individual employment support services or it may be broken out as a separate stand alone service definition.
- Career planning services may be furnished to any individual who requires and chooses them. They are not limited to persons with intellectual or developmental disabilities.

Home and Community Based Services Waiver | Office for People With Developmental Disabilities

Comprehensive Home and Community-Based Services Waiver (1915-c HCBS)

Purpose of the HCBS Waiver Program

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in section 1915(c) of the Social Security Act. The program permits a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The state has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid state plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Home and Community-Based Services Waiver is the Medicaid program that provides services for adults and children with developmental disabilities in their own home and community.

Current Waiver- 2025 Waiver Amendment 01

The latest amendment of the OPWDD 1915 (c) Comprehensive Home and Community-Based Services (HCBS) Waiver was approved by the Centers for Medicare and Medicaid Services (CMS) effective April 1, 2025.

*New text in the approved 2025 HCBS Waiver Amendment is highlighted in yellow.

<https://opwdd.ny.gov/providers/home-and-community-based-services-waiver/>

INFORMATION ABOUT THE LIMITED EXCEPTION FOR SUPPORTED EMPLOYMENT

Individuals receiving supported employment (SEMP) services, overseen by the Office for People With Developmental Disabilities (OPWDD), must pay for the SEMP services unless they have Medicaid coverage that will pay for the SEMP services and are enrolled in the Home and Community Based Services (HCBS) Waiver. However, individuals who were already enrolled in SEMP, and qualified for the limited exception on June 30, 2015, can remain eligible for the limited exception. This means they will not receive bills for these services and are not required to have Medicaid coverage and HCBS Waiver enrollment.

To qualify for the limited exception on June 30, 2015, an individual must have been enrolled in SEMP services and could not have:

- 1) Lived in an individualized residential alternative (IRA), community residence, family care home, or intermediate care facility for individuals with intellectual disabilities (ICF/IID); or
- 2) Received or requested any of the following services overseen by OPWDD: care management, day treatment, community habilitation, day habilitation, prevocational services, or respite; or
- 3) Been enrolled in the HCBS Waiver any time after March 14, 2010.

The limited exception will end if:

- 1) The individual moves into an IRA, community residence, family care home, or ICF/IID; or
- 2) The individual receives any of the services listed above; or
- 3) Medicaid begins paying for the SEMP services; or
- 4) The individual changes SEMP providers after June 30, 2015, unless the change is the result of provider actions (i.e., one provider assumes operation or control of the other provider's operations and programs; two providers merge or consolidate; or the original provider downsizes or eliminates the provision of the service for any reason).

The limited exception will permanently end, beginning on the date any of the above occurs. If the limited exception ends, the individual, or another liable party, will have to pay for the services. Otherwise, the individual will need Medicaid coverage that pays for the services, and to be enrolled in the HCBS Waiver.

Audit Protocols

Medicaid

Audit Protocols

[Medicaid | Office for People With Developmental Disabilities](#)

Overview

Audit protocols assist the Medicaid provider community in developing programs to evaluate compliance with Medicaid requirements under federal and state statutory and regulatory law, and administrative procedures issued by New York State Office For People With Developmental Disabilities (OPWDD). The protocols listed are intended solely as guidance in this effort. This guidance does not constitute rulemaking by OPWDD and may not be relied on to create a substantive or procedural right or benefit enforceable, at law or in equity, by any person. Furthermore, nothing in the protocols alters any statutory, regulatory or administrative requirement. In the event of a conflict between statements in the protocols and statutory, regulatory or administrative requirements, the requirements of the statutes, regulations and administrative procedures govern.

The audit protocols do not encompass all the current requirements for payment of Medicaid claims for a particular category of service or provider type and therefore are not a substitute for a review of the statutory and regulatory law or administrative procedures. A Medicaid provider's legal obligations are determined by the applicable federal and state statutory and regulatory law.

Audit protocols are applied to a specific provider or category of service(s) in the course of an audit and involve OPWDD's application of articulated Medicaid agency policy and the exercise of agency discretion.

Protocols are amended as necessary. Reasons for amending protocols include, but are not limited to, responding to a hearing decision, litigation decision, or statutory or regulatory change.

OPWDD strives for consistency with the audit practices of the New York State Office of the Medicaid Inspector General (OMIG). As such, OPWDD will apply OMIG audit protocols in evaluating those services in which the OMIG has established protocols. When necessary, OPWDD has developed audit protocols to incorporate regulatory and administrative requirements that postdate OMIG protocols. The appropriate protocol will be used depending on the criteria in effect for the date of service being reviewed.

<https://opwdd.ny.gov/providers/medicaid>

<https://omig.ny.gov/audit/audit-protocols>

OVERVIEW OF SUPPORTED EMPLOYMENT SERVICES

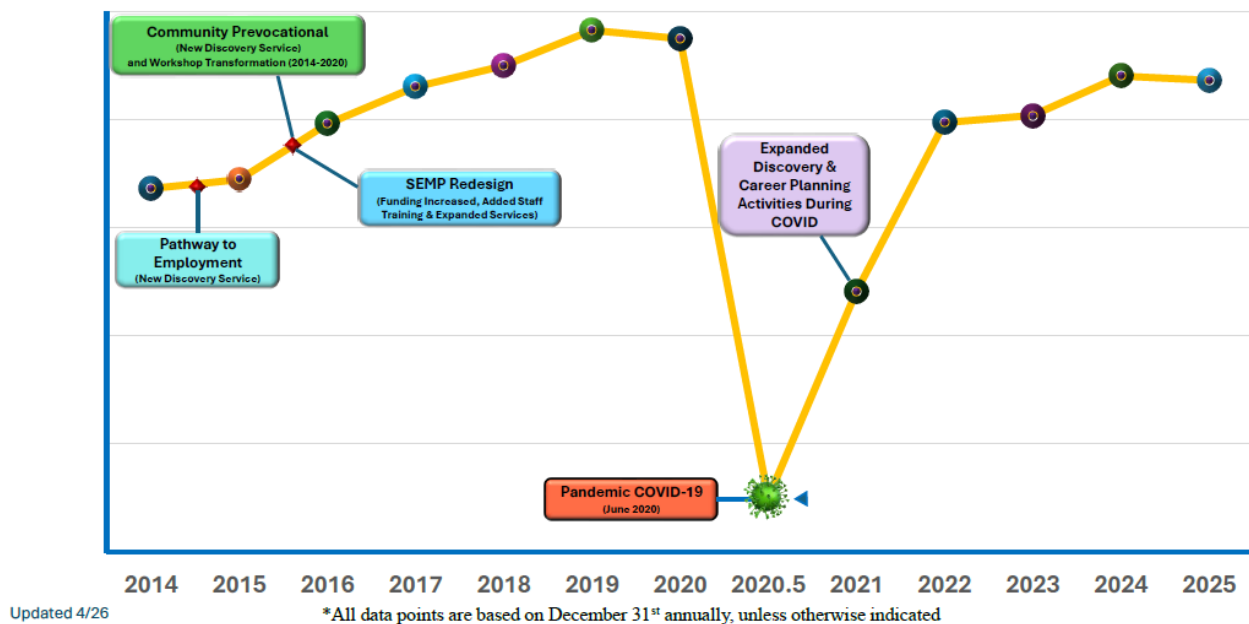
[Return to Table of Contents](#)

Overview of OPWDD Supported Employment Services

SEMP Services

SEMP is a person-centered employment support service that assists individuals in obtaining, maintaining, or advancing in self-employment or competitive, integrated employment in the general workforce, for which the individual is compensated at or above the minimum wage. The goal of SEMF services is sustained, paid, integrated employment in a job or self-employment that meets the individual's personal and career goals. SEMF services may be provided as either Intensive or Extended SEMF. SEMF may be provided to a single individual, or to a small group of two to eight (2-8) individuals. When a job that meets the individual's personal and career goals is obtained, providers must either complete and keep the *Verification that Job Meets SEMF Criteria* or maintain all the information required on this form in their records for auditing.

Number of People Working in OPWDD Supported Employment



Office of Disability Employment Policy

About ODEP

The Office of Disability Employment Policy (ODEP) is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.

ODEP's mission is to develop and influence policies and practices that increase the number and quality of employment opportunities for people with disabilities.

To fulfill this mission, ODEP promotes the adoption and implementation of ODEP policy strategies and effective practices — meaning those that ODEP has developed and/or validated — that will impact the employment of people with disabilities. ODEP's approach is to drive systems and practice changes by disseminating ODEP policy strategies and effective practices, sharing information and providing technical assistance to government agencies, service providers and non-governmental entities, as well as public and private employers.

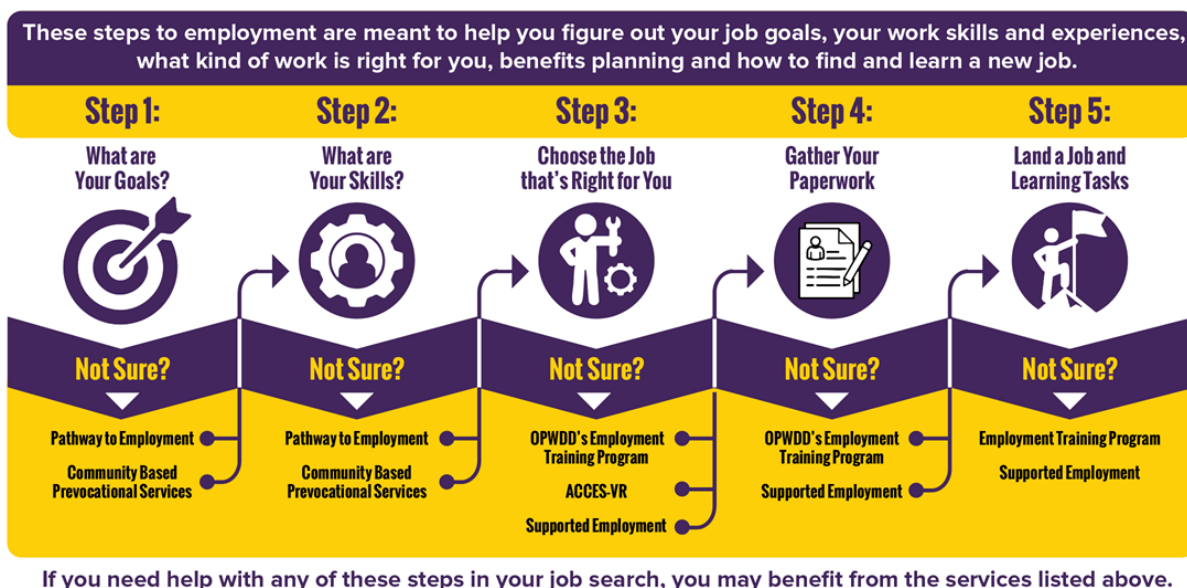
[ODEP | U.S. Department of Labor](#)

Competitive Integrated Employment

The Workforce Innovation and Opportunity Act (WIOA) defines competitive integrated employment (CIE) as work that is performed on a full-time or part-time basis for which an individual is:

- Compensated at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;
- Receiving the same level of benefits provided to other employees without disabilities in similar positions;
- At a location where the employee interacts with other individuals without disabilities; and
- Presented opportunities for advancement similar to other employees without disabilities in similar positions.

[DOL.gov | Competitive Integrated Employment \(CIE\)](#)



Key Ingredients for Success in Competitive Employment

Discovery - Learning all we can about the person.

- Community-Based Prevocational Services
- Pathway to Employment
- Employment Training Program (ETP / SEMP)

Developing Good Job Matches- Fitting the person's skills and personality to the employer's needs and culture.

- Employment Training Program (ETP / SEMP)
- Supported Employment (SEMP)

Job Coaching Support - Supporting the individual as they learn new tasks, supporting the employer and building up natural supports.

- Supported Employment (SEMP)

OPWDD designed employment-related services based on best practices to promote the following outcomes for people being supported:

- Increased discovery (individualized career planning and community vocational experiences)
- Improved job matching and maximizing potential skills and independence
- Increased attention paid to understanding the person's employment goals
- Improved employment-related interpersonal skills
- Increased vocational skill development and experiences
- Increased use of non-OPWDD public benefits and personal financial planning
- Flexible and customized job coaching supports

What happens in Supported Employment?

- Job development (after ACCES-VR or ETP)
- Job coaching, training and planning within the work environment.
- Job coaching supports slowly fade to periodic supports, as needed.
- Communication skill development with supervisors, co-workers and customers
- Develop job retention strategies.
- Develop natural supports.
- Negotiate with employers.
- Benefits planning
- Career advancement strategies
- Foster independence on the job



Supported Employment Criteria

- Work settings where employees with developmental disabilities **have opportunities to interact with** and **work alongside** co-workers who **do not have disabilities** are considered integrated.
- People are matched to jobs that reflect their interest and allow them to pursue their goals. Job coaches supplement the employer's orientation and training until the person can complete job tasks independently with accommodations and natural supports.
- Job coaches provide on-going, periodic supports as needed for job training, job retention, career growth and job replacement. Job coaches cannot complete job tasks or provide job supervision after initial job training.

What is the Job Match Process?

- Employment staff assess the job seeker's choices, strengths, interpersonal skills, work skills, work experiences, environmental preferences, supervisory needs, stamina, and transportation options.
- The person and their support team are involved in job match development.
- Alternative job possibilities are identified.
- Job development activities consistently follow the job match criteria.
- Job developers seek to understand business needs in order to develop successful job matches.



What are Job Coaching Supports?

- Training for the person on their job
- Developing clear instructional strategies and assisting the person to meet job performance and interpersonal standards.
- Focusing on building independence and slowly fading supports as person progresses
- Assisting the person to build positive relationships at work.
- Assisting the person to understand specific work policies and procedures.
- Meeting regularly with work supervisors to evaluate the employee's performance and job coaching services.
- Communicating and planning regularly with the person and their support team to build external job support.

SEMP Supports Career Retention and Advancement

Once an employee is stable and independent at their job, Extended SEMP shifts from intensive training to ongoing assistance tailored to growth.

Ongoing OPWDD Extended Supported Employment (SEMP) supports provide long-term, on-going job coaching and career development services to help individuals with developmental disabilities maintain and advance in competitive, integrated jobs.

- Career Advancement Services: Direct coaching and planning for promotions, task changes, or new responsibilities within the current workplace.
- Soft Skills and Retention Strategies: Ongoing refinement of workplace communication, social interactions with peers and supervisors, and professional behavior.
- Training on New Duties: On-site or off-site instruction when taking on expanded roles or adjusting to changes in daily operations
- Benefits Support and Advisement: Guidance on how wage increases or promotions impact public benefits.

Customized Employment

Defining Customized Employment

Customized employment (CE) is a process for achieving competitive integrated employment (CIE) or self-employment through an employee and employer relationship that is personalized to meet the needs of both. It is a universal strategy that benefits many people, including people with disabilities who might not have found success through other employment strategies. In 2014, CE was included in Title IV of the Workforce Innovation and Opportunity Act (WIOA) as a strategy under the definition of supported employment.

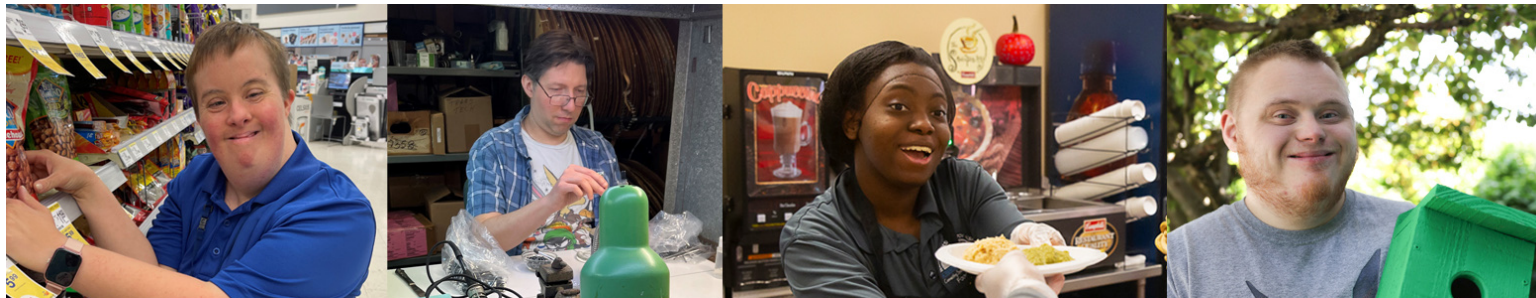
[Customized Employment | U.S. Department of Labor](#)

Workforce Innovation and Opportunity Act

WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Congress passed the Act with a wide bipartisan majority; it is the first legislative reform of the public workforce system since 1998.

[DOL.gov | Workforce Innovation and Opportunity Act \(WIOA\)](#)



Getting a Job and Participating In Your Community

Types of Services

OPWDD service providers support and empower people with developmental disabilities to reach their goals. For some people, that may mean having a job and a career. For others, it may mean learning new skills and taking part in their communities, or both. OPWDD services can help people find the right combination of work and community activities to meet their goals and interests.

The following services may be used separately or together to help people reach their goals and take part in their community.

Pathway to Employment helps people figure out what they are good at and what they are interested in. Pathway to Employment also helps people get work-related experiences, learn job skills and make a career plan. Pathway to Employment services can be scheduled around a person's other activities.

Community Based Prevocational services provide work-related skill training and vocational experiences. Prevocational services can include volunteer work where people can develop general, work-related skills that will help them prepare for and succeed in a job. Community Based Prevocational services can also help people develop new skills that will prepare them to get a new job.

Employment Training Program offers paid internships that lead to employment. Interns explore different kinds of jobs, plan their career and try different work experiences. Based on these experiences, an internship is developed with a local business. While on the job, the intern is supported by an employment support professional. When an intern learns the job tasks as required by the employer, they are hired directly by the business. After successfully completing an internship, people can continue to receive Supported Employment services.

Supported Employment services help people get, keep and grow in their chosen careers. Employment support professionals help people find jobs that meet their skills and interests. In Supported Employment services, people learn job skills, build independence and achieve success in the workplace.

Community Habilitation services help people build skills in the areas of safety, independence, communication, money management, social skills, community inclusion and personal care. Community Habilitation services are designed to support people in reaching their personal goals.

Day Habilitation services help people build skills and be active in their community. People can volunteer, take adult education classes and join clubs and other organizations. Services help people become more independent, build safety skills, explore interests, achieve goals or prepare for employment.

Connecting to OPWDD Supports & Services



Scan to learn how to apply for OPWDD eligibility and services, **or visit** <https://opwdd.ny.gov/get-started/front-door>.

Questions about OPWDD's Employment and Community Services?

Email: employment.vocational.services@opwdd.ny.gov **or** day.community.services@opwdd.ny.gov



Scan to visit: <https://opwdd.ny.gov/types-services/employment-services>



Office for People With Developmental Disabilities

Introduction to the Employment Training Program (ETP)

What is the Employment Training Program (ETP)?

- The Employment Training Program (ETP) offers paid internships for individuals seeking employment in the community.
- ETP prepares individuals for employment and assesses the individual's skills, preferences and abilities through job readiness training, Discovery, and a job development plan prior to seeking internships with local businesses.
- Once Discovery and the job development plan are completed, job coaches/developers seek a targeted internship that matches the individual's Discovery findings.
- When an internship is obtained, OPWDD (ETP) initially pays the wages while an individual is learning the job. Interns earn minimum wage as a New York State (NYS) temporary hourly paid employee.
- OPWDD Supported Employment (SEMP) agencies provide intensive job coaching until the individual is hired directly by the business. After the individual meets job performance expectations, job coaching supports are provided as needed for the individual to maintain employment.
- ETP job coaching services are funded through OPWDD Supported Employment (SEMP).
- The ETP Supervisor provides guidance, submits ETP payroll, approves SEMF funding, and partners with the business, intern, and SEMF agency to assure a successful internship outcome.



What is the Employment Training Program History?

- The Employment Training Program (ETP) began because there was a lack of employment opportunities in the community for people with developmental disabilities.
- ETP began providing paid internships to individuals who needed opportunities to gain work experience and skills. These internships gave individuals a chance to show employers their capabilities to be hired.
- The program expanded in 2004 when the Self-Advocacy Association of New York State advocated that there were not enough employment opportunities in the community for people with developmental disabilities.
- New York State then began investing in individuals to provide them with paid internship opportunities which would lead to competitive employment.
- ETP continues to evolve since its inception to incorporate best practices in Supported Employment (SEMP).
- Today, OPWDD's ETP continues to offer paid internships, in communities throughout New York State. In 2019, ETP had grown to serve over 1,000 individuals per year.

How Does ETP Partner with a SEMP Agency?

- ETP Supervisors provide Supported Employment (SEMP) agencies with continued technical assistance, training, funding approvals, monitor quarterly outcomes and oversight of services to enable them to offer quality job supports for the people they serve.
- The ETP Supervisor communicates regularly with the intern, job coach and worksite supervisor to assure successful employment.
- The ETP Supervisor processes ETP applications, coordinates NYS wages, approves funding, provides monthly job readiness training classes, monitors program implementation, and periodically visits worksites to monitor progress and evaluate the interns' job performance.
- The ETP Supervisor also works with the intern, work site supervisor and SEMP agency to assure a successful transition when the intern is hired by the business and ETP has concluded.
- The employee will continue to receive on the job supports as needed to assure long-term employment success.

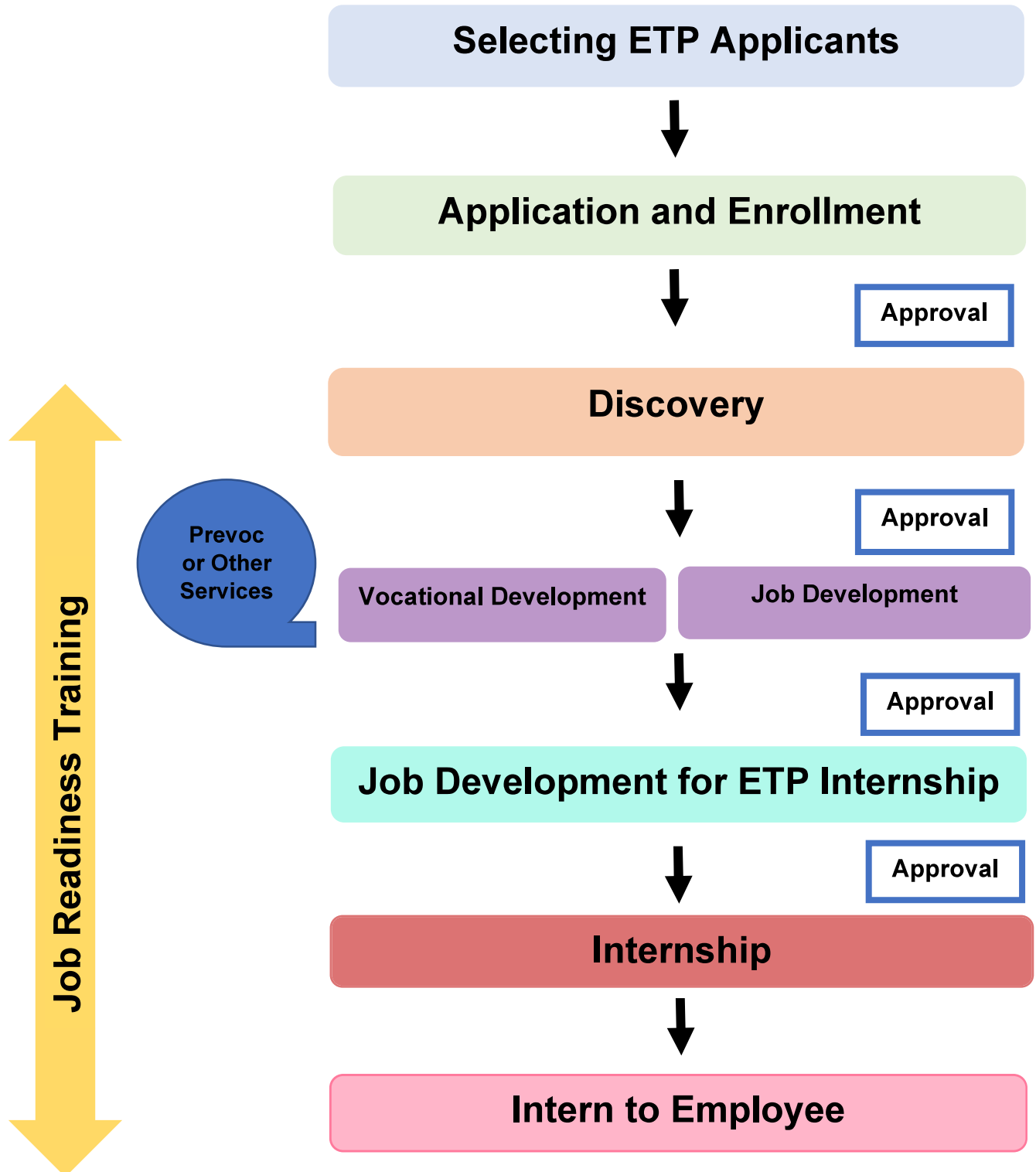
What are the Benefits of Participating in the Employment Training Program (ETP)?

- Interns work with a job coach to complete a Discovery to gather information relevant to employment, implement career planning, gain brief hands-on work experiences, and to make recommendations regarding job match and job development next steps.
- Interns work with a job developer to gain an internship in the community to build the skills needed to become successfully employed.
- Interns learn real work skills including job specific tasks, technology, employment standards and work culture at local businesses.
- Interns develop relationships and experiences that give them a competitive edge in the workforce.
- Interns build relationships with supervisors, coworkers, and customers in their communities.
- Interns work with a job coach to learn work skills and perform to the employer's standards to be hired by the employer at the conclusion of the internship.
- During the initial training period, interns are paid minimum wage by NYS as a temporary hourly employee and covered by Workers' Compensation and General Liability Insurance through NYS.
- Interns attend classes that enhance work skills such as time management, customer service, dependability, conflict resolution, flexibility, and communication.
- Interns typically work between 4 and 12 hours per week while they learn the job. Once hired by the business, individuals can work as many hours as needed by the employer.
- ETP Internships vary in duration depending upon the intern and the business' needs.

This information and more is located in the [ETP Guide for Supported Employment Providers and Staff](#) located on the [Eleversity](#) website.

For more information, contact your local ETP Supervisor and [sign up for the class ETP 101](#).

ETP Process





OPWDD's Employment Training Program

Introduction

The Employment Training Program helps people with developmental disabilities plan for their careers and get jobs in their communities. The program helps people explore different jobs through paid internships in which they learn new skills. Interns who are successful are often hired by the business.

Program Overview:

- **Who can take part in the Employment Training Program?** People who are looking for their first job or a different job can apply to the Employment Training Program. If they are accepted into the program, the person will choose a service provider agency to help them in the internship.
- **Ongoing Help** - The service provider agency will offer job coaching through Supported Employment services. Job coaching helps interns learn to perform the job duties the way the employer wants them done. When interns are hired by the business, job coaching will continue to help the new employee succeed on the job.
- **Career Planning** - An Employment Training Program Supervisor who works for OPWDD will also help the intern succeed in the internship. They will help people plan their careers and identify their skills, job interests and training needs. The intern's career plan describes what is needed to develop an internship that is right for the intern and an employer.
- **Job Readiness Classes** - Interns attend classes that help them learn time management, customer service, flexibility, communication, human resource policies and other skills needed to be successful in the workplace.

- **Earning a Paycheck** - OPWDD will pay the intern minimum wage during the initial training period.
 - Interns are considered temporary, part-time New York State employees and are covered by Workers' Compensation and General Liability Insurance.
 - The internship is time limited, usually lasting from three to six months.
 - It is expected that once interns demonstrate they can fulfill the job duties the business will hire the intern.

To Get Started:

To learn more about the Employment Training Program, contact your Care Manager.

- For general information, contact:
Employment.vocational.services@opwdd.ny.gov



**Office for People With
Developmental Disabilities**

ETP/EMCA At A Glance External Directory

DDRO	Region	First Name	Last Name	E-mail	Title	Office Phone	Work Cell Phone
Finger Lakes	1	Kerry	Zajac	Kerry.P.Zajac@opwdd.ny.gov	Employment and Vocational Services Liaison	(585) 258-8944	(585) 405-1398
Finger Lakes	1	Seth	Downey	Seth.R.Downey@opwdd.ny.gov	Employment Training Program Supervisor	(585) 258-8801	(585) 998-7170
Finger Lakes	1	Kim	Compton	Kimberly.R.Compton@opwdd.ny.gov	Employment Training Program Supervisor	(585) 258-4727	(585) 998-7228
Finger Lakes	1	Madison	Weise	Madison.D.Weise@opwdd.ny.gov	Employment Training Program Supervisor	(585) 258-8960	(585) 998-4675
Western	1	Michele	Glashauser	Michele.A.Glashauser@opwdd.ny.gov	Employment Training Program Supervisor	(716) 608-2913	(716) 387-7446
Western	1	Taryn	Wilde	Taryn.J.Wilde@opwdd.ny.gov	Employment Training Program Supervisor	(716) 677-7141	(716) 388-3462
Western	1	Melanie	Swartz	Melanie.L.Swartz@opwdd.ny.gov	Employment Training Program Supervisor	(716) 608-2915	(716) 388-3890
Central NY	2	Michelle	Jordan	Michelle.Jordan@opwdd.ny.gov	Employment and Vocational Services Liaison	(607) 788-4462	(607) 788-4462
Broome	2	Lynne	Majewski	Lynne.M.Majewski@opwdd.ny.gov	Employment Training Program Supervisor	(607) 217-6630	(607) 788-6038
Broome	2	Andrei	Zemlianko	Andrei.X.Zemlianko@opwdd.ny.gov	Employment Training Program Supervisor	(607) 217-6604	(607) 788-2646
Central NY	2	Janyz	Yanezcorra	Janyz.G.Yanezcorra@opwdd.ny.gov	Employment Training Program Supervisor	(315) 832-8603	(315) 832-8603
Central NY	2	Nicholas	Omlanowicz	Nicholas.J.Omlanowicz@opwdd.ny.gov	Employment Training Program Supervisor	(315) 983-8926	(315) 983-8926
Sunmont	2	Brad	Smith	Brad.M.Smith@opwdd.ny.gov	Employment Training Program Supervisor	(518) 359-4330	(518) 860-8502
Capital District	3	Kristina	Collins	Kristina.A.Collins@opwdd.ny.gov	Employment and Vocational Services Liaison	(518) 402-2740	(838) 280-4627
Capital District	3	Christopher	Blizinski	Christopher.M.Blizinski@opwdd.ny.gov	Employment Training Program Supervisor	(518) 485-9753	(518) 925-4942
Capital District	3	Chad	Roose	Chad.R.Roose@opwdd.ny.gov	Employment Training Program Supervisor	(518) 473-5999	(518) 949-3792
Hudson Valley	3	Danielle	Dowe	Danielle.A.Dowe@opwdd.ny.gov	Employment Training Program Supervisor	(845) 947-6030	(845) 925-2684
Hudson Valley	3	Derrick	Melendez	Derrick.L.Melendez@opwdd.ny.gov	Employment Training Program Supervisor	(914) 332-4035	(914) 893-0258
Taconic	3	Marilyn	Granieri	Marilyn.Granieri@opwdd.ny.gov	Employment Training Program Supervisor	(845) 481-9639	(845) 235-2411
Taconic	3	Tanya	Shook	Tanya.Shook@opwdd.ny.gov	Employment Training Program Supervisor	(845) 224-2596	(845) 763-3143
Metro Manhattan	4	Edele	St Jean-Pierre	Edele.StJeanPierre@opwdd.ny.gov	Employment and Vocational Services Liaison	(646) 766-3211	(646) 988-1489
Bernard Fineson	4	Andrew	Archer	Andrew.E.Archer@opwdd.ny.gov	Employment Training Program Supervisor	(718) 217-2013	(718) 309-0244
Brooklyn	4	Mauricina	Pardovani	Mauricina.Pardovani@opwdd.ny.gov	Employment Training Program Supervisor	(718) 264-3959	(718) 309-5548
Brooklyn	4	Serena	Windett	Serena.D.Windett@opwdd.ny.gov	Employment Training Program Supervisor	(718) 264-3775	(718) 354-9501
Metro Bronx	4	Shama	Jones	Shama.X.Jones@opwdd.ny.gov	Employment Training Program Supervisor	(718) 430-0787	(929) 246-3157
Metro Manhattan	4	Temesia	Graham-Williams	Temesia.GrahamWilliams@opwdd.ny.gov	Employment Training Program Supervisor	(646) 766-3514	(332) 297-5803
Staten Island	4	Nicole	Coppola	Nicole.D.Coppola@opwdd.ny.gov	Employment Training Program Supervisor	(718) 982-1942	(718) 309-1878
Long Island	5	William	Millerboccasini	William.J.Millerboccasini@opwdd.ny.gov	Employment and Vocational Services Liaison	(631) 416-3947	(631) 263-1703
Long Island	5	Alsanne	Ivery	Alsanne.P.Ivery@opwdd.ny.gov	Employment Training Program Supervisor	(631) 952-3833	(631) 620-8450
Long Island	5	Vacant	Position		Employment Training Program Supervisor		
Long Island	5	Vacant	Position		Employment Training Program Supervisor		
Central Office	C.O.	Julia	Kelly	Julia.A.Kelly@opwdd.ny.gov	Director of Employment and Meaningful Community Activities	(518) 473-7030	(518) 948-7985
Central Office	C.O.	Kristine	Snyder	Kristine.Snyder@opwdd.ny.gov	Statewide Employment and Vocational Services Coordinator	(585) 241-5852	(585) 825-9973
Central Office	C.O.	Bryan	Bischoff	Bryan.L.Bischoff@opwdd.ny.gov	Assistant Statewide Employment and Vocational Services Coordinator	(845) 947-6021	(845) 304-7916
Central Office	C.O.	Ashley	Jackson	Ashley.T.Jackson@opwdd.ny.gov	Assistant Statewide Employment and Vocational Services Coordinator	(607) 217-6585	(607) 788-0857
Central Office	C.O.	Dan (Daniel)	Prince	Daniel.M.Prince@opwdd.ny.gov	Statewide Manager Employment Training Program	(518) 474-9882	(518) 903-9257
Central Office	C.O.	Kristie	Lodge	Kristie.M.Lodge@opwdd.ny.gov	Program Aide	(518) 388-1979	
Central Office	C.O.	Dorothy	Zyskowski	Dorothy.L.Zyskowski@opwdd.ny.gov	Adminstrative Assistant	(518) 473-6242	

SEMP DOCUMENTATION

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SEMP Documentation Requirements

Required Documentation for SEMP Services – [SEMP ADM-2023-09](#)

A. Service Documentation and Monthly Summary

Service documentation supporting a provider's billing for SEMP services must include Service Documentation for each SEMP service session and a Monthly Summary.

i. Service Documentation

Required service documentation elements include:

- 1) Individual's name and Medicaid number (CIN) (Medicaid number required only for HCBS Waiver enrollees).
- 2) Name of the agency providing the Supported Employment (SEMP) service.
- 3) Identification of the category of Waiver service provided (i.e., Supported Employment or SEMP service).
- 4) Documentation of start and stop times. Document the service start time and service stop time for each continuous period of service provision.
- 5) Documentation if Individual is Present. Document whether the individual was present for the service, or if it was delivered on behalf of the individual.
- 6) Documentation of whether service was delivered to a Group or Individual.
- 7) Description of services. Each documented session must list at least one allowable service delivered in accordance with the individual's SEMP Staff Action Plan. The location of the service does not need to be documented.
- 8) Date of service provision.
- 9) Verification of service provision by the staff person delivering the service. Either a signature or initials must be provided. Initials are permitted if a "key" is provided that identifies the title, signature, and full name associated with the staff initials.
- 10) Date the service was documented.

ii. Monthly Summary

The narrative monthly summary must be completed, signed, and dated no later than the end of the following month of service. A narrative monthly summary must include a summary of the following:

- The implementation of the individual's SEMP Staff Action Plan for the month;
- A description of the individual's vocational progress including additional supports that may be needed to maintain employment and enhance future opportunities;
- A description of some of the actions of staff to address vocational challenges;
- A description of the individual's response; and
- Any issues or concerns, if applicable.

SEMP Documentation Requirements, continued

Other Documentation Requirements for SEMP Services – [SEMP ADM-2023-09](#)

In addition to the service documentation and monthly summary supporting the SEMP service billing claim, the agency providing SEMP services must maintain the following documentation:

A copy of the individual's Life Plan, covering the time of the claim.

For SEMP, the following elements must be included in the Life Plan:

- Identification of at least one goal or valued outcome that relates to competitive employment or self-employment;
- Identification of supported employment or SEMP as the type of HCBS waiver service;
- Identification of the agency providing SEMP Services;
- Specification of an effective date for SEMP that is on or before the first date of service for which the agency bills SEMP Services for the individual;
- Specification of the frequency for SEMP as “hour” or “hourly;” and
- Specification of the duration of SEMP as “Ongoing.”

Note: Care Managers create the individual's Life Plan. However, Service providers are responsible for reviewing the finalized, acknowledged, and agreed to Life Plan. Providers may occasionally find inaccuracies in the finalized, acknowledged, and agreed to Life Plan. Providers should demonstrate due diligence in working with the Care Manager, CCOs, OPWDD, and/or others to correct the Life Plan as soon as possible. Service providers should document their timely efforts to correct any errors in the Life Plan. Examples of this documentation may include notes in the individual's monthly summary, e-mails, dispute resolution, phone calls, etc.

The SEMP Staff Action Plan

The SEMP Staff Action Plan developed by the agency providing SEMP services must conform to the corresponding Staff Action Plan (#2018-09). The Staff Action Plan must identify SEMP as the service but does not need to identify whether the individual received Intensive or Extended SEMP.

<https://opwdd.ny.gov/adm-2018-09r-staff-action-plan-program-and-billing-requirements-0>

Office for People With Developmental Disabilities

[Access Supports](#) [Types of Services](#) [Community Involvement](#) [Providers](#) [Regulations & Guidance](#) [About Us](#) [Careers](#) [Contacts](#)

ADM #2018-09R Staff Action Plan Program and Billing Requirements

Effective September 4, 2018, OPWDD issued Administrative Memorandum #2018-09, entitled "Staff Action Plan Program and Billing Requirements," describing Staff Action Plan requirements as they relate to the Life Plan as the Office for People With Developmental Disabilities (OPWDD) transitions its care management service to the Care Coordination service. **This ADM, ADM #2018-09R, replaces ADM #2018-09 to make certain clarifying revisions. Those revisions are underlined below and are effective retroactive to September 4, 2018.**



	ADM #2018-09R Staff Action Plan Program and Billing Requirements	
	Staff Action Plan Template	



ADMINISTRATIVE DIRECTIVE

Transmittal:	18-ADM-09R
To:	Executive Directors of Voluntary Provider Agencies Executive Directors of Care Coordination Organizations Developmental Disabilities State Operations Offices (DDSOO) Directors Developmental Disabilities Regional Office (DDRO) Directors
Issuing OPWDD Office:	Division of Person-Centered Supports
Date:	May 9 th , 2019
Subject:	Staff Action Plan Program and Billing Requirements
Suggested Distribution:	Habilitation Program/Service Staff Quality/Compliance Staff Billing Department Staff Health Home and Basic HCBS Plan Support Care Managers and Care Manager Supervisors
Contact:	peopleaffairs@opwdd.ny.gov
Attachments:	Staff Action Plan Template

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
2002-01 2006-01 2006-04 2012-01 2014-01 2014-04 2015-01 2016-01 2017-03 2018-06R	18-ADM-09	14 NYCRR Parts 635, 636, and 686	MHL §§ 13.01, 13.07	18 NYCRR §504.3(a) 18 NYCRR §517.3 14 NYCRR §635-4.5

Insert Agency Name

Insert service(s) name(s) Staff Action Plan

Name of Individual: _____ Medicaid Number (CIN#): _____
Staff Action Plan Review Date: _____
Name of Care Coordination Organization: _____

Individual Habilitative Goals/Valued Outcomes (My Goal – Section II of Life Plan)

This section contains the individual's habilitative goals/valued outcomes derived from the individual's Life Plan. The habilitation service must relate to the individual's habilitative goals/valued outcomes. To support person-centered practices, each of the goals/valued outcomes identified must relate to a Council on Quality and Leadership (CQL) Personal Outcome Measure (POM) category.

Example: I want to live more independently in the community.

Provider Assigned Habilitative Goals (Section II of Life Plan)

This section contains the habilitation provider assigned (habilitative) goals derived from the individual's Life Plan which will be assigned as Goals (G), Supports (S), or Tasks (T). Tasks assigned in the Life Plan are not habilitative in nature and therefore do NOT meet the billing requirements to be a habilitation goal. Using the habilitative goals/valued outcomes identified above as the starting point, the details in this section describe the habilitation staff actions that will enable the individual to reach his/her goals/valued outcomes.

Example:

Provider Assigned (Habilitative) Goal: (G) Teach person to identify and respond to safety issues (environmental safety concerns, etc.)

Staff Action: Staff will teach me how to plan a trip, access transportation routes, and the means of paying for each leg of the trip. Staff will help me learn these skills at least 3x a week. (Provider must outline the detailed steps as to how this is achieved.)

Individual Safeguards/Individual Plan of Protection (IPOP) (Section III of Life Plan)

This section contains the habilitation provider assigned (safeguard) goals derived from the individual's Life Plan which will be assigned as Goals (G), Supports (S), or Tasks (T). Tasks assigned in the Life Plan are not habilitative in nature and therefore do NOT meet the billing requirements to be a habilitation goal. Using the individual safeguards/IPOP from Section III of the Life Plan as the starting point, this section must include detail and any internal guidance documents that outline the individual-specific protective oversight measures staff need to implement or ensure for the individual. For individuals receiving Individualized Residential Alternative (IRA) Residential Habilitation, the Residential Habilitation Staff Action Plan must meet the requirements of the Plan for Protective Oversight in accordance with 14 NYCRR Section 686.16.

Staff Action Plan Format 8/10/2018

Page 1

Additional Information for SEMP Services Delivered Remotely

SEMP services may be delivered remotely. However, providers must ensure remote SEMP service delivery complies with **OPWDD ADM #2021-03R Ability to use Technology to Remotely Deliver Home and Community-Based Services**.

SEMP services provided via remote technology directly to the person (i.e., direct services) must be listed in the Life Plan and reflected in the Staff Action Plan. However, providers can call individuals over the phone as an incidental component of service delivery to check-in with participants as allowed in the service definition or in emergency circumstances. This is different from phone calls that involve teaching/training with the staff that are considered telehealth.

In SEMP, examples of incidental calls to individuals include:

- *reminding the individual about a job interview;*
- *reminding the individual to wash their uniform;*
- *informing the individual of job schedule changes;*
- *learning about the individual's work schedule so the staff know when to visit sites;*
- *checking in to see if there are any unforeseen challenges; and*
- *scheduling upcoming service activities.*

Emergency phone calls include helping the individual trouble shoot an unexpected, non-regular problem at work site.

SEMP services provided via remote technology on behalf of the person (i.e., indirect services) do not need to be listed in the Life Plan but must be reflected in the Staff Action Plan.

<https://opwdd.ny.gov/regulations-guidance/adm-2021-03r-ability-use-technology-remotely-deliver-home-and-community-based>

See OPWDD Website for additional information.

Minimum Wage Requirement for Hired Employment

Minimum Wage Requirements– [SEMP ADM-2023-09](#)

Individuals enrolled in SEMP who are earning a wage must be compensated at or above the applicable county, state or federal minimum wage. The SEMP service provider must obtain wage documentation verifying that the individual is earning at least minimum wage. Where the individual is earning less than the highest minimum wage available, the provider must provide documentation that a lower wage is legally permissible (e.g., waiter who receives tips). Wage verification from the employer must be obtained when the individual is initially employed and attached to the verification on Attachment #1 Job Meets SEMP Criteria form prescribed in Section A SEMP Requirements. If the individual obtains a new job, the service provider must complete a new Attachment #1, Verification that Jobs Meets SEMP Criteria form or maintain all the information required on this form in their records for auditing and obtain written verification that the wage for the new job is at least minimum wage. If an individual receiving SEMP services is employed in a job where New York wage requirements do not apply (e.g., county employment or employment in a state other than New York) the individual must be compensated at or above the minimum wage of the state or county of employment, and the provider must maintain documentation of that minimum wage requirement.

Minimum Wage Requirement for Self-Employment

The minimum wage requirement is not applicable to individuals that are pursuing self-employment or who are self-employed. However, there must be documentation to ensure that the self-employment is a business. This may include documentation from the Internal Revenue Service (IRS) or a tax return.

<https://opwdd.ny.gov/adm-2023-09-supported-employment-semp-0>



Instructions: As listed in the OPWDD SEMP regulations, billing for OPWDD Supported Employment (SEMP) services when a **person has a job** is contingent on the criteria listed below. Providers must either complete and keep this form or maintain all the information required on this form in their records for auditing.

1. The employee is paid minimum wage or higher (or meets applicable labor laws).
2. The job is integrated in the community.
3. Initial funding source used to obtain this job is documented, the required funding criteria is met and, if required, additional documentation is on file.
4. It is determined that SEMP services are billed as either Individual SEMP or Group SEMP (2-8 people) at this job site. However, the services and job placement must be individualized to person.

Agency name: _____

Agency address: _____

Name of person employed: _____ TABS ID #: _____

DDRO: Choose DDRO _____ Date enrolled in SEMP (as listed in CHOICES): _____

Name of business where person is employed: _____

Date starting this job: _____ Average weekly hours: _____

Type of job/general job title: Choose Type of Job/General Job Title

Type of business setting: Choose Type of Business Setting

Primary mode of transportation: Choose Primary Mode of Transportation

1. WAGE VERIFICATION

Hourly wage: _____

Which category does the person's wage meet or exceed? Choose category for person's wage

*If self-employed, compensation meets all applicable regulations including DOL & IRS? ☐ Yes ☐ No

Type of wage/compensation verification documentation obtained by provider on file:

☐ Pay Stub ☐ Appointment Letter ☐ Other (List): _____

Paycheck Issued by Which Entity? Choose which entity issued the paycheck

2. WORKSITE INTEGRATION

OPWDD SEMP regulations require that people work in jobs in fully integrated settings where they have opportunities to work alongside and interact with the general public and co-workers without disabilities. Every job/employment experience is different and may meet integration standards in different ways.

Is this job integrated in the community? ☐ Yes ☐ No (if No, do not bill SEMP for services)

**See SEMP Administrative memorandum for additional details.*



The job meets integration standards because the person working at this job (list specific examples and check all that apply):

- ☐ Interacts and takes direction from a supervisor at the business (not paid by SEMP).

Describe:

- ☐ Interacts with coworkers without disabilities.

Describe:

- ☐ Meets/greets/serves customers in the broader community.

Describe:

- ☐ Attends trainings with coworkers without disabilities.

Describe:

- ☐ Has access to break/lunch facilities, the same as coworkers without disabilities.

Describe:

- ☐ Has access to public/community transportation options in the general community.

Describe:

- ☐ Has access to the greater community.

Describe:

- ☐ Attends staff meetings and company activities/events with coworkers without disabilities.

Describe:

- ☐ Job position is open and advertised to the general public.

Describe:

- ☐ Has access to job resources, workplace materials, paychecks, etc. the same as coworkers without disabilities.

Describe:



3. **WHAT FUNDING SOURCE WAS USED TO OBTAIN THE JOB?**

- ☐ ACCES-VR: The person received ACCES-VR funding for this job and documentation is on file.
ACCES-VR Stabilization Date: _____
- ☐ ETP: The person obtained this job through OPWDD's Employment Training Program (ETP) and documentation is on file.
- ☐ OPWDD Intensive SEMP: The person obtained this job with a Request to Bill OPWDD Intensive SEMP Services approved by OPWDD Central Office and documentation is on file.
- ☐ OPWDD Extended SEMP: The person is employed and is not receiving SEMP services from ACCES-VR. Services are funded by OPWDD Extended SEMP.
- ☐ Other (describe here): _____
- ☐ Unknown

****Funding Source Used to Obtain Job category in SEMP Employment Tracking System (ETS) should not change after initial entry.***

4. **TYPE OF PLACEMENT**

The supported employment provider agency designates whether this is a group or individual job placement. Generally, a group placement means that the supported employment services are provided to between two and eight people during the same/similar time periods and the people are working together as a group. SEMP services for this employee, while at this job site will be billed as:

☐ Individual:

If Individual, and multiple people supported through SEMP services are working at the business at the same time, the employees are able to work without the job coach always present.

☐ Yes ☐ No ☐ NA

If Individual, and multiple people supported through SEMP services are working at the same business, the employees are scheduled for different hours.

☐ Yes ☐ No ☐ NA

☐ Group:

If Group, there are 8 or fewer people funded by OPWDD SEMP at the same business at the same time.

☐ Yes ☐ No

If Group, the business supervises the employee and job coach will provide SEMP services.

☐ Yes ☐ No

If Group, how are the services and job placement individualized to their person-centered plan?

For more information, please see the SEMP Administrative Memorandum at:

<https://opwdd.ny.gov/regulations-guidance>

PERSON COMPLETING FORM:

Name: _____ Title: _____

Email address: _____ Date: _____

SEMP BILLING

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SEMP Billing Guidance

See [SEMP ADM #2023-09](#) and [Supported Employment Regulations](#) for additional info

Billable Service Time

Billable service time for Intensive and Extended SEMP is:

- Time when the service provider is providing SEMP services as specified in this Subpart in support of the individual's supported employment /staff action plan; and
- Time when service provider is developing the supported employment staff action plan.
- Allowable SEMP services provided without the individual present may be delivered when the individual is simultaneously receiving another direct Medicaid service.
- Allowable SEMP services provided with the individual present must not be delivered when the individual is simultaneously receiving another direct Medicaid service (except for Care Management).
- Intensive and Extended SEMP cannot be delivered to an individual on the same date of service.

Unit of service.

SEMP is an hourly service and is reimbursed in 15-minute increments.

When there is a break in service delivery during a single day, the service provider must combine, for billing purposes, the durations of the continuous periods/sessions of each specific type (individual or group) of service provision. The durations of each individual session within a day must be combined, but individual and group sessions provided in the same day must not be combined.

Rounding for Units of Service

Providers may round their units of service for billing. Rounding for units of service is permitted based on the criteria outlined in 14 NYCRR 635-10.5(a)(2). Only the total minutes of the specific billing category (individual or group) for the day may be rounded up to the next 15-minute increment. If there are multiple periods of service during the day, the provider must combine the total minutes for the specific billing category (individual or group) for the day and may not round each specific service period separately.

Group and Individual Billing

SEMP services are billed as either Individual SEMP or Group SEMP.

Individual SEMP must be billed when one staff person provides and documents the service to one individual either face-to-face, remotely (e.g., telephone, video conference, other job coaching software/equipment), or on behalf of the individual (i.e., individual is not physically present at the time-of-service delivery). Providers must comply with OPWDD regulations and guidance related to remote service delivery, including that SEMP services must not be delivered only remotely.

Group SEMP must be billed when a staff person delivers and documents SEMP services to a small group. Groups include 2-8 individuals and cannot exceed 8 individuals. Both individual and group employment services may be delivered at any one work location. However, one staff person cannot bill for both individual and group SEMP services simultaneously.

Billing for Meetings

Time spent attending meetings with an individual or on behalf of an individual receiving SEMP services is billable. When more than one SEMP staff attend a meeting, the billing may be split between the multiple SEMP staff or billed by only one SEMP staff person. Meetings may be billed as an individual or group service.

Billing for SEMP Services Delivered Without the Individual Present

SEMP services delivered without the individual present are services delivered on behalf of an individual.

Examples of allowable SEMP services delivered without the individual present include, but are not limited to:

- discussions with families about benefits planning;
- meeting with employers and potential businesses about hiring an individual;
- developing the SEMP Staff Action Plan;
- documenting the delivery of SEMP services; or
- traveling to a job site to provide an allowable SEMP service.

SEMP services delivered without the individual present may be delivered and billed for while an individual receives another SEMP service or other OPWDD Waiver service. This is not considered double billing because the individual is receiving two separate services: one face-to-face service is provided directly to the individual, and the other service is provided on behalf of the individual without the individual being present (e.g., SEMP provider communicating with the individual's employer, while the individual is receiving Community Prevocational Services).

For additional information:

ADM #2023-09 Supported Employment (SEMP)

<https://opwdd.ny.gov/adm-2023-09-supported-employment-semp-0>

SEMP Billing Codes

SEMP Agency Intensive SEMP billing codes are:

Individual (4790), Group (4791)

Self-Directed Intensive SEMP billing codes are:

Direct Provider Purchased-Individual (4790) Group (4791),
Agency Supported-Individual (4759) Group (4760),
Self-Hired-Individual (4769) Group (4770)

SEMP Agency Extended SEMP billing codes are:

Individual (4792) Group (4793)

Self-Directed Extended SEMP billing codes are:

Direct Provider Purchased - Individual (4792) Group (4793),
Agency Supported-Individual (4761) Group (4762),
Self-Hired-Individual (4771) Group (4772)

Office for People with Developmental Disabilities (OPWDD) Services Rates & Fees*

OPWDD services rates and fees are set by the New York State Department of Health

https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/

EFFECTIVE APRIL 1, 2025

Supported Employment

DOH Regions

1 - Five boroughs of NYC

2 - Nassau, Suffolk, Putnam, Rockland, Westchester counties

3 - All Remaining counties

*See DOH website for up to date fees

OPWDD REGION	UNIT OF SERVICE	INDIVIDUAL SESSION (SERVING 1)	GROUP SESSION (SERVING 2+)
1	Hourly	\$89.93	\$35.09
2	Hourly	\$94.40	\$32.22
3	Hourly	\$99.46	\$28.22

OPWDD SEMP Rate Codes

https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/info/rate_code_list.htm

Code	Service	Funding	Delivery
Traditional Provider Agency SEMP Services			
4790	SEMP Intensive Agency Provider	Voluntary (Medicaid Waiver)	Individual
4791	SEMP Intensive Agency Provider	Voluntary (Medicaid Waiver)	Group
4792	SEMP Extended Agency Provider	Voluntary (Medicaid Waiver)	Individual
4793	SEMP Extended Agency Provider	Voluntary (Medicaid Waiver)	Group
Self-Hired Self-Directed SEMP Services			
4769	Self Hired SEMP Intensive (FI)	Voluntary (Medicaid Waiver)	Individual
4770	Self Hired SEMP Intensive (FI)	Voluntary (Medicaid Waiver)	Group
4771	Self Hired SEMP Extended (FI)	Voluntary (Medicaid Waiver)	Individual
4772	Self Hired SEMP Extended (FI)	Voluntary (Medicaid Waiver)	Group
Agency Supported (with MOU) SEMP Services			
4759	Agency Supported SEMP Intensive	Voluntary (Medicaid Waiver)	Individual
4760	Agency Supported SEMP Intensive	Voluntary (Medicaid Waiver)	Group
4761	Agency Supported SEMP Extended	Voluntary (Medicaid Waiver)	Individual
4762	Agency Supported SEMP Extended	Voluntary (Medicaid Waiver)	Group
State Operated SEMP Services			
4450	SEMP Intensive State Operated	State	Individual
4451	SEMP Intensive State Operated	State	Group
4460	SEMP Extended State Operated	State	Individual
4461	SEMP Extended State Operated	State	Group

Questions regarding ICF Vocational Services please contact : employment.vocational.services@opwdd.ny.gov

Requests to Bill SEMP Services

See [SEMP ADM #2023-09](#) and [Supported Employment Regulations](#) for additional info

Intensive SEMP Services Require Approval from OPWDD

Application for Intensive SEMP hours must be submitted in the form and format specified by OPWDD. OPWDD approval of Intensive SEMP is determined on an individual basis.

OPWDD considers:

- (i) the individual's previous work experience (actual employment, work tryout, or job development) and if the individual needs job development services;
- (ii) the individual's documented community experiences that created opportunities to explore and discover employment skills and interests, including volunteer activities, or the information contained within a comprehensive assessment (e.g., discovery report) of the individual's skills and interests that has been completed;
- (iii) the strategies and resources used to address impediments to employment and the individual's response;
- (iv) a justification of the individual's need for Intensive SEMP services describing how the Intensive SEMP services will assist the individual to obtain employment and specifying that Intensive SEMP is the appropriate service for the individual; and
- (v) documentation that funding is not available or not required from the Adult Career and Continuing Education Services/Vocational Rehabilitation (ACCESS-VR).

A provider **MUST OBTAIN PRIOR APPROVAL** from OPWDD's Central Office Employment Unit to bill for all Intensive SEMP services per 14 NYCRR 635-10.4(j)(5)(e) using the [Request to Bill OPWDD Intensive SEMP Services](#) form.

Retroactive approvals may only be granted by OPWDD under extenuating circumstances per 14 NYCRR 635-10.4(j)(5)(i)(g).

**ETP Supervisors will submit Requests to Bill OPWDD Intensive SEMP for an ETP Participant.*

Form: [Request to Bill OPWDD Intensive SEMP Services | Eleversity.org](#)

EXTENDED SEMP SERVICES

Eligibility for Extended SEMP Services

Prior OPWDD approval is not needed for an individual to receive the first 200 hours of Extended SEMP service hours if the criteria in 14 NYCRR 635-10.4(j)(5)(ii)(a) are met.

Individuals eligible for and enrolled in OPWDD SEMP Waiver services who require extended (“follow along”) services are not eligible to receive ACCES-VR extended services by agreement with OPWDD and ACCES-VR.

Additional Hours of Extended SEMP Services Require Approval from OPWDD

If the service provider determines that an individual needs more than 200 hours of Extended SEMP within 365 days of their SEMP enrollment annual anniversary date, the service provider must submit a justification in a written request to OPWDD for review and approval, in the form and format specified by OPWDD, for additional hours of services.

Form: [Request to Bill OPWDD Additional Extended SEMP Services | Eleversity.org](#)

Authorized additional Extended SEMP hours must be provided within 365 days of the individual’s SEMP enrollment annual anniversary date.

OPWDD’s decision on the extension request will be based on whether:

- (i) changes in the individual's job responsibilities warrant additional hours of job coaching, training, and planning within the work environment;
- (ii) changes in the individual's workplace warrant additional hours to develop new supports in the work environment;
- (iii) the individual has expressed an interest in obtaining a second job, a new position, or career advancement; and/or
- (iv) the additional hours are in the best interests of the individual.

Quick Reference Guide to Completing SEMP Requests to Bill Intensive and Extended SEMP Services

This guidance document is supplemental and does not supersede the current Supported Employment (SEMP) regulations and Administrative Memorandum (ADM). All staff and administration providing SEMP services are required to fully comply with OPWDD regulations.

Consider the following prior to requesting SEMP services for a person who is not employed:

- The person previously participated in a **Discovery process** which includes comprehensive employment planning, community volunteer and community work experiences, and identifying employment supports, job preferences and personized job match criteria. These activities are typically completed through community based prevocational services (CBPV), Pathway to Employment, Employment Training Program (ETP), community volunteering, high school/college internships, etc.
- If the person requesting SEMP has **not met the above criteria or has not yet addressed barriers to employment**, he/she may be advised to pursue activities to prepare the person for employment success through various services such as prevocational, ETP, Pathway to Employment, day habilitation, clinical services, etc.
- The person previously completed ACCES-VR supported employment services or OPWDD's Employment Training Program (ETP). Medicaid requires that all persons in SEMP receive intensive job development and job coaching services through either ACCES-VR or ETP, whichever is appropriate for the person.
- If the person has not yet received ACCES-VR or ETP, the next step is to apply for the appropriate service. Please reference the OPWDD and ACCES-VR Agreement Letter.
- If the person participated in ACCES-VR or ETP, then become unemployed in the future, the SEMP agency/FI may request OPWDD SEMP Intensive services to regain employment. Documentation of participation in either ACCES-VR or ETP is retained in the person's SEMP file by the SEMP agency/FI for audit purposes.

Determine if the person **meets the criteria** for SEMP, as listed above.

☒ **If yes**, submit the Request to Bill SEMP Intensive Services to OPWDD.

☒ **If no**, refer the person to the appropriate service (community based prevocational, Pathway to Employment or ETP).

OPWDD Intensive SEMP Services (Person is NOT Employed)

The Person is NOT Employed and NOT Enrolled in SEMP:

- 1) If the Request to Bill Intensive SEMP Services is approved, enroll the person in SEMP through TABS/CHOICES. Contact the DDRO staff for your region's SEMP enrollment process.
- 2) ***For Self-Direction, Self-Hire services ONLY***, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget (for the year), divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. For example, if the person's job development/coaching staff and related expenses are projected to cost \$22,367 for the year, you would divide this amount by the regional SEMP fee (\$89.47 Region 2) = 250 Intensive SEMP hours needed to fund the budget. A Request to Bill Intensive SEMP Services is submitted to OPWDD. OPWDD will review and may approve the whole amount or a portion to get started then review the progress before more hours are approved.

The Person is NOT Employed and Enrolled in SEMP:

- 1) Address any barriers to employment through support team planning, additional supports, new resources, revised job match strategies, new job coaching techniques, clinical supports, increased skill training, and/or additional community work experiences. Services and supports to address significant barriers to employment may be provided through ETP, community based prevocational services (CBPV), Pathway to Employment, day habilitation, clinical, medical, or other resources in the community, as appropriate.
- 2) When barriers to employment have been addressed, submit the Request to Bill SEMP Intensive Services.
- 3) ***For Self-Direction, Self-Hire services ONLY***, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. See example listed above.

Consider the following for a person who IS Employed requesting Extended SEMP services:

- The person must be employed in the general workforce community, earning minimum wage or more, in an integrated setting. The SEMP Agency/Fiscal Intermediary maintains documentation verifying that the job meets SEMP criteria.
- The job tasks match the person's skill level and interests. SEMP staff are assisting the person to build competency and independence on the job.

OPWDD Extended SEMP Services (Person IS Employed)

The Person is Employed and NOT Enrolled in SEMP:

- 1) If the person's job(s) meets the SEMP criteria, enroll the person in SEMP through TABS/CHOICES. Contact the DDRO staff for your region's SEMP enrollment process.

- 2) When the person is employed, SEMP agencies/FI's may bill up to 200 SEMP Extended hours with no request form required each year based on the person's SEMP enrollment year. If the person requires more than 200 Extended SEMP hours within the SEMP enrollment year, submit the Request to Bill Additional SEMP Extended Services to OPWDD.
- 3) If the person has a job and only needs Extended SEMP services, ACCES-VR does not provide Extended SEMP services to anyone who is OPWDD eligible. Please note in the file that the person has a job, if the person is familiar with the tasks and therefore does not need ACCES-VR or ETP Intensive SEMP services.
- 4) ***For Self-Direction, Self-Hire services ONLY***, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. If the SEMP hours are over 200, submit the Request to Bill Additional SEMP Extended Services. For Example, if a person is employed and the Total Cost of SEMP Services in the Self-Directed Budget is \$22,367 divided by \$89.47 (Region 2 SEMP Fee) equals =250 SEMP Extended hours, the Support Broker would submit a Request to Bill Additional SEMP Extended Services form for 50 hours because the first 200 do not require an approved request when employed.

The Person is Employed and Enrolled in SEMP:

- 1) If the person is employed, SEMP agencies/FI's may bill up to 200 SEMP Extended hours with no request form required each year based on the person's SEMP enrollment year. If the person requires more than 200 Extended SEMP hours within the SEMP enrollment year, submit the Request to Bill Additional SEMP Extended Services to OPWDD.
- 2) ***For Self-Direction, Self-Hire services ONLY***, to determine how many SEMP hours are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. See example above. If the SEMP hours are over 200, submit the Request to Bill Additional SEMP Extended Services.

The Person BECOMES UNEMPLOYED while Billing Extended SEMP Services:

1. If the person BECOMES UNEMPLOYED while the SEMP agency/FI is billing Extended SEMP, submit a Request to Bill SEMP Intensive Services within 120 days after job loss. During the 120 days, address barriers to employment and meet with the person and the support team to determine if job replacement is appropriate at this time.
2. If the person is seeking job replacement, submit a Request to Bill SEMP Intensive Services. List any barriers to employment addressed through support team planning, additional supports, new resources, revised job match strategies, new job coaching techniques, clinical supports, increased skill training, and/or additional community experiences. Services and supports to address barriers to employment may be provided by SEMP, other OPWDD services (Community Prevocational, Day Habilitation, etc.), clinical, medical, or other resources in the community.
3. The SEMP agency must have documentation on file that the person was previously served by ETP or ACCES-VR. If not, apply for the appropriate services.

SEMP Enrollment Year and Service Start/Expiration Dates:

- The SEMP enrollment year is based on the person's SEMP enrollment date in TABS/CHOICES. All SEMP Extended and Intensive hours expire on the last date of the SEMP enrollment year. For example, if the person was enrolled in SEMP on 6/1/18, their SEMP enrollment year will be 6/1 to 5/31 and all hours will expire on 5/31 annually. If the person was **enrolled in SEMP prior to 7/1/15**, the SEMP enrollment year will be 7/1 to 6/30. All SEMP hours expire on the last day of the SEMP enrollment year or 6/30.
- If the person is employed, the SEMP agency/FI can bill up to 200 SEMP Extended hours without a request form approved each SEMP enrollment year. The SEMP agency/FI may request additional Extended SEMP hours, if needed. All approved Extended SEMP hours expire on the last date of the SEMP enrollment year.
- All approved Intensive SEMP hours expire on the last date of the SEMP enrollment year. The SEMP agency/FI must request any remaining or new hours needed each year.
- If a person dis-enrolls from SEMP and re-enrolls at a later date or with a different agency, the new enrollment date is used to determine the enrollment year.

Submitting Request to Bill SEMP Services:

- The forms are located at www.eleversity.org under Resource Materials/Innovations.
- The SEMP agency or Self-Direction Support Broker submits the Request to Bill for SEMP Services forms to semp.pe.billing.requests@opwdd.ny.gov via secure email. Requests may be submitted by replying to a message from OPWDD which has SECURE: in the subject line and attaching the request to maintain a secure email exchange. Or submit the request via OPWDD secure Zix email.
- Request forms must be attached to an email. OPWDD enters additional information and signs the request forms electronically.
- If a person is actively participating in ETP, the regional ETP Supervisor will process the Request to Bill SEMP Intensive Services for an ETP Participant.
- OPWDD will review all forms submitted and respond within 3 approximately weeks with an approval or not approved, number of hours approved and the timeframes.
- The SEMP agency/FI must retain a copy of all approvals in their records.

Up-to-date Regional SEMP fees may be found at:

*http://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene

OPWDD Regulations and Administrative Memos may be found at:

<https://opwdd.ny.gov/adm-2023-09-supported-employment-semp-0>

<https://opwdd.ny.gov/regulations-guidance/current-proposed-regulations>



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

KERRY A. DELANEY
Acting Commissioner

Elizabeth Berlin
Interim Commissioner
State Education Department
89 Washington Avenue
Albany, New York 12234

December 9, 2014

Dear Ms. Berlin:

Attached is the signed agreement letter between the State Education Department/ Adult Career and Continuing Education Services (SED/ACCES-VR) and the Office for People with Developmental Disabilities (OPWDD).

This agreement clarifies that OPWDD eligible individuals participating in Pathway to Employment, Employment Training Program or Prevocational Services are in need of intensive pre-employment services and as such would not benefit from ACCES-VR supported employment or other vocational rehabilitation services. Individuals receiving Pathway to Employment, Employment Training Program or Prevocational Services do not need to apply for ACCES-VR services prior to receiving OPWDD intensive pre-employment services.

This letter of agreement is effective July 1, 2014 which is the date that Pathway to Employment Services became available. OPWDD voluntary provider agencies are required to maintain a copy of this letter of agreement as documentation of reason an individual is not utilizing ACCES-VR services. If at any time an individual is ready to pursue supported employment services they will be referred to their local vocational rehabilitation district office for an eligibility determination.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kate Marlay".

Kate Marlay
Acting Deputy Commissioner

Enc.

cc: Kerry Delaney
Kevin Smith
Debora Brown-Johnson
Frank Coco
Ceylane Meyers-Ruff

Agreement Letter

OPWDD and ACCES-VR

For Pathway to Employment, Employment Training Program (ETP) and Prevocational Services

This letter establishes an agreement between the Office for People with Developmental Disabilities (OPWDD) and the New York State Education Department Office of Adult Career and Continuing Education Services (ACCES-VR), collectively the parties. The parties are in agreement that OPWDD eligible individuals participating in Pathway to Employment, Employment Training Program (ETP) or Prevocational Services are better served by OPWDD, at this time, rather than intensive ACCES-VR supported employment or other vocational rehabilitation services.

The parties understand that there are OPWDD individuals receiving Pathway to Employment, Employment Training Program or Prevocational Services who need extreme levels of support to engage in work activity. Most individuals participating in Pathway to Employment, Employment Training Program or Prevocational Services are OPWDD eligible individuals who have very limited employment and vocational experiences and are in need of exposure to community volunteer or work experiences, extensive career planning services, and work readiness classes. Traditionally, these individuals have been enrolled in other OPWDD programs such as day habilitation which have precluded individuals from participating in employment services.

Based on a review of specific program characteristics and the program needs of the individuals who will be participating in Pathway to Employment, Employment Training Program or Prevocational Services, ACCES-VR has determined, and the parties agree with the use of the following criteria in order to distinguish between individuals to be served by Pathway to Employment, Employment Training Program or Prevocational Services and those who will be served by ACCES-VR:

- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to OPWDD eligible individuals who have expressed an interest in employment but who are limited to working for short periods of time.
- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to individuals who, due to their support needs, will require a highly intensive set of program, behavioral, transportation and/or other supports that exceed what is suitable through ACCES-VR intensive supported employment.
- Pathway to Employment, Employment Training Program or Prevocational Services participants will require a longer period of program, behavioral and/or other supports to develop their work capacity before it can be determined that the individuals are able to achieve employment.

As determined by OPWDD, individuals meeting these descriptions may be considered for enrollment in Pathway to Employment, Employment Training Program or Prevocational Services without first utilizing services provided by ACCES-VR.

The parties agree that OPWDD will work with providers to assure that any individual participating in Pathway to Employment, Employment Training Program or Prevocational Services is encouraged and/or assisted to apply for ACCES-VR services when it is indicated that the individual's circumstances are no longer in alignment with the criteria set forth above. ACCES-VR services may be used to assist the individual achieve an integrated employment outcome.

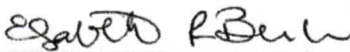
The parties agree that upon enrollment in Pathway to Employment and receipt of 200 hours of pre-employment service, the service provider will complete the appropriate sections of the ACCES-VR Review form and the OPWDD Discovery Report, including a preliminary vocational plan. ACCES-VR designated staff will review the OPWDD Discovery Report, including the preliminary vocational plan, and complete the response section on the ACCES-VR Review form. The completed review form and appropriate feedback will be returned to the provider. Such feedback may include comments on the preliminary vocational plan.

ACCES-VR will work closely with the OPWDD to assure that any individuals who participate in Pathway to Employment, Employment Training Program or Prevocational Services can apply for and participate in vocational rehabilitation services provided through ACCES-VR when it is intended that those vocational rehabilitation services will enable the individual to pursue an integrated employment outcome as defined in Title I of the Rehabilitation Act and by its implementing regulations.

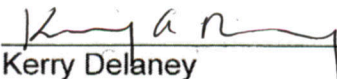
To ensure that individuals with the most significant disabilities are offered supported employment services when appropriate, the parties will review this agreement annually.

This agreement becomes effective immediately upon the signatures of the parties. This agreement does not replace other State agency agreements which are in effect. It simply clarifies and extends collaborative efforts between the agencies in regard to supported employment initiatives.

This agreement is subject to modification at the request of either party. Such modifications will be mutually agreed upon and become effective immediately upon the signatures of the parties.


Elizabeth Berlin
Executive Deputy Commissioner
State Education Department

11/26/14
Date


Kerry Delaney
Acting Commissioner
Office for People with Developmental Disabilities

12/8/14
Date

Criteria to Consider for Planning and Managing SEMP Services

Effective 1/2/24

(xvi) Planning the delivery of all allowable SEMP services

OR

(xvii) Managing the delivery of all allowable SEMP services

This document provides examples of the standards set forth in SEMP ADM 2023-09. These examples are not all-inclusive. There may be other billing or programmatic situations not captured here. Agencies and their QA departments should refer to the SEMP ADM and regulation available on the OPWDD website at: <https://opwdd.ny.gov/regulations-guidance>.

Considerations for SEMP agencies and their QA departments, prior to billing for Planning and/or Managing the delivery of SEMP services:

***For the purposes of this document the term Manager includes supervisors, directors or staff with other titles that have managerial responsibilities.**

Managers, supervisors, directors and/or staff with managerial responsibilities have met the SEMP staff training requirements.

Planning and/or managing activities directly relate to the delivery of quality SEMP services to the person(s).

Management tasks not directly related to the provision of SEMP services are not billable (e.g. onboarding staff, general staff training and staff evaluations).

Only managers* may bill for Managing SEMP services. Both managers* or SEMP staff may bill for Planning SEMP services, as long as they aren't billing the same services at the same time.

The most applicable allowable SEMP service is billed when a manager* and SEMP staff person meet related to a specific person(s) SEMP service. In the meeting, the manager may bill for Managing SEMP services if they are providing guidance, support, and/or instruction related to a specific person(s) SEMP services or Planning SEMP services if they are providing coordination or planning activities.

- a. The manager* may bill for Planning or Managing SEMP services while the SEMP staff bills one of the other allowable SEMP services.
- b. If no other allowable SEMP service applies, the manager* may bill Managing SEMP services, while the SEMP staff bills Planning allowable SEMP services.

When the person receiving services is present, only one staff can bill an allowable service(s). Two direct services cannot be delivered simultaneously.

Planning and/or Managing SEMP services must relate to the person's Staff Action Plan.

Planning and/or Managing SEMP services may be delivered for an individual or group.

Managing the Delivery of All Allowable SEMP services may not be billed when a manager, supervisor, or director is meeting with *multiple* staff. Meetings with more than two people are covered under Billing for Meetings.

Who is considered an Employment Support Professional (ESP)?

A supported employment staff person who assists individuals in obtaining and maintaining competitive integrated employment. Common titles include but are not limited to:

Job Coach
Job Trainer

Job Developer

Employment Specialist

Who is considered a Manager?

Staff employed by the SEMP program who are assigned managerial tasks such as guidance, support, instruction, coordination, planning services, etc. Common titles include but are not limited to:

Director of Vocational Services
Director of Employment Services
Senior Employment Staff

Assistant Coordinator
Team Leader
Manager

Business Relationship Manager
Senior Job Developer

Billing Examples

Scenario 1

An employment support professional (ESP) submits a completed Discovery Report to their supervisor for review. The supervisor reviews the Discovery Report prior to meeting with the ESP and determines that the assessments completed match the person's skills, but not the person's stated interests. The supervisor meets with the ESP to identify an additional assessment that aligns with the person's stated interests to create a more comprehensive Discovery Report and Job Development Plan.

The supervisor may bill "Managing the Delivery of all Allowable SEMP Services" and the ESP may bill "Planning the Delivery of all Allowable Services."

Scenario 2

A director reviews the ETP Monthly Job Development Report to ensure that the ESP has followed up with identified businesses, allocated sufficient time for job development and developed appropriate short-term goals. The director determines that an additional staff needs to be assigned to schedule sufficient services to help the person gain employment in a timely manner. The director begins to coordinate a second staff person's availability to provide additional SEMP services to the person.

The director may bill for "Managing the Delivery of all Allowable SEMP Services."

Scenario 3

An ESP requests assistance from a senior job developer to attend a meeting with a potential employer regarding a specific person to discuss the businesses' hiring needs. The ESP and senior job developer meet with the business to discuss a potential candidate that could meet the businesses' unmet needs through part-time employment. The person receiving services is not present.

The senior job developer may bill "Managing the Delivery of all Allowable SEMP Services" and the ESP may bill "Job Development, Analysis, Customization and Carving."

Scenario 4

A person was just hired by a local warehouse for an overnight shift. The current ESP assigned to provide job coaching is unavailable for those hours. The SEMP manager reviews staff schedules and determines that 2 other ESPs can split the job coaching duties for several weeks while the person is learning the job.

The manager may bill "Planning the Delivery of all Allowable SEMP Services."

SEMP ENROLLMENT & ANNIVERSARY DATES

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SEMP Enrollment & Anniversary Dates

I. SEMP Enrollment and Anniversary Date [SEMP ADM](#)

Individuals enrolled in SEMP have a SEMP enrollment date. The month and day of the individual's SEMP enrollment date becomes their SEMP anniversary date. Intensive and Extended SEMP service hours must only be authorized and used within one year of their anniversary date.

The SEMP enrollment date can be found in OPWDD CHOICES. If the individual was enrolled in SEMP prior to 7/1/15 and continuously remained enrolled since, the SEMP enrollment anniversary date must be 7/1.

If an individual disenrolls from SEMP and later re-enrolls into SEMP, the individual will have a new SEMP enrollment date and a new anniversary date. The individual's anniversary date is their most recent enrollment date into SEMP services. The new enrollment and anniversary dates begin the new billing limits.

For example, if the person was enrolled in SEMP on 6/1/18, their SEMP enrollment year will be 6/1 to 5/31 and all hours will expire on 5/31 annually.

If the person was enrolled in SEMP prior to 7/1/15, the SEMP enrollment year will be 7/1 to 6/30. All SEMP hours expire on the last day of the SEMP enrollment year or 6/30

If Intensive hours were approved, new Intensive SEMP hours may be requested for the person's SEMP anniversary date.

Extended SEMP hours (200 hours) automatically renew on the person's SEMP anniversary date, additional Extended SEMP hours must be requested each SEMP enrollment year.

SEMP FEE SYSTEM

[Return to Table of Contents](#)



Office for People With
Developmental Disabilities

All About Billing

Billing Information for OPWDD Services
Division of Fiscal Policy and Management

June 16, 2025

PERFORMANCE BASED TRAINING

- We do not expect you to remember everything
- We expect you to know where and how to find the information in available resources

<https://opwdd.ny.gov/providers/operating-information>

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES 7

BENEFIT DEVELOPMENT RESOURCE TOOLKIT



OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES 8

Liability Resources

- Liability for Services training
 - SLMS Class Code OPWDD-EL-LS
- Liability for Services Quick Reference Guide
 - Appendices 1 and 2
- Liability Notices
 - <https://opwdd.ny.gov/providers/liability>
- Benefit Development Resource Toolkit
 - <https://opwdd.ny.gov/providers/benefit-development-resource-toolkit>

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES 9

Liability for Services Regulations

People requesting or receiving OPWDD services must:

- Obtain/maintain Full Medicaid coverage, **and**
- If requesting or receiving HCBS Waiver services, obtain/maintain HCBS Waiver Enrollment, **or**
- Pay for the services they receive

Important Definitions

- Full Medicaid Coverage: Medicaid coverage that pays for the services requested or received
- Preexisting: Services received on a regular basis as of the date the regulations went into effect for the specific service
- Other than Preexisting: Services that commence on or after the date the regulations went into effect for the specific service

Covered Services

February 15, 2009

- ICF/IID facilities, Residential habilitation delivered in IRAs, CRs, and Family Care, Day habilitation

March 15, 2010

- Care management (service coordination), Day treatment services, Community habilitation, Prevocational services, Supported Employment services (SEMP), Respite services

Responsibilities

Responsibilities

- Service Providers/CCOs
- Person receiving or requesting services
- Care Manager
- OPWDD
 - DDRFO
 - FBEAM
 - Central Operations

<https://opwdd.ny.gov/providers/liability>

Provider/CCO Responsibilities

Verify/initiate OPWDD eligibility

Pre-admission interview

Issue liability notices

Verify Medicaid eligibility

Calculate charges

Billing

Provider/CCO Responsibilities

- Confirm/initiate OPWDD eligibility
- Confirm/initiate Medicaid eligibility and coverage
- Confirm/initiate HCBS Waiver enrollment
- Pre-admission interview
- Issue liability notices
- Calculate charges for services
- Billing

Benefit Eligibility Questionnaire

Form 263-C

BENEFIT ELIGIBILITY QUESTIONNAIRE

A. INFORMATION ABOUT THE INDIVIDUAL

Full Name at Birth	Date of Birth	Social Security Number
Place of Birth (City, State) (attach a copy of the individual's birth certificate)		U.S. Veteran? ☐ YES ☐ NO
Marital Status	Spouse's Name	Date and Place of Marriage/Divorce
U.S. Citizen ☐ YES ☐ NO		

IF NO, please provide the individual's date of initiation under the date of onset of the need for services. Please attach a copy of the individual's documentation.

<https://opwdd.ny.gov/providers/liability>

Provider/CCO Responsibilities - Liability Notices

- Liability Notice for Individuals Applying for Services (OPWDD LIAB 05)
- Tells the person and any liable parties that they must obtain Medicaid and/or HCBS Waiver enrollment to pay for their services or privately pay for them

<https://opwdd.ny.gov/notice-persons-applying-services>

Provider/CCO Responsibilities - Billing

Providers/CCOs must bill the appropriate payor for services

- Bill Medicaid
- Bill the person
- Bill other liable parties
- Bill OPWDD: State funding must be approved *in advance* of service provision and prior to submitting claims

Individual Responsibilities

- Obtain and maintain Full Medicaid Coverage
 - As defined in the regulations
 - Financial and categorical eligibility
 - Notify service provider(s) of eligibility changes
- Enroll in the HCBS Waiver if requesting/ receiving waiver services
- If eligible for the Limited Exception, notify provider when requesting other covered services

Care Manager Responsibilities

- Initiate/assist with Medicaid application
- Help maintain full Medicaid coverage
 - Renew/recertify
- Initiate/assist with HCBS waiver enrollment
- Help maintain HCBS waiver enrollment

OPWDD Responsibilities

DDRFO

- Determine OPWDD eligibility and issue NOD
- TABS program enrollments
- HCBS Waiver enrollment
- Review and advance state funding requests to Central Office; notify providers of determination

FBEAM

- Review and complete certifications for state funding requests
- Approve/Deny Fee Reduction and Waiver requests

Central Operations

- Screen, process, and pay requests for state funding
- Maintain a database of state funding approvals

Authorization for Billing

The provider must have authorization to deliver the service (Operating Certificate which applies to the service and/or the certified site/location)

The Regional Office must authorize the provider to deliver the service to the person

The person must be eligible for the funding source of the service (Medicaid / 100% State Funding)

Provider Authorization – Initial and New Services

- Authorization by OPWDD to be an approved provider
- Certification notice from Division of Quality Improvement (Operating Certificate)
- NYS DOH approves enrollment into Medicaid
- Medicaid Provider ID issued by NYS DOH

Service Eligibility – Authorization to Provide a Service to an Individual

- Authorization by the Regional Office
- Services should not be provided unless there is authorization/approval in place
- Enrollment in agency's assigned TABS program code for the service that will be provided (DDP-1 /CCO-1 form through CHOICES)

Individual's Eligibility

Medicaid Service

- Medicaid Client Identification Number (CIN) Issued through NYS Local District Medicaid Offices
- Must have coverage that allows payment for OPWDD services through Medicaid (see Medicaid coverage chart)

Non-Medicaid "Fee-for-Service" Services

- TABS ID and enrollment in program code or Regional Office authorization

Internal State Funding Request Process

- The DDRFO receives requests and initiates OPWDD's Internal process to review and approve state funding

Billing Identifiers

- Services billed through eMedNY need:
 - Provider ID or NPI
 - Locator code used with Provider ID or Zip+4 for NPI
 - Rate code
 - Medicaid Client Identification Number (CIN)
- Services billed through OPWDD's Payment Processing Unit need:
 - NYS Vendor Identification Number
 - Provider ID/price ID
 - Rate code
 - TABS ID
- Services billed through OPWDD's Web Based Applications need:
 - Agency's program code
 - TABS ID/Name

Billing Tools

- Prior to any billing, Program enrollment should be verified in the CHOICES system
- Restriction/Exception (R/E) codes are only added to an individuals Medicaid file after program enrollment is complete, billing sent before enrollment could result in claim denials

Billing Tools

- ePACES –Prior to billing Medicaid eligibility and R/E coding should be verified via one of the MEVS verification methods
- Do not use CHOICES for Medicaid coverage verification - CHOICES is not a DOH verification approved tool

https://www.emedny.org/ProviderManuals/5010/MEVS%20Quick%20Reference%20Guides/5010_MEVS_Methods.pdf

Bureau of Mental Hygiene Services Rate Setting

- Responsible for setting the reimbursement amount for rates and loading of all OPWDD rates and fees in the Medicaid system
- When an initial rate is loaded for a service, DOH letter is sent to the provider with the Provider ID, the rate code, the locator code and amount of the rate loaded.
 - Only initial rates generate a DOH letter to agencies, after initial notification rates/fees are only available on the DOH website or through the OPA account
- Office of Pool Administration (OPA) – Allows for an account to be established to view agency specific rates and rate related information – copy of correspondence included with training materials
- Contact MHRS@health.ny.gov

Finding Rates for Services

- Rates are available on the DOH Mental Hygiene Services Rates web page
 - https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/index.htm

MHRS DOH Website



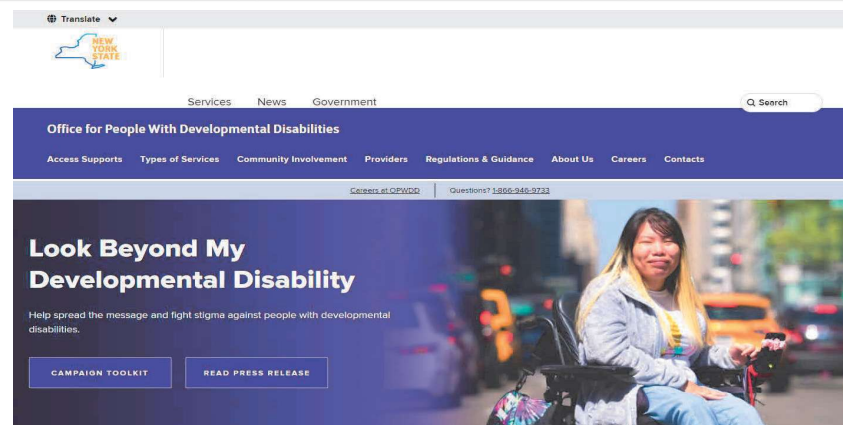
OPWDD Web Based Applications

- Applications are utilized to process payments for Respite and Supported Employment (SEMP)
- New users must request access via User ID and System Access Request Form
- Completed forms submitted to: External.Account.Provisioning@opwdd.ny.gov

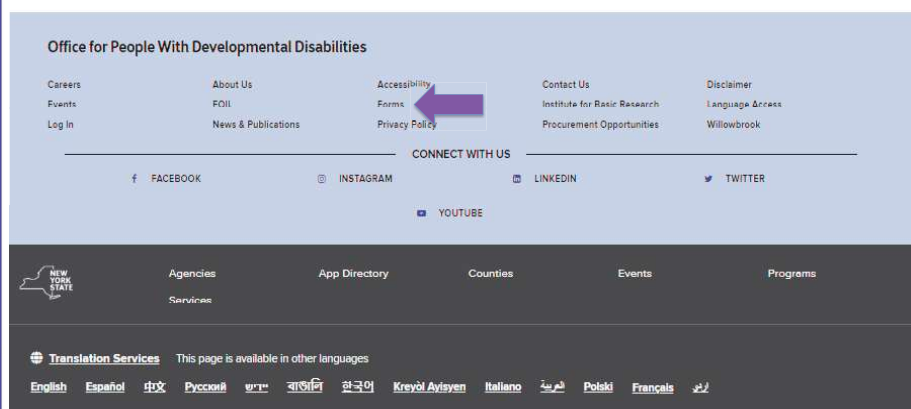
USER ID AND SYSTEM ACCESS REQUEST FORM

- Forms are available on the OPWDD Website (www.opwdd.ny.gov)
- Scroll to bottom section of website and select “Forms” link
- Search for “User ID” and Download “User ID and System Access Request Form”
- If the form does not open in the browser, then download to your computer

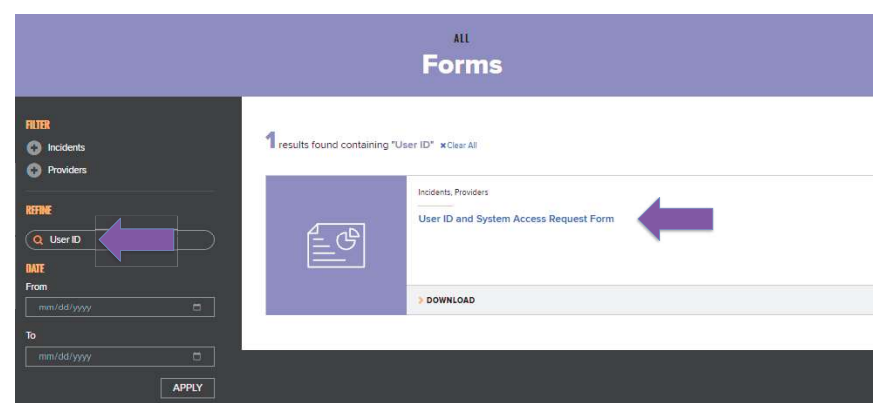
OPWDD Home Page - WWW.OPWDD.NY.GOV



User ID and System Access Request Form

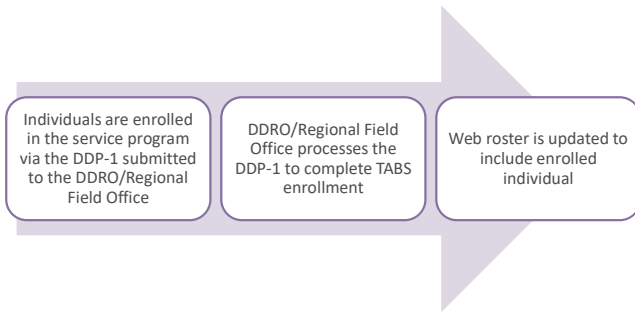


USER ID AND SYSTEM ACCESS REQUEST FORM



OPWDD Web Based Applications

- Web-Based Payment Applications are utilized for SEMP/Respite non-waiver eligible individuals who are enrolled in your service program



OPWDD Web Based Applications

- Providers must separately submit claims to eMedNY for SEMP/Respite individuals enrolled in the HCBS waiver
- Recording of SEMP and Respite services through the Web Based Application for HCBS waiver enrolled individuals will create an exception report informing providers to bill Medicaid
- For those individuals billed to Medicaid, it is not necessary to record services through the fee system

OPWDD Web Based Applications: Timely Billing

- There are timeframes in place that must be adhered to when recording services through both web-based payment applications
- Once the first SEMP/Respite payment run occurs in a month, only rosters for the current and prior month will be available for service recording
- Example: June 2025 services can be recorded until 8/14/25 for SEMP and 8/12/25 for Respite.
- Payment run dates and data entry deadline dates are available within the web applications
- BEST PRACTICE:** Record service of prior month in current month

OPWDD Web Based Application Calendar Roster Availability

- To address reduced timeframes, submit DDP-1 program enrollment forms ASAP
- Record services as close to the date(s) of service provision as possible
- Inform others at your agency of these timeframes, especially those that are responsible for service documentation and billing
- Read notices posted on the Web Application

BEST PRACTICE

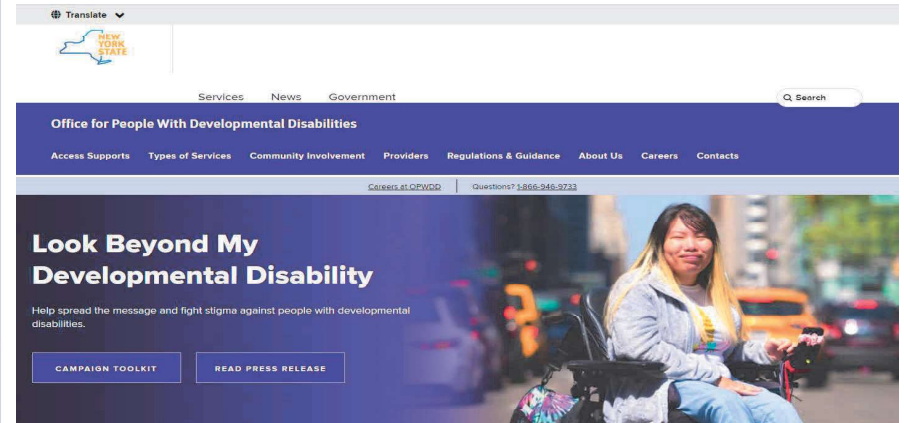
Record service of prior month (ex May) in current month (ex June)

Accessing Web Based Applications

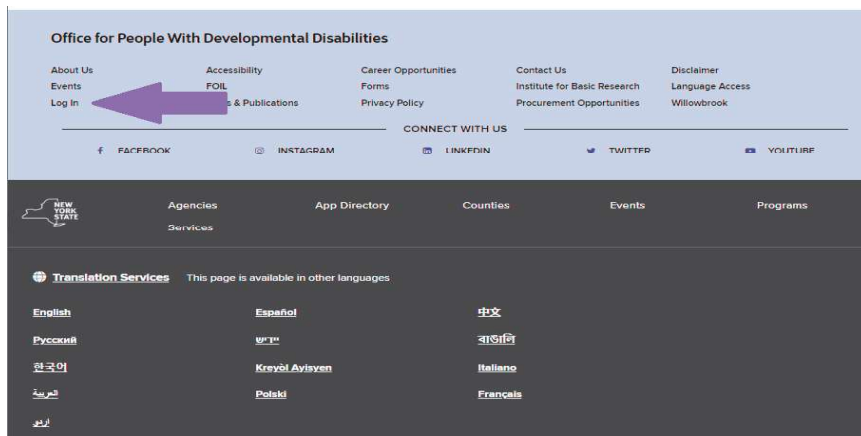
<https://ext.opwdd.ny.gov/ss/>

- Respite Fee System
- SEMP Fee System

OPWDD Home Page WWW.OPWDD.NY.GOV



Application Login Link



Secure Site Access

OPWDD Secure Site Access Area

- This system and all data are the property of the New York State Office For People With Developmental Disabilities (OPWDD).
- Unauthorized use or attempted unauthorized use of this system is not permitted and may constitute a federal or state crime. Such use may subject you to appropriate enforcement action.
- Use of this system is only permitted with the express consent of the OPWDD.
- Use is limited to conducting official business involving OPWDD.

Any use, authorized or not, constitutes express consent for authorized personnel to monitor, intercept, record, read, copy, access or capture such information for use or disclosure in any manner without additional prior notice. Users have no legitimate expectation of privacy during any use of this system or in any data on this system.

Clinical information, including records that identify or tend to identify individuals served or proposed to be served by OPWDD and its certified providers, is confidential and can only be disclosed in accordance with Mental Hygiene Law sec. 33.13.

By selecting the "ACCEPT" button you are agreeing to the terms and conditions mentioned above. Otherwise select "DECLINE" to return to the OPWDD Home Page.

ACCEPT **DECLINE**

SEMP Fee System Login

OPWDD Secure Applications

- CHOICES
- Consolidated Fiscal Reporting System
- Daily Event Management System
- Division of Quality Improvement Application
- Fire Safety Portal
- Incident Report and Management Application
- Message Application Maintenance System
- Respite Fee System
- SEMP Employment Tracking System
- SEMP Fee System
- The Basic Security for the Web

Supported Employment System Home

Service Recording | Post Processing | Reports | Run Dates | Contact Us | FAQ

Preliminary Run Date: 04/21/2025
Final Run Date: 04/25/2025

Service Month: **APRIL - 2025** Initial Service Deadline Date: 06/12/2025

Program Name/Id: **----- Select Program Name/Id -----** Program Enrolled Information

Individual Name: **----- Select Individual Name/Id -----** Individual Information

Was individual employed, as defined by OPWDD, for the service month?
☐ Yes ☐ No

Submit

Service Recording

Service Recording | Post Processing | Reports | Run Dates | Contact Us | FAQ

Preliminary Run Date: 04/21/2025
Final Run Date: 04/25/2025

Service Month: **APRIL - 2025** Initial Service Deadline Date: 06/12/2025

Program Name/Id: **----- Select Program Name/Id -----** Program Enrolled Information

Individual Name: **----- Select Individual Name/Id -----** Individual Information

Was individual employed, as defined by OPWDD, for the service month?
☐ Yes ☐ No

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		Emp Type	Emp Type	Emp Type	Emp Type	Emp Type
		Individual	Individual	Individual	Individual	Individual
		Group	Group	Group	Group	Group

- Choose month of service
- Select program
- Select Individual
- Choose yes or no
- Find date of service
- Choose Intensive or Extended
- Specify duration of individual and group services
- Be sure to click submit

Post Processing

Service Recording | Post Processing | Reports | Run Dates | Contact Us | FAQ

Preliminary Run Date: 04/21/2025
Final Run Date: 04/25/2025

Service Month: **APRIL - 2025**

Program Name/Id: **----- Select Program Name/Id -----** Program Enrolled Information

Individual Name: **----- Select Individual Name/Id -----** Individual Information

Was individual employed, as defined by OPWDD, for the service month?
☐ Yes ☐ No

Submit

- Used to make corrections if an error was made while recording services
- Select appropriate Month, Program, and Individual

Post Processing Calendar

Service Recording | **Post Processing** | Reports | Run Dates | Contact Us | FAQ

Preliminary Run Date: 04/21/2025
Final Run Date: 04/25/2025

Service Month: **FEBRUARY - 2025**

Program Name/Id: **Program Code and Program ID** **Program Enrolled Information**

Individual Name: **Individual's Name and TABS ID** **Individual Information**

Was individual employed, as defined by OPWDD, for the service month?
☐ Yes ☐ No (Yes selected)

Monthly Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Emp Type -- E Individual -- 0.25 Group --	5	6	7	8

- Make correction by entering correct information and click submit
- Recoupment will be taken from next payment
- Cannot make post processing adjustments that result in a payment or circumvent recording deadlines
- Be sure to click submit

Reports Tab

Service Recording | Post Processing | **Reports** | Run Dates | Contact Us | FAQ

Report Name	Report date	Download
* SUPPORTED EMPLOYMENT PAYMENT REPORT 80310-OSC	04/21/2025	Text Pdf
* SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	04/21/2025	Text Pdf
SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	04/11/2025	Text Pdf
SUPPORTED EMPLOYMENT PAYMENT REPORT 80310-OSC	04/11/2025	Text Pdf
* SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	04/07/2025	Text Pdf
SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	03/14/2025	Text Pdf
SUPPORTED EMPLOYMENT PAYMENT REPORT 80310-OSC	03/14/2025	Text Pdf
* SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	03/10/2025	Text Pdf
SUPPORTED EMPLOYMENT EXCEPTION REPORT 80310-OSC	02/28/2025	Text Pdf
SUPPORTED EMPLOYMENT PAYMENT REPORT 80310-OSC	02/28/2025	Text Pdf

- The reports menu offers new and historical reports
- Payment reports identify payments resulting from service recording
- Exception reports identify when a payment will not be made based upon a service recording

SEMP Payment Report

SNP2 03/14/2025 STATE OF NEW YORK - OPWDD PAGE: 1
REQUESTOR: PROCTER SEMP PAYMENT REPORT - OSC PROCESSING FOR PAYMENT PROCESS RUN DATE: MARCH 14, 2025 FRI 3:02 A.M.

Provider Name: **Batch Number**

Program Code and Program Name
 Provider Address
 SFS Vendor ID
 MMIS Provider ID

VOUCHER NUMBER: 384308

NAME/TABS ID	SERVICE ACTION	DUR=	# OF UNITS	SVC TYPE	UNIT RATE	TOTAL AMOUNT	PRIOR UNITS PAID	PRIOR UNIT RATE	LESS PRIOR PAYMENT	NET PAY AMT DUE
Individual's Name	02/04/2025	0.25	1	E-1	\$24.24	\$24.24				\$24.24
Individual's TABS ID	02/25/2025	2.00	9	E-1	\$24.24	\$193.92				\$193.92
	02/26/2025	0.25	1	E-1	\$24.24	\$24.24				\$24.24
Individual's Name	02/04/2025	0.25	1	E-1	\$24.24	\$24.24				\$24.24
Individual's TABS ID	02/20/2025	1.75	7	E-1	\$24.24	\$169.68				\$169.68
	02/21/2025	0.25	1	E-1	\$24.24	\$24.24				\$24.24

Program Total Number of Individuals: 2
 Program Total Payment Amount: \$480.36

 * NOTE: DO NOT CLAIM THE SERVICES LISTED ON THIS REPORT TO MMIS FOR MEDICAID REIMBURSEMENT. THESE SERVICES *
 * HAVE BEEN FORWARDED TO OSC FOR PAYMENT. *

Exception Report

SNP2 07/29/2022 STATE OF NEW YORK - OPWDD PAGE: 1
REQUESTOR: PROCTER SEMP EXCEPTION REPORT - OSC PROCESSING FOR PAYMENT PROCESS RUN DATE: JULY 29, 2022 FRI 3:02 A.M.

Provider Name: **Batch Number**

Program Code and Program Name
 SFS Vendor ID

NAME/TABS ID	SERVICE ACTION	DUR=	# OF UNITS	SVC TYPE	UNIT RATE	EXCEPTION AMOUNT	EXCEPTION REASON
Individual's Name	05/20/2022	2.75	11	E-1	\$24.41	\$268.51	No svc increase after initial recording period

Program Total Number of Individuals: 1
 Program Total Exception Amount: \$268.51

Agency Total Number of Individuals (Group): 1
 Agency Total Exception Amount: \$268.51

 * NOTE: THERE WILL BE NO PAYMENT FOR THE INDIVIDUALS AND SERVICE DATES NOTED ABOVE, FOR THE EXCEPTION *
 * REASONS LISTED. *
 * SEE AGENCY TOTALS PAGE FOR ADDITIONAL INFORMATION. *

 * Extended Supported Employment *
 * 1. Rate Code 4790 (1:1 service) or Rate Code 4790 (1:1 group service) if individual is not self-directing SEMP service *
 * 2. Rate Code 4790 (1:1 service) or Rate Code 4790 (1:1 group service) if individual is self-directing under the Agency Supported *
 * model and has an MDU in place for SEMP services *
 * 3. Rate Code 4790 (1:1 service) or Rate Code 4790 (1:1 group service) if individual is self-directing and has self-hired staff *
 * providing the SEMP service *
 * Extended Supported Employment *
 * 1. Rate Code 4792 (1:1 service) or Rate Code 4792 (1:1 group service) if individual is not self-directing SEMP service *
 * 2. Rate Code 4792 (1:1 service) or Rate Code 4792 (1:1 group service) if individual is self-directing under the Agency Supported *
 * model and has an MDU in place for SEMP services *
 * 3. Rate Code 4772 (1:1 service) or Rate Code 4772 (1:1 group service) if individual is self-directing and has self-hired staff *
 * providing the SEMP service *

2025 SEMP Production Schedule Run Dates Tab

- This displays service recording deadlines for each month of service

Service RecordingPost ProcessingReportsRun DatesContact UsFAQ

2025 Supported Employment System Payment Process Production Schedule

Service Month	Initial Service Deadline Date	1st Prelim Date	1st Final Date	2nd Prelim Date	2nd Final Date
January	03/13/2025	01/13/2025	01/17/2025	01/27/2025	01/31/2025
February	04/10/2025	02/10/2025	02/14/2025	02/24/2025	02/28/2025
March	05/15/2025	03/10/2025	03/14/2025	03/24/2025	03/28/2025
April	06/12/2025	04/07/2025	04/11/2025	04/21/2025	04/25/2025
May	07/10/2025	05/12/2025	05/16/2025	05/26/2025	05/30/2025
June	08/14/2025	06/09/2025	06/13/2025	06/23/2025	06/27/2025
July	09/11/2025	07/07/2025	07/11/2025	07/21/2025	07/25/2025
August	10/16/2025	08/11/2025	08/15/2025	08/25/2025	08/29/2025
September	11/13/2025	09/08/2025	09/12/2025	09/22/2025	09/26/2025
October	12/11/2025	10/13/2025	10/17/2025	10/27/2025	10/31/2025
November	01/15/2026	11/10/2025	11/14/2025	11/24/2025	11/28/2025
December	02/12/2026	12/08/2025	12/12/2025	12/22/2025	12/26/2025

Contact Information

- Central Operations
- (518) 402-4333
- central.operations@opwdd.ny.gov
 - eMedNY Billing
 - Matt Breslin – matthew.breslin@opwdd.ny.gov
 - Shaun Scanlon – shaun.scanlon@opwdd.ny.gov
- OPWDD Payment Processing Unit
 - Ericka Fowler – ericka.a.fowler@opwdd.ny.gov
- State Paid Self-Direction
 - statepaidselfdirection@opwdd.ny.gov

Contact Information

- eMedNY Call Center - (800) 343-9000
- Mental Hygiene Rate Setting – mhrs@health.ny.gov



Office for People With
Developmental Disabilities

SEMP STAFF TRAINING REQUIREMENTS

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SEMP Staff Training Requirements

Innovations in Employment Supports – Eleversity

OPWDD is partnered with Eleversity to provide the Innovations in Employment Supports training series. OPWDD recognizes the benefits of partnering with the voluntary agencies across NYS to educate Direct Support Professionals (DSPs), Employment Support Professionals (ESPs) and agency leaders about OPWDD's employment initiatives, services and supports. It is imperative that staff are prepared to plan and deliver person centered services. The Innovations in Employment Supports training series meets the training requirements listed in the SEMP ADM. Management and staff may register for training at www.eleversity.org.

Staff Training and Billing Requirements– [SEMP ADM-2023-09](#)

K. Staff Training Requirements

Staff providing SEMP services must participate in OPWDD's Innovations in Employment Supports Training including managers, supervisors, directors and any other staff providing and billing for SEMP Services. Innovations in Employment Supports classes may be offered either in person or remotely. Staff providing SEMP services must complete 24 hours of OPWDD's Innovations in Employment Supports Training no later than December 31st two years after their date of hire or transfer to a SEMP service.

The service provider must maintain documentation of all Innovations trainings that demonstrate the staff meets the training requirements. Effective January 1, 2024, after completing the initial 24 hours of training, staff billing for SEMP services must obtain 6 hours of continuing education for each calendar year, beginning on each full calendar year (January 1 to December 31) thereafter. The service provider must maintain documentation that the annual continuing education requirements for each staff person are met.

To meet this requirement, all Innovations Trainings completed by the individual staff are listed on their official transcript. If a SEMP staff person changes employment from one SEMP agency to another, the staff person's training records and credits follow them to the new agency.

Staff who were required to obtain 6 hours of continuing education prior to their anniversary date that occurs in 2023, and completed the training to meet this requirement at any time during 2022 or 2023 are not required to complete the next annual continuing education requirement until December 31, 2024. They must maintain their annual training requirements for each calendar year thereafter.

If a staff person, supervisor, manager, or SEMP director ends employment prior to both completing the required training and to the deadline for completing the training, the provider's prior billing may be considered valid. For example, if the staff person must complete their required training by September 1, 2023 but they end their employment with the provider on June 1, 2023, the provider may be reimbursed for the services provided by that staff person. However, services provided after the required training deadline will not be reimbursed.

OPWDD Central Office may, in extenuating circumstances, waive, modify, extend, or grant exceptions to the period for the training requirement. Requests for exceptions to the training requirement must be submitted to Central Office on Attachment #2 Request for SEMP Staff Training Period Extension. Documentation of the modification, extension, or exception approved by OPWDD must be maintained by the service provider. All future trainings must be completed within the original required time periods as outlined in OPWDD policy and regulation unless otherwise specified by OPWDD.

L. Staff Training Billing Requirements

For Provider Agency staff, OPWDD trainings must be billed under the allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

Staff can bill no more than five (5) individuals for the hours of attendance at OPWDD Innovations in Employment Supports Training or Innovations Training travel time, even if the staff serves more than 5 individuals. A SEMP staff person may bill for travel to, and attendance of, the OPWDD Innovations in Employment Supports Training.

The SEMP staff person can bill up to five (5) hours per day for the in-person classroom training time, plus billing for travel time to the training, at the group fee for up to five individuals. If virtual then can bill up to 6 hours at the group fee for up to 5 individuals. (see F(ii) on page 4).

If more than one SEMP staff travels to and attends an OPWDD Innovations in Employment Supports Training, each staff person can bill up to 5 hours per day for the in-person classroom training time, plus billing for travel time to the training, using the group fee for up to five individuals. Multiple SEMP staff cannot bill for the same individuals for the same training time. The group fee – and not the individual fee – must be billed for Innovations Training, even if providers have a limited number of SEMP enrollees and cannot otherwise bill at the group fee.

OPWDD recognizes that it is important that staff are available to work with individuals across the program to provide back-up supports to individuals (e.g., staff leave, job vacancies). If staff attend Innovations Training on different dates or times, they may bill for the same individual.

Self-Hired Self-Directed Staff may bill using the individual fee for training time (up to 5 hours of classroom) under the following allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

<https://opwdd.ny.gov/adm-2023-09-supported-employment-semp-0>

Series 1 – Take These First		Cred.	Date
☐	Vocational Services: Then and Now	3	
☐	Roles and Responsibilities of an Employment Support Professional	3	
☐	Career Assessment: Foundations of Discovery	3	
☐	Foundations for Vocational Success	3	

Business Relationships		Cred.	Date
☐	Basics of Business Engagement	3	
☐	Connecting Talent to Business Needs	6	
☐	Disability Resources and Incentives	3	
☐	Engaging Employers: From Strategy to Actions	3	

Assessment and Planning		Cred	Date
☐	Career Assessment: Informed Choice	3	
☐	Career Assessment: Skills to Complete Discovery Activities	3	
☐	Vocational Assessment	3	
☐	The Vocational Development Plan	3	

Program / Services		Cred.	Date
☐	Community Based Prevocational Services	6	
☐	ETP 101	6	
☐	Pathway to Employment	6	

Worksite Supports		Cred.	Date
☐	Coaching for Retention and Advancement	3	
☐	Coaching Workplace Challenges	3	
☐	Strategies and Techniques for Vocational Success	3	

Skills for Managers		Cred.	Date
☐	Management Skills for SEMP Leaders: Data-Driven Decision Making	3	
☐	Management Skills for SEMP Leaders: Strategies for Programmatic Success	3	
☐	Hiring and Onboarding Skills for Vocational Leaders	3	
☐	Supervision Skills for Vocational Leaders: Supporting Teams	3	
☐	Supervising Job Developers for Successful Employment Outcomes	3	

Additional Courses		Cred.	Date
☐	Public Benefits & Financial Literacy: What do you need to know?	3	

Are You Wondering What Classes You Need to Take?

Use this guide to support course selection, registration, and professional development planning.

Support & Guidance

Eleversity Customer Service can assist with registration, course credit, and account support. For guidance on required or recommended classes, consult your supervisor.

Course Planning

Review course descriptions carefully before registering to understand learning objectives, prerequisites, and intended audience.

SEMP Training Requirement

Employees must complete 24 credit hours of training no later than December 31st two years after their date of hire and 6 hours of continuing education for each subsequent calendar year.

Transcript Review

Review your Eleversity transcript regularly to monitor completed coursework and identify additional training needs.

Registration Reminders

After registering, retain your confirmation email, which contains the Zoom link and important course details.

Class Protocols

Zoom opens 30 minutes before class. Please log in early to test technology. Late arrivals must reschedule. Use a laptop, desktop, or tablet with microphone, speakers, and camera enabled. Cell phones are not permitted during the video portion of training.

Recommended - Start with Series 1

Series 1 classes will give you a foundational understanding and prepare for the other classes you will take in your professional development journey. It is recommended that Series 1 classes are taken in the order they are listed in the chart.

- ☐ Vocational Services: Then and Now
- ☐ Roles and Responsibilities of an Employment Support Professional
- ☐ Career Assessment: Foundations of Discovery
- ☐ Foundations of Vocational Success

After you have completed Series 1, select courses that align with the function of your responsibilities.
Connect with your supervisor for guidance.

Assessment and Planning

Assessment, Discovery Activities, Career Planning

- ☐ Career Assessment: Informed Choice
- ☐ Career Assessment: Skills to Complete Discovery Activities
- ☐ Vocational Assessment
- ☐ The Vocational Development Plan

Worksite Supports

Teaching and training in Discovery activities, Community Prevocational Services, Internships, and competitive integrated employment.

- ☐ Coaching for Retention and Advancement
- ☐ Coaching Workplace Challenges
- ☐ Strategies and Techniques for Vocational Success

Business Relationships

Connecting and building relationships with businesses to develop opportunities for the targeted job match, community vocational experiences, and volunteer.

- ☐ Basics of Business Engagement
- ☐ Connecting Talent to Business Needs
- ☐ Disability Resources and Incentives
- ☐ Engaging Employers: From Strategy to Actions

Program/Services [2-day events]

Select program/services to understand processes, purpose, and OPWDD expectations.

ETP 101 is a higher-level learning; do not take this as your first class.

- ☐ Community Based Prevocational Services
- ☐ ETP 101
- ☐ Pathway to Employment

Skills for Managers

The Management Series is intended for those who are SEMP leaders [Manager, Coordinator, Director, etc.] Staff who are being groomed for leadership, should have their supervisor contact info@eleversity.org for registration.

- ☐ Management Skills for SEMP Leaders: Data Driven Decision Making
- ☐ Management Skills for SEMP Leaders: Strategies for Programmatic Success
- ☐ Hiring and Onboarding Skills for Vocational Leaders
- ☐ Supervision Skills for Vocational Leaders: Supporting Teams
- ☐ Supervising Job Developers for Successful Employment Outcomes

Additional Courses

It is important that employment support professionals understand how wages may impact someone benefits. This class will give foundational information and resources. This class does not qualify an ESP to provide Benefits Counseling.

- ☐ Public Benefits & Financial Literacy: What do you need to know?

TRAINING OPPORTUNITIES FOR SEMP MANAGEMENT

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LEAD WITH CONFIDENCE

Training Opportunities for Leaders in OPWDD Vocational Services

Build stronger programs • Support stronger teams • Improve employment outcomes

01	Management Skills for SEMP Leaders — Data-Driven Decision Making Turn information into action. Learn how to use program data to balance competing priorities, strengthen quality, meet billing and documentation expectations, guide staff performance, and make informed decisions with greater confidence.
02	Management Skills for SEMP Leaders — Strategies for Programmatic Success Strengthen the day-to-day management of your SEMP program. Explore practical strategies for documentation and billing oversight, Discovery report review, caseload coaching, program design, allowable SEMP services, Planning and Managing SEMP, and Innovations Training compliance.
03	Hiring and Onboarding Skills for Vocational Leaders Build your team from the start. Explore best practices for recruiting, interviewing, selecting, and onboarding employment staff so new employees have a strong foundation for success—and are more likely to stay.
04	Supervision Skills for Vocational Leaders — Supporting Teams Great programs need strong, supported teams. Gain practical tools to motivate, challenge, develop, and retain employees—from onboarding through mastery—while reinforcing strong performance and coaching effectively when change is needed.
05	Supervising Job Developers for Successful Employment Outcomes Effective job development starts with effective supervision. Learn how clear expectations, intentional coaching, and consistent oversight can strengthen job developer performance, improve outcomes for job seekers, and support person-centered, evidence-based employment practices.

INVEST IN YOUR LEADERSHIP. STRENGTHEN YOUR PROGRAM.

Choose the training that meets your needs—or build your leadership skills across the full management series.



REQUEST FOR SEMP STAFF TRAINING PERIOD EXTENSION

If staff have not met the training requirement, please complete this form.

Refer to page 2 for additional guidance.

Supervisors must submit this form to employment.vocational.services@opwdd.ny.gov

Provider Agency:

Agency Requesting Extension: _____

Agency Provider Code: _____ DDRO: _____

Director Name: _____ Director E-mail: _____

Staff Information:

Last Name: _____ First Name: _____

Staff Title: _____ Date Hired to Provide Service(s): _____

Training Requirement not met: ☐ Initial Training ☐ Annual Continuing Education

Reason for staff training delay:

Plan to remediate staff training requirements:

Date staff training will be completed: _____

Submitted By (Name): _____

E-mail: _____ Date: _____

Return Processed Request to (Name): _____ E-mail: _____

For OPWDD Central Office Only:

Date Request Received: _____

Approved (check one): ☐ Yes ☐ No

Required training must be completed by: _____

Reason if not approved: _____

OPWDD Signature: _____ Date Processed: _____



SEMP Staff Training Requirements

Staff providing SEMP services must participate in OPWDD's Innovations in Employment Supports Training including managers, supervisors, directors, and any other staff providing and billing for SEMP Services. Innovations in Employment Supports classes may be offered either in person or remotely. Staff providing SEMP services must complete 24 hours of OPWDD's Innovations in Employment Supports Training no later than December 31st two years after their date of hire or transfer to a SEMP service. The service provider must maintain documentation of all Innovations trainings that demonstrate the staff meets the training requirements.

Effective January 1, 2024, after completing the initial 24 hours of training, staff billing for SEMP services must obtain 6 hours of continuing education for each calendar year, beginning on each full calendar year (January 1 to December 31) thereafter. The service provider must maintain documentation that the annual continuing education requirements for each staff person are met. To meet this requirement, all Innovations Trainings completed by the individual staff are listed on their official transcript. If a SEMP staff person changes employment from one SEMP agency to another, the staff person's training records and credits follow them to the new agency.

Staff who were required to obtain 6 hours of continuing education prior to their anniversary date that occurs in 2023, and completed the training to meet this requirement at any time during 2022 or 2023 are not required to complete the next annual continuing education requirement until December 31, 2024. They must maintain their annual training requirements for each calendar year thereafter.

If a staff person, supervisor, manager, or SEMP director ends employment prior to both completing the required training and to the deadline for completing the training, the provider's prior billing may be considered valid. For example, if the staff person must complete their required training by September 1, 2023 but they end their employment with the provider on June 1, 2023, the provider may be reimbursed for the services provided by that staff person. However, services provided after the required training deadline will not be reimbursed.

SELF-DIRECTED SEMP SERVICES

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Self- Directed SEMP Services

M. Self-Directed SEMP – [SEMP ADM](#)

Self-Directed SEMP may be direct provider purchased, agency supported or self-hired. Self-directed Services must adhere to OPWDD regulations related to staff training requirements and allowable SEMP services.

If Self-Directed SEMP services are self-hired, the self-hired staff and fiscal intermediary must adhere to OPWDD SEMP training requirements and provide SEMP allowable services. However, the wages of SEMP staff are determined by the individual receiving SEMP services with their budget authority.

Questions regarding Self Direction may be submitted to the Self Direction Technical Assistance Mailbox at: self.direction.redesign@opwdd.ny.gov or SDBroker@opwdd.ny.gov

Information provided below is from the [Self Direction Guidance for Providers](#) & highlights how a person with a Self-Directed budget may access Supported Employment Services.

<https://opwdd.ny.gov/providers/self-direction-providers>

A person who chooses Self-Direction has three options for selecting the staff who will work with them:

Direct Provider Purchased Services

A person who is self-directing can choose to purchase some services directly from a provider agency. For these Direct Provider Purchased services, the person does not have the authority to set the staff salary and the person chooses to let the provider manage the staff. The provider is paid at the provider's rate for the service, which includes the administrative and clinical components of the service. The provider bills eMedNY directly for these services. If a person is self-directing other services with budget authority, the agency that provides the Direct Provider Purchased Service is responsible for ensuring that the service is utilized within the PRA, as identified in the Self-Direction Budget. This needs to be addressed during the planning process and reflected in the Budget accordingly.

Supported Employment, Community Habilitation, and Respite may be Direct Provider Purchased, Self-Hired, or Agency Supported.

Agency Supported Self-Directed Services

The person and agency have a Memorandum of Understanding (MOU) that describes the person's authority to hire staff, train staff regarding their interests, monitor and provide feedback to staff, and end the employee's services if they are not consistent with the person's expectations. The person does not have the authority to set the staff salary in this model and the provider is paid at the provider's rate for the service, which includes the administrative and clinical components of the service. The provider bills eMedNY directly for these services. If a person chooses to have only Agency Supported Self-Directed Services, a Self-Direction Budget and Personal Resource Account are not needed.

Community Habilitation, Supported Employment (SEMP) and Respite can be self-directed by the participant using Employer Authority in the Agency Supported Self-Directed Services model.

Self-Hired Staffing

The person who is self-directing determines the compensation of the staff who delivers services to them. Services must be planned for and budgeted within a Personal Resource Account (PRA). A Fiscal Intermediary (FI) works with the person to implement Human Resource (HR) activities and to complete billing and payment of the services. The person and the FI have a Memorandum of Understanding (MOU) that describes the person's authority to hire staff, train staff regarding their interests, monitor and provide feedback to staff, and end the employee's services if they are not consistent with the person's expectations. The amount that is billed to eMedNY for self-hired Community Habilitation, Supported Employment and Respite cannot exceed the amount a provider would be paid for the same service or the OPWDD established rates for the service, whichever applies.

A person can choose to self-hire staff to deliver the following types of Home and Community Based Services (HCBS) waiver services: Community Habilitation, Supported Employment, and Respite

Information provided below is from the Self Direction Guidance for Providers

<https://opwdd.ny.gov/providers/self-direction-providers>

Attachment A: Self-Direction Budget Types

A person who chooses Self-Direction can choose from three different budget types, depending on what services they need. The budget types are Residential Only (RES), Other Than Residential (OTR) and Both. The chart below outlines the services available within each budget type. Note that some services may not be available depending on the setting where a person lives.

	Residential Only (RES)	Other Than Residential (OTR)	Both
Support Broker	X	X	X
Live in Caregiver	X		X
Individualized Goods and Services (IDGS)	X	X	X
Other Than Personal Services (OTPS)	X	X	X
Community Habilitation	X	X	X
Supported Employment (SEMP)		X	X
Respite	X		X
Group Day Habilitation		X	X
Family Supports and Services (FSS)	X	X	X
Prevocational Services		X	X
Pathway to Employment		X	X
Housing Subsidy	X		X
Family Reimbursed Respite (FRR)	X		X
Available to People Who Live In a Certified Setting		X	
Available to People Who Do Not Live In a Certified Setting	X	X	X

EMPLOYMENT TRACKING SYSTEM (ETS)

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SEMP Reporting

Providers must submit Supported Employment (SEMP) related data quarterly to OPWDD's Employment and Meaningful Community Activities Unit.

SEMP Quarterly Reports are required and listed in Supported Employment regulation and administrative memorandum (ADM).

[Supported Employment Regulations](#)

(iv) The service provider must report quarterly on Supported Employment (SEMP) data and related requested information in a form and format specified by OPWDD.

SEMP Employment Tracking System (ETS)

Quarterly Reports can be submitted through the SEMP Employment Tracking System (ETS), our online reporting application. Access must be granted before someone can log into ETS.

A Quick Reference Guide with step by step information on how to enter data and submit reports is available on Eleversity: <https://eleversity.org/resources/opwdd-innovations-resources/>

If you have questions about ETS, how to request access or need help please contact supported.employment.data@opwdd.ny.gov

Reporting Schedule

Quarter 1: April – June **due July 15**

Quarter 2: July – September **due October 15**

Quarter 3: October – December **due January 15**

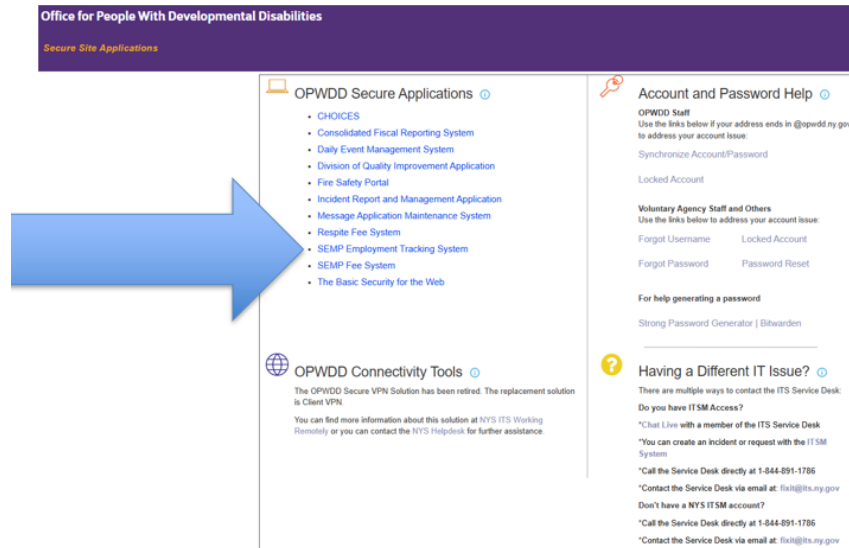
Quarter 4: January – March **due April 15**

The quarterly reports are based on the status of each person enrolled in SEMP on the last date of each quarter.

Reports are open for submission from the 1st-15th of the month it is due.

Log in to SEMP Employment Tracking System at Secure Site Applications Portal

<https://ext.opwdd.ny.gov/ss/index.jsp>



Office for People With Developmental Disabilities
Secure Site Applications

OPWDD Secure Applications

- CHOICES
- Consolidated Fiscal Reporting System
- Daily Event Management System
- Division of Quality Improvement Application
- Fire Safety Portal
- Incident Report and Management Application
- Message Application Maintenance System
- Respite Fee System
- SEMP Employment Tracking System**
- SEMP Fee System
- The Basic Security for the Web

OPWDD Connectivity Tools

The OPWDD Secure VPN Solution has been retired. The replacement solution is Client VPN.

You can find more information about this solution at NYS ITS Working Remotely or you can contact the NYS Helpdesk for further assistance.

Account and Password Help

OPWDD Staff
Use the links below if your address ends in @opwdd.ny.gov to address your account issue:

Synchronize Account/Password

Locked Account

Voluntary Agency Staff and Others
Use the links below to address your account issue:

Forgot Username Locked Account

Forgot Password Password Reset

For help generating a password
Strong Password Generator | Bitwarden

Having a Different IT Issue?

There are multiple ways to contact the ITS Service Desk.

Do you have ITSM Access?

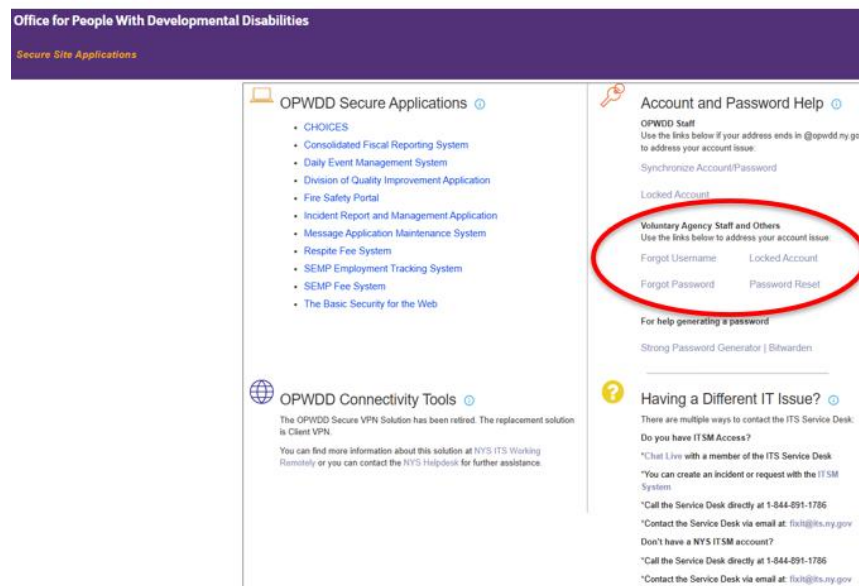
- *Chat Live with a member of the ITS Service Desk
- *You can create an incident or request with the ITSM System
- *Call the Service Desk directly at 1-844-891-1786
- *Contact the Service Desk via email at: fixit@its.ny.gov

Don't have a NYS ITSM account?

- *Call the Service Desk directly at 1-844-891-1786
- *Contact the Service Desk via email at: fixit@its.ny.gov

How to Get Account Help

You can reset your password and request help with log in issues at the secure site log in page: <https://ext.opwdd.ny.gov/ss/index.jsp>



Office for People With Developmental Disabilities
Secure Site Applications

OPWDD Secure Applications

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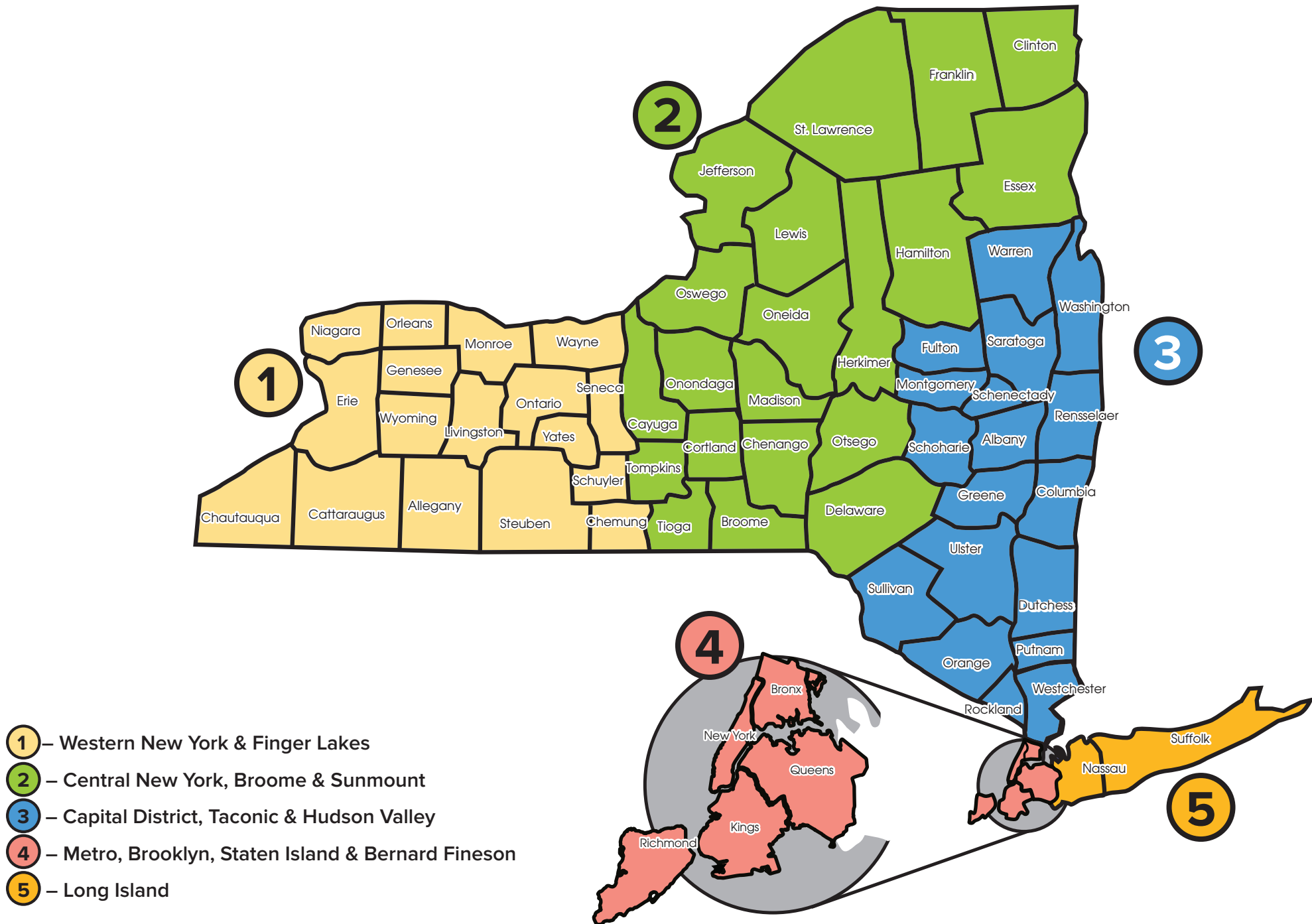
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ADDITIONAL GUIDANCE DOCUMENTS & RESOURCES

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5 Developmental Disabilities Regional Offices



Steps to Employment

If you want to work, there are some easy steps you can take to find the right job for you.

These steps to employment are meant to help you figure out your job goals, your work skills and experiences, what kind of work is right for you, how wages may affect your finances and benefits and how to go about finding and learning a new job.

Step 1:

What are Your Goals?



Ask yourself

Do you already know whether you want to work full-time or part-time? Do you know exactly what kind of work you would like to do?

Or would you like to try different types of jobs first to find out what kind of work best suits you?

Step 2:

What are Your Skills?



Ask yourself

Do you know what skills you have that you could use in a job? Sometimes we become skilled by doing a task over and over. Other times we are skilled simply because we are naturally good at something. **All of us** are naturally good at something!

Step 3:

Choose the Job that's Right for You



Ask yourself

Do you know what things you like to do and have an idea of where you might like to work? Can you approach friends, family and local businesses to talk with them about the types of jobs that interest you?

Step 4:

Benefits and Financial Planning to Help You Work



Make a Plan

Once you have an idea of how many hours you would like to work and the pay you may earn, you will want to learn how your wages may affect your benefits like SSI, SSDI, SNAP, Medicaid, public housing and child care.

Step 5:

Getting a New Job and Learning New Tasks



You're Almost There:

The final step is to begin searching for a job and getting employed. Once you get to this step, you'll be searching for jobs, going on interviews, talking to employers, filling out job applications and then starting a new job.

If you need help with these things, you may want to start with:

Pathway to Employment

Community Based
Prevocational Services

If you can answer these questions, the next step is to identify your skills.

If you need help identifying your skills, you may want to start with:

Pathway to Employment

Community Based
Prevocational Services

If you already know your skills, the next step is choosing the right work for you.

If you need help choosing or finding work, you may want to start with:

Employment
Training Program

ACCES-VR

Supported Employment

If you already know what you want to do and where you want to work, your next step is planning your benefits and finances.

If you need help with your benefits and financial planning you may want to find help through:

Employment
Training Program

Supported Employment

If you already have a plan for your benefits and finances, your next step is getting a job!

If you need help with any of these things, you may benefit from:

Employment
Training Program

Supported Employment

Some people also learn and get jobs through ACCES-VR then transition to OPWDD services for on-the-job supports.



Scan to Learn More.

(866) 946-9733 NY

Relay Service 711

www.opwdd.ny.gov

Congratulations on completing the five steps towards employment!

If you need help advancing in your job or getting a different job, OPWDD employment services will continue to be available to you.



Office for People With
Developmental Disabilities

Benefit Development Resource Toolkit: Benefit Development

Overview

The Benefit Development Tool Kit is designed to assist employees who are responsible for developing the financial benefits and entitlements necessary to fund services for individuals served by OPWDD and voluntary agencies. The Tool Kit is primarily intended to be used as a reference during the process of assisting individuals in developing the benefits necessary to fund their care.

This kit provides detailed information about conducting eligibility investigations, protecting resources, and applying for Medicaid, Supplemental Security Income (SSI), Social Security benefits (SSDI), Medicare, and the Supplemental Nutrition Assistance Program (SNAP – formerly called Food Stamps).

The following sections are included:

Benefit Development	Social Security Benefits
Liability for Services	Work Incentives
Medicaid	Medicare
Supplemental Security Income	Supplemental Nutrition Assistance Program
Supplemental Security Income for Children	Resource Management

Each benefit section includes a discussion of eligibility requirements, outlines application processes, and references important forms and information.

For more information visit:

<https://opwdd.ny.gov/providers/benefit-development-resource-toolkit>

The Red Book | Social Security Administration

A Guide to Work Incentives and Employment Supports

The Red Book serves as a general reference source about the employment-related provisions of the Social Security Disability Insurance and the Supplemental Security Income Programs for educators, advocates, rehabilitation professionals, and counselors who serve people with disabilities.

<https://www.ssa.gov/redbook/>

New York Employment Services System (NYESS)

The New York Employment Services System (NYESS) is a comprehensive employment system that provides New Yorkers with a single point of access to employment services and related supports.

NYESS works in partnership with the New York State Department of Labor to provide New Yorkers with a single point to access all employment-related services, support, and training on a variety of employment topics.

Under NY SCION, NYESS also works with the New York State Department of Labor to support over 30 Disability Resource Coordinators working across the state to ensure that every NYS Career Center and the services that they provide are fully accessible to individuals with disabilities.

More information about NYESS can be found at: <https://nyess.ny.gov/>

NYESS Learning Center

Access important training and resources related to NYESS and Ticket-to-Work.

Upcoming Trainings

NYESS Resources

Ticket to Work-Resources

NYESS YouTube Channel

For information visit:

<https://nyess.ny.gov/learning-center>

The New York Employment Services System (NYESS) is a unique partnership between the Office of Mental Health and the Department of Labor. Operating under a whole-person philosophy, NYESS provides people of all abilities, including those with disabilities, a single point of access for employment-related services and supports.

Disability Resource Coordinators (DRCs)

Department of Labor

As a result of NY SCION, Disability Resource Coordinators (DRCs) will soon be available in nearly every local workforce area across New York State.

DRCs support both job seekers with disabilities and the workforce system by ensuring equitable access to career pathways, training, and employment opportunities.

DRC responsibilities include:

- Providing credentialed benefits advisement and work incentive counseling to individuals who receive Social Security Administration (SSA) benefits, including Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI), through the Federal Ticket to Work (TTW) program.
- Promoting participation in the Federal Ticket to Work program as a pathway to employment and economic self-sufficiency for SSA beneficiaries.
- Ensuring individuals with disabilities have full access to career, training, and support services available through Career Centers and the broader workforce system.
- Increasing participation of individuals with disabilities, including SSA beneficiaries interested in work, in career pathways programs and funded training opportunities.
- Providing training and technical assistance to Career Center staff, employers, community colleges, and training providers on topics including the Americans with Disabilities Act, the Ticket to Work program, reasonable accommodations, assistive technology, and assessment tools.
- And more..

For a list of DRCS across NYS, see the Department of Labor website:

<https://dol.ny.gov/career-services/career-services-for-persons-with-disabilities>



AS A WORKER, WHAT IS MY MINIMUM WAGE?

From 01/01/2026 to 12/31/2026, the New York State basic minimum wage is:

- \$17.00 per hour in New York City
- \$17.00 per hour in Long Island and Westchester County
- \$16.00 per hour in the Remainder of New York State

And, the minimum wage for fast food workers* is:

- \$17.00 per hour in all of New York City, Long Island and Westchester County
- \$16.00 per hour in the rest of New York State

Private sector employees in the state, including domestic workers (in most cases), must receive the basic minimum wage.

SPECIAL CIRCUMSTANCES

The basic rate may change under rules known as “wage orders” that set minimum pay for jobs in:

- The hospitality, building service and farming industries
- All other industries and occupations

The wage orders set:

- Hourly rates
- Overtime rates
- Credits for meals and lodging, if supplied by the employer

The Hospitality wage order sets lower hourly minimum pay rates if workers regularly receive tips. Wage orders are published on the Department of Labor website at www.labor.ny.gov/minimumwage.

When workers take care of their own required uniforms, they must be paid an added amount over minimum wage.

Employees who do piecework should be paid at a rate that brings them to at least the basic minimum wage.

A standard work week is 40 hours. If employees work any hours beyond that, then the employer must pay them at 1½ times the regular wage.

AS AN EMPLOYER, HOW DO I COMPLY WITH THE MINIMUM WAGE LAW?

To comply with minimum wage laws, employers should:

- Determine who must be paid the minimum wage, as some occupations and categories of employees are specifically exempt.
- Consider tips as part of the minimum wage for tipped employees.
- Regularly review pay rates and working hours to ensure compliance.
- Calculate wages based on hours worked and applicable minimum wage rates.
- Ensure the NYS minimum wage poster is visible to all employees in the workplace.

WHAT PENALTIES MAY EMPLOYERS FACE WHEN THEY VIOLATE MINIMUM WAGE LAWS?

The Labor Department helps collect back wages for workers who have not received the minimum wage. Employers that break the Minimum Wage Law may be subject to orders to pay:

- Back wages
- Interest
- Liquidated damages
- Fines

They may also be subject to criminal prosecution and penalties. The fines for violations can total up to 200 percent of the missing wages. They may also have to pay 16 percent interest on the unpaid wages.

Employers with questions or concerns about obeying the Minimum Wage Law can contact the Labor Department at **888-469-7365** for help, between 8 am and 5 pm, Monday through Friday.

*A fast food worker is any person employed or permitted to work at, or for, a fast food establishment by any employer where such person’s job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning, or routine maintenance.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

Updated January 2018

This fact sheet provides general information to help determine whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).¹

Background

The FLSA requires “for-profit” employers to pay employees for their work. Interns and students, however, may not be “employees” under the FLSA—in which case the FLSA does not require compensation for their work.

The Test for Unpaid Interns and Students

Courts have used the “primary beneficiary test” to determine whether an intern or student is, in fact, an employee under the FLSA.² In short, this test allows courts to examine the “economic reality” of the intern-employer relationship to determine which party is the “primary beneficiary” of the relationship. Courts have identified the following seven factors as part of the test:

1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
5. The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
6. The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the “primary beneficiary test” as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case.

If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

Footnotes

1 - The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation, for religious, charitable, civic, or humanitarian purposes to non-profit

organizations. Unpaid internships for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

2 - *E.g., Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at *4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); see also *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website:

<http://www.dol.gov/agencies/whd> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.



The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Unpaid Work Experiences, Volunteering, and Internships: What's Allowed.

What did the states request?

As SELN member states refine how employment services are defined, implemented, and reimbursed, questions arise about how to view certain work experiences, and how to strategically use volunteer opportunities and unpaid work options.

Background

Volunteer work, internships, and unpaid job exploration can be effective strategies for individuals with disabilities looking to gain work-related experience, as well as assessments and training at places of business. However, such activities must be undertaken carefully, with a clear understanding of the purpose of these activities. All parties must know what is permitted from a legal perspective, as well as practical considerations regarding the appropriate use of volunteer and unpaid work experiences.

This working document examines these issues, and provides guidelines on the role of volunteer activities, internships, and unpaid work when assisting and supporting individuals with disabilities. This information is based on interpretation of various federal requirements. However, if readers have questions regarding specific situations, they should consult with the United States Department of Labor (DOL) Wage and Hour Division. In addition, your state may have additional requirements, so it is important to also consult with your state department of labor to ensure compliance with all applicable state labor laws and regulations.

Understanding What's Allowed

The following are the types of experiences discussed in this publication, and the distinctions between them.

- **Volunteering** – Volunteering refers to typical unpaid activities with non-profit groups that are open to all citizens. These might include making phone calls for a political campaign, serving as an assistant coach

in a sports league, helping at a food bank, serving on a board or in an advisory group, or working on a clothing drive for a faith-based organization.

- **Internships** – Internships are temporary positions, either in for-profit or nonprofit organizations, with an emphasis on job training. This publication looks primarily at unpaid internships.
- **Unpaid work experiences** – Under certain circumstances, individuals with disabilities are permitted to work for a short period at any type of business without pay for job exploration, assessment, and training purposes. This is permitted only within very specific parameters.

The DOL has clear rules and guidelines on volunteering, internships, and unpaid work experiences. Each state has additional laws and regulations. It is important for service providers (including schools) not to dive in to the world of volunteer work, internships, and unpaid work experiences without having a strong understanding of what is and is not permitted.

Awareness of these parameters is critical for service providers, individuals with disabilities, and family members. These rules ensure that people with disabilities are being treated fairly, that their rights are not being violated, and that when placing individuals with disabilities into volunteer or unpaid positions, all applicable wage and hour laws are being followed.

Lack of awareness of these parameters can result in possible action by the federal or state labor department against both the service provider, and the volunteer organization or business where the individual is participating in activities. Consequences may include legal and financial penalties, including payment of back wages.

SELN working documents contain information collected in response to SELN state member requests. An SELN working document is intended to share work in progress and may not be a comprehensive analysis or compilation.

Volunteering: What it is and What's Permitted

As with anyone else who volunteers, it's important to think through the reasons that someone with a disability is giving his or her time and talents for free. What are the benefits to the individual?

- Volunteering may be a step towards employment. It is a way of exploring interests, developing skills, gaining experience, building a resume, and making connections that lead to future paid jobs. At the same time, volunteering should not be a long-term substitute for paid employment.
- Volunteer activities should be based on an individual's interests and preferences.
- When individuals are not working or are underemployed, they may choose to volunteer in order to keep busy and active while looking for paid work.

Where Individuals Can Volunteer

Individuals may volunteer only at non-profit organizations. Volunteering is not permitted at for-profit, private-sector businesses. Per the DOL, individuals may volunteer or donate their services for "public service, religious or humanitarian objectives" without expectation or receipt of payment.

These additional factors can also help determine if an activity meets the DOL's definition of volunteering:

- The activity is generally part-time.
- The activities are the kind typically associated with volunteer work rather than paid employment.
- Services are offered freely and without pressure or coercion--i.e., the person is truly volunteering.
- Regular employees have not been displaced to accommodate the volunteer.
- The individual does not receive or expect to receive any benefit (beyond the experience itself) from the organization where he or she is volunteering. Volunteers may receive reimbursement for expenses, discounts on services, refreshments, small appreciation gifts, etc. They may also be paid a nominal fee, but it cannot be a substitute for paid compensation,

or based on productivity. The amount of the fee/stipend cannot exceed 20% of what an individual would have been paid for the same job. In addition, if the individual receives more than \$500 per year, they no longer have liability protections under the Federal Volunteer Protection Act. In general, organizations should be cautious in providing any sort of payments beyond expense reimbursement to volunteers.

Parent/Guardian Consent Requirements

An individual with a disability must be legally competent to freely volunteer his or her services. Per the DOL, individuals under 18, and those over 18 who are not their own legal guardian, cannot volunteer without the consent of their parent or legal guardian.

Unpaid Internships

Unpaid internships are distinct from volunteering, and are intended to allow an individual to gain job-related experience. Per USDOL, individuals may participate in unpaid internships at for-profit organizations, if they are not considered to be an employee. The primary issue is the "economic reality" of who is the primary beneficiary. If the primary beneficiary is the individual, an unpaid internship is okay. If the primary beneficiary is the business, an unpaid internship is not okay. The following criteria are considered in terms of determining the primary beneficiary.

1. The extent to which the intern and the employer clearly understand there is no expectation of compensation.
2. The extent to which the internship provides training that would be similar to that in an educational environment.
3. The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
5. The extent to which the internship's duration is limited to the period in which the internship

provides the intern with beneficial learning.

6. The extent to which the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

These criteria are considered flexible. No one single factor will determine if an unpaid internship is okay, and the unique circumstances of each case needs to be considered.

See www.dol.gov/whd/regs/compliance/whdfs71.htm for further details.

The DOL guidance specifies that it applies to “for-profit” organizations. An individual can work at a nonprofit as a volunteer, if they meet the criteria discussed earlier. However, if an individual is working at a nonprofit as an unpaid intern (e.g., a student receiving credit), rather than strictly as a volunteer, then the 7 factors regarding primary beneficiary would also apply. As with volunteering, nonprofit organizations can pay stipends to interns, but the amount of the stipend cannot exceed 20% of what an individual would have been paid for the same job.

Unpaid Work Experiences for Job Exploration, Assessment and Training

Using businesses for exploration, assessment, and training is considered best practice in the field of disability employment, rather than using simulated work environments (such as facility-based services and sheltered workshops). When undertaking an assessment, these types of experiences at an employer's place of business are typically called “situational assessments.” (See the resource section on the last page for information on conducting situational assessments.)

Under DOL provisions, individuals with disabilities can spend a limited number of hours engaged in unpaid work experiences at a business for job exploration, assessment, and training. Per the DOL, these types

of unpaid work experiences are permitted when all seven of the following criteria are met:

1. The individual is a person with physical and/or cognitive disability for whom competitive employment at or above minimum wage is not immediately obtainable, and who will need intensive ongoing support to succeed in employment.
2. The time spent at the place of business is for vocational exploration, assessment, or training. It must be conducted under the general supervision of staff from a rehabilitation organization (community rehabilitation provider, public vocational rehabilitation, or other public disability agency), or in the case of a student with a disability, under the supervision of public school personnel.
3. Employment in the community must be a specific goal of the individual's plan of service, specifying the need for exploration, assessment, or training activities. This must be written into the individualized plan for employment (IPE) or individual education plan (IEP).
4. The individual's activities cannot result in an “immediate advantage” to the business. “Immediate advantage” includes the following, all of which are not permitted.
 - ❖ Displacement of regular employees.
 - ❖ Filling of a vacant position by the participating individual with a disability instead of regular employees.
 - ❖ Relieving regular employees of assigned duties.
 - ❖ The participating individual performs services that, although not ordinarily performed by employees, are of clear benefit to the business.
 - ❖ The individual is under direct supervision of employees of the business, rather than a rehabilitation or school professional.
 - ❖ The activities are conducted to accommodate the labor needs of the business rather than according to the requirements of the individual's service plan.
 - ❖ The individual's service plan does not



specifically limit the time spent at any one employer site, or in any specific job classification (i.e., the planning document needs to be specific regarding intent of the person's time at the employer site in terms of duties and how long they spend there).

5. Although the number of hours does not exclusively determine whether an unpaid work experience is permitted, per the DOL, as a general rule, unpaid work experience is permissible if the following hour limitations are not exceeded.
 - ❖ Vocational explorations: 5 hours per job experienced
 - ❖ Vocational assessment: 90 hours per job experienced
 - ❖ Vocational training: 120 hours per job experienced

In the case of students, these limitations apply during any one school year.
6. The participating individual is not entitled to employment after the unpaid work experience is completed. However, if the individual becomes an employee at that business, he or she cannot be considered a trainee (i.e., unpaid for up to 120 hours) at that particular employer unless working in a different, clearly distinguishable occupation.
7. Upon request, documentation will be provided to the DOL Wage and Hour Division, indicating that the individual is enrolled in a community-based placement program, that this enrollment is voluntary, and that there is no expectation of payment.

Further details of unpaid work requirements are available under Section 64c08 at:
www.dol.gov/whd/FOH/FOH_Ch64.pdf

Considerations in Unpaid Work Experiences

There are a number of practical considerations in the use of unpaid job experiences under these DOL guidelines:

- The use of unpaid work experiences must connect clearly with the goals and objectives of an individual's service plan, and there should be

a particular rationale why the specific activities at that particular place of business are occurring, documented within the service plan. Simply having an individual participate in unpaid work experiences to “stay busy,” or because it's a standard part of the employment program for everyone, is not acceptable.

- The planning document (IPE, IEP) must state the specific intent and purpose of the individual's time at the employer site in terms of the duties and number of hours that will be spent there.
- On the surface, some of the factors in terms of “immediate advantage” may seem to be a challenge to comply with. For example, if an individual is filing as part of an assessment, the business is benefiting from having some filing completed. To address any concerns in this regard, be clear that the purpose of the activity is for exploration, assessment, or training; be explicit that whatever benefit there is to the business is incidental and immaterial; and ensure that all other requirements are fully complied with (supervision by rehabilitation or school personnel, limitations on hours, no displacement of business personnel, documentation, etc.).
- A type of unpaid work experience that is generally not permitted under these guidelines is taking a group of students or adults on an ongoing basis to a business to perform job duties for no pay, unless each individual's service plan specifically states how this unpaid work experience is connected to the individual's employment goals, and specifies the number of hours of the unpaid work experience. All other requirements within the guidelines must also be complied with.

The DOL does not define the terms “vocational exploration,” “vocational assessment,” or “vocational training,” although these terms are defined in the rehabilitation literature. The following are practical applications of these terms:

- **Vocational exploration:** Identifying types of jobs an individual may be interested in.
- **Vocational assessment:** Evaluating an individual's overall employment skills and interest in/suitability for specific occupations.

- **Vocational training:** Developing an individual's skills for a specific occupation, with the expectation that he or she will work in that occupation.

It is highly recommended that there be clear documentation in the individual's file regarding each unpaid work experience. This should indicate the type of experience (exploration, assessment, training), location, specific tasks, number of hours, and recording and analysis of the results. This documentation is useful in using these experiences to guide the career exploration and placement process. This can also support the required documentation for unpaid work experiences (noted above) and address any potential concerns about the nature of these experiences and compliance with DOL requirements.

Many of the issues regarding unpaid work experiences can be resolved simply by having a mechanism in place for payment by the agency or school to the individual (minimum wage or higher), for the time spent at the place of business. An organization may have existing funds available, or could potentially get funding from community foundations or civic groups. Given that the funding goes directly to the person with a disability, and is designed to lead to employment success, funding of these types of work experiences is a relatively simple "sell."

It is important to recognize that if the service provider is paying the individual, then an employment relationship exists. This means that the individual would fall under the coverage of the service provider's workers' compensation insurance.

Assessment as "Job Tryout"

Much of the discussion in this document has focused on use of business settings for exploration and assessment to determine the focus of job development activities. When appropriate, consideration can also be given to use of assessments as a "job tryout" as part of the actual hiring decision. Under this type of strategy, if a potential position looks promising, the employer is offered an opportunity to fully evaluate the individual's ability to perform the tasks of the position. This entails allowing the job seeker to try the job for a few hours, a day, or even a couple of days, prior to a hiring decision by the business.

Worker's Compensation and Liability Coverage

One area that is important to consider regarding unpaid work experiences of all types is workers' compensation and liability coverage. Even if an individual is not considered an employee under the wage and hour laws, they may be considered an employee under the state's workers' compensation law, and as such the employer may be responsible for providing workers' compensation coverage. (For example, in Massachusetts employers must provide workers' compensation coverage for students in work based learning experiences even if they aren't being paid.) In addition, there may be liability concerns regarding the possibility of an individual damaging a piece of employer's equipment during an unpaid work experience. The following are recommendations to address these issues:

1. Consult with the office in your state department of labor responsible for workers' compensation laws, and review any laws and regulations in your state regarding responsibility for coverage in unpaid work experiences.
2. Check with your organization's insurance carrier regarding coverage.
3. Have information readily available to provide to an employer regarding workers' compensation and liability issues, and work with them to resolve any concerns.

While the employer's standard hiring process is generally the preferred choice, this process (application, interview, testing, etc.) does not always create awareness by the potential employer about the strengths and abilities of an applicant with a disability. Due to physical challenges in communicating, difficulties in verbally articulating their thoughts, or simply lack of experience in interviewing, some people with disabilities perform poorly in interviews, which can pose a significant barrier in obtaining employment.

Another challenge is that people with disabilities often lack the work experience that demonstrates their ability to perform successfully in a potential job. Additionally, limited academic skills can create challenges in performing on tests. Therefore, a job tryout approach can be an effective strategy--and can be considered an accommodation within the hiring process under the Americans with Disabilities Act.

If assessment is used as an alternative to the standard



hiring process, the following guidelines are important:

- It is imperative that the parameters of the assessment are clear to all involved, including the length of the assessment, and at what point the hiring decision will be made.
- The person with a disability must be absolutely comfortable with the idea of assessment as a job tryout.
- When using assessment as a job tryout, it should be clearly explained to the employer that the purpose is to determine whether the individual has the potential to successfully perform in the job over the long term. The employer should not necessarily expect the individual to have mastered the job at the end of the assessment, particularly if he or she has a longer learning curve.
- If the job tryout is unpaid, it must comply with the DOL requirements for unpaid work experiences noted earlier.

General Guidelines Regarding Volunteering, Internships, and Unpaid Work Experiences

Volunteering, internships, and unpaid work experience can be part of efforts by individuals with disabilities to develop skills, abilities, and experience that allow them to succeed in paid employment. The following are suggested guidelines for service providers in supporting individuals in these types of activities:

1. Make sure that all activities are based on an individual's skills, preferences, and interests, not simply to provide them some type of activity.
2. Be clear about the type of activity, and distinguish between volunteer activity, internship, and unpaid exploration, assessment, or training.
3. Have a clear rationale for why these specific types of activities are being undertaken, and how they support an individual's goals and plans.
4. Use internships and unpaid exploration, assessment, and training only as necessary and for specific reasons, with careful thought about how these will lead to paid employment. Do not spend time and resources on these types of activities if the individual can successfully obtain employment without them.

5. Reinforce to all participants that volunteering is not an alternative to paid employment, but rather an activity for the individual's personal enjoyment and fulfillment. It may also be an avenue for building skills and connections that may lead to paid employment.
6. Know the laws and regulations that apply to the particular situation.

Conclusion

It's well worth your time to familiarize yourself with the rules and guidelines regarding volunteering and unpaid employment. Understanding the nature of the experience (volunteering, internship, unpaid exploration, assessment, or training), the nature of the setting it will take place in (nonprofit, for-profit), and the nature of the activity can ensure that the necessary rules and guidelines are being applied.

Most important is avoiding situations that are in clear violation of the labor laws (e.g., an individual "volunteering" at a for-profit sector employer).

If you have questions regarding a specific situation, visit the US Department of Labor Wage and Hour Division website for contact information (www.dol.gov/whd/america2.htm), or call them at 1-866-487-9243 or TTY: 1-877-889-5627. Also check with your state department of labor regarding any state rules or regulations that might apply.

Resources

Resources from the US Department of Labor

- **Volunteer guidelines:** www.dol.gov/elaws/esa/flsa/docs/volunteers.asp
- **Trainee guidelines:** www.dol.gov/elaws/esa/flsa/docs/trainees.asp
- **Internship fact sheet:** www.dol.gov/whd/regs/compliance/whdfs71.htm
- **Guidelines on unpaid work exploration, assessment, and training for people with disabilities: Section 64c08:** www.dol.gov/whd/FOH/FOH_Ch64.pdf

Situational assessment information

- www.thinkcollege.net
(search for "situational assessment" in search box)

Note: The information in this publication is based on interpretation of US Department of Labor laws, regulations, and guidelines. It should not be considered as official legal guidance.

How Does This Play Out?

Sample Scenarios

The following are examples of situations regarding volunteering and unpaid work, and whether such a scenario is permitted or not permitted.

- Joachim begins “volunteering” in a clerical position that is vacant at a non-profit organization and hopes to eventually get hired. This is not permitted, unless it is done within the DOL guidelines for unpaid assessments and training. In such a scenario, meeting the requirements for avoiding “undue advantage” would likely be a challenge.
- As part of a school or service provider’s employment program, a group of six individuals goes to a for-profit business on an ongoing basis to do cleaning for no pay. Such a scenario would generally not be permitted, unless: a) the service planning document for each of the six individual specifies that a cleaning position is part of their job exploration, assessment, or training activities; b) the number of hours in the cleaning position are specified in the service plan and limited to those permitted under DOL guidelines; c) all other DOL requirements for unpaid work are complied with.
- Leonora has expressed interest in working with flowers and plants. Her service provider approaches a local garden center about using the garden center as an unpaid assessment site. Duties are identified, and the service provider notes in Leonora’s service plan the specific job duties and number of hours that will be used for the assessment. The staff are clear with the garden center that this activity is strictly for assessment, and it is not “free labor.” Leonora performs the assessment at the garden center, under the supervision of service provider staff. This is permitted as an unpaid assessment.
- Tomeka has extensive work experience, but recently lost her job. She has typically required limited post-placement supports. Her service provider tells an employer that they can either interview Tomeka or do a short-term unpaid job tryout. Generally this would not be permitted, as Tomeka has already demonstrated that she has the ability to work at above minimum wage, and doesn’t need intensive ongoing support.
- Louis wants to work in the health care field. A volunteer opportunity has been identified at a hospital, distributing periodicals to patients, an activity always done by volunteers. This is permitted as a volunteer opportunity to begin to expose Louis to a health care environment and build connections.



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