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## **Employment Policy Practice Guidelines for Departmental Staff and Contracted Agency Staff of the Office of Substance Abuse and Adult Mental Health Services**

These guidelines provide detail for the expectations of the DHHS *Employment Policy for Individuals Served*, (Policy #DHHS-CS-01-10 approved November 15, 2010, revised October 15, 2014) and how the policy will impact the practice of the Office of Substance Abuse and Adult Mental Health Services and its contracted agencies.

The DHHS *Employment Policy for Individuals Served* states:

*"The Department of Health and Human Services shall support career development and meaningful employment for all working age individuals receiving services through the Department. Employment is part of the natural course of adult life and provides opportunities for economic gain, personal growth and contributing to one's community. The development of a skilled and motivated workforce is essential to meeting the needs of Maine businesses."*

**In keeping with this Departmental policy, the staff of SAMHS and the staff of agencies providing client services under a contract with SAMHS will:**

1. Incorporate employment as a core component of all the services provided by SAMHS.
  - a. Incorporate evidence-based and best-practice employment supports using a team-based approach. Work is considered as an essential part of recovery, which all service providers support.
  - b. Ensure that all plans of care identify operational steps that will achieve a pathway to competitive, integrated employment for individuals served. "Competitive, integrated employment" shall be defined according to the Federal Workforce Investment Opportunity Act (attached). Competitive employment, at a minimum, meets the following criteria:
    1. Paying at least minimum wage;
    2. In a setting that includes no more than 50% of its workforce having disabilities;
    3. In a position that is not set aside specifically for individuals with disabilities; and
    4. Individuals are paid directly by the employer.
2. Recognize that employees with disabilities are capable workers who bring value to an employer, and that no individual served may be prohibited from pursuing employment opportunities.
3. Have frequent discussions with all individuals served regarding career exploration and opportunities to go to work, return to work, or advance one's career.

4. Share information about, and facilitate access to, resources available through Career Centers, the Bureau of Rehabilitation Services, Certified Rehabilitation Providers and various job seeker support groups.
5. Support individuals in thinking creatively to develop support networks and personal strategies that can assist them in obtaining and maintaining employment.
6. Ensure that outreach to schools includes information promoting employment for students with disabilities and behavioral health needs.
7. Identify and utilize tools and strategies that facilitate the reduction of paid, professional supports over time.
8. Support employment that is based on individual preferences, skills, supports and abilities, including self-employment.
9. Require the prevailing (at least minimum) wage for all individuals.
10. Ensure that individuals are eligible for the level of benefits provided to other employees.
11. Ensure that benefit counseling from a Community Work Incentives Coordinator (CWIC) is offered as part of employment planning for individuals receiving Social Security Benefits.
12. Ensure that individuals receiving Social Security and/or other benefits are provided with information about the requirements for the reporting of wages.
13. Ensure that effective, understandable and respectful services are provided in a manner that is compatible with cultural beliefs, practices and preferred language.
14. Ensure that employment supports funded through SAMHS and in collaboration with DOL/BRS/DVR are provided utilizing the principles of the evidence-based practice of the Individual Placement and Support model of Supported Employment.
15. Gather and utilize data on employment status as well as implementation of evidence-based employment support practices.
16. The value of employment for individuals served is supported by SAMHS and contracted agencies. SAMHS leadership and leadership of contracted agencies providing direct care services articulate clear and specific goals at least annually.
17. Review and revise existing policies and procedures as needed to support the implementation of these practice guidelines.

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Definition of Competitive Employment from WIOA (Workforce Investment Opportunity Act):

*"(5) COMPETITIVE INTEGRATED EMPLOYMENT.—The term 'competitive integrated employment' means work that is performed on a full-time or part-time basis (including self-employment)—*

*"(A) for which an individual—*

*"(i) is compensated at a rate that—*

*"(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and*

*"(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or*

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

*"(ii) is eligible for the level of benefits provided to other employees;*

*"(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and "(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.";*