



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

DDS TRANSMITTAL #19-10

TO: All Developmental Disabilities Administration (DDA) and Rehabilitation Services Administration (RSA) Providers, Subcontractors, and Vendors that Provide DDA and RSA Supported Employment Services and Supports

FROM: Erin Leveton, Deputy Director
Quality Assurance and Performance Management Administration

DATE: July 2, 2019

RE: Evaluating AbilityOne Job Placements

As we collectively seek to increase the employment of, and employment opportunities for, people with disabilities in the District of Columbia and the surrounding jurisdictions, we write to share how the D.C. Department on Disability Services (DDS) evaluates whether a person seeking supports to work in an AbilityOne job placement is eligible for funding through the Rehabilitation Services Administration (RSA) or through the Developmental Disabilities Administration (DDA) under the Home and Community-Based Services Waiver for People with Intellectual and Developmental Disabilities (HCBS IDD Waiver).

DDS evaluates each AbilityOne job placement on a case-by-case basis using the attached DDS AbilityOne Employment Evaluation Form. To be eligible for funding through RSA, the job placement must meet the Workforce Innovation and Opportunity Act (WIOA) requirements for “competitive integrated employment”. To receive supported employment services through DDA under the HCBS IDD Waiver, the setting must meet the requirements of the Centers for Medicare and Medicaid Services HCBS Settings Rule. The HCBS Settings Rule requires that people are afforded opportunities to be fully integrated into their communities. Among other things, it looks to whether the work setting – here, the AbilityOne job placement – is both competitive and integrated.

WIOA regulations define the term “competitive integrated employment” as work that:

- (i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that –
 - (A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
 - (B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who





- have similar training, experience, and skills; and
 - (C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 - (D) Is eligible for the level of benefits provided to other employees; and
- (ii) Is at a location –
- (A) Typically found in the community; and
 - (B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- (iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

To summarize, an AbilityOne job placement must provide competitive earnings in an integrated location with opportunities for job advancement to qualify as an eligible placement for RSA and DDA to provide supports for the person.

In DDS's AbilityOne Employment Evaluation Form, you will find that:

- Section I is used prior to placing a person in a new AbilityOne position to determine whether it is an appropriate setting to meet the person's needs.
- Sections II (Competitive) and III (Integrated) evaluate whether the AbilityOne position meets the WIOA definition of competitive integrated employment. If a position does not meet the definition of competitive integrated employment, RSA would then evaluate if the AbilityOne position is appropriate for training. If not, RSA will be unable to expend funds to provide vocational rehabilitation services for the employee in the position.
- Section IV evaluates whether the setting meets the HCBS Settings Rule requirements and provides questions to evaluate the appropriateness of the AbilityOne position for a person receiving supported employment services through DDA under the HCBS IDD Waiver. If the position does not meet the HCBS Settings Rule requirements at the outset, or with remediation, then it is not an appropriate position for DDA supports.





DDS developed this form with the assistance of the State Employment Leadership Network, which is a partnership of the National Association of State Directors of Developmental Disabilities Services and the Institute of Community Inclusion at the University of Massachusetts Boston.

We hope that this information is helpful as you navigate employment opportunities with people with disabilities. Thank you for all you do!

