

## § 51.5-169.1. Long-Term Employment Support Services and Extended Employment Services

A. Long-Term Employment Support Services and Extended Employment Services shall be provided in the Commonwealth to assist individuals with a significant disability or most significant disability with maintaining employment. The Department shall administer and make referrals for such services in accordance with the provisions of this section.

B. Long-Term Employment Support Services shall be provided to individuals with a most significant disability, as defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based, facility-based, or community-based employment through an employment services organization.

All employment services organizations that provide group-supported, center-based, facility-based, or community-based employment services to individuals with a most significant disability shall be eligible to receive funding for Long-Term Employment Support Services.

C. Extended Employment Services shall be provided to individuals with a most significant disability and individuals with a significant disability, as those terms are defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based or facility-based employment through an employment services organization. Extended Employment Services funds may also be used to support such individuals that transition from group-supported, center-based, or facility-based employment into community-based employment. Extended Employment Services shall be provided upon the informed choice of the individual being served and in accordance with the Commonwealth's Employment First initiative, federal law and regulation, and the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice.

All employment services organizations that provide group-supported, center-based, or facility-based employment services to individuals with a most significant disability or individuals with a significant disability, or that provide community-based employment services to such individuals transitioning from group-supported, center-based, or facility-based employment, shall be eligible to receive funding for Extended Employment Services.

D. The Department shall make referrals to any employment services organization that provides competitive or commensurate wages and is eligible to receive state-funded Long-Term Employment Support Services pursuant to subsection B or Extended Employment Services pursuant to subsection C. The Department shall develop and implement a referral process to refer individuals to employment services organizations for services described in subsections B and C. Such referral process shall require that whenever an individual makes an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department, the Department shall refer the individual to eligible employment services organizations that provide the employment services sought by the individual within 15 days. Upon making such referrals, the Department shall provide to the employment services organization, in writing, (i) a referral letter that includes the skills, likes, dislikes, and desired outcome of the individual seeking services; (ii) certification that the individual made an informed

choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department; and (iii) the contact information of the individual seeking services. The Department shall also provide to the individual seeking services, in writing, (a) the contact information of the employment services organizations to which the individual is referred and (b) information and advice regarding the services available at such employment services organizations that will help the individual to prepare for, secure, maintain, or regain employment in accordance with the provisions of this section and applicable federal law and regulations. The Department shall provide training to all vocational rehabilitation counselors immediately upon employment and annually thereafter regarding the referral process established by the Department pursuant to this subsection.

E. In allocating funds for Long-Term Employment Support Services and Extended Employment Services, the Department shall consider recommendations made by the Employment Service Organization Steering Committee established in § [51.5-169.2](#).

2018, cc. [243](#), [377](#); 2019, cc. [851](#), [852](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.