

Workforce and Talent Management

John A. Monteiro, Deputy Commissioner

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Dear Executive Director:

Re: Clarification on billing for people enrolled in the ESEMP pilot projects who are designated as employed.

As a result of the September 13th videoconference with ESEMP providers, and after further internal discussion, this letter provides clarification in the following areas: the definition of “employed”; the start and stop date for employment and the 90 day limit, one of the billing examples provided in the Appendix B and the ESEMP monthly note.

Each item will be addressed separately.

1. The definition of Employed

The applicable citation from the contract Appendix B:

In the paragraph of the section entitled *Service Definition for ESEMP Pilots*, the boxed definition begins: “To be employed in terms of the pilot an individual must be regularly scheduled to work at least 32 hours during the month.” As a result of the videoconference, we have become aware that is not always possible for providers to have a person’s regular work schedule available at the beginning of the month. In order to address this concern, we are providing the following clarification:

As of the end of the month if the person’s work schedule, whether it is weekly, bi-weekly or monthly, demonstrates that the person was regularly scheduled to work at least 32 hours during the month, the person may be considered employed.

2. The start and end date for employment as it pertains to the 90 day limit

The applicable citation from the contract Appendix B:

In the paragraph entitled “90 Day Limit”, there is reference to the term employed as defined on page 1 of the Appendix B, and during the videoconference discussion, it became important to provide clarification as to what is meant as the start and end date for employment.

The first day of employment is considered to be the first day the person reports to work and receives paid compensation for the performance of his/her job duties (i.e., on the payroll as a paid employee).

For the purpose of calculating the 90 day service limit, the 90 day clock stops the day before the person begins their paid employment.

For the purpose of calculating the 90 day service limit, the 90 day clock restarts the day after the last day of the person's paid employment.

3. Enhanced Supported Employment Billing examples (Appendix B page 6)

We have changed the answer to the question "Individual Employed?" in one example:

Scenario # 4:

Individual Employed? **YES**

The individual was employed during this month because he/she had a work schedule that met the standard of at least 32 hours in the month (2 hours X 4 days a week x 4 weeks a month = 32 hours) as defined in Appendix B.

4. The Monthly Note (Appendix B page 12):

In order to substantiate that an individual was regularly scheduled to work at least 32 hours during the month, it is highly recommended that the monthly note include information on the person's work schedule. There are different ways that the person's work schedule can be substantiated, including but not limited to, a work schedule described in the note, a hire letter from the employer which describes the schedule, copy of time cards, etc. The provider must be able to substantiate the individual's work schedule of at least 32 hours a month if a "YES" response is indicated to the "Individual Employed?" question.

5. Other Information

As a reminder, providers may continue to use previously approved "Alternate Documentation Formats", however any further modifications require review and approval from OPWDD's Center for Employment Excellence Unit.

Please retain this correspondence with your ESEMP contract documents. Also, please ensure that this correspondence is shared with both ESEMP program and billing staff.

We thank you for your continued interest in promoting employment for people with developmental disabilities.

If you have any questions, please contact Nicole Suto at the Center for Employment Excellence at nicole.suto@opwdd.ny.gov .

Sincerely,



John A. Monteiro
Deputy Commissioner
Division of Workforce and Talent Management

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