



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.

The purpose of this letter is to provide clarification regarding the ESEMP pilot projects with respect to the minimum number of hours worked/per week and the requirements for billing. As the ESEMP pilot projects enter the second year of implementation, we have become aware that there are occasional instances when an individual who is regularly employed may be unable to meet the project requirement of working at least 8 hours a week due to illness, vacation, holidays, etc. We have received questions from several agencies as to whether it is acceptable to count the person as “employed” in these instances for billing purposes.

The applicable citation from the contract Appendix B

In the first paragraph of the section entitled *Service Definition for Enhanced Supported Employment Pilots* it states: “For a given month, an individual is considered employed if he or she is competitively employed in a community setting for at least eight days during the month. Individuals served through the pilot are expected to work a minimum of 8 hours/week. It is assumed that individuals served through the pilot will not work one 8 hour shift/week to meet this requirement.”

In the second paragraph of the same section it states: “In order to be paid for a unit of Enhanced Supported Employment provided to an individual employed for the full calendar month, the agency must document the provision of at least eight face-to-face services/staff actions that are provided to the person at the job site on separate days during the month. These services/staff actions must be derived from the individual’s Enhanced Supported Employment Plan.”

Please note the following clarification:

It is allowable for an ESEMP pilot to bill for a full calendar month of service for a person who is employed when eight face-to-face job site services are delivered AND the eight hours/week work expectation was not met due to an **occasional and reasonable** absence (such as illness, vacation and holidays). For an employed individual the critical elements for the service month to be billable are that the person has a regularly established work schedule of at least eight hours/week spread out over at least two days of each week and that at least eight face-to-face services/staff actions are provided to the person at the job site on separate days during the month.

A critical element regarding this billing requirement is the clear expectation of each individual working at least eight hours/week which is directly linked to a person's continued enrollment in the Enhanced Supported Employment Pilot. If the person is not employed for at least eight hours/week, then the person should not be considered "employed" in terms of the billing standard in the pilot. In these instances, agencies may bill as long as the standard for an "unemployed" individual (8 services on separate days, at least 4 of which are face to face) is met; however, **time must be subtracted from the person's 90-day service period**. Once the 90-day period expires (or the one time (DDSO approved) extension), ESEMP funding is no longer available for that individual, and the person **must** be removed from the pilot.

If you have any questions, please contact the Center for Employment Excellence at centerforemploymentexcellence@omr.state.ny.us.

Sincerely,



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

cc: Mr. Moran
Ms. Gentile
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Mr. Kiyonaga
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