

CEDAR COUNTY ORDINANCE #19
AN ORDINANCE ESTABLISHING SUBSIDIZED EMPLOYMENT POLICY AND PROCEDURE IN
CEDAR COUNTY, IOWA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CEDAR COUNTY, IOWA:

Section 1. Purpose. The purpose of this ordinance is to establish, consistent with the requirements of the Code of Iowa, Cedar County's policy for the provision of, and payment for, out of the mental health fund, subsidized employment services to the mentally handicapped, mentally retarded and developmentally disabled population of Cedar County. It is the further purpose of this ordinance to establish the procedures for implementation of that policy.

Section 2. Categories. The four (4) categories of subsidized employment for which Cedar County may make payments from the mental health fund are:

1. Job coaching;
2. Supported employment;
3. Sheltered employment; and
4. Therapeutic work orders.

Section 3. Explanation of Terms.

1. "Job coaching" is for the individual who is determined to have a strong potential for success as an independent employee in competitive employment.

Job coaching may be intensive and extensive but its primary characteristic is that it is transitional. It is not appropriate for individuals whose work habits prove short term or frequently changing or whose ability to continue employment is dependent on long term or permanent support. Factors used to determine the amount of job-coach time needed may include the severity of client barriers to employment, complexity of job tasks, and evaluations by supervisors and co-workers.

2. "Supported employment" anticipates long term or permanent support for the individual to be successful in competitive employment. Supported employment is for persons whose disabilities limit or prevent competitive employment, or whose work histories have been interrupted or intermittent as a result of their disabilities, or who are in need of transitional employment because of chronic mental illness.

Supported employment may be provided to individuals in regular jobs, members of mobile crews, where teams of workers are sent into the community to perform maintenance, groundskeeping, or similar tasks, and to people working in enclaves, where small groups of persons with disabilities are trained and supervised together in the midst of an ordinary work environment.

Individuals who apply for and/or are receiving supported employment benefits may be assessed to determine their capabilities and interests, assisted in finding an appropriate job, placed in the job, and supported in a variety of ways such as job site adaption, job redesign, training, and transportation. Job coaches may be provided to individuals who work in paid jobs in a variety of settings, but particularly work sites where individuals with disabilities work side by side with non-disabled workers. Support may be provided through activities such as training, supervision, and transportation. Workers with disabilities may be employed directly through businesses or may remain employees of the nonprofit organization. Either may provide the necessary ongoing support.

The interdisciplinary team may move individuals to less restrictive programs than supported employment when they find it appropriate.

3. "Sheltered employment" constitutes the most restrictive and support intensive category of subsidized employment. It is the intent that this service will enable a person with a disabling condition to participate in a recognized program of rehabilitation, habilitation, or education which will lead to employment. Typically services and employment in this category are agency housed. The workshop may subcontract with business or industry for jobs.

The interdisciplinary team will evaluate the client and may offer training and supervision on the job. When clients are deemed work-ready, efforts will be made to place them in a job. Workers in sheltered workshops will be paid wages according to their productivity levels.

4. "Therapeutic work orders" are for individuals residing in the Cedar County Care Facility and are available only on the orders of a physician. An evaluation of appropriateness and qualification will be made on a quarterly basis. Residents will be restricted to working three hours daily unless arrangements are made with the administrator and/or according to physician's orders.

All residents working in the Cedar County Care Facility will be under the direct supervision of the Cedar County Care Facility personnel on duty. Work procedures for individual residents will be posted and followed exactly as scheduled. No additional jobs shall be added unless approved by the physician.

When a resident cannot complete her/his duties, or desires not to work, Care Facility personnel of that department in which the resident is working will be responsible for completing those duties.

Compensation will be based on an hourly basis.

5. An "independent employee" is an individual whose employment within the work force requires no more supervision than is provided by the employer.

6. The "interdisciplinary team" consists of a person or group of people who evaluate and represent the client with respect to the various services used.

7. A job coach is a specific person assigned to train the new employee (client/worker). The job coach may complete some/all of the job, prepares the client/worker, shadow coaches, and provides supportive services to the client/worker outside of the actual work day. (This may be on-site or off-site.)

Section 4. Level of Benefits. The determination of what level of benefits will be provided shall be based on the adequacy of funding sources which may include federal, state, local or private monies. Clients may be required to pay a share of the costs of a job coach. Personal financial resources shall be assessed on a quarterly basis to determine ability to purchase services. Federal work and Impairment-Related Work Expense (IRWE), which prevent persons with disabilities from losing their Supplemental Security Income when they get a job and which allow the consumer to use SSI funds to purchase his or her own services and pay for transportation, assisted technology, and a job coach, may be utilized.

Section 5. Application for Subsidized Employment. Applications shall be submitted to a member of the interdisciplinary team or to the Board of Supervisors. The application shall include an income and resource evaluation and 12-18 months program plan.

Section 6. Initial Determination.

1. The Board of Supervisors, with the advice of the interdisciplinary team, client, and/or legal guardian, shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the completed application, financial income and resources statement, and 12-18 months program plan. Notice of the determination and reconsideration procedure as provided herein shall be mailed within two (2) working days of the determination to the applicant and appropriate agencies. The reasons for the determination and any qualifying factors shall be set forth in the notice.

2. If the Board of Supervisors cannot make the initial determination within five (5) working days, the applicant shall be immediately informed in writing of the reasons why such determination cannot be made.

Section 7. Change of Service. The Board of Supervisors must give prior approval for any change of service that requires the use of county funds. In the event the Board of Supervisors desires to implement or to have implemented a change of service, they shall cause to be given thirty days written notice to the client and his or her legal guardian before a change of service is implemented and shall also provide to them notice of the reconsideration procedure as provided for herein. A request for reconsideration of a decision to change service may be taken, as hereinafter provided, by or on behalf of a client during said thirty day notice period. In the event that a request for reconsideration is taken, service shall be maintained pending the Board's decision on reconsideration.

Section 8. Reconsideration Procedure. A request for reconsideration of a Board of Supervisors decision, by or on behalf of an applicant or client, may be taken but must be in writing and shall be put immediately upon the Board of Supervisors agenda, in accordance with Chapter 21, Code of Iowa, for the next regular Board meeting, provided that such request for reconsideration shall not be heard sooner than five (5) working days after request for same is taken. With respect to an initial determination, the written request must be made to the Board of Supervisors within ten (10) working days of the Board's initial determination, provide applicant's or client's current address and telephone number, and state the reasons for the request. The applicant or client and his/her legal guardian shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant or client, his/her legal guardian and his or her attorney, upon written authorization, shall be granted access by the Board to his or her file if request is made.

Section 9. Reconsideration Hearing.

1. The Board of Supervisors shall hear applicant's or client's reconsideration request de novo at the time scheduled in the agenda unless continuance is requested by applicant or client. Applicant or client or

his or her legal guardian or attorney shall be permitted to present whatever evidence is desired in support of the request for reconsideration including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the presentation by the parties at any hearing. The applicant's or client's file shall be admitted into evidence. The Board may question the applicant or client and other witnesses. The hearing will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 21 Code of Iowa, since the confidential files of the applicant or client will be in evidence unless the applicant or client requests that the meeting be an open meeting rather than a closed meeting. When the Board deliberates on the reconsideration request, no parties shall be present.

2. The Board shall make a decision on the request for reconsideration within five (5) working days of the hearing. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant or client, his or her legal guardian and attorney and appropriate agencies shall be informed of the decision and within five (5) working days thereafter, the Board shall mail to applicant or client and his or her legal guardian and attorney and appropriate agencies, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. Mailed with the Board's written decision to the applicant or client and his or her legal guardian shall be a notice, that further review of the Board's decision may be sought by filing a Petition for Writ of Certiorari pursuant to Iowa Rule of Civil Procedure 319.

Section 10. Repealer. All ordinance and resolutions, or parts thereof, in conflict herewith are hereby repealed.

Section 11. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 12. When Effective. This ordinance shall be in effect after its final passage and publication as provided by law.