

Competitive Integrated Employment Review (CIER)

NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES VOCATIONAL REHABILITATION

Section:	C
Title:	Competitive Integrated Employment Review (CIER)
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Combined: Policy and Procedures

Background:

The principle that individuals with disabilities, including those with the most significant disabilities, are capable of achieving high quality competitive integrated employment, when provided the necessary services and support, is incorporated throughout the Workforce Innovations Opportunity Act (WIOA), part 361, from the statement of program purpose in §361.1 to the requirement in §361.46(a) that the Individualized Plan for Employment include a specific employment goal that is consistent with the general goal of competitive integrated employment.

The integrated location criteria within §361.5(c) (9)(ii), ensures that participants in the VR program, including individuals with the most significant disabilities, are afforded a full opportunity to integrate in their communities and to achieve employment available to the general public.

An integrated setting must be one that is typically found in the community, specifically the competitive labor market. The setting must be one in which the employee with the disability interacts with employees without disabilities in the work unit and across the work site to the degree that employees without disabilities in similar positions interact with these same persons. The focus of whether the setting is integrated should be on the interaction between employees with and without disabilities, and not solely on the interaction of employees with disabilities with people outside of the work unit.

For example, the interaction of individuals with disabilities employed in a customer service center with other persons over the telephone, regardless of whether these persons have disabilities, would be insufficient by itself to satisfy the definition. Instead, the interaction of primary consideration should be that between the employee with the disability and his or her colleagues without disabilities in similar positions. Consideration to the interaction between employees with disabilities and those without disabilities engaged in performing work responsibilities, must be specific to the performance of the employee's job duties, and not the casual, conversational, and social interaction that takes place in the workplace.

The "work unit" may refer to all employees in a particular job category or to a group of employees working together to accomplish tasks, depending on the employer's organizational structure. The interaction between employees with and without disabilities need not be face to face. Employment settings in which individuals work alone, such as telecommuting, temporary employment, and work in mobile or scattered locations, are not excluded from the scope of the definition of "competitive integrated employment," so long as the employee with the disability interacts with employees of the employer in similar positions and interacts with other persons without disabilities to the same extent that employees without disabilities interact with others.

The factors that generally would result in a business being considered “not typically found in the community,” include: (1) the funding of positions through Javits-Wagner-O’Day Act (JWOD) contracts; (2) allowances under the Fair Labor Standards Act (FLSA) for compensatory subminimum wages; and (3) compliance with a mandated direct labor-hour ratio of persons with disabilities. These factors must be taken into account when determining if a position in a particular work location is an integrated setting.

Further, when the criteria are applied, group and enclave employment settings operated by businesses formed for the purpose of employing individuals with disabilities will not satisfy the definition of “competitive integrated employment.”

Requirements:

Employment in businesses owned by community rehabilitation providers, group settings, affirmative industries, social enterprises, and other forms of non-traditional work settings must be evaluated on a case-by-case basis. The evaluation review process is initiated whenever one or more of the competitive integrated employment criteria are in question:

- Purpose of the business
- Competitive wages
- Integrated location
- Opportunities for advancement

Competitive Integrated Employment Review (CIER) Evaluation Process:

To initiate the evaluation process, a DSB Competitive Integrated Employment Review Referral Form, dsb4007CIER-VR-REF, must be completed by the DSB-VR Counselor and approved by the Area Rehabilitation Supervisor or District Supervisor. Also, the VR Counselor must gather information from the Employer which is documented on the DSB Competitive Integrated Employment Review Employer Form, dsb4007CIER-VR-EMP. This Employer Form also contains the signed Employer Statement verifying that all information given is accurate and complete. Once the Employer and Referral Forms are completed, all required documentation is attached. This information is first considered by the DSB-VR Counselor and Supervisor in light of the definitions given for competitive integrated employment by WIOA (2014). If these VR staff determine that the job appears to be competitive and integrated according to the information gathered, the entire packet is given to the Employment Services VR Program Specialist to schedule the Competitive Integrated Employment Review (CIER) evaluation. The DSB Competitive Integrated Employment Review Evaluation Form, dsb4007CIER-VR-EVAL, must be conducted by the Employment Services VR Program Specialist or the Chief of Rehabilitation Field Services through a visit to the employer.

The Employment Services VR Program Specialist or Chief of Rehabilitation Field Services will complete the CIER Evaluation, dsb4007CIER-VR-EVAL, documenting the outcome of the review. The VR Program Specialist will evaluate these cases within 2 weeks of referral in the order they are received, whenever possible. The final CIER Evaluation decision will be made within one week following the on-site visit. The decision of this review is considered final. Should the employment situation change in a way that is thought to alter the competitive, integrated employment status of the job, the process must begin again. The final evaluation and all supporting documentation should be maintained in the case record.

Any job determined not to be competitive, integrated employment cannot be used to satisfy the requirements of a successful (Status 26) closure. Any DSB client that closes their vocational rehabilitation case in such a job would reflect a unsuccessful (Status 28) closure as they are being closed in a job that is not considered to be competitive, integrated employment. Any job that is determined to be competitive, integrated employment through this process can be used to satisfy the requirements of a successful (Status 26) closure.