



## OPERATIONAL MEMO

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<b>Title:</b> Group Employment Setting Definition	<b>Topic:</b> Supported Employment
<b>Audience:</b> Case Management Agencies (CMA) HCBS-Supported Employment Providers, DD/SLS Waiver Members, State SLS Members	<b>Sub-Topic:</b> Job Coaching - Group
<b>Supersedes Number:</b> N/A	<b>Division:</b> Benefits and Services Management Division
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<b>Legal Authority:</b> CRS 25.5-6-413	
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### Purpose and Audience:

This Operational Memo (OM) informs Home and Community-Based Services (HCBS) Medicaid - Supported Employment provider agencies, Case Management Agencies (CMAs), and Members of an operational update regarding the standards for determining when to utilize Supported Employment - Group services for Members in the HCBS Developmental Disabilities (DD) Waiver, the HCBS Supported Living Services (SLS) Waiver, and the State Supported Living Services program and the discontinuation of Job Coaching - Individual services in group employment settings as of Saturday, Feb. 1, 2025.

## Information:

Colorado is an Employment First state, meaning Competitive Integrated Employment (CIE) is the most preferred outcome for all Members utilizing HCBS. CIE means paid employment comparable to employees without disabilities as it pertains to wages and benefits, the potential for advancement, and opportunities to interact with co-workers, customers, and the public. However, the DD/SLS Medicaid Waivers, and State SLS program currently support some non-CIE outcomes, most commonly in the form of group employment settings. Group employment settings are usually created with the intention of supporting more than one Member (e.g., work crew) as opposed to an employer in the community choosing to hire employee(s) with disabilities (e.g., grocery store). Group employment settings are usually tied to a specific provider agency and the positions are dependent on that provider. This could be through the provider managing contracts with outside businesses (such as being a cleaning crew for a hotel/office) or when the provider operates the business itself.

## Identifying Group Employment Settings

When evaluating the Supported Employment services a Member may need, the setting and conditions of the job should be considered. Job Coaching - Group is the most appropriate service if the employment setting meets the definition below.

The Department of Health Care Policy and Financing (HCPF) defines a group employment setting as a workplace where two or more Members are being supported in the same type of job, during the same timeframe, at the same site; additionally, if the structure of the employment arrangement meets any of the following characteristics:

- Employer of Record - The provider agency, or one of its subsidiaries, that provides the Supported Employment services is also the Employer of Record.
  - For example, the provider agency also acts as the employer for the Member; and is responsible for managing the work schedule, issuing the paycheck, etc.
- Supervision Responsibilities - The provider agency employs the job supervisor who also provides the Supported Employment services.
- Hiring process - The provider agency is the entity that controls the hiring and firing of the Member and provides the Supported Employment services.
- Purpose of the Business - A central purpose of the business's creation was to offer jobs to multiple individuals with disabilities.

- Physical Location—The location of the job is owned or controlled by the same provider agency that provides the Support Employment services.

### **One-on-One Supervision in Group Employment Settings**

In adherence to Colorado Revised Statute (CCR) 25.5-6-413, HCPF has developed and implemented Workplace Assistance, which provides work-related support for Members with elevated supervision needs who, because of a valid safety concern, may need assistance from a paid caregiver beyond what could be regularly supported by the workplace supervisor, co-workers, or a job coach. Historically, Job Coaching - Individual was allowed in group employment settings for Members needing elevated levels of support due to there not being an alternative service option. However, now that Workplace Assistance has been implemented, HCBS Supported Employment provider agencies will need to shift from this practice to utilizing Workplace Assistance to support members with elevated supervision needs, as defined in 10 CCR 2505-10 8.7555.

Job Coaching - Individual is no longer the appropriate service in a group employment setting. If a Member is working in a group employment setting, and that Member has supervision needs that are beyond what can be addressed by group staffing arrangements, the Case Manager should consider whether the situation meets the criteria for Workplace Assistance. If the Member's safety needs in that job meet the criteria, Workplace Assistance may be authorized for that Member rather than Job Coaching - Group.

### **Action To Be Taken:**

HCPF understands this is a shift in practice for some providers and is committed to minimizing the impact this change may cause. Therefore, this change will be effective as of Feb. 1, 2025, and implemented as follows:

- As of this date, Case Managers shall not authorize the Job Coaching - Individual service in a group employment setting for newly enrolling or newly working Members.
- For Continued Stay Reviews (CSRs) renewing on or after this date, Case Managers shall review this policy change with Members receiving the Job Coaching - Individual service in a group employment setting, and the Case Manager shall not reauthorize the service.

- No Member with a job in a group employment setting shall have Job Coaching - Individual included on an authorization span ending after Jan. 31, 2026.
- The Case Manager shall determine and authorize other appropriate services and supports available, including but not limited to; Job Coaching - Group, Workplace Assistance, and referrals for other employment services and opportunities, if needed.
- If the Job Coaching - Individual service is changed, reduced or denied, because the setting meets the criteria for group employment, then a Notice of Action (NOA) should be issued to the Member. The NOA should identify the adverse action, as appropriate, the reason as “these supports are no longer appropriate or necessary”, and provide the appropriate regulation, to include 8.7546.C.4.

### **Attachment(s):**

To support Members, provider agencies, and Case Managers, HCPF has created resources, including an authorization request tool and a Frequently Asked Questions (FAQ) webpage for Workplace Assistance, and a tool for identifying Group Employment settings. Links to these resources can be found on the [Supported Employment Program website](#).

### **HCPF Contact:**

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