

TRANSITION FROM SCHOOL TO A FULL ADULT LIFE FOR STUDENTS WITH COMPLEX NEEDS

Ellen Condon, University of Montana, Rural Institute for
Inclusive Communities

www.ruralinstitute.umt.edu/transition

ellen.condon@mso.umt.edu

(406) 243-4134

IDEA 2004

- IEP Teams must include transition planning in the first IEP that will be in effect when the child turns 16 years of age, (or earlier if the team deems it is appropriate), states might mandate an earlier date, but not a later one.
- Development of **appropriate measurable postsecondary goals** based upon **age-appropriate transition assessments** related to training, education, employment, and, where appropriate, independent living skills;
- These **goals should reflect the student's strengths, preferences, and interests.**

When do we start talking to kids about work? Living on their own?

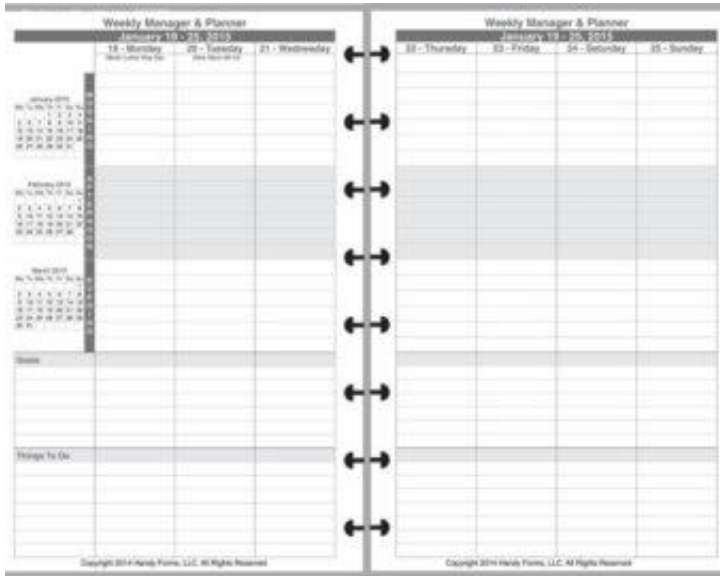




Transition Planning

- Needs to start early!
- Have high expectations for a rich full life including work and community membership;
- Include connections to long-term supports, formal and informal.

Planning for a full adult life



The importance of Parent expectations (slide 1 of 2)

- Parent Expectations have been found to be more influential on whether or not a child with a significant impact of disability will work in the community after high school graduation than even the quality of transition services (Carter, 2014)
- http://supportstofamilies.org/wp-content/uploads/parent-expectations_D21.pdf

The importance of Parent expectations (slide 2 of 2)

- “ The most powerful force in changing Transition outcomes for young people with significant disabilities is inspiration and expectation of individual parents”
- “young adults with significant disabilities who parents definitely expected them to obtain paid work were 5 times more likely to have paid community employment 2 years post high school exit.” (Carter, 2014)
- http://supportstofamilies.org/wp-content/uploads/parent-expectations_D21.pdf

How do we encourage families, young adults and support staff to dream big?

Do people who rely on others to get out of bed live alone?



- Home of your own;
- With friends and roommates that provide some assistance;
- In-law apartment near supports;
- Host Homes, Supported Living, Group homes.

http://ruralinstitute.umt.edu/transition/EL_stories.asp

Do people with ongoing support needs
get married?

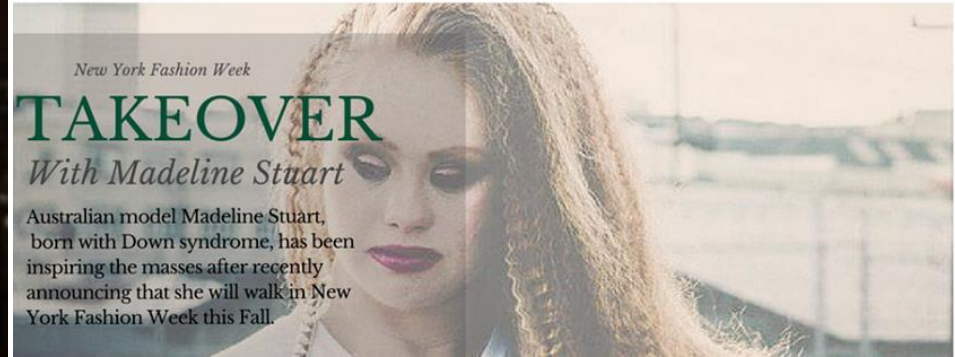
[http://www.valleyjournal.net/Article/16660
/Lefthand-Irvine-Harrison-to-wed](http://www.valleyjournal.net/Article/16660/Lefthand-Irvine-Harrison-to-wed)

DO PEOPLE WITH INTELLECTUAL DISABILITIES GO TO COLLEGE?

[Think College](#) Home Page

[Rethinking College](#) Video Trailer

[Think College Wyoming](#)



New York Fashion Week

TAKEOVER

With Madeline Stuart

Australian model Madeline Stuart, born with Down syndrome, has been inspiring the masses after recently announcing that she will walk in New York Fashion Week this Fall.

<http://www.madelinestuartmodel.com/>

Can people with long term support needs
be business owners?

<https://youtu.be/2vhBSqnGDZU>

Lance began his delivery business while still in school

The delivery business met the needs of a bakery and employees at Corixa.

Initially the school supported his business; after graduation his family and DD provided support for him to run his business.

The path to your adult life

Measurable Postsecondary Goals

Identify what supports you need to achieve your desired outcomes

- Connect with agencies that provide those supports
- Barter for those supports
- Design your activity to lesson the needed supports

Learn alternative strategies to perform the activity

Have experiences that prepare you for adult life

Improve your skills in needed activities

Current Levels of Performance

Age Appropriate Transition Assessments

related to training, education, employment, and, where appropriate, independent living.



https://transitionta.org/system/files/toolkitassessment/AgeAppropriateTransitionAssessmentToolkit2016_COMPLETE_11_21_16.pdf

Discovery and Work Experience Webinar Series

Montana Deaf-Blind Project & Rural Institute Transition Projects

<http://transition.ruralinstitute.umt.edu/training-events/>

2019 archived training and events

“Transition to Employment Webinar Series”

EMPLOYMENT FIRST MOVEMENT

PRIORITIZES PAID COMMUNITY EMPLOYMENT AS THE PREFERRED CHOICE OF EMPLOYMENT

Under this approach, publicly-financed systems are urged to align policies, service delivery practices, and reimbursement structures to commit to integrated employment as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities. ODEP defines integrated employment as work paid directly by employers at the greater of minimum or prevailing wages with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities, has an opportunity for advancement and job mobility, and is preferably engaged full-time. Many states have formally committed to the *Employment First* framework through official executive proclamation or formal legislative action

<https://www.dol.gov/odep/topics/EmploymentFirst.htm>



Employment First

How does WIOA impact students with disabilities?

- High expectations for all students and adults;
- All young adults will have the opportunity to prepare for, obtain, maintain, advance in or re-enter Competitive Integrated employment;
- Section 511 limits the use of subminimum wage;
- As of July 22, 2016, People 24 and younger must meet conditions prior to being employed at subminimum wage:
 - Pre-ETS AND
 - Applied for VR AND were determined ineligible or
 - IPE and efforts to progress toward the employment outcome were not successful, VR case closed
 - Career counseling and referral

“Competitive Integrated Employment”

(WIOA 2014)

- It is defined as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully **integrated** with co-workers without disabilities.
- Includes supported employment or customized employment

WHAT IF WE BEGAN WITH THE VISION THAT EVERYONE WILL WORK?

You need to opt out of work rather than opting in or demonstrating that you are 'ready' or able to work

Is Competitive Integrated
Employment for Everyone?

What does this mean for adults & youth with significant needs?

- We presume that everyone can work in their community,
- There are many ways to earn a living and contribute,
- We can define “work” in many ways,
- We look for strengths, support needs, interests, factors that motivate each person.

JUST BECAUSE YOU CAN'T COMPETE DOESN'T MEAN YOU CAN'T WORK FOR REAL PAY IN A COMMUNITY JOB

It just means you need a different strategy to be successful getting a job.

Customized Employment

According to US/DOL:

Customized employment means individualizing the employment relationship between employees and employers in ways that meet the needs of both.

It is based on an individualized determination of the strengths, needs, and interests of the person with a disability, and is also designed to meet the specific needs of the employer.

U.S. DEPARTMENT OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY

www.dol.gov/odep/categories/workforce/CustomizedEmployment/

Two Distinct Approaches

Labor Market Job Development: **Responding** to the needs of employers with applicants who are “qualified” to meet those general needs.

Customized Job Development:

Discovering the “strengths, needs and interests” of job seekers and **proactively** negotiating a job description that meets both the applicant’s and employer’s specific needs.

Typical Way to Get a Job



Customized Employment

Essentially, CE provides a set of services *prior* to employment that are designed to tailor the employment relationship in ways that meet both job seeker and employer needs/benefits.

CE attempts to avoid the barriers created by job descriptions by unbundling demands through voluntary *negotiations* with employers.

Customized Job Development

Job Seeker Initiates

- Job seeker's skills, tasks & contributions are emphasized
- Employers are contacted because their needs might match what the job seeker brings
- Job seeker or representative presents a proposal
- A position is negotiated

Employer Reacts

- *Considers proposal*
- *Reviews their unmet needs or allows developer to I.D. unmet needs*
- *If a match is identified, a new job description is created*

Customized Employment

Uses the same base, and some of the same strategies as supported employment but:

- Always starts with the job seeker and the process of discovery, not the existing job description,
- Initiates and assumes *negotiation*,
- Representation of a job seeker is typical,
- Tasks not job titles.
- Is an option for anyone.

Features of Customized Employment

- Specific job duties are negotiated with employers voluntarily to customize the job,
- Occurs in regular community workplaces or in self-owned businesses,
- Involves pay of at least the minimum wage up to prevailing wage.

Customizing a job requires that we explore these five components from the job seeker's perspective:

- 1. Conditions
- 2. Preferences and Interests
- 3. Contributions to Be Offered
- 4. Discrete Tasks to Be Performed
- 5. Specific Employers to Be Contacted

Areas of Employer Benefit

Unmet Workplace Needs:

This area focuses on tasks that need to get done but are not getting done in the way the employer would like. It also can include tasks that have not been performed but need to be.

Tasks better performed by others:

This area focuses on aspects of jobs that might better be performed by others at a lower pay grade. This option can directly save money for employers.

Specific benefit to enhance business:

This area focuses on workplace needs for additional productivity in specific tasks. It must be matched with job seeker's specific competencies.

LET'S USE WORK EXPERIENCE

To get to know what each student can do and show them they can work in the community!

Purpose of Work Experience

- Provide a foundation for the expectation of employment for all students
- Provide an array of experiences from which specific interests might emerge
- Provide increasing insight into necessary conditions for success and discrete contributions
- Provide information to guide curricular content in classrooms

WIOA and Pre-Employment Transition Services

- 5 required Areas:
- Job Exploration Counseling. ...
- Work based learning. ...
- Counseling on opportunities for enrollment in comprehensive transition or post-secondary education programs at institutions of higher education. ...
- Workplace readiness training to develop social skills and independent living. ...
- Self-advocacy skills.



“Employment” in your community may look different than it does in a college town.

Business might look different in a small town



Plants grown from native seeds; Terlingua TX



Self-Serve Honor System





Self-Employment: varmint control, raising birds for sale...

How do youth in your community gain work experience and learn a work ethic?

- 4-H
- Participating in the family business
- Raising livestock
- Moving irrigation pipe
- Mucking stalls
- Stacking hay
- School-based service learning



www.alamy.com - D3Y96A

Economic Capital & Social Capital

- Where do you spend money?
- Where does your agency spend money?
- Where does the job seeker and their family spend money?
- Where do you spend time and who do you know?
- Leverage your connections.

In Small Towns it is Easier to Network



- What is your school's network? Teachers?
- Do you hire people who are connected?
- Do you research connections as part of Discovery?
- How are your student and their family connected to the community?

Paid work while in school is correlated
with paid employment after graduation

Building skills during work experiences

- Communication skills
- Money management
- Time management
- Getting to and from work
- Understanding work expectations- timeliness, following rules, dress codes, break times, calling off work, requesting time off
- Adhering to a schedule
- Reading, writing, using a computer, math
- Learning specific job tasks

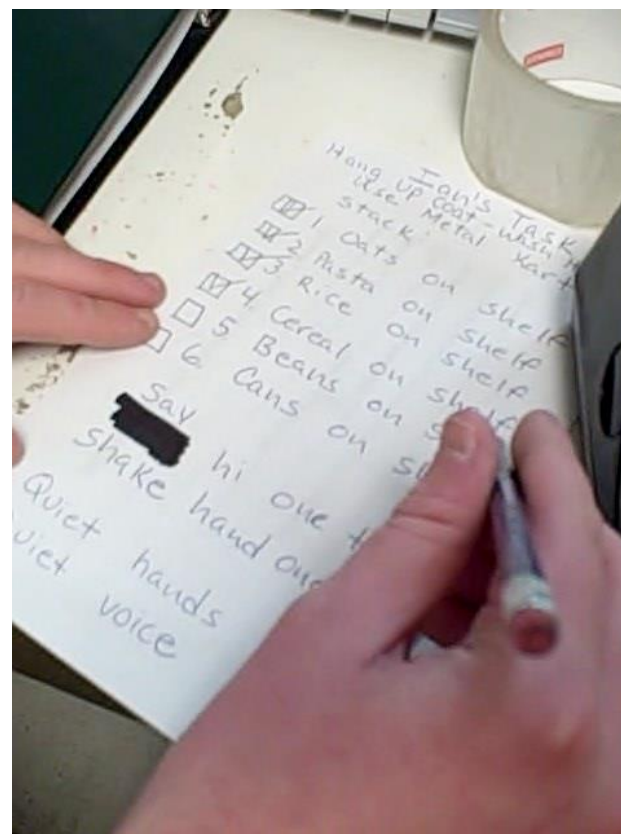
Strategies to Promote Independence

- Wear a watch so you know when it is time to get ready for (use one with an alarm if you are still working on telling time)
- Or set the alarm on your cell phone



Are we teaching self-management strategies to promote independence, competence and confidence?

- Do students quality check their own performance?
- Do they manage their work tasks?
- Transition to new tasks?
- Initiate beginning and ending work?



IF THE POST SCHOOL OUTCOME IS EMPLOYMENT FOR EVERYONE,

How does our time in school change?

Will IEP goals change?

Will work experiences look different for students with significant disabilities?

Will how we provide support change?

Connecting to Adult Agencies: Entitlement VS eligibility and availability

- Who is eligible?
- When do you apply? Get served? What is the wait?
- What services are provided?
- Do these services fit with your vision for the person's adult life?
- Are they provided in your area?
- What are the alternatives if you are waiting for services?

Formal Supports

- Vocational Rehabilitation
- Developmental Disabilities
 - DD Waivers
- Mental Health Services
- SSA work incentives: Plan for Achieving Self Support (PASS), IRWE (Impairment Related Work Expense)
- ABLE Act

Informal Supports

- Family
- Friends and neighbors
- Coworkers
- Supports that are naturally available in the work environment or in your community

Summary

- Start early!
- Have high expectations!
- Include connections to long-term supports, formal and informal;
- Work with your local VR office, Governor's Council on DD, Wyoming Employment First
- Successful transition takes a village!

Unpaid Work Experiences, Volunteering, and Internships.

What did the states request?

As SELN member states refine how employment services are defined, implemented, and reimbursed, questions arise about how to view certain work experiences, and how to strategically use volunteer opportunities and unpaid work options.

Background

Volunteer work, internships, and unpaid job exploration can be effective strategies for individuals with disabilities looking to gain work-related experience, as well as assessments and training at places of business. However, such activities must be undertaken carefully, with a clear understanding of the purpose of these activities. All parties must know what is permitted from a legal perspective, as well as practical considerations regarding the appropriate use of volunteer and unpaid work experiences.

This working document examines these issues, and provides guidelines on the role of volunteer activities, internships, and unpaid work when assisting and supporting individuals with disabilities. This information is based on interpretation of various federal and state requirements. However, if readers have questions regarding specific situations, they should consult with the United States Department of Labor (DOL) Wage and Hour Division and the appropriate state agency (usually the state labor department) to ensure compliance with all applicable labor laws and regulations.

Understanding What's Allowed

The following are the types of experiences discussed in this publication, and the distinctions between them.

- **Volunteering** – Volunteering refers to typical unpaid activities with non-profit groups that are open to all citizens. These might include making phone calls for a political campaign, serving as an assistant coach in a sports league, helping at a food bank,

...serving on a board or in an advisory group, or working on a clothing drive for a faith-based organization.

- **Internships** – Internships are temporary positions, either in for-profit or nonprofit organizations, with an emphasis on job training. This publication looks primarily at unpaid internships.
- **Unpaid work experiences** – Under certain circumstances, individuals with disabilities are permitted to work for a short period at any type of business without pay for job exploration, assessment, and training purposes. This is permitted only within very specific parameters.

The DOL has clear rules and guidelines on volunteering, internships, and unpaid work experiences. Each state has additional laws and regulations. It is important for service providers (including schools) not to dive in to the world of volunteer work, internships, and unpaid work experiences without having a strong understanding of what is and is not permitted.

Awareness of these parameters is critical for service providers, individuals with disabilities, and family members. These rules ensure that people with disabilities are being treated fairly, that their rights are not being violated, and that when placing individuals with disabilities into volunteer or unpaid positions, all applicable wage and hour laws are being followed.

Lack of awareness of these parameters can result in possible action by the federal or state labor department against both the service provider, and the volunteer organization or business where the individual is participating in activities. Consequences may include legal and financial penalties, including payment of back wages.

SELN working documents contain information collected in response to SELN state member requests. An SELN working document is intended to share work in progress and may not be a comprehensive analysis or compilation.

Volunteering: What it is and What's Permitted

As with anyone else who volunteers, it's important to think through the reasons that someone with a disability is giving his or her time and talents for free. What are the benefits to the individual?

- Volunteering may be a step towards employment. It is a way of exploring interests, developing skills, gaining experience, building a resume, and making connections that lead to future paid jobs. At the same time, volunteering should not be a long-term substitute for paid employment.
- Volunteer activities should be based on an individual's interests and preferences.
- When individuals are not working or are underemployed, they may choose to volunteer in order to keep busy and active while looking for paid work.

Where Individuals Can Volunteer

Individuals may volunteer only at non-profit organizations. Volunteering is not permitted at for-profit, private-sector businesses. Per the DOL, individuals may volunteer or donate their services for "public service, religious or humanitarian objectives" without expectation or receipt of payment.

These additional factors can also help determine if an activity meets the DOL's definition of volunteering:

- The activity is generally part-time.
- The activities are the kind typically associated with volunteer work rather than paid employment.
- Services are offered freely and without pressure or coercion--i.e., the person is truly volunteering.
- Regular employees have not been displaced to accommodate the volunteer.
- The individual does not receive or expect to receive any benefit (beyond the experience itself) from the organization where he or she is volunteering. Volunteers may receive reimbursement for expenses, discounts on services, refreshments, small appreciation gifts, etc. They may also be paid a nominal fee, but it cannot be a substitute for paid compensation, or

based on productivity. In general, organizations should be cautious in providing any sort of payments beyond expense reimbursement to volunteers.

Parent/Guardian Consent Requirements

An individual with a disability must be legally competent to freely volunteer his or her services. Per the DOL, individuals under 18, and those over 18 who are not their own legal guardian, cannot volunteer without the consent of their parent or legal guardian.

Unpaid Internships

Unpaid internships are distinct from volunteering, and are intended to allow an individual to gain job-related experience. Per the DOL, individuals may participate in unpaid internships at both for-profit and non-profit organizations, if all six of the following criteria are met:

1. The internship, even though it occurs at the employer's place of business, is similar to training that would be given in an educational environment. For example, the internship teaches skills useful in other organizations, the intern does not perform the routine work of the business on a regular basis, and the business does not depend upon the work of the intern.
2. The internship experience is for the benefit of the intern, and any benefit to the business is incidental.
3. The intern does not displace regular employees (e.g., using the intern cannot result in an employee being laid off, cannot result in the employer not hiring an employee it would otherwise hire, and cannot result in an employee working fewer hours than he or she would otherwise work). The intern must also work under close supervision of existing staff.
4. The employer derives no immediate advantage from the activities of the intern, and on occasion its operations may be impeded due to the need to provide training and supervision to the intern.
5. The intern is not necessarily entitled to a job at the conclusion of the internship.

6. There is a clear understanding by both the employer and individual participating in the internship that the intern is not entitled to payment of wages for the time spent in the internship. In the case of a minor, the guardian also must be made aware that the internship is unpaid.

For further details on internships, go to:
www.doi.gov/whd/regs/compliance/whdfs71.htm.

Nonprofit organizations can pay stipends to interns as volunteers, but the amount of the stipend cannot exceed 20% of what an individual would have been paid for the same job.

Unpaid Work Experiences for Job Exploration, Assessment and Training

Using businesses for exploration, assessment, and training is considered best practice in the field of disability employment, rather than using simulated work environments (such as facility-based services and sheltered workshops). When undertaking an assessment, these types of experiences at an employer's place of business are typically called "situational assessments." (See the resource section on the last page for information on conducting situational assessments.)

Under DOL provisions, individuals with disabilities can spend a limited number of hours engaged in unpaid work experiences at a business for job exploration, assessment, and training. Per the DOL, these types of unpaid work experiences are permitted when all seven of the following criteria are met:

1. The individual is a person with physical and/or cognitive disability for whom competitive employment at or above minimum wage is not immediately obtainable, and who will need intensive ongoing support to succeed in employment.
2. The time spent at the place of business is for vocational exploration, assessment, or training. It must be conducted under the general supervision of staff from a rehabilitation organization (community rehabilitation provider, public vocational rehabilitation, or other public disability agency), or in the case of a student with a disability, under the supervision of public school personnel.
3. Employment in the community must be a specific goal of the individual's plan of service, specifying the need for exploration, assessment, or training activities. This must be written into the individualized plan for employment (IPE) or individual education plan (IEP).
4. The individual's activities cannot result in an "immediate advantage" to the business. "Immediate advantage" includes the following, all of which are not permitted.
 - ❖ Displacement of regular employees.
 - ❖ Filling of a vacant position by the participating individual with a disability instead of regular employees.
 - ❖ Relieving regular employees of assigned duties.
 - ❖ The participating individual performs services that, although not ordinarily performed by employees, are of clear benefit to the business.
 - ❖ The individual is under direct supervision of employees of the business, rather than a rehabilitation or school professional.
 - ❖ The activities are conducted to accommodate the labor needs of the business rather than according to the requirements of the individual's service plan.
 - ❖ The individual's service plan does not specifically limit the time spent at any one employer site, or in any specific job classification (i.e., the planning document needs to be specific regarding intent of the person's time at the employer site in terms of duties and how long they spend there).
5. Although the number of hours does not exclusively determine whether an unpaid work experience is permitted, per the DOL, as a general rule, unpaid work experience is permissible if the following hour limitations are not exceeded.
 - ❖ Vocational explorations: 5 hours per job experienced

- ❖ Vocational assessment: 90 hours per job experienced
- ❖ Vocational training: 120 hours per job experienced

In the case of students, these limitations apply during any one school year.

6. The participating individual is not entitled to employment after the unpaid work experience is completed. However, if the individual becomes an employee at that business, he or she cannot be considered a trainee (i.e., unpaid for up to 120 hours) at that particular employer unless working in a different, clearly distinguishable occupation.
7. Upon request, documentation will be provided to the DOL Wage and Hour Division, indicating that the individual is enrolled in a community-based placement program, that this enrollment is voluntary, and that there is no expectation of payment.

Further details of unpaid work requirements are available at: www.dol.gov/whd/FOH/ch64/64c08.htm.

Considerations in Unpaid Work Experiences

There are a number of practical considerations in the use of unpaid job experiences under these DOL guidelines:

- The use of unpaid work experiences must connect clearly with the goals and objectives of an individual's service plan, and there should be a particular rationale why the specific activities at that particular place of business are occurring, documented within the service plan. Simply having an individual participate in unpaid work experiences to “stay busy,” or because it's a standard part of the “employment program” for everyone, is not acceptable.
- The planning document (IPE, IEP) must state the specific intent and purpose of the individual's time at the employer site in terms of the duties and number of hours that will be spent there.
- On the surface, some of the factors in terms of “immediate advantage” may seem to be a challenge to comply with. For example, if an

individual is filing as part of an assessment, the business is benefiting from having some filing completed. To address any concerns in this regard, be clear that the purpose of the activity is for exploration, assessment, or training; be explicit that whatever benefit there is to the business is incidental and immaterial; and ensure that all other requirements are fully complied with (supervision by rehabilitation or school personnel, limitations on hours, no displacement of business personnel, documentation, etc.).

- A type of unpaid work experience that is generally not permitted under these guidelines is taking a group of students or adults on an ongoing basis to a business to perform job duties for no pay, unless each individual's service plan specifically states how this unpaid work experience is connected to the individual's employment goals, and specifies the number of hours of the unpaid work experience. All other requirements within the guidelines must also be complied with.

The DOL does not define the terms “vocational exploration,” “vocational assessment,” or “vocational training,” although these terms are defined in the rehabilitation literature. The following are practical applications of these terms:

- Vocational exploration: Identifying types of jobs an individual may be interested in.
- Vocational assessment: Evaluating an individual's overall employment skills and interest in/suitability for specific occupations.
- Vocational training: Developing an individual's skills for a specific occupation, with the expectation that he or she will work in that occupation.

Employers may have concerns over liability during the course of unpaid exploration, assessment, or training, in terms of an individual being injured or harming a piece of equipment. Given that the DOL has been clear that an employment relationship does not exist, the individual would not be covered under the employer's workers compensation coverage.

At the same time, it is important for the agency or school to be prepared to reassure the business

regarding any potential liability concerns. This may include providing evidence of insurance coverage held by the agency or school.

It is highly recommended that there be clear documentation in the individual's file regarding each unpaid work experience. This should indicate the type of experience (exploration, assessment, training), location, specific tasks, number of hours, and recording and analysis of the results. This documentation is useful in using these experiences to guide the career exploration and placement process. This can also support the required documentation for unpaid work experiences (noted above) and address any potential concerns about the nature of these experiences and compliance with DOL requirements.

Many of the issues regarding unpaid work experiences can be resolved simply by having a mechanism in place for payment by the agency or school to the individual (minimum wage or higher), for the time spent at the place of business. An organization may have existing funds available, or could potentially get funding from community foundations or civic groups. Given that the funding goes directly to the person with a disability, and is designed to lead to employment success, funding of these types of work experiences is a relatively simple "sell."

It is important to recognize that if the service provider is paying the individual, then an employment relationship does exist. This means that the individual would fall under the coverage of the service provider's workers compensation insurance.

Assessment as "Job Tryout"

Much of the discussion in this document has focused on use of business settings for exploration and assessment to determine the focus of job development activities. When appropriate, consideration can also be given to use of assessments as a "job tryout" as part of the actual hiring decision. Under this type of strategy, if a potential position looks promising, the employer is offered an opportunity to fully evaluate the individual's ability to perform the tasks of the

position. This entails allowing the job seeker to try the job for a few hours, a day, or even a couple of days, prior to a hiring decision by the business.

While the employer's standard hiring process is generally the preferred choice, this process (application, interview, testing, etc.) does not always create awareness by the potential employer about the strengths and abilities of an applicant with a disability. Due to physical challenges in communicating, difficulties in verbally articulating their thoughts, or simply lack of experience in interviewing, some people with disabilities perform poorly in interviews, which can pose a significant barrier in obtaining employment.

Another challenge is that people with disabilities often lack the work experience that demonstrates their ability to perform successfully in a potential job. Additionally, limited academic skills can create challenges in performing on tests. Therefore, a job tryout approach can be an effective strategy--and can be considered an accommodation within the hiring process under the Americans with Disabilities Act.

If assessment is used as an alternative to the standard hiring process, the following guidelines are important:

- It is imperative that the parameters of the assessment are clear to all involved, including the length of the assessment, and at what point the hiring decision will be made.
- The person with a disability must be absolutely comfortable with the idea of assessment as a job tryout.
- When using assessment as a job tryout, it should be clearly explained to the employer that the purpose is to determine whether the individual has the potential to successfully perform in the job over the long term. The employer should not necessarily expect the individual to have mastered the job at the end of the assessment, particularly if he or she has a longer learning curve.
- If the job tryout is unpaid, it must comply with the DOL requirements for unpaid work experiences noted earlier.

General Guidelines Regarding Volunteering, Internships, and Unpaid Work Experiences

Volunteering, internships, and unpaid work experience can be part of efforts by individuals with disabilities to develop skills, abilities, and experience that allow them to succeed in paid employment. The following are suggested guidelines for service providers in supporting individuals in these types of activities:

1. Make sure that all activities are based on an individual's skills, preferences, and interests, not simply to provide them some type of activity.
2. Be clear about the type of activity, and distinguish between volunteer activity, internship, and unpaid exploration, assessment, or training.
3. Have a clear rationale for why these specific types of activities are being undertaken, and how they support an individual's goals and plans.
4. Use internships and unpaid exploration, assessment, and training only as necessary and for specific reasons, with careful thought about how these will lead to paid employment. Do not spend time and resources on these types of activities if the individual can successfully obtain employment without them.
5. Reinforce to all participants that volunteering is not an alternative to paid employment, but rather an activity for the individual's personal enjoyment and fulfillment. It may also be an avenue for building skills and connections that may lead to paid employment.
6. Know the laws and regulations that apply to the particular situation.

Conclusion

It's well worth your time to familiarize yourself with the rules and guidelines regarding volunteering and unpaid employment. Understanding the nature of the experience (volunteering, internship, unpaid exploration, assessment, or training), the nature of the setting it will take place in (nonprofit, for-profit), and the nature of the activity can ensure that the necessary rules and guidelines are being applied.

Most important is avoiding situations that are in clear violation of the labor laws (e.g., an individual "volunteering" at a for-profit sector employer).

If you have questions regarding a specific situation, visit the US Department of Labor Wage and Hour Division website for contact information (www.dol.gov/whd/america2.htm), or call them at 1-866-487-9243 or TTY: 1-877-889-5627.

Resources

Resources from the US Department of Labor

- **Volunteer guidelines:**
www.dol.gov/elaws/esa/flsa/docs/volunteers.asp
- **Trainee guidelines:**
www.dol.gov/elaws/esa/flsa/docs/trainees.asp
- **Internship fact sheet:**
www.dol.gov/whd/regs/compliance/whdfs71.htm
- **Guidelines on unpaid work exploration, assessment, and training for people with disabilities:**
www.dol.gov/whd/FOH/ch64/64c08.htm

Situational assessment information

- www.thinkcollege.net
(search for "situational assessment" in search box)

Note: The information in this publication is based on interpretation of US Department of Labor laws, regulations, and guidelines. It should not be considered as official legal guidance.

How Does This Play Out?

Sample Scenarios

The following are examples of situations regarding volunteering and unpaid work, and whether such a scenario is permitted or not permitted.

- Joachim begins “volunteering” in a clerical position that is vacant at a non-profit organization and hopes to eventually get hired. This is not permitted, unless it is done within the DOL guidelines for unpaid assessments and training. In such a scenario, meeting the requirements for avoiding “undue advantage” would likely be a challenge.
- As part of a school or service provider’s employment program, a group of six individuals goes to a for-profit business on an ongoing basis to do cleaning for no pay. Such a scenario would generally not be permitted, unless: a) the service planning document for each of the six individual specifies that a cleaning position is part of their job exploration, assessment, or training activities; b) the number of hours in the cleaning position are specified in the service plan and limited to those permitted under DOL guidelines; c) all other DOL requirements for unpaid work are complied with.
- Leonora has expressed interest in working with flowers and plants. Her service provider approaches a local garden center about using the garden center as an unpaid assessment site. Duties are identified, and the service provider notes in Leonora’s service plan the specific job duties and number of hours that will be used for the assessment. The staff are clear with the garden center that this activity is strictly for assessment, and it is not “free labor.” Leonora performs the assessment at the garden center, under the supervision of service provider staff. This is permitted as an unpaid assessment.
- Tomeka has extensive work experience, but recently lost her job. She has typically required limited post-placement supports. Her service provider tells an employer that they can either interview Tomeka or do a short-term unpaid job tryout. Generally this would not be permitted, as Tomeka has already demonstrated that she has the ability to work at above minimum wage, and doesn’t need intensive ongoing support.
- Louis wants to work in the health care field. A volunteer opportunity has been identified at a hospital, distributing periodicals to patients, an activity always done by volunteers. This is permitted as a volunteer opportunity to begin to expose Louis to a health care environment and build connections.

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State Employment Leadership Network



NASDDDS

For more information:

Suzanne Freeze
Project Manager
Institute for Community Inclusion
University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125
suzanne.freeze@umb.edu
617-287-4395 / 617-287-4350 (TTY)

Rie Kennedy-Lizotte
Project Manager
National Association of State Directors of
Developmental Disability Services (NASDDDS)
113 Oronoco Street
Alexandria, VA 22134
rklizotte@nasddds.org
703-683-4202

www.seln.org