

VARIANCE FREQUENTLY ASKED QUESTIONS

1. I have been working in a segregated job for a long time. I like my job. I like my friends. Will I be forced to leave my job or can I get a variance?

You have the choice of where you want to work. No one will be forced to leave a job they like. One of the two variances is to remain in a segregated job. The point of the variance is to make sure you had the opportunity to make an informed choice about where to work. If you ever change your mind and what to work somewhere else, you can.

2. I have been sick for most of the year. Which is the right variance for me to consider?

You don't need a variance if you're sick. There are many steps people take on the road to employment, and getting healthy can be one of those steps. It's ok to have your Individualized Service Plan and Career Development Plan say that dealing with your health issues is the first thing that you need to do. While recovering, you could explore what types of jobs you might like.

There also may be other things people have to do before looking for a job, such as stabilize housing, get training, or decide what they want to do. Everyone is different, and everyone's path to employment will be different. Some people may take a long time before getting a job. That's ok, and doesn't require a variance.

3. I have decided I don't want to work. What is the benefit of revisiting the employment conversation every year?

The point of doing the Individualized Support Plan every year is to make sure you're getting the services and supports you need to do what you want to do. Each year, you and your team talk about all of your goals, how you're doing with them, and what you want to do in the coming year. Employment is just another one of the goals to consider.

Only you can decide what you want to do, or what you want to rule out. You always have the right to change your mind about what you want to do. Talking about employment each year, just like talking about every other goal, is a way for you to let your team know that you're still happy with your decision, or you changed your mind and want to talk about employment.

4. If I am granted a variance will this impact my funding?

No. Variances do not impact funding.

5. My daughter will never be able to work. I have all I can do to keep her healthy. Is there a way to get a permanent variance?

There are no permanent variances that remove the opportunity of a person to work, if s/he chooses to, or the obligation to offer the opportunity. The variance process itself does not have to be repeated, but the discussion of employment does continue each year. Employment, or any other possible life goal, should not be permanently taken off the table for anyone.

The "Employment First" philosophy is that everyone can and should have the opportunity to work, with the appropriate supports, if they want to. People with very significant disabilities have found satisfying employment. Each year during the ISP, employment goals should be discussed just like any other life goals your daughter may consider. If she is happy with her decision not to work, then that will be documented in her plan.

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6. I work with a group of my friends at a business. We clean offices at night when employees have left. I am out in the community. Do I have to get a variance?

It depends on who your employer is. If you work for the business and were hired and are treated like all other employees, then you do not need a variance. If you are paid less than minimum wage, or do not have all the rights and responsibilities of other employees, then you need a variance.

If you are paid by your provider to work at the other business, that is “provider paid employment”. If you’re working in provider paid employment, you will need a variance.

7. I have a lot of friends and the only time I see them is at my day program. I really just don’t want to change. Why do I have to get a variance?

One of the two types of variances is for people who choose to get integrated day only supports. If you want to participate in integrated, community-based supports and not work, you need to request a variance to show that you have made an informed choice not to work.

8. I have been trying to find a job. There is so much competition. If I don’t get a job soon should I just apply for a variance?

If you’re interested in a job and working towards getting one, you don’t need a variance. Variances are for those who have made an informed choice not to work or to work in a segregated setting.

There is no requirement to get a job right away. Some people will take longer than others to prepare for and find a job. A job search can be frustrating for anyone. Don’t give up on it.

9. I have heard that only individuals in the Consent Decree target population have to get a variance if they don’t want to pursue work in the community. How do I know if I am in the target population?

Everyone choosing integrated day services only or choosing to work in a segregated setting will need a variance. The Employment First Policy applies to everyone, not just the Consent Decree target population. And the Home and Community Based Services (HCBS) rule for Medicaid requires everyone to receive services in the most integrated setting possible. The variances are to document all exceptions to these policies and rules.

10. My son self-directs his supports. How will he access qualified professionals with the assessments and integrated work experiences that the variance requires?

The variance requires documentation of informed choice. What shows “informed choice” is different for each variance. If your son has decided not to work and to use integrated day only supports, he is not required to have a vocational assessment or participate in a trial work experience. He must have received information and understand that those services are available to him if he wants them. If he wants to work in a segregated employment setting, then he does need to participate in an assessment and trial work experience as a way to ensure he is making an informed choice about his work setting. If he has a medical condition that prevents participation in a trial work experience, that can be documented.

If your son is not working with professionals who can provide these services, then he can talk with his social caseworker for a referral to resources to provide the services.