

VERMONT

**VARIANCE PROCEDURES
FOR
DIRECT SUPPORT WORKERS**

PAID WITH MEDICAID FUNDS THROUGH
ARIS SOLUTIONS

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Department of Disabilities, Aging and Independent Living
Developmental Disabilities Services Division

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DEVELOPMENTAL DISABILITIES SERVICES DIVISION **VARIANCE PROCEDURES FOR DIRECT SUPPORT WORKERS**

INTRODUCTION

These variance procedures apply to individuals and/or their families who hire direct support workers with Medicaid funds through two Department of Disabilities, Aging, and Independent Living (DAIL) administered programs: Home and Community Based Developmental Disabilities Services, and Family Managed Respite. These direct support workers may provide one or more of the following services: Respite, Community Supports, Employment Supports and Home Supports/Supervised Living. Workers hired by individuals/families are screened and paid through the Fiscal/Employer Agent ARIS Solutions. All workers must meet the employment criteria listed below. Variance requests to these criteria are reviewed and granted by Developmental Disabilities Services Division (DDSD) staff.

People who apply for direct support positions at Designated Agencies and Specialized Services Agencies must adhere to these criteria as well; however variances may be considered and granted by the hiring agency and are not referred to DDSD.

REQUIREMENTS FOR A DIRECT SUPPORT WORKER

A worker is required to be 18 years of age, have a high school diploma or GED, and have a background check that meets the requirements in the Department of Disabilities Aging, and Independent Living (DAIL) Background Check Policy. (See the DAIL Background Check Policy.)

VARIANCE TYPES

If a worker does not meet the requirements for a direct support worker, a variance may be requested. There are three different types of variances that may be requested:

- A variance for findings on a background check of a potential worker;
- A variance for the age of a potential worker;
- A variance for educational requirements of a potential worker.

VARIANCE REQUEST

Under 18 Years of Age or Does Not Have a High School Diploma or GED

If the potential worker is not 18 years of age, or does not have a high school diploma or GED, the employer of record (shared living/home provider, guardian, family member, individual receiving services) may submit a variance request in writing. It is important to note that the

Developmental Disabilities Services Division will NOT grant variances to employ any person under the age of 16.

The variance request must include a letter from the employer regarding why they believe the potential worker has the necessary level of responsibility, maturity, experience, and skill to perform the work. If the potential worker is under the age of 18, a letter from the potential worker should be included stating why they believe they are able to perform the work. If a QDDP or agency service coordinator is assisting the employer in the hiring process, this person may also include a letter of support, but this is not required. Variance request letters must include current contact information for the employer and prospective employee, so that DDS staff can reach the parties with any follow up questions.

Variance requests pertaining to age and/or education are sent to:

For the Northern part of Vermont
Developmental Disabilities Services Specialist
DAIL/DDSD
280 State Drive
Waterbury VT 05671-2030

For the Southern part of Vermont
Developmental Disabilities Services Specialist
DAIL/DDSD
71 Main Street
Springfield VT 05156

Background Check Finding

If there is a finding on the background check that meets the Exclusions (V. Exclusions, page 4) in the DAIL Background Check Policy, the employer may submit a variance request, in writing, in accordance with directions in the DAIL Background Check Policy. It is important to note that variances for starting work before a background check is completed will not be considered. (*See DAIL Background Check Policy, pages 5 – 7*)

VARIANCE DECISIONS

Under 18 Years of Age or Does Not Have a High School Diploma or GED

The Developmental Disabilities Services Specialist will review the information provided in the variance request. If additional information or clarification is necessary, they will contact the appropriate individual. DDS staff reserves the right to grant a variance with specific conditions, especially with regard to the number of hours to be worked by a person under the age of 18.

The Developmental Disabilities Services Specialist will notify the employer of record and ARIS Solutions, in writing, of the variance request decision.

Copies of all variance requests and decisions, will be kept on file at DAIL/DDSD.