

EMPLOYMENT

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended in Title IV of the Workforce Investment Act of 1998; Sections 7(11), 12(C), 100(a)(2), 102(b)(3)(A) of the Act; 29 U.S.C. 705(11), 720(a)(2), 722(b)(3)(A); 34 CFR 361.5(b)(6), (11), (16), and (33); 34 CFR 361.56; 34 CFR 363.6; and 34 CFR 361.48(1).

II. POLICY STATEMENT AND PURPOSE:

Employment is the successful result of the vocational rehabilitation process and services. Employment outcome means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self employment, telecommuting, or business ownership that is consistent with the individual's strengths, resources, priorities, concerns, abilities capabilities, interests and informed choice.

A. Definitions

1. Competitive employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.
2. Integrated employment means a setting typically found in the community in which individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services, to the same extent that non-disabled individuals in comparable positions interact with other persons.
3. Job-related services, including job search and placement assistance, job retention services and other follow-up services are those services that assist clients in obtaining and retaining appropriate competitive employment.
4. Supported employment means competitive employment in an integrated setting, or employment in integrated work settings, in which individuals are working toward competitive employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, with on-going support services for individuals with the most significant disabilities (definition included in Section 115.14, Supported Employment). Supported employment may be determined appropriate for individuals:

- a. For whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and
- b. Who, because of the nature and severity of their disabilities, need intensive supported employment services from the agency and extended services after transition from support provided by the vocational rehabilitation program to support provided by another state agency, non-profit organization, employer or any other appropriate resource with funds other than received by the state agency.
- c. Who enter into transitional employment which is a series of temporary job placements in competitive work in integrated settings with on-going support services for individuals with the most significant disabilities due to mental illness. On-going support services must include continuing sequential job placements until job permanency is achieved.

III. PROCEDURES:

- A. Assessment to Determine Eligibility and Vocational Rehabilitation Needs Related to Achieving an Employment Outcome
 1. The counselor and individual will gather and review information pertaining to the functional limitations relating to the individual's medical condition, rehabilitation technology needs, benefits information, education and work history, stated interests and career goals, and labor market information in order to assist the individual to establish an employment strategy.
 2. The counselor and individual will determine whether there is need for additional evaluation to assist the individual to establish an employment goal and services.
- B. Employment Planning Process
 1. Counselor will facilitate, through the provision of support and information, the individual's informed choice related to identification of an employment goal, and the steps and services necessary to achieve the goal through the provision of support and information.
 2. Counseling and guidance services are provided throughout the employment planning process. Discussions relating to the following subjects may be included:
 - a. Career decision-making and vocational goal setting.

- b. Impact of employment on benefits (SSI, SSDI, etc.) of individual with a disability;
 - c. Labor market information;
 - d. Employer or business expectations;
 - e. Motivation and continued movement toward the employment goal;
 - f. Benefits of employment;
 - g. Assessment for rehabilitation technology and accommodation needs (see Section 115.16);
 - h. Information about available resources (including One Stop Career Centers (netWORKri), School to Career programs, the Small Business Administration, the R.I. Secretary of State First-Stop Business Center, Work Opportunity Tax Credit, various internship programs, etc.), to achieve suitable employment;
 - i. When the goal is supported employment, information about the provision of appropriate services through community rehabilitation programs.
3. Job-related services, including job search and placement assistance, job retention services and other follow-up services are those services that assist clients in obtaining appropriate competitive employment.
- a. Job-related services begin at referral and culminate in achievement of the individual's vocational goal as established in the Individualized Plan for Employment (IPE).
4. The following Vocational Rehabilitation services may be included in the IPE.
- a. Acquisition of job skills required for employment in the chosen occupation -- the ability to perform expected job tasks, utilizing equipment and assistive technology devices, as appropriate;
 - b. Identification of the means to travel to and from work site;
 - c. Planning for child care, as appropriate;
 - d. Job seeking skills, including resume assistance and interviewing skills;

- e. Job development and placement services, including purchase from a vendor, as appropriate.
 - f. Employer consultation, job analysis, identification of reasonable accommodations, and technical assistance to employers related to employing individuals with disabilities.
- C. Additional Employment Planning Specific to Self-Employment/Small Business Enterprises
- 1. Counselor and individual assess the individual's business readiness to engage in business ownership utilizing the Small Business Administration (SBA) checklist, the individual's credit history, experience in chosen occupation, and skills or deficiencies, and ability to obtain appropriate occupational license(s).
 - 2. Counselor and individual conduct an initial assessment of the market, including competition, for product or service of the planned business.
 - 3. Individual explores chosen goal through informational interviews with like businesses, using assistance from the SBA/Small Business Development Center (SBDC).
 - 4. Counselor and individual identify necessary legal requirements of such a business, such as licenses, compliance with zoning laws, etc.
 - 5. Individual identifies assistive technology and training needs.
 - 6. Individual develops a business plan, utilizing the Small Business Administration format and including a budget and projection of expenses and anticipated income for a year beyond the initial start-up, legal requirements of the business, management and marketing plans.
 - a. Individual is encouraged to utilize SBA/Small Business Development Center, or community or other college classes to learn how to develop a business plan.
 - b. Equipment needs, other than assistive technology, should be identified as part of the overall budget, but materials may not ordered until the business plan is approved. See Section 115.20.
 - 7. The business plan is approved by the Supervisor and qualified vocational rehabilitation counselor after consultation with in-house technical assistance resources.

8. The individual's initial or amended IPE will include the approved business plan as an attachment. The following steps and services may be included in the initial or amended IPE:
 - a. Identification and provision of initial stock, licenses, equipment, and marketing costs to be purchased to start the business, following state purchasing rules. See Section 115.20.
 - b. Identification of how communication will occur between individual and ORS during start-up, including reporting of progress on plan.
 - c. Identifying how consultation through SBA will be utilized.
 - d. Identifying the criteria to be used when and how a successful self-employment outcome has occurred.

D. Recording Employment Outcomes for All Categories of Employment

For a minimum of ninety (90) days following initial hire of an individual with a disability in an appropriate job, counselor will maintain contact with that individual and the employer (with the individual's consent) to monitor progress and job satisfaction. The case record must contain the following documentation:

1. The date client began the job, the job title, and the employer, wages, hours worked;
2. The client and counselor agree that the job outcome is satisfactory and that the individual is performing well in employment.
3. Confirmation that the salary/wage is consistent with the salary/wage earned by non-disabled persons performing the same work; and
4. A description of the anticipated need for post-employment services to retain, maintain the employment or for career advancement.
5. When the outcome is achieving a self-employment goal, the criteria for success are:
 - a. Achievement of the first six (6) month objectives written into the business plan.
6. See Section 115.14 for outcomes under Supported Employment.