

2000 EMPLOYMENT SERVICES

2001 General. The Division is dedicated to providing employment services as an integral part of the service delivery system throughout the entire rehabilitation process. Throughout the rehabilitation process, the Counselor will emphasize the goal of competitive employment in the integrated labor market to the greatest extent practicable as the culmination of all services provided to the consumer. Vocational counseling and guidance will be provided from intake and throughout the process as needed to assist individuals in focusing on the requirements and benefits of employment, even though specific job placement activities may not occur until the last phase of the rehabilitation process. The culmination of the rehabilitation effort is reaching an employment goal. Therefore, employment is necessary for the consumer's successful rehabilitation.

2001.1 Provision and Responsibility for Employment Services.

Employment services will be provided as one component of a consumer's *Individualized Plan for Employment (IPE)* when a competitive vocational goal is established, and the individual is not already satisfactorily employed. The Counselor has primary responsibility for provision of job placement assistance, using available resources, including the Division's Employment Specialists and District Placement Teams that may have been designated specifically to assist with job placement in an office, unit, or district. The Counselor will coordinate employment efforts and promote collaboration and teamwork among Division staff members, the employment community, service providers, and the recipient of Division services in order for the consumer to achieve a successful employment outcome. The Counselor also will refer consumers to the statewide workforce system that includes employment and training services provided through Workforce West Virginia, self-access locations, and their affiliate sites. Information that contains locations and contact information for the career centers will be provided to the consumer.

2001.2 Referral to Employment Specialist. The Counselor will consider consultation with and referral of consumers to the Employment Specialists and/or the District Placement Team whenever additional assistance is required in helping a consumer to find and retain suitable employment. During the program development phase, consultation with the Employment Specialist should be considered when the consumer and Counselor encounter difficulty determining a suitable vocational goal or need information pertaining to local job markets. When it has been determined that a consumer meets the criteria for job readiness upon

completion of services, the case may be referred to the Employment Specialist within one month as appropriate, of being placed in Status 20. This guidance does not apply to supported employment cases.

2001.3 Job Search Activities. When the consumer is prepared for employment in terms of skills, abilities, and work behaviors, the Counselor may refer the individual to the district's Employment Specialist within one month of entering Status 20 and as appropriate. The Counselor will ascertain the level of involvement the consumer wishes the Counselor to take in the placement process. If the consumer does not wish for prospective employers to be aware of the individual's association with the Division, the Counselor will notify the Employment Specialist and provide assistance accordingly. It is the Counselor's responsibility to assist the consumer in taking an active role in the placement process and to either provide directly or arrange for the individual to be well versed in job search techniques and skills required to obtain employment. This should include referral to Workforce West Virginia, our state's workforce development system. If the consumer has not been successful in obtaining employment at the end of five months in Status 20, the case will be referred to the District Placement Team to determine if there are services or resources that may assist the individual in placement efforts. This guidance does not apply to supported employment cases.

2001.4 Outreach to Employment Community. In order to develop a positive, collaborative relationship between the Division and local employers and to improve employment prospects for individuals with disabilities, Division staff members will actively promote services that the Division can provide to employers. Such services include, but are not limited to, assessing employer needs and, as appropriate, assistance to an employer by providing information about disability awareness or the Americans with Disabilities Act (ADA).

2002 Job Placement. Job placement entails the planning and provision of services to prepare a consumer for work and to assist the individual in obtaining competitive employment. This may include development of attitudes consistent with the work environment and the identification and remediation of any barriers to employment stemming from the consumer's disabling condition. Job placement can include on-the-job training (OJT).

2002.1 Placement Process. The process starts during the applicant phase as part of the vocational counseling and guidance process although it becomes more

directly focused as the consumer and Counselor begin determining a vocational goal and preparing the IPE, it continues until competitive integrated employment is obtained. The job placement process includes:

- A. Selecting a vocational goal;
- B. Locating an appropriate job/position to meet the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- C. Securing a position through meeting employer requirements and completing necessary steps in hiring practices;
- D. Performing required job duties; and,
- E. Retaining employment through satisfactory work performance, appropriate work/social behavior, and independent functioning.

2002.2 Job Placement Services. Job placement services are organized and identifiable efforts by the Division to establish or improve the linkage of a consumer and a specific work situation. Such services can be advisory, active, or promotional, such as direct employer contact, Job Club, job search, etc.

A. *General.* Job placement services, include, but are not limited to, the following types of activities:

- 1. Evaluating the consumer's job readiness;
- 2. Providing employment-related information during the assessment of rehabilitation potential and formulation of the vocational objective;
- 3. Assisting the consumer in studying and interpreting employment trends and forecasts through Internet resources such as O*NET, Workforce West Virginia websites, use of an employer-employee job match system, and other software to refine selection of a particular job within an occupational area;
- 4. Instructing the consumer in making job applications and in his/her conduct and appearance during interviews and identifying needs for job seeking skills training or special assistance in interviewing;

5. Identifying needs for job seeking skills training or special assistance in interviewing which include effective job search techniques, résumé preparation, interviewing skills, mock interviews, etc.;
6. Guiding the consumer in developing and executing a plan for job seeking activities (often may be accomplished through job seeking skills training or Job Club);
7. Providing individual or group instruction in subjects related to employment, including but not limited to, job seeking skills training or Job Club;
8. Individual or group counseling on job retention skills and job adjustment, especially regarding avoidance or resolution of employee-employer conflicts;
9. Contacting employers on a regular basis;
10. Registering individuals with Workforce West Virginia and other employment programs, as appropriate;
11. Analyzing and modifying jobs, consulting with and/or advising employers or supervisors as necessary;
12. Selective placement services for consumer with significant disabilities;
13. Providing post-employment follow up prior to closure.

B. *Specific Modalities.* Specific modalities of job placement services may include, but are not limited to, the following:

1. *Job Seeking Skills.* This is an individual orientation to the basic skills of independent job seeking, including preparation of employment applications and employment interviews.
2. *Job Club.* This is a structured, group approach to

self-directed job search, often as an extension of job seeking skills training. Job Clubs are conducted by the Employment Specialist located in the district or as one-day sessions in local school systems.

3. *Job Analysis.* This is a systematic approach for gathering data about a specific job. The job analysis focuses on what the worker has to do to get the job done and all external factors which impact upon the individual in those efforts.

4. *Job Restructuring.* This may involve changing the components of a job to fit the skills and/or limitations of the worker. Examples might be eliminating a swing shift requirement for a diabetic worker or trading the mobility related job requirements for a paraplegic machinist with an equal number of bench work duties formerly performed by a non-disabled worker.

5. *Job Modification.* This includes the adaptation or modification of the physical job site to meet the needs of the worker; i.e., installing ramps for a wheelchair user or installing flashing lights for the deaf worker. The Counselor may request assistance from the Rehabilitation Technology Department to determine how technology may be used to modify a job site to accommodate the consumer.

6. *Job Forecasting.* This is a method for projecting or estimating the local employment outlook.

7. *Job Development.* This may include communicating and negotiating with a variety of community resources, business, industry, and labor for increasing opportunities for the employment of people with disabilities. Job development may or may not be on behalf of a specific consumer.

C. *Employer Services.* Services provided directly to employers may facilitate the hiring and retention of individual consumers or other people with disabilities by enhancing employer awareness of their abilities and fostering an employment environment within which physical or mental impairments may be accommodated more effectively. Therefore, employer services also are considered job placement services and should be documented in Actions/Details when provided on behalf of an individual consumer. Employer services may include, but are not limited to:

1. Collaborating with employment agencies and other

organizations involved in manpower assistance to employers, including activities with Workforce West Virginia and/or other local organizations providing placement assistance to individuals with disabilities;

2. Assisting employers in analyzing tasks through job inventory, job analysis and job restructuring, or accommodations regarding employment of individuals with disabilities;

3. Consulting with employers about the job adjustment of employees with disabilities and related employee-employer conflicts or concerns;

4. Assisting employers in development of affirmative action programs and interpretation of related federal and state laws and regulations, including a working knowledge of the ADA;

5. Assisting employers in the use of rehabilitation technology or ergonomics in modifying a specific job;

6. Providing technical assistance and consultation to employers regarding job placement and other vocational rehabilitation processes and services provided by the Division; and,

7. Identifying employees who need vocational rehabilitation services for job retention or advancement.

2002.3 Job Readiness. Job readiness is a combination of basic employment skills and daily living skills. An individual's personal adjustment, work adjustment, social skills, and life skills ultimately impact the ability to obtain and maintain employment. Career counseling with the consumer enables the Counselor to provide assistance with employment issues such as defining a suitable vocational goal and work environment preferences, the impact of employment on entitlements, overcoming discouragement with the job seeking process, and information on employment rights under the ADA, etc. The Counselor will ensure that the consumer is prepared for employment. Assessment of the consumer's readiness for employment should include consideration of the following:

A. *Adjustment to Disability.* The consumer has successfully adjusted to his/her disability when the individual has reached an understanding of personal limitations and has learned to maximize his/her abilities. The consumer's

adjustment to disability allows entry into employment that can be expected to result positively for both the individual and his/her colleagues.

B. *Mobility*. The consumer is reasonably mobile, at least to the extent that the individual can safely travel to and from work and within a work setting. Generally, the consumer's travel ability should be determined by the Counselor in conjunction with other rehabilitation resources such as the availability of community travel assistance.

C. *Personality*. The consumer's personality will enable the individual to get along with others, especially in the work situation. This can be determined by observing the individual in a simulated work setting, psychological evaluation, or by other assessment techniques.

D. *Supervision*. The consumer is able to respond appropriately to supervision.

E. *Motivation*. The consumer demonstrates motivation to work.

F. *Personal Habits*. The consumer has personal habits (such as grooming and general appearance) that are appropriate to the work environment and acceptable to potential work associates.

G. *Physical Aspects*. All physical problems that may limit the consumer in pursuit of the chosen vocational objective should have been eliminated or improved to the maximum extent possible. Vocational counseling and guidance should be provided to assist the consumer in selecting an employment objective consistent with the individual's strengths and performance requirements of the job.

H. *Vocational Skills*. The consumer possesses the skills necessary to perform the job adequately as required to meet the vocational objective. The Counselor should be certain that the consumer has received the necessary accommodations or that a restructuring of the job will enable the individual to perform satisfactorily.

2002.4 Competitive Integrated Employment. Whether performed full time or part time, each of the following criteria must be met before the consumer can be

determined to be successfully employed in the competitive labor market in an integrated setting:

- A. The consumer, employer, and Counselor are satisfied;
- B. The consumer is maintaining adequate interpersonal relationships and acceptable behavior as suggested by the absence of negative feedback from the employer and/or supervisor;
- C. The consumer possesses adequate skills to perform/continue the work satisfactorily;
- D. The employment is regular and reasonably permanent;
- E. The work is performed in an integrated setting;
- F. The compensation received is at or above 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;
- G. The occupation is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- H. The employment/working conditions will not aggravate the consumer's disability; and,
- I. The employment will not jeopardize the health or safety of the consumer or others.

2002.5 Placement Follow Up. Follow up must occur before the case can be closed rehabilitated; e.g., within a minimum period of 90 days.

A. *Purpose.* Follow up measures the effectiveness of job planning and services received by the consumer between referral and case closure. This approach determines the employee's and employer's satisfaction in their working relationship and completes the information necessary for case closure. The consumer's satisfaction must be evaluated as well as the extent to which the job is commensurate with the individual's capacities and potential. *Since the purpose of follow up is to determine if the employment is suitable, the criteria in this section*

regarding suitable employment must be met. Follow up also serves to reinforce a positive relationship with the employer and is, therefore, of value as a successive placement method.

B. Relationship with Employer. It is crucially important that the employer be satisfied with the consumer's work performance and attitude toward the job, supervisor, and co-workers. Both the consumer and employer should be assured of the Counselor's availability for assistance in resolving issues should they arise. If the relationship with the employer is generally favorable, an inquiry also might be made concerning the adequacy of the consumer's preparation as related to expected job performance.

C. Methods. The frequencies and timing of placement follow up contacts, whom to contact, how to contact, etc., will depend on the consumer, employer, and job, and on the Counselor's assessment of these factors. The frequency of follow up contacts may range from daily to monthly, but they will occur no less than every 60 calendar days. The Counselor should determine, with the assistance of the liaison Counselor assigned to the employer and/or the Employment Specialist, who would be the most appropriate member of the employer's organization to contact for follow-up on a specific consumer's employment. Depending on the size and structure of a company, the contact could well be the supervisor, personnel director, owner, or an appropriate designee. The specifics of how a particular placement occurred may indicate the contact person to be the employer or representative, Employment Specialist, liaison Counselor, a cooperating agency, or the consumer if s/he effected placement. Whenever possible, follow up should be performed by a personal visit so that the Counselor may assess all aspects of the placement. If for some reason a personal visit is not feasible or appropriate, follow up may occur by mail or telephone. The following activities should be considered in order to assure that the consumer makes a positive adjustment to the position and is successful in retaining the job:

1. Evaluate, using appropriate resources, the need for reasonable accommodations and, as necessary, assist in restructuring the job station or providing assistive devices.

2. Arrange a schedule of follow up contacts with the supervisor and employee as to progress and/or problem areas, if appropriate.

3. Visit the employee at the work site and evaluate job performance and satisfaction on the job, if appropriate.

D. Responsibility. Even when assistance is provided by the Employment Specialist, follow up after placement remains the responsibility of the Counselor. The consumer will determine the Counselor's level of involvement with the employer.

E. Documentation. Placement follow up will be documented as part of the Counselor's narrative recording.

2002.6 District Placement Systems

A. Purpose. District placement systems are intended to enhance the Division's placement services by:

1. Enabling the Division to determine those consumers who are available to fill job vacancies and to reduce response time to employers;
2. Ensuring that each consumer is considered for job openings, even when the assigned Counselor is absent, through referral to the self-access computer, a component of the state's workforce development system Workforce West Virginia;
3. Allowing the Division to review the compatibility of planned vocational goals with the availability of jobs in the labor market;
4. Allowing the Division to impact upon the private sector in a regular and consistent manner;
5. Enabling the Division to involve business and industry in the rehabilitation process;
6. Allowing the Division to educate the private sector regarding the vocational role of the Division; and,
7. Establishing the placement process as a permanent and ongoing function and responsibility of the Division's professional staff members.

B. Employment Specialist. Each Division district has one or more Employment Specialists. Although the Counselor still is responsible for consumer placement, including responsibility for appropriate on-the-job follow up of the

placed individual, the Employment Specialist coordinates the job development and placement activities within the district. Toward this end, the Employment Specialist directs efforts by the counseling staff members of the offices within the district to educate employers regarding the Division and the VR process and to promote new and expanded job placement opportunities. This guidance does not apply to supported employment cases.

1. Role and Duties of the Employment Specialist. The Employment Specialist's role and duties include the following:

- a. Providing direct job placement services;
- b. Training district counseling staff members in development of positive working relationships with employers;
- c. Providing technical consultation and coordination of all on-the-job training programs within the district;
- d. Upon request, assisting Counselors in performing job analysis;
- e. Providing technical consultation to employers within the district regarding the Rehabilitation Act, the ADA, and assisting district Counselors in providing this information to employers; and,
- f. Serving as a resource in each office of the district for staffing cases with Counselors regarding vocational objectives, labor market trends, innovative placements, job restructuring and job modification, as well as providing conceptual and technical assistance with difficult placements.

2. *Liaison with Major Employers.* The Employment Specialist serves as the primary Division contact and liaison with all major employers within the district. The District Manager and Employment Specialist will identify major employers within the district. The Employment Specialist is responsible for establishing and maintaining a personal working relationship with management and labor representatives of major employers. The services of the Employment Specialist to major employers within the district may include, but are not limited to, the following:

- a. Information about affirmative action and the ADA;

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- b. Tax incentives and OJT information;
- c. Manpower needs (including identification of high identification of high turnover areas);
- d. Personnel practices relating to hiring people with disabilities;
- e. Job analysis and job expansion;
- f. Technical assistance regarding the rehabilitation of injured workers;
- g. Employer assistance programming;
- h. Employee training regarding people with disabilities;
- i. Advancement possibilities for people with disabilities; and,
- j. Encouraging early return to work programs for injured workers.

2002.7 State Selective Placement Program. In cooperation with the Division, the West Virginia Division of Personnel has established a special position-specific assessment and certification procedure for applicants with significant disabilities. The procedure described here is not intended to replace test accommodations. Rather, it is an alternative evaluation procedure which allows any applicant with a significant disability maximum opportunity to show that the individual possesses all qualifications necessary to merit equal consideration for a designated position vacancy. Any applicant with a verifiable disability may request test accommodations under current guidelines. The alternative procedure would be used only when:

A. The hiring agency is committed to appointing an applicant with a significant disability, agrees to assist the Division in the evaluation process, and is willing to provide any reasonable and necessary job accommodations.

B. The agency requests that the Division of Personnel approve a

position specific for selective certification for the consideration and possible appointment of a qualified applicant with a significant disability.

C. The applicant for such an appointment has been certified by the Division as having a severe mental or physical disability that would significantly interfere with the individual's performance on the competitive examination. The Division and the Division of Personnel also must determine that all other reasonable alternative competitive test accommodations have been considered and are not appropriate for the applicant.

D. The applicant meets all stated minimum requirements for the job class.

E. The applicant has been certified by the Manager, Employment Services Program, to be qualified to perform all essential duties of the position and to be fully competent for work in the job environment.

F. The employee successfully completes a trial employment period (probationary status) and the appointing authority has determined that the employee should be granted permanent status.

2002.8 Federal Selective Placement Program. The United States Office of Personnel Management oversees federal disability hiring programs. Jobs are filled either competitively (by applying through a vacancy announcement) or non-competitively (by applying through Schedule A or directly to the federal agency's Selective Placement Coordinator or equivalent). Persons with disabilities may apply either way. All applicants must meet the job qualification requirements and be able to perform essential job duties with or without reasonable accommodations.

A. *Competitive Appointment.* Federal jobs filled competitively are advertised through USAJobs.com, the official job site of the U. S. Federal Government. Each job advertisement contains instructions about how to apply. Two parts are necessary to complete an application; the Federal Job Search and Application Form (OF-612) and the Online Résumé Builder. In addition, most advertisements require applicants to submit statements about their qualifications for the job.

B. *Non-Competitive Appointment.* The federal government also fills

jobs non-competitively through a special hiring authority process known as Schedule A (5 CFR 213.3102(u)). People with intellectual disabilities, severe physical disabilities, or psychiatric disabilities are eligible for appointment under Schedule A authority by providing Proof of Disability. To be hired under Schedule A authority, individuals must provide documentation that they are persons with an intellectual disability, severe physical disability, or psychiatric disability. This documentation may be from licensed medical professionals, State or private vocational rehabilitation specialists, or any government agency that issues or provides disability benefits. Verification must be provided to the hiring agency before an individual may be hired.

C. *Veterans*. Disabled veterans also may be considered under special hiring programs with a disability rating of at least 30% from the Department of Veterans Affairs. More information may be obtained from a vocational rehabilitation Counselor with the Department of Veterans Affairs.

2002.9 Purchased Placement Services. The Counselor may purchase placement services from private non-profit or private for-profit employment agencies. In all instances, however, job placement continues to be the primary responsibility of the Counselor. Purchased placement services (PPS) are tools to be used or coordinated under an IPE to assist the consumer in identifying and entering competitive employment. The two types of PPS are direct placement and supported employment.

A. *Direct Placement*

1. *Employment Specialist Recommendation.* If direct PPS is being considered, the Employment Specialist serving that district should be consulted, and must provide a written recommendation for it. Exceptions can be considered on a case by case basis through the Branch Office Manager and Manager of Employment Services as needed.

2. *Considerations.* Direct PPS is intended for those consumers the Counselor has determined to be job ready but who, for a variety of reasons, have been unable to locate or successfully secure suitable competitive employment opportunities. Direct PPS may be appropriate for individuals who meet the following criteria:

a. The individual is an active consumer (usually in Status 20);

b. On the basis of the preliminary and comprehensive assessments, the consumer has a vocational goal of competitive employment that is consistent with the individual's informed choice;

c. The vocational goal can be expected to result in suitable employment (employment matching the consumer's abilities to the maximum number of hours and highest salary comparable to the job) in the competitive labor market;

d. The consumer does not need ongoing supports in order to maintain employment; and,

e. The consumer requires more specialized or intensive job development and placement services than can be provided by the Counselor and Employment Specialist in a timely manner.

3. *Direct PPS Components.* Direct PPS consist of the following two components:

a. *Direct Placement Plan/Job Development.* This includes the placement agency's initial interview with the consumer, completion of the Job Placement Services Assessment Form, and preparation of the consumer's Job Placement Plan. The consumer and Counselor will meet face to face with staff members from the placement agency to augment information contained on the referral form and to assist in completion of the Job Placement Services Assessment Form and the Job Placement Plan.

b. *Job Placement/Follow Up.* This occurs when the Counselor is notified that a job placement has been secured and the consumer's starting date has been identified. Prior to this date, but following completion of the intake process, the Counselor should expect to receive monthly reports via the Job Search Data Sheet from the placement agency that document the job development activities that have occurred relevant to the job placement effort. Once placement occurs, the placement agency will provide follow up services, along with any additional interventions that may be required to achieve job stabilization and employer satisfaction for a minimum of 90 days after employment. Close coordination and communication between the Counselor and staff members from the placement agency is essential to ensure consumer success. In some instances,

more than 90 days of follow up service may be warranted prior to case closure. The Placement Follow Up Form will be submitted to the Counselor.

4. *Direct Placement Incentive Payments.* The Counselor should ensure that the placement meets eligibility criteria for direct placement incentive payments and authorize to the CRP prior to closure. Separate incentive payments are to be authorized if the following employment criteria are met:

a. Direct placement employment at 30 hours per week or more.

b. Direct placement employment at one dollar above current minimum wage or more.

c. Direct placement employment with medical benefits.

5. *Limitations.* Following are limitations when authorizing payment for direct placement services:

a. Direct PPS fees will not be paid when a private employment/placement agency contacts the Counselor requesting a referral for an existing opening it is independently contracted to fill.

b. State Use or SourceAmerica (formerly NISH) will be reviewed on a case by case basis and may be utilized only as a direct placement site if the Counselor determines that the work site is integrated.

B. *Supported Employment.* Placement services may be purchased for supported employment cases.

2003 Sheltered Employment Option. Sheltered employment is defined as a service that provides a controlled and protected work environment, additional supervision, and other supports for individuals engaged in remunerative work in a sheltered workshop. Sheltered employment programs provide a valuable service for individuals with significant disabilities who cannot perform integrated work in the community or who choose to work only among their peers with disabilities. For consumers electing to pursue sheltered employment, the Counselor may only refer the individual to local sheltered employment provider(s) as federal regulations no longer recognize this as a competitive/ integrated placement setting. No other vocational rehabilitation services may be provided to the individual.

2004 Self-Employment. For purposes of the Division's programs, self-employment is defined as working for oneself in a business selling goods or services to make a profit. Self-employment services are intended to support an employment outcome that is designed to maximize the consumer's work, earnings, and financial independence. The self-employment venture should be expected to be the major source of income for the consumer and must meet the definition of competitive integrated employment. This self-employed individual would automatically meet the advancement piece of Federal Regulations because they are the owner of the business. As such, this is the highest level of advancement possible in this circumstance. (See Section 6800 Definitions)

2004.1 Self Employment Tiers. There are two tiers of services designed to meet the start-up needs for various types of self-employment business ventures. Each tier has specific requirements and approval procedures.

A. Tier I: Tier I self-employment is employment in which the consumer is considering a self-employment vocational goal and is not likely to have employees, own the enterprise, or own or rent the building where they plan to work. The Division can fund up to \$5,000 of start-up expenses for self-employment ventures in Tier I. Exceptions for additional funding may be granted by the Manager of Employment Services for review and final approval must be granted by the Deputy Director, Field Services. The approval team for Tier I self-employment ventures, may consist of the Counselor, Employment Specialist, and Branch Manager. Consumers seeking financial assistance for goods and services that want to work with an established business (such as renting a chair in an existing beauty salon or barber shop) must:

1. Develop an abbreviated business plan that describes the business operation;
2. Develop and present a marketing plan, when appropriate.
3. Provide to the Division an estimated itemized list of lowest purchase price goods and services needed to initiate the self-employment venture;
4. Develop a 24-month cash flow projection plan, when appropriate;
5. Express knowledge and understanding of tax obligations

and provide evidence of licensing and insurance requirements associated with the business.

B. Tier II: Tier II self-employment is employment in which the consumer is considering a self-employment vocational goal and will likely have employees, own the enterprise, or own or rent the building/structure where they plan to work. Tier II self-employment ventures may require over \$5,000 in funding from the Division in start-up expenses. The Division may fund 50% of the additional start-up costs with approval through supervisory channels to the Deputy Director, Field Services. All consumers interested in Tier II self-employment must have a credit score of 600 or higher. For Tier II applicants, the Division requires a feasibility study and business plan, both of which must be reviewed and approved by the Employment Specialist, the Manager of Employment Services, and District Manager. In addition, Tier II business plans must be approved through supervisory channels to the Agency Director. The consumer will develop and provide the following to the Counselor:

1. A list of existing equipment that may be used in the proposed self-employment venture. The Division will not purchase new equipment if similar existing equipment is still operable and can be used for business operations.

2. A 24-month cash flow projection.

3. An anticipated list of start-up expenses requested from WVDRS.

4. If existing equipment is used, required documentation should include a list of each equipment item at fair market dollar value with an explanation of how the equipment will be used in daily business operations.

5. Documentation reflecting the source(s) of the consumer's financial contribution (i.e. gift letter, bank statement, title, deed).

2004.2 District Employment Specialist. The district's Employment Specialist(s) will:

- A. Act as a source of information for Counselors regarding local resources such as the Small Business Development Centers, Service Corps of Retired Executives (SCORES), self-employment training resources, or business consultants;

B. Act as a liaison between the Division and the local self-employment resources; and,

C. Review the assessment to assist the Counselor in determining if the goal is appropriate.

2004.3 Vocational Counseling and Guidance. The Counselor will coordinate closely with the consumer and utilize available resources to assist the consumer with their goal of self-employment. It is very important for the Counselor to put the utmost effort into determining the consumer has considered all the various aspects of self-employment. The Counselor plays a crucial role in counseling the consumer regarding the demands, risks, and responsibilities of self-employment. The Counselor will provide support and information throughout the assessment, planning, and implementation process. The Counselor will also inform the consumer of the Division's self-employment process by reviewing the Self-Employment Rehabilitation Process Form and obtaining the consumer's signature. (See Section 2400 Vocational Counseling and Guidance and Case Management)

2004.4 Assessment. Assessment of the consumer's potential for success is a crucial phase in the consumer's and Counselor's joint effort toward establishing the goal of self-employment. Assessments shall be conducted prior to IPE development and include the following:

A. *Vocational Goal Assessment.* The Counselor shall assess the consumer to determine that the specific employment outcome selected is consistent with the consumer's strengths, resources, priorities, abilities, capabilities, interests and informed choice. This will include an assessment of the consumer's aptitude for self-employment, skills, interests, interpersonal skills, related functional capacities, training, work experience, and vocational aptitude. The assessment will also include a consultation with the Employment Specialist to determine if the self-employment venture is reasonable based on local labor market information. It is the Counselor's responsibility to complete the assessments to determine that the specific self-employment goal is appropriate prior to referring to the local business consultant from the Small Business Development Centers, Service Corp of Retired Executives (SCORES), or other organizations that provide self-employment assessment, training, and education. (See Section 2700 Rehabilitation Program Development)

B. *Feasibility Study*. To determine the viability of any business venture, the consumer will complete and submit a feasibility study to the counselor. The feasibility study should be done for both new and established businesses. The Counselor will review the feasibility study using the Division's Self-Employment Counselor Review Form, to ensure that the feasibility study is appropriate from the vocational rehabilitation perspective. If the Counselor approves, the feasibility study and the Self-Employment Counselor Review Form will be forwarded to the local business consultant for review and recommendations. In providing the feasibility study, the consumer is laying the groundwork for their business plan and gaining information regarding the challenges and risks that they will encounter in the pursuit of self-employment. The feasibility study should include the following:

1. A description of the business idea;
2. A review of the consumer's management skills;
3. A summary of the consumer's technical skills/work experience related to the self-employment goal; and,
4. A review of the market demand for the desired business.

C. *Personal Credit History*. The consumer must have a minimum credit score of 600 in order for the Counselor to approve the feasibility study and forward the Self-Employment Counselor Review Form to the local business consultant for review and recommendations. Exceptions may be granted by the Manager of Employment Services, for review and final approval must be granted by the Deputy Director, Field Services.

2004.5 Scope of Service.

A. The primary role of the Division in assisting the individual with a vocational goal of self-employment is to provide support and information throughout the assessment, planning, and implementation process, including assistance with community resources.

B. Services provided by the Division when self-employment is the goal may include, but not be limited to:

1. Training in the actual field (usually completed before the business plan is written).

2. Specific entrepreneurial training such as that offered by the Small Business Administration and the Small Business Development Centers (SBA and SBDC).

3. Referral and coordination with available small business consulting resources.

4. A portion of initial stock, supplies, tools, and equipment may be negotiated during the initial establishment period.

5. Coordination and referral for small business loans.

6. Initial business licenses.

7. Start-up marketing and accounting costs.

8. Property modification for consumer owned property to the extent necessary to make the property accessible to the consumer and usable for the intended self-employment. (See Section 3700 Rehabilitation Technology)

9. Independent appraisal of existing business or franchise. If the consumer plans to purchase an existing business or franchise, an independent appraisal is required before the Division can make a determination of services to be provided.

C. Home-Based Business, Home-Based Employment and Subcontract Work. These three terms have different meanings and are not interchangeable regarding self-employment.

1. *Home-Based Business.* A business, profession, or trade that is consumer owned, managed, and operated out of the consumer's residence, including contract work. A home-based business is self-employment.

2. *Home-Based Employment.* Work performed by a consumer, at home, for an employer. Home-based employment is not self-employment.

3. *Subcontract Work.* A subcontractor is a person who is hired by a general contractor to perform a specific task as part of an overall project and is normally paid for project services provided by the originating general contractor.

Subcontractors are not considered self-employed. Subcontractors do need a business license, but it is usually not necessary to have a business plan. The Counselor should advise the individual to meet with the Employment Specialist to make sure they know how to get a business license, understand the need for insurance, and understand their responsibilities related to income taxes.

D. The Self-Employed Applicant. An applicant who has been self-employed for one year or longer and who requires disability-related services will be considered an employment retention case. If the Counselor determines the existing business of the self-employed applicant does not meet the competitive integrated employment definition, the Counselor will provide vocational counseling and guidance toward the development of an employment goal that adheres to the requirements of competitive integrated employment. If self-employment ventures are not profitable, the Division will consider them to be either a hobby or an activity not engaged in for profit.

2004.6 Funding and Consumer Cost Participation. It is not the Division's role to become the sole funding source for self-employment ventures. Other funding sources may include the consumer, family members, bank loans, Social Security work incentives, and other private or public sources. Funding of the self-employment venture should not be presented to the consumer in such a way as to discourage the individual from pursuing self-employment as the vocational goal. Individuals interested in self-employment ventures must be informed that each tier will be subject to the Division's economic needs tests, comparable benefits, and services must be explored. In addition to the Economic Resources policy, funding for self-employment services is subject to Division and State of West Virginia Purchasing Policy. Early in the self-employment discussion with the consumer, the Counselor will address:

A. The goods or services provided by the Division will not be included in the profit and loss statement portion of the business plan.

B. Funding sources other than the Division must be documented in Actions/Details.

C. The Counselor will stress the need for the consumer to have a personal investment in the business and resources available to sustain the business beyond the initial start-up phase.

D. The consumer's financial participation must be documented in the business plan and may include non-monetary, in-kind contributions. In-kind contributions can be goods, services, land, facilities, personnel, equipment, or material assigned a cash equivalent value. Sweat equity will not be considered as an in-kind contribution. When calculating the in-kind contribution amount, relevant documentation will reflect fair market value. If required, a third party such as a certified appraiser, will determine the in-kind contribution value.

E. After the initial start-up investment, Division funds will not be authorized for any ongoing business operating costs including the cost of day-to-day business operations, tool and equipment replacement or upgrading, business relocation, or business expansion.

2004.7 Business Plan. Upon receipt of an approved feasibility study from the Counselor and the business consultant, the consumer must complete a written business plan prior to IPE development. The business plan is developed by the consumer and, if needed, in consultation with the business consultant. An effective business plan must address the following issues:

A. *Executive Summary.* The business plan should start with an Executive Summary which provides a concise overview of the entire plan.

B. *The Product or Service.* The product or service being offered should be described, including any aspects that make this product or service unique;

C. *The Market.* This should include a realistic assessment of available customers, facts about local demographics, and market research to support the estimate of potential customers;

D. *The Competitors.* The business plan should include a list of competitors already in operation and why this business would be preferred over the competitors;

E. *Marketing Plan.* A plan for marketing should include marketing schedule, cost/benefit analysis, distributing, and pricing;

F. *Production Cost.* Cost of production such as facility cost,

supplies, salaries, license(s), taxes, insurance, shipping, transportation, and utilities;

G. *Management*. This section of the business plan should present all persons involved in the business along with the credentials and experience which they will contribute, including proposed work schedules and responsibilities;

H. *Finance*. Anticipated return on investment must be realistic and include revenue. It is important to remember that the majority of funding for small businesses comes from either investors or lenders who will closely scrutinize the financial section of the business plan.

2004.8 Prohibited Activities. Division funds may not be used to support the following:

- A. Businesses organized as not for profit;
- B. Businesses that have multiple owners or partnerships; unless an exception is granted. Any potential business partnership for the consumer may be reviewed by the Deputy Director, Field Services.;
- C. Refinancing of existing debt;
- D. Businesses that violate federal, state, or community laws or ordinances;
- E. Operating capital. (No money will be given directly to the business, and all authorizations must be to designated vendors.);
- F. Construction of building(s);
- G. Permanent property modifications for leased or rented property;
- H. Purchase of permanent buildings or real estate;
- I. Payment of any services or goods purchased prior to approval of the business plan and the approved IPE and/or amendment;
- J. Providing services for a consumer in more than one business; or,

K. Sole source of funding for stocking a retail business with inventory for resale.

2004.9 Self-Employment Business Plan Approval

A. Approval by District Placement Team. The consumer and Counselor will present the proposed self-employment plan to the District Placement Team. The District Manager and at least one District Employment Specialist will participate as a team member in all such reviews. Following the presentation, the team will review the plan to ensure the Division's guidelines for self-employment have been addressed. Information reviewed by the District Placement Team will include:

1. The written business plan;
2. The Feasibility Study;
3. The Self-Employment Counselor Review form;
4. Written summary of consumer's financial participation including non-monetary and in-kind equipment or materials that are assigned a cash value; and,
5. Detailed list of minimum goods and services needed for start-up.

B. Final Approval by the Agency Director. All approved District self-employed business plans for Tier II must have final approval by the Agency Director before proceeding with IPE development. The Employment Specialist will provide the information reviewed by the District Placement Team and a written summary of their recommendation for goods and services to be purchased by the Division to the Manager of Employment Services, for review and final approval by the Agency Director.

2004.10 Case Follow-Up and Closure. All self-employment cases should be closed when planned services are completed, the business shows definite signs of stability, and the self-employment meets the conditions as specified of competitive integrated employment. It is expected the Counselor and Employment

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Specialist will maintain an increased level of contact prior to closure in order to assist the consumer with any rehabilitation needs.