



CASE SERVICES POLICY MANUAL

Disclaimer: This policy manual is currently being modified to incorporate the most current W.I.O.A regulations. Contents of this manual are subject to change to be in compliance with the regulations. Any questions regarding the manual can be forwarded to dvradmin@dol.nj.gov for clarification.



NEW JERSEY DIVISION OF VOCATIONAL REHABILITATION SERVICES (NJDVRS)

CASE SERVICES POLICY MANUAL

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**NEW JERSEY DIVISION OF VOCATIONAL
REHABILITATION SERVICES (NJDVRS)**

CASE SERVICES POLICY MANUAL

PART A: ADMINISTRATION

1.1 AUTHORITY

This manual sets forth the operational policies of the New Jersey Division of Vocational Rehabilitation Services. The program requirements stated are in compliance with the Mission Statement, the State Plan and the following laws, rules and regulations which are incorporated by reference:

- 1) The Americans with Disabilities Act of 1990, as Amended (ADA Amendments Act of 2008).
- 2) The Rehabilitation Act of 1973, As Amended (Title IV of the Workforce Investment Act of 1998).
- 3) The Code of Federal Regulations, Title 34: Education, Part 361 State Vocational Rehabilitation Program. (CFR 34-361).
- 4) The New Jersey State Plan for Vocational Rehabilitation Services Program.
- 5) The New Jersey Annotated Statutes, Title 34: Labor and Workers' Compensation, Chapter 16: Rehabilitation.
- 6) The New Jersey Administrative Code, Title 12, Chapter 45 – Division of Vocational Rehabilitation Services.
- 7) The New Jersey Administrative Code, Title 12, Chapter 51 – Vocational Rehabilitation Services (Community Rehabilitation Programs).

1.2 MISSION STATEMENT

To enable eligible individuals with disabilities to achieve an employment outcome consistent with their strengths, priorities, needs, abilities, and capabilities.

1.3 MISSION OVERVIEW

The New Jersey Division of Vocational Rehabilitation Services is the designated New Jersey State Agency dedicated to the provision of vocational rehabilitation services to individuals with physical or mental disabilities as provided under the Federal Rehabilitation Act of 1973, as amended by the Workforce Investment Act of 1998.

The goal of NJDVRS is to prepare and place in employment eligible persons with disabilities who, because of the significance of their disabling conditions, would otherwise be unable to secure and/or maintain employment. In addition, an increasingly important goal is to provide and promote comprehensive services for independent living designed to meet the current and future needs of individuals whose disabilities are so significant that they do not presently have potential for employment, but may benefit from rehabilitation services that will enable them to live and function as independently as possible.

To achieve these ends, NJDVRS promotes the development of needed resources, human and physical, and supports a wide range of services for eligible persons with disabilities through cooperation with industry, representatives of organized labor, the State Rehabilitation Council (SRC), and community rehabilitation programs. NJDVRS coordinates its efforts with these and other public agencies, Federal, State and Local.

NJDVRS is committed to the operation of a statewide, comprehensive, and coordinated program of vocational rehabilitation activities and services that are effective, efficient and accountable. NJDVRS is an integral part of the statewide workforce investment system and a partner of the One-Stop service delivery system.

In addition to carrying out its mission under Federal law, NJDVRS also administers a number of programs based on state legislation and state funding, including the Extended Employment Program, the Extended Employment Transportation Program and the Long Term Follow-Along Program. The Extended Employment Program provides employment and vocational rehabilitation services to those consumers, who by personal choice or by labor market conditions, are not yet ready for placement in integrated, competitive employment. Additionally, extended employees are eligible for a defrayment of their transportation costs through the Extended Employment Transportation Program. The Long Term Follow-Along Program provides extended supported employment services to consumers who have completed supported employment services available under the State/Federal program.

NJDVRS is committed to the establishment and maintenance of a comprehensive system of personnel development to ensure an adequate supply of qualified rehabilitation personnel. The Division recognizes the need for a well-trained, experienced, and competent staff working in partnership with the consumer to achieve employment goals and accomplish the agency mission. NJDVRS values all staff and their contributions in achieving its mission and will: 1) recruit, develop, retain and promote qualified staff, 2) reward exemplary job performance, 3) communicate openly and honestly, 4) provide staff opportunities for personal and professional growth, and 5) involve staff in the establishment of realistic performance and productivity standards.

NJDVRS is committed to advocating on behalf of persons with disabilities, and educating the community for the removal of barriers to the full participation of persons with disabilities in community life. NJDVRS will work in partnership with service providers and groups representing persons with disabilities to inform the public about the needs and capacities of these persons. NJDVRS will work with decision-makers and other governmental agencies to develop new programs and resources needed to enhance employment opportunities and related services for people with disabilities.

NJDVRS is committed to a thorough and comprehensive evaluation of its program performance. The Division will develop new, meaningful approaches to measuring the effectiveness of its programs and services. These approaches will include significant consumer participation and ongoing involvement of service providers.

1.4 INFORMED CHOICE

“Informed Choice” is a decision-making process whereby the individual with a disability analyzes relevant information and selects, with the assistance of the vocational rehabilitation (VR) counselor, a vocational goal, rehabilitation objectives, VR services, and VR service providers. The legal authority for Informed Choice is cited in the Rehabilitation Act of 1973, as amended; 102(d) and the Code of Federal Regulations; 34 CFR 361.52.

NJDVRS is required to inform individuals of their right to make informed choices and that this right may be exercised in a collaborative manner with the VR Counselor. NJDVRS is committed to providing the consumer the opportunity for informed choice, and participation in all career decision-making. From the initial interview to closure, the consumer will be given the opportunity to fully participate in the process of his/her rehabilitation, consistent with all governing rules and regulations. The partnership of the consumer and the VR Counselor is emphasized, with the consumer's preference considered a priority in all determinations throughout the rehabilitation process.

NJDVRS will ensure that each individual consumer will receive through appropriate modes of communication information about the availability and scope of informed choice, the opportunities to exercise informed choice, and the availability of support services for

individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process. It is the responsibility of the VR staff to ensure that the individual consumer is given all necessary information needed to make informed decisions, is assisted in understanding such information, and if necessary taught how to utilize such information.

NJDVRS will provide specific information to assist the individual consumer in making an informed decision about specific services and providers that may include but is not limited to information about:

- The purpose of the vocational rehabilitation program
- The rights, roles, and responsibilities of the consumer, VR Counselor and the NJDVRS agency
- Benefit Incentives and disincentives
- Labor Market information
- Results and implications of assessments provided to consumer
- Any and all pertinent information regarding NJDVRS service providers
- Cost, scope and duration of potential services
- Consumer satisfaction with services to the extent that such information is available
- Qualifications of potential service providers
- Degree to which services are provided in integrated settings
- Outcomes achieved by consumers in working with service providers if available.

NJDVRS will assist consumers in exercising informed choice in decisions related to:

- Provision of assessment services
- Development of the Individualized Plan for Employment (IPE)
- Selection of the employment outcome
- Specific services needed to reach the employment outcome
- Selection of service providers
- Employment setting and settings in which services will be provided; and the methods available for procuring the services.

The decision making process of the individual consumer should be based upon:

- Information that is relevant to the decision that may include related laws, rules and NJDVRS policies
- An understanding of the potential positive and negative consequences that may result from a decision
- Individual supports from VR staff and/or others that will enable the individual consumer to make informed decisions related to the VR process and that will potentially lead to a successful employment outcome.

The VR Counselor begins to engage in the process of Informed Choice with the consumer at the Survey Interview and in turn discusses with the consumer their responsibilities as outlined in the NJDVRS “Consumer Handbook” to include the following:

- Keep your VR Counselor advised of any changes of address, phone number and how you can be reached;
- Keep appointments;
- Follow medical and treatment recommendations;
- Help your VR Counselor get reports, grades and other needed information;
- Maintain satisfactory performance and regular attendance;
- Accept services from any vendor only with written authorization;
- Tell your VR Counselor of any changes in your income or needs;
- Contribute to the cost of some services if personal resources are available;
- Apply for and use assistance from other sources that could pay for services in your plan;
- Tell your VR Counselor of any major changes in your health or ability to carry out this plan to go to work when you have completed your plan; and
- **Tell your VR Counselor when you get a job; where you are working; your job title and your salary.**

The VR Counselor assists the individual in understanding their rights as a consumer receiving NJDVRS services. This includes discussing with the consumer steps that they may take if dissatisfied with their VR Counselor and/or services. The VR Counselor will explain the appropriate courses of action that they may take which begins with the consumer and/or their representative discussing their issues with the local office Supervisor. The next steps if needed could include review and/or interventions by higher levels of NJDVRS authority as outlined in the section on Appeal Procedures. The VR Counselor will make the consumer aware at the Survey Interview that there is an internal system within NJDVRS to handle consumer issues and concerns but at the same time to be aware that they have the option to contact the Consumer Assistance Program (CAP) administered through Disabilities Rights New Jersey (1-800-922-7233), www.drnj.org/caprogram.htm, advocate@drnj.org).

1.5 PRINCIPLES AND GOALS

The New Jersey Division of Vocational Rehabilitation Services is committed to the following principles:

- Respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities
- Respect for privacy, rights, and equal access (including the use of accessible communication formats) for people with disabilities
- The right of a person with a disability for full inclusion, integration and participation in society
- The right of a person with a disability to live independently in the community, and the recognition that a holistic approach is required
- Support for the involvement of an individual's representative if an individual with a disability requests, desires or needs such support
- Support for individual and systemic advocacy and community involvement.

The New Jersey Division of Vocational Rehabilitation Services is committed to the following goals:

- To empower individuals with disabilities to maximize their employment and career potential, toward the achievement of economic self-sufficiency
- To empower individuals with disabilities to exercise the right of self-determination and make informed choices and decisions
- To empower individuals with disabilities to pursue meaningful careers in integrated work settings
- To promote independence and self-sufficiency by working in partnership with community service organizations, recognizing that a person's ability to retain a job is influenced by housing, transportation, health care, and family support opportunities
- To provide a full range of vocational rehabilitation services appropriate to the needs of persons with disabilities in New Jersey
- To give the highest priority to serving persons with the most significant disabilities
- To continue to provide a range of employment opportunities in non-competitive work settings based on consumer choice and continued activities and services toward competitive employment
- To provide well-trained and competent staff, who work in partnership with the consumer to access vocational rehabilitation services and assist the consumer in achieving employment goals
- To collaborate effectively and efficiently on behalf of our consumers with other organizations and agencies, including our One-Stop partners, Schools, and Community Rehabilitation Programs.

1.6 INFORMATION AND REFERRAL SERVICES

VR Counselors must ensure that persons with disabilities are given information about the Division's programs as well as the rehabilitation services available from other agencies, organizations and rehabilitation facilities and wherever possible other Federal and State services and programs which assist persons with disabilities. This would also include when appropriate, referrals to the county-based One-Stop Career Centers.

NJDVRS should provide the individual being referred a notice of the referral from NJDVRS to the specified agency, as well as a point of contact within the agency to which the individual is being referred, and information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

1.7 CONFIDENTIALITY AND THE RELEASE OF INFORMATION

All personal information of NJDVRS involved individuals (NJDVRS applicants, current or past consumers) shall be kept confidential. Any verbal or written information will be

released only with the informed written consent of the individual or if appropriate the individual's parent/guardian or representative. Such consent should be written using an official NJDVRS Release of Information Form whenever possible.

The Division shall provide involved individuals who are unable to communicate in English or rely on special modes of communication with explanations about state policies and procedures regarding confidentiality through methods that can be adequately understood by them.

All information in the possession of this agency will be used only for the purposes directly connected with the administration of the vocational rehabilitation program. This information is collected under authority of Part 34: Code of Federal Regulations 361. Information containing identifiable personal information may not be shared with advisory or other bodies which do not have official responsibility for administration of the program. In the administration of the program, the Division may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged, except in circumstances as stated below:

- When requested in writing by the involved individual or designated representative
- When personal information has been obtained from another entity, it may be released only by, or under the conditions established by such entity
- An involved individual may request NJDVRS to amend information in their case record if they believe it to be inaccurate or misleading. If information is not amended, the request must be documented in the case record, as well as rationale for not making such amendment.

When releasing information in reference to the involved individual, the Division will only release that personal information to the extent that the other entity has demonstrated that the information requested is necessary for its program.

Medical or psychological information and/or any other information that the Division believes to be harmful to the individuals will only be authorized for release when an agency or organization requesting the information assures NJDVRS that the information will only be used for the purpose of which it is being provided and not further disclosed to the individual. In addition, such information will not be released directly to the involved individual if believed to be harmful to them, but instead will be provided through a third party chosen by the individual such as family member, advocate, medical/mental health professional, or court appointed representative.

Personal information may be released to an individual or entity engaged in an audit, evaluation, or research for purposes only directly connected with the administration of a vocational rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities and only if there is an assurance that the information will be used for the professional purposes for which it is intended to be provided. Such information is only to be released to officially designated individuals, will not be released to the NJDVRS involved individual, and will not reveal any personal identifying information without the written

consent of the involved individual or representative. In addition, all measures to safeguard confidentiality must be taken.

NJDVRS will release information if required by federal law and in response to investigations connected with law enforcement, fraud, or abuse (except where expressly prohibited by federal or state laws or regulations, and in response to judicial orders.)

Subpoenas: VR Counselors will immediately consult with their local office Supervisor in cases of a subpoena for case records or other legal matters pertaining to an involved individual. The Supervisor in turn will forward the information to the local office Manager. The Manager will complete the Subpoena Report Form and send it to NJDVRS Central Office who will then consult with the LWD legal liaison to ensure that the appropriate procedures are taken.

VR Counselors should also immediately consult with their Supervisor to obtain guidance in circumstances where it is believed to not be in the best interest of the involved individual to maintain confidentiality such as in cases where the individual may need protection from serious or foreseeable harm. If the Supervisor is not available, then the VR Counselor must consult with the next appropriate level of NJDVRS administration preferably the office Manager.

The safety of the consumer and others involved who may be deemed at risk of harm by consumer must take precedent over the consumer's right to confidentiality.

NJDVRS will release personal information about involved individuals to public assistance agencies and the Social Security Administration in response to the individual's application for benefits, or re-examination of benefits for continued entitlement to benefits.

The Division shall inform each informed individual, their representative and, as appropriate, service provider, cooperating agency, and interested person of the confidentiality of personal information and the conditions for accessing and releasing this information.

NJDVRS professional staff members are expected to adhere to similar standards as set by the Code of Professional Ethics for Rehabilitation Counselors adopted by the Commission on Rehabilitation Counselor Certification (CRCC) in reference to the protection of involved individuals' confidentiality, privileged communication and privacy. The Code of Professional Ethics as well as NJDVRS policy must also be adhered to when a NJDVRS personnel or affiliated professional has referred a relative or friend to NJDVRS for services. These referrals must be taken only under careful consideration and under advisement of the local office Manager.

The transmission of confidential information: The VR Counselor must take precautions to ensure the confidentiality of information transmitted through email communication, facsimile machines, voicemail, and any other types of technology. Such precautions should include the use of social networking and as such the VR counselor should not engage in communication with their consumers through any type of social networking site. In addition, encrypted and/or password protected internet sites and/or email communications should be utilized whenever possible and to make consumer aware if this protection is unavailable.

1.8 VOTER REGISTRATION

The National Voter Registration Act mandates the participation of NJDVRS in encouraging and registering consumers to vote. Every applicant for Division services and NJDVRS consumer who changes address must be given the opportunity to register to vote, and their individual response recorded on the Voter Registration Opportunity (VRO) form. These VRO response forms are to be maintained on file at the local office for a period of two years. A report summarizing the responses and registration results are to be forwarded to the appropriate PPDS in Central Office on a quarterly basis, with a copy also forwarded to the NJ Division of Elections.

1.9 FINANCIAL PARTICIPATION OF CONSUMERS IN THE COST OF VOCATIONAL REHABILITATION SERVICES

- 1) The Division shall conduct a financial needs assessment of each consumer prior to or at the Individualized Plan for Employment (IPE) conference to establish how much financial participation, if any, the consumer will provide toward the cost of services. The Division will encourage all consumers to participate in the cost of their program. The assessment will include the income and liquid assets of the family unit within which the consumer resides. The needs assessment shall be conducted as set forth below to ensure that equitable treatment is accorded to all consumers in similar circumstances.
- 2) The Division shall inform each consumer that the agency reserves the right to request verification of the current financial situation of the consumer and his or her family unit. "Family Unit" means the individual consumer and spouse and their dependent children residing in the same household and parents and their dependent children in the case where the individual is less than 22 years and residing at home with his or her parents. A consumer under 22 years of age living outside the home will be considered to be living at home if the living arrangements are paid for by the parents. For example, in a case where the consumer is living outside the home in a school setting and the parents are paying for room and board, the consumer will be considered to be part of his parents' family unit. Living expenses paid by the parents refers to those costs which a consumer must incur to live (that is, food, lodging, utilities, etc.)
- 3) Prior to or at the time of the Individualized Plan for Employment (IPE) conference, the Division may require each consumer to submit a signed copy of their most recent New Jersey or Federal income tax return forms (including family member's forms where they did not file jointly) and other supporting documentation such as pay stubs or check stubs from benefits.
- 4) Each consumer who is 22 years of age or older on January 1 of the year that services are scheduled to commence and living in his or her parents' home, shall have only his or her own and spouse's income considered in the financial participation calculation. For

consumers not yet 22 years old and living with parents, both the consumer's and spouse's and parents' income from all sources will be considered. Whether or not consumer is claimed as an exemption on the parents' tax return will have no bearing.

- 5) Each consumer shall provide the following information on form DVR-17 "Financial Need Assessment," prior to the IPE conference:
 - a. Name, Social Security number and date;
 - b. Number of dependents in the family including the consumer;
 - c. Liquid assets of the family;
 - d. Family Gross Income;
 - e. Extraordinary medical expenses of the family;
 - f. Disability related expenses of the consumer and family unit;
 - g. Medical insurance of the consumer; and
 - h. A signed certification that the information provided on DVR-17 is true.
- 6) The Division may require the consumer to provide additional supporting data to verify the information on the DVR-17.
- 7) Each consumer must submit a revised DVR-17 any time there is a significant change in family unit financial status, or when requested by the Division, or when a request for post-employment services is made.
- 8) Immediately upon receipt of a completed DVR-17, the Division shall review the form and calculate the amount of financial participation for which the consumer will be responsible. The amount of required financial participation shall be calculated as follows:

The total amount of weekly expenses directly attributable to disability, as calculated on the DVR-17, shall be subtracted from the amount of excess weekly income reported by the consumer. "Excess weekly income" means the weekly gross income of the family unit minus the weekly income allowance set forth in section B) below, plus the liquid assets reported by the family unit minus the liquid asset allowance set forth in section B) below. "Liquid asset" means any cash or cash equivalents that can be converted to cash within a reasonable length of time, the unencumbered value of which shall be greater than the amounts established by section B) below.

- A) The consumer shall contribute an amount equal to the "excess weekly income" each week for the duration of the service. In cases where the goods or services being provided are a total cost item, the consumer shall contribute an amount equal to ten (10) times the amount of excess weekly income. "Total cost goods or services" means, but is not limited to, wheelchairs, hearing aids, and other assistive devices. The formula as set forth above shall be applied as follows:

1. If, after calculating the amount of consumer participation, the figure is greater than the cost of the item, then the consumer must pay for the entire cost of the item.
2. If, after calculating the amount of consumer participation, the figure is less than the cost of the item, then NJDVRS will pay the difference between the total cost of the item and the amount of consumer participation.
3. The Division may waive financial participation if the consumer has extraordinary medical/disability or disability related expenses or other unusual circumstances which significantly affect the quality of family life and preclude his or her participation in the cost of services.
4. The Division will not require financial participation as a condition for furnishing any vocational rehabilitation service if the consumer has been determined eligible for Social Security benefits under Titles II (Social Security Disability Insurance) or XVI (Supplemental Security Income [SSI] for Disabled) of the Social Security Act.

B) Allowable income and liquid assets will be as follows:

Number in Family Annual Income Weekly Income Liquid Asset Allowance

| | | | |
|-----------|-----------|----------|----------|
| 1 | \$37,659 | \$724 | \$30,000 |
| 2 | \$66,025 | \$1,270 | \$34,000 |
| 3 | \$82,574 | \$1,588 | \$40,000 |
| 4 | \$97,326 | \$1,872 | \$45,000 |
| 5 | \$96,941 | \$1,864 | \$44,000 |
| 6 | \$100,346 | \$1,930 | \$45,000 |
| 7 or more | | \$85,435 | \$1,643 |
| | | | \$37,000 |

These allowances will be amended periodically as deemed necessary by the Director of the Division of Vocational Rehabilitation Services. **The following services shall not be based on economic need:**

- a) Diagnostics/Assessments for determining eligibility, priority for services or vocational rehabilitation needs
- b) Counseling and guidance
- c) Referrals
- d) Job search, placement, retention and follow-up assistance
- e) On-the-job training
- f) Supported employment services
- g) Work adjustment training
- h) Job coaching

- i) Personal assistance services
- j) Auxiliary aids or services that an individual with a disability requires under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, or regulations implementing those laws, in order for the individual to participate in the VR program. (i.e., interpreter services for individuals who are deaf or hard of hearing).

Please note that hearing aids or other assistive listening devices are not considered to be an auxiliary service in this category and as such are items purchased for a consumer based on economic need.

1.10 ZATION OF COMPARABLE BENEFITS

Comparable benefits and services are those appropriate services or financial assistance from a source other than NJDVRS that will meet, in whole or in part, the cost of vocational rehabilitation services to be provided per IPE to a consumer or members of the consumer's family.

Full consideration must be given to any comparable benefits available to a consumer or to members of the consumer's family under any program to meet, in whole or in part, the cost of any vocational rehabilitation services. VR Counselors must therefore ask their consumers to use any applicable comparable benefits for any NJDVRS services except for such services listed below. Comparable benefits must be utilized insofar as they are adequate and do not interfere or cause delay in achieving the rehabilitation objective of the consumer.

A determination of the availability of comparable services and benefits is **not** required in connection with the provision of any of the following services:

- Assessment for determining eligibility and priority for services
- Assessment for determining vocational rehabilitation needs
- Vocational counseling, guidance, and referral services
- Job-related services, including job search & placement assistance, job retention services, follow-up services, and follow-along services
- Vocational and other training services such as personal and vocational adjustment training, books (including alternative format books accessible by computer and taped books), tools and other training materials
- Rehabilitation technology
- Post-employment services consisting of the services listed above.

A determination of the availability of comparable services and benefits unless such determination would interrupt or delay:

- The progress of the individual consumer toward achieving the employment outcome identified in the Individualized Plan for Employment (IPE)
- An immediate job placement

- Or the provision of vocational rehabilitation services to an individual consumer determined to be at medical risk, based on medical evidence.

1.11 APPEAL PROCESS AND PROCEDURES

NJDVRS must inform the individual at the time of application, at the time of category assignment in the Order of selection, at the time the IPE is developed or whenever services are to be reduced, suspended or terminated of their rights regarding the appeal process.

The individual must also be advised of their right to and availability of assistance from the New Jersey Disability Rights Consumer Assistance Program (CAP) during any of the appeal processes described below.

An applicant or eligible individual who is dissatisfied with any determination made by NJDVRS that affects the provision of vocational rehabilitation services has the right to appeal and receive a timely review of that determination. (Applicant or eligible individual, or, if appropriate, their representative i.e. parent/guardian/advocate will be referred to throughout this section as the individual or consumer.)

When an individual is dissatisfied or disputes a determination by NJDVRS, the VR Counselor is encouraged to utilize their counseling and problem-solving skills to resolve the matter informally and expeditiously as possible. The consumer and VR Counselor are encouraged to review the information and evidence pertaining to the determination, including the pros and cons, risks, rewards and consequences, and if appropriate, develop additional, mutually agreeable options.

As part of the case review process, the VR Counselor will submit their determination through the field office chain of command, and the determination will be reviewed by the VR Counselor's Supervisor, and if the consumer still disagrees by the Manager. At any time in this process it is advisable for the consumer to meet and discuss the issues with the VR Counselor and his or her Supervisor or Manager. Every effort will be made at the local office level to ensure that the best interests and rehabilitation needs of the individual are being met in accordance with all pertinent laws, guidelines and policies in an expeditious manner.

If the disputed determination cannot be resolved at the local office level, the Manager will send to the consumer a letter outlining the determination, their right to appeal the determination and the methods by which the consumer can choose to appeal, including:

- A) Administrative Review
- B) Mediation
- C) Impartial Due Process (Fair) Hearing

To file an appeal and request an administrative review, mediation or impartial due process hearing, the consumer is to contact the Assistant Director of Field Services, as noted below, expressing their choice of appeal method, and how they are to be contacted.

Assistant Director, Field Services
New Jersey Department of Labor and Workforce Development
Division of Vocational Rehabilitation Services
John Fitch Plaza, 12th Floor
Trenton, New Jersey 08625-0398

NJDVRS has 60 days to resolve the appeal request by means of administrative review or mediation unless the parties agree to a specific extension of time or an impartial due process hearing must be conducted.

During the appeals process, NJDVRS will not suspend, reduce or terminate vocational rehabilitation services being provided to the individual, unless the individual requests it, or unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual.

- A) Administrative Review: This is an internal process that allows the individual to voice their dissatisfaction regarding the local office's determination by means of a review and possible re-determination by NJDVRS administration. The VR staff should encourage the consumer to utilize this particular means for review to allow NJDVRS an opportunity to resolve the individual's dispute and for the matter to be resolved expeditiously as possible. The individual must understand that they still may waive their right to a review in favor of mediation or a fair hearing. The administrative review involves the following steps:
- I. If the consumer is requesting an administrative review, the Assistant Director of Field Services will forward the consumer's initial appeal request information to a Chief of Rehabilitation Services.
 - II. The Chief will contact the consumer and field office Manager/Supervisor for further information or evidence, and arrange a meeting of the parties within 14 business days. Phone conversations by the Chief with the consumer and Manager/Supervisor may abrogate the need for a physical meeting if the issue is settled during the course of those conversations.
 - III. If a meeting is necessary, the Chief will review information and evidence presented by all parties, encourage informal discussion of the same, and render a recommendation to the Assistant Director, in writing, within 5 business days.
 - IV. The Assistant Director will send a letter (or by means of an appropriate mode of communication) to the consumer and relevant parties informing them of the final decision and methods of further appeal, i.e., mediation or impartial due process

hearing. The consumer will contact the Assistant Director if they wish to appeal the outcome of the administrative hearing, by mediation or impartial due process hearing.

- B) Mediation: Mediation is a voluntary process for both the individual and NJDVRS in which an impartial third party facilitates problem-solving discussions in order to assist the parties in the dispute to reach an agreement. The mediator acts as neither a judge nor an advocate. The mediator does not decide which party is at fault, or determine the manner in which the dispute should be resolved. The findings of the mediation are confidential and are not to be used in any subsequent hearings or civil actions. If both the individual and NJDVRS agree to mediation, NJDVRS within 10 days of the request forwards such request to the Public Defender's Office of Dispute Settlement (ODS) who in turn schedules a meeting within 20 days of receiving the request. The individual has the opportunity to submit evidence and information at the mediation session. The ODS oversees and manages the mediation process and provides a qualified and impartial mediator. At any point during the mediation process either party or the mediator may elect to terminate the mediation process.

If the mediation results in agreement, the conclusions will be incorporated into a written agreement and signed by each party. If the mediation does not result in agreement, the mediator shall document the date and the participants at the meeting. No other record of the mediation shall be made.

The (ODS) office is located in the Hughes Justice Complex, Trenton, NJ. Mediation can take place at the Trenton location or at their Newark Office. Contact information: Telephone: (609)292-1773, Fax: (609) 292-6292, email: ODS_PD@opd.state.nj.us

- C) Impartial Due Process (Fair) Hearing: If a hearing is requested by the individual it must be held within 60 days of such request unless an extension of time is requested and agreed upon by the individual. The hearing officer will be an Administrative Law Judge. The hearing officer shall render a decision in a full written report within 30 days of the conclusion of the hearing. The decision is made based on the provision of the State Plan, the Rehabilitation Act of 1973 as amended, federal vocational rehabilitation regulations and state regulations and policies consistent with federal requirements. The report will be sent to the individual and to the NJDVRS Director.

Within 20 days of the mailing of the impartial hearing officer's decision to the applicant or consumer and the Director, either party may request a review by the Commissioner of the New Jersey Department of Labor and Workforce Development (NJLWD). The Commissioner will provide both the individual and NJDVRS the opportunity to submit additional information relevant to a final decision within 15 days of receipt of request for review. The Commissioner will not overturn or modify the decision of the hearing officer, or any part of the decision that supports the position of the individual unless the Commissioner concludes, based on clear and

convincing evidence that the decision of the hearing officer is erroneous on the basis that it is contrary to the approved State Plan, the Rehab Act, federal vocational rehabilitation regulations, or state regulations or policies that are consistent with federal requirements. The final decision shall be issued by the Commissioner no later than 30 days from receipt of the request for review. The decision of the Commissioner is final unless the individual or NJDVRS brings a civil action. The final decision must be implemented pending review of the court.

Except for the time limitation for the parties to request a review of the impartial hearing officer's decision, at the request of a party for good cause shown, the time limits established may be extended for a reasonable time.

1.12 PROVIDERS OF SERVICE

The providers of all services must meet standards established by the Division and all applicable New Jersey licensing requirements for that particular service.

1.13 OTHER MANUALS, AND POLICY AND PROCEDURE DOCUMENTS

The following manuals are to be used in conjunction with this Case Service Policy Manual and are to be considered part of NJDVRS policy:

- 1) The New Jersey Web-Based Online Rehabilitation Case-Management System Manual (NJ AWARE)
- 2) The NJDVRS Fee Schedule
- 3) The Rules and Regulations for NJDVRS Community Rehabilitation Programs (NJAC 12:51)
- 4) NJDVRS "Procedural Guidelines for Job Coaching Services and Billable Hour Policy"
- 5) NJDVRS "Policies and Procedures for the Provision of Hearing Aids, & Related Assistive Technology"
- 6) The Eligible Training Providers List / Online Consumer Report Card
- 7) The most recent NJDVRS Administrative and Technical Memorandums
- 8) NJDVRS "Transitioning" Manual, available on INFORM
- 9) "Guidelines for School Personnel" available on NJDVRS website

10) NJDVRS Consumer Handbook.

1.14 ORDER OF SELECTION FOR SERVICES

In the event a shortage of funds precludes the provision of services to all eligible consumers, the Director shall invoke an Order of Selection (OSS).

When under an Order of Selection for Services (OSS), the State Plan provides eligible individuals access to services through an Information and Referral (I&R) system adequate to assure that individuals with disabilities will be provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication.

Every individual entering a NJDVRS waiting list due to the implementation of an OSS shall receive I&R services, including information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment, and a notice of referral or referrals from NJDVRS to the federal, state or local programs, including programs carried out by other components of the workforce investment system, best suited to address that individual's specific employment needs. The notice will include information identifying a specific point of contact within the agency carrying out the program. A summary of I&R services provided to the individual will be documented, and a copy of all notices of referral will be documented in AWARE.

After documentation of eligibility in AWARE and execution of Certification of Eligibility Letter the following priorities will be followed according to the NJDVRS Director's determination of how many categories can be served.

NJDVRS does not rely solely on a diagnosis as a determination of significant disability, but does consider every disability, or combination of disabilities as evaluated during the assessment, for determining eligibility and vocational rehabilitation needs. If the disability, or combination of disabilities, presents impairments that seriously limit at least one functional capacity (such as mobility, communication, self-care, self-direction, inter-personal skills, work tolerance, or work skills), in terms of an employment outcome, and if vocational rehabilitation can be expected to require multiple services over an extended period of time, the person will be considered to be significantly disabled. If the person meets this definition, and is seriously limited in two or more of the functional capacities described, that person will be considered most significantly disabled.

Under the Workforce Innovation and Opportunity Act, states may elect to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific

services or equipment to maintain employment in an OSS. NJDVRS has elected to provide services to individuals who need such services.

1.15 DOCUMENTATION OF LEGAL AUTHORIZATION TO WORK

VR counselors are required to verify that a person is legally able to work before providing services. Such individuals would include: citizens and nationals of the United States, lawful permanent residents, and aliens authorized to work. If someone is unable to work because he or she is not legally eligible to work in the United States, there cannot be an expectation that rehabilitation services will enable the person to work. It is therefore essential that VR counselors verify that individual NJDVRS applicants have the necessary documents to work before providing services.

The U.S. Citizenship and Immigration Services (USCIS) division of the U.S. Department of Homeland Security oversees the employment verification process for alien employment authorization.

For general information about USCIS services, you may contact their National Customer Service Center (NCSC) at 1-800-375-5283. For information regarding employment verification you may contact 1-888-464-4218 or send an email to: e-verify@dhs.gov.

To establish identity and employment authorization, an individual must present a document from List A or one from List B in addition to one from List C as listed below. These documents have been designated as acceptable for Form I-9 which is the form employers must complete on each employee to establish an employee's employment authorization and identity as mandated by the Department of Homeland Security.

According to USCIS, it is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. Employers cannot specify which document(s) they will accept from an employee. Refusal to hire the individual based on the documents having a future expiration date may constitute illegal discrimination. For more information on this subject, contact the Office of Special Counsel for Immigration Related Unfair Employment Practices at: 1-800-255-8155.

The VR counselor must obtain documentation from the individual NJDVRS applicant that proves both their identity as well as eligibility to be employed in the United States.

To establish both identity and employment eligibility/authorization an individual must have either at least one of the documents listed under List A or at least one document from both List B and List C.

ACCEPTABLE DOCUMENTS

| List A | List B | List C |
|--|--|--|
| Documents that establish both identity and employment eligibility. All documents must be unexpired. | Documents that establish identity. All documents must be unexpired. | Documents that establish employment eligibility/authorization only. All documents must be unexpired. |
| US Passport or Passport Card. | Driver's License or ID Card issued by a State or Outlying Possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address | US Social Security Card issued by the Social Security Administration (other than a card stating it is not valid for employment) A card that includes any of the following restrictive wording is not an acceptable List C document: *NOT VALID FOR EMPLOYMENT *VALID FOR WORK ONLY WITH INS AUTHORIZATION *VALID FOR WORK ONLY WITH DHS AUTHORIZATION |
| Permanent Resident Card (Form I-551) or Alien Registration Receipt Card (MRIV) (machine-readable immigrant visa.) (also Form I-551) | ID Card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address. | Certificate of Birth Abroad issued by the U.S. Department of State. (Form FS-545) These documents may vary in color and paper used. All will include a raised seal of the office that issued the document, and may contain a watermark and raised printing. |
| Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) | School ID card with a photograph. | Certification of Report of Birth issued by the Department of State (Form DS-1350) |

NJDVRS CASE SERVICES POLICY MANUAL

| | | |
|---|--|--|
| Employment Authorization Document (Card) that contains a photograph (Form-I-766) | Voter's registration card. | Original or certified copy of birth certificate issued by a state, county, municipal authority, or territory of the United States bearing an official seal. |
| In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. | U.S. Military Card or draft record. | ID Card for use of Resident Citizen in the United States. (Form I-179) Form I-179 was issued by INS to U.S. Citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely. |
| Foreign passport with special documents issued by the Commonwealth of Northern Mariana Islands (CNMI) | Military Dependent's ID Card | U.S. Citizen ID Card (Form I-197) |
| Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admissions under the Compact of Free Association between the United States and the FSM or RMI | U.S. Coast Guard Merchant Mariners Document Card (MMD) | Employment Authorization document issued by the Department of Homeland Security. |
| | Native American Tribal document | Native American Tribal Document |
| | Driver's license issued by a Canadian Government authority | |
| | For persons under age 18 and certain individuals with disabilities who are unable to present a document listed above: | |
| | School Record or Report Card | |
| | Clinic, Doctor, or Hospital Record | |
| | Day Care or Nursery School Record | |

For more information in regard to additional documentation requirements and exchange visitors please go to www.uscis.gov/sitemap scroll down to I-9 Central and select Acceptable Documents.

CHAPTER 2: REFERRAL AND ASSESSMENT FOR DETERMINING ELIGIBILITY AND VOCATIONAL NEEDS

2.1 NON-DISCRIMINATION

The VR Counselor must apply eligibility requirements without regard to sex, race, age, creed, color or national origin of the individual applying for service. No group of individuals is excluded or found ineligible solely on the basis of type of disability. No upper or lower age limit is established which will in and of itself, result in a finding of ineligibility for any person with disabilities who otherwise meets the basic eligibility requirements specified in this manual. The Division does not impose a residence requirement, durational or other, which excludes from service any individual who is present in the state.

Aliens may be provided with Vocational Rehabilitation Services if they will be available to complete an IPE which includes a suitable employment outcome. When completion of services cannot be expected (such as in those cases wherein the alien is here under a visa prohibiting work), such individual would not be eligible. Illegal aliens are not to be served.

The VR Counselor is responsible to advise his consumer(s), no less than once annually that they (the consumer) cannot be discriminated against because of disability, race, age, sex or ethnic background.

2.2 REFERRALS TO NJDVRS

Each individual referred to NJDVRS for vocational rehabilitation services must be interviewed by a VR Counselor within a reasonable timeframe. Every effort to contact individuals referred should be made and documented in the case file noting dates of contact, utilizing the AWARE referral module. Consumers will be reminded of their initial appointment the day before, and will also have been sent a letter indicating date and time of appointment. If consumer does not appear for initial appointment documentation will be noted in AWARE and a good faith effort will be made to contact consumer. Standard of practice should be a phone call, if there is no response then consumer should be sent a letter and then ultimately a second letter if needed. No messages will be left on a consumer's telephone in order to adhere to agency's confidentiality standards. Closures at referral status should be closed in the AWARE system and a case note in the referral note section should indicate why the referral is closed. No paper closure is needed.

2.3 APPLICATION FOR NJDVRS SERVICES

Individuals apply for services by participating in a “Survey Interview” with a VR Counselor. During this interview, the VR Counselor explains the NJDVRS process, services, and eligibility requirements. The consumer discusses their specific needs for vocational rehabilitation services and is made aware of their rights and responsibilities as outlined in the NJDVRS Consumer handbook of which the consumer receives a copy. If the consumer decides during the Survey Interview that they would like to pursue services, they sign and date the NJDVRS application form. The information gathered during the Survey Interview is documented in the AWARE system with as much detail as possible by the VR Counselor in order to adequately explain why the consumer applied for services, what their expectations are, what the consumer believes to be the obstacles presented by the disability and how the VR Counselor perceives the consumer’s educational, medical, and employment history as it relates to his or her employment goals.

The VR Counselor shall determine whether an individual is eligible for vocational rehabilitation services within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application to receive services. Exceptions to this standard are as follows:

- 1) The VR Counselor notifies the individual NJDVRS applicant that exceptional and unforeseen circumstances beyond the control of the agency preclude the agency from completing the determination within the prescribed time and the applicant must agree to eligibility in writing by signing the eligibility extension document printed from AWARE.
- 2) The VR Counselor is exploring the applicant’s abilities, capabilities and capacity to perform in work situations under trial work experiences as delineated in Part C: Ineligibility Decisions.

During this phase, a preliminary assessment based on the review of existing data is conducted:

- 1) To determine whether a NJDVRS applicant is eligible for vocational rehabilitation services; and
- 2) To assign disability priority for the Order of Selection for services.

To the extent additional data is necessary to make such determination and assignment, such data will be secured by the VR Counselor.

If the VR Counselor is unable to make a determination of eligibility upon completion of 60 days from the date of application due to unforeseen circumstances, the NJDVRS applicant must agree in writing to an extension.

VR Counselors must work with all consumers during the application process. They need to obtain copies of any and all necessary paperwork:

- 1) SS Card
- 2) Signed release forms
- 3) Proper identification
- 4) Medical benefits cards
- 5) Social Security Award letter
- 6) Authorization to work documents

2.4 CONTENTS OF THE CONSUMER HANDBOOK

Information will be provided to the NJDVRS consumer at the Survey Interview in a pre-print format (the Consumer Handbook). This information will address the following areas of the NJDVRS process and policies:

- 1) Eligibility Requirements for NJDVRS consumers
- 2) Confidentiality
- 3) Appeal Procedure
- 4) Consumer Responsibilities
- 5) Consumer Assistance Program (CAP).

The VR Counselor will review the contents of the handbook with the NJDVRS applicant and address any issues or concerns prior to the consumer signing the NJDVRS application for services.

The applicant will be made aware that by applying for NJDVRS services that they are in agreement with the contents of the handbook including the expectations for both the VR Counselor and the Division as well as for the NJDVRS consumer.

2.5 ELIGIBILITY FOR NJDVRS SERVICES

To be eligible for vocational rehabilitation services, an individual must meet BOTH of the following requirements:

- 1) Have a physical or mental impairment which constitutes or results in a substantial impediment to employment; and

- 2) Require vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment consistent with the NJDVRS applicant's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.

2.6 DOCUMENTATION FOR CERTIFICATION OF ELIGIBILITY

At the time an individual applicant with a disability is found eligible for vocational rehabilitation services, there must be certification as well as a descriptive narrative in AWARE using the form "eligibility determination." This includes documentation that the individual applicant has met the basic eligibility requirements as stated in Part B, subpart B-5;

- 1) The case record must document that a physical and/or mental disability exists;
- 2) The VR Counselor must determine the individual as eligible for services; and
- 3) A Notification of Eligibility Letter must be signed and dated by the VR Counselor and given to the consumer.

The AWARE "Eligibility Notification and Plan Appointment" or "Notification of Eligibility" Letter should be completed and given to the consumer and include the following:

- Notification that the consumer has been certified as an eligible consumer of the NJDVRS
- Statement that consumer's eligibility is based on having functional limitations due to the disability which results in significant impediments to employment and that
- The consumer requires rehabilitation services in order to work
- A statement to indicate that a vocational goal and/or specific services to be provided to the consumer have yet to be determined
- Indication of the next scheduled appointment or request for consumer to contact the VR Counselor to set up such appointment
- Letter is signed by the VR Counselor and dated.

(NOTE: There is a Notification of Eligibility Form Letter in AWARE that can be used for such purposes noted above.)

2.7 COMPREHENSIVE ASSESSMENT

A comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of an eligible individual (consumer) will be conducted, including the need for supported employment. This assessment will aid the VR Counselor in the determination of goals, objectives, and the scope of vocational rehabilitation services to be included in the Individualized Plan for Employment of the individual. The comprehensive assessment:

- 1) Is limited to information that is necessary to identify the rehabilitation needs and to develop the rehabilitation program of the consumer;
- 2) Uses, in accordance with confidentiality requirements, existing information and information provided by the consumer and/or where appropriate, by the family of the consumer;
- 3) May include, an assessment of the personality, interests, interpersonal skills, intelligence, related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and the medical, psychiatric, psychological, and other pertinent factors, that affect the employment and rehabilitation needs of the consumer;
- 4) May include an appraisal of the patterns of work behavior, occupational skills, work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance. Utilization of work in real job situations, also known as work trials or situational assessments may be part of this assessment; and
- 5) May provide rehabilitation technology services if needed to assess and develop the capacities of the consumer to perform in a work environment.

2.8 TRIAL WORK EXPERIENCES AND EXTENDED EVALUATIONS

Trial Work Experiences

Trial Work Experiences (TWE) must be utilized prior to any determination that an individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the significance of the individual's disability.

The DVRS must explore the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination.

A written Trial Work Plan will be developed in collaboration with the individual to assess periodically the individual's abilities, capabilities and capacity to perform in work situations

through the use of trial work experiences, which must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual. Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings. Other examples may include internships, job shadowing, structured volunteer experiences in real work settings and community-based assessments. In cases where the individual has a legal guardian, the legal guardian may exercise informed choice on behalf of the individual with a disability.

TWE must be of sufficient variety and over a sufficient period of time to determine that:

1. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or
2. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

TWE shall adhere to the following procedures:

1. DVRS shall determine the individual eligible or ineligible for DVRS as soon as possible but within 18 months after the start date of the TWE Plan. TWE may end sooner once the VR counselor determines there is sufficient evidence to conclude that the individual can benefit from the provision of VR services in terms of an employment outcome; or there is clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the individual's disability.
2. TWE must be provided in the most integrated setting possible, consistent with informed choice of the individual;
3. In cases where the individual has a legal guardian, the legal guardian may exercise informed choice on behalf of the individual with a disability;
4. TWE must be utilized prior to making the determination of an individual being "too disabled to benefit from services";
5. TWE must have the individual's progress assessed at a period of no longer than 90 days but as often as needed;
6. TWE shall initiate only after a written Trial Work Plan is developed to assess periodically the individual's abilities, capabilities and capacity to perform in a variety of the most integrated work settings possible; and
7. TWE must provide the appropriate supports, including assistive technology devices and services and personal assistance services, as needed, to accommodate the individual.

Note: An Employer is not mandated to hire a consumer based on the trial work experience.

Extended Evaluation

An extended evaluation (EE) shall be used under limited circumstances, if an individual cannot take advantage of a TWE or if options for TWE have been exhausted before the DVRS is able to make the determination that:

1. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or
2. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

The EE must be undertaken consistent with the informed choice and rehabilitation needs of the individual.

An Extended Evaluation Plan shall include a statement of needed services including the service provider, any accommodations needed including Assistive Technology or personal care assistance, what areas the individual will be evaluated on, to include timelines, and periods of time spent by any one individual at any one site or in any clearly distinguishable job classification.

The requirements of EE are as follows:

1. An EE Plan will be developed with the individual for providing services necessary to make a determination;
2. EE plans must provide VR services in the most integrated setting possible, consistent with informed choice and rehabilitation needs of the individual;
3. In cases where the individual has a legal guardian, the legal guardian may exercise informed choice on behalf of the individual with a disability;
4. EE must provide only those services that are necessary to make a determination;
5. EE must end when the DVRS is ready to make a determination; and
6. DVRS shall determine the individual eligible or ineligible for DVRS as soon as possible but within 18 months after the start date of the EE Services Plan.

CHAPTER 3: INELIGIBILITY DECISION

3.1 DOCUMENTATION FOR CERTIFICATION OF INELIGIBILITY

- 1) It shall be presumed that an individual with a disability can benefit in terms of an employment outcome from vocational rehabilitation services, unless the VR Counselor can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.
- 2) In making the demonstration required under subparagraph (1) with respect to cases in which the issue concerns the significance of the disability of an individual, the VR Counselor shall first explore the individual's abilities, capabilities and capacity to perform in work situations, through the use of trial work experiences, with appropriate supports provided through the Division, except under limited circumstances when an individual cannot take advantage of such experiences. The work trial shall be of sufficient variety and over a sufficient period of time to demonstrate that the individual cannot benefit from services due to the significance of the disability of the individual. If an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the VR Counselor can determine eligibility/ineligibility, the VR Counselor shall conduct an extended evaluation to make the determination.
- 3) The VR Counselor shall develop a written plan either to:
 - Assess periodically the consumer's abilities, capabilities and capacity to perform in work situations through the use of trial work experiences; or
 - To provide the services necessary to make a determination under an extended evaluation.
- 4) Whenever the VR Counselor determines on the basis of clear and convincing evidence that an applicant or recipient of vocational rehabilitation is ineligible for services, the VR Counselor shall sign and date a certification of ineligibility certificate or letter and give a copy of it to the consumer. The certification shall contain the following:
 - a. The reasons for the ineligibility determination;
 - b. A statement that the determination is made only after full consultation with the individual or, as appropriate, the individual's parent, guardian, or other representative, or after giving a clear opportunity for this consultation; and
 - c. A detailed explanation of the availability of the resources within a consumer assistance program; a statement that referral is made to other agencies and facilities, including when appropriate, the state's independent living program, and the right and process to appeal.

- 5) The ineligibility determination shall be reviewed within 12 months, and annually thereafter if requested by the individual or their representative, except for the following circumstances: the individual has refused the review, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.
- 6) The VR Counselor may close a case without any determination of eligibility when an applicant is unavailable during an extended period of time to complete an assessment and the VR Counselor has made repeated efforts to contact the consumer to encourage his or her participation.
- 7) The determination of Ineligibility must also be documented in AWARE case notes.

Chapter 4: INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

4.1 DEVELOPMENT OF THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Whenever the VR Counselor determines that an individual is eligible for vocational rehabilitation services, and the VR Counselor along with the consumer and/or their representative agree to develop an Individualized Plan for Employment (IPE), the VR Counselor will work with the consumer in the preparation of such plan. The IPE drives the services provided to a consumer to enable him or her to reach an employment goal consistent with their strengths, limitations, aptitudes, interests and abilities. An IPE is a contractual agreement between NJDVRS and the consumer and clearly delineates which services will be provided, by whom and within what anticipated time line. The IPE is prepared subsequent to the completion of the Informed Consumer Choices Options Worksheet and the Pre-IPE. The IPE shall be developed as soon as possible but not later than the deadline of 90 days after the 60-day date of the determination of eligibility. Exception is only if designated State unit and eligible individual agree to an extension of the initial deadline to a new specific date. The IPE considers the diagnostic information, functional limitations associated with the individual's disability as well as the consumer's Informed Choice.

PRE-IPE ASSESSMENT

The VR Counselor as part of the PRE-IPE assessment will utilize the Informed Consumer Choice Options Worksheet as a tool to analyze all diagnostic information, including the results of the comprehensive diagnostic evaluation, strengths, weaknesses, abilities, and interests. This worksheet also documents the vocational and service options offered, rationale for decisions reflected in the IPE, and analysis of the individual's financial status.

IPE DEVELOPMENT

The VR Counselor shall complete the assessment, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of

communication, with information on the individual's options for developing an individualized plan for employment, to include:

- 1) Information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified Vocational Rehabilitation (VR) Counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance in developing all or part of the individualized plan for employment for the individual;
- 2) Description of the full range of components that shall be included in an individualized plan for employment; and
- 3) As appropriate:
 - a) An explanation of Division guidelines and criteria associated with financial commitments concerning an individualized plan for employment;
 - b) Additional information the eligible individual requests or the Division determines to be necessary; and
 - c) Information on the availability of assistance in completing Division forms required in developing an individualized plan for employment.

An individualized plan for employment shall be developed and implemented in a timely fashion and in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services.

The VR Counselor shall monitor the individualized plan for employment to assure that services are being provided in accord with the written plan.

The VR Counselor shall provide a copy of the written plan and any amendments to the consumer or his or her parent, guardian or other representative including other suitable professional and informed advisors at the IPE conference or within 10 days of the plan's joint development.

The VR Counselor shall inform the individual of all the requirements affecting the development, initiation and review of the individualized plan for employment, including the availability of appropriate modes of communication.

In developing an IPE for a student with a disability who is receiving special education services, the VR Counselor shall consider the student's Individualized Education Program (IEP).

The VR Counselor shall review the individualized plan for employment as often as necessary but at least on an annual basis.

Each individual consumer with a disability or, as appropriate, that individual's parent, guardian, or other representative, shall be given an opportunity to review the plan and, if necessary, jointly redevelop, and agree to its terms.

4.2 CONTENTS OF THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

The individualized plan for employment (IPE) must contain the consumer's name; along with a statement that he or she has been found eligible for vocational rehabilitation services or that the IPE is an amendment to an earlier plan. Each IPE shall include statements concerning:

- 1) A description of the consumer's employment outcome that is consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the consumer;
- 2) The specific vocational rehabilitation services to be provided, the projected dates for the initiation of each service and the projected timeframe for the achievement of the consumer's employment outcome;
- 3) If appropriate, the specific rehabilitation technology services needed to achieve the employment outcome;
- 4) If appropriate, the specific on-the-job and related personal assistance services to be provided to the consumer, and, if appropriate and desired by the consumer, the training in managing, supervising, and directing personal assistance services needed to achieve the employment outcome;
- 5) An assessment of the expected need for post-employment services and, if appropriate, an assessment of the need for extended services;
- 6) At the time of successful closure, the IPE must reassess the need for post-employment services and, if appropriate, the need for extended services, including a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers;
- 7) The objective criteria to evaluate progress toward achievement of the employment outcome;
- 8) The terms and conditions under which the goods and services described in the IPE will be provided to the consumer in the most integrated setting, consistent with the informed choice of the consumer, and the identity of the entity or entities that will provide the

vocational rehabilitation services and the process used to provide or procure such services;

- 9) The consideration given to the availability of comparable benefits (similar benefits) to the consumer or to members of the consumer's family under any program to meet, in whole or in part, the cost of any vocational rehabilitation services;
- 10) The responsibilities of the consumer in implementing the individualized plan for employment and the extent of consumer participation in the cost of services, if any;
- 11) An assurance that the consumer has been informed of his or her individual rights and the means by which the consumer may express and seek remedy for any dissatisfaction, including the opportunity for a review and fair hearing and the right to pursue mediation of VR counselor determinations;
- 12) An assurance that the consumer has been provided a description of the availability of a consumer assistance program established under section 112 of the Act;
- 13) The basis on which the consumer has been determined to be rehabilitated;
- 14) If necessary, an amendment specifying the reasons that a consumer for whom a program has been prepared is no longer eligible for vocational rehabilitation and the rights and remedies available to such an individual;
- 15) The coordination of services for students with disabilities who are receiving special education services with the Individualized Education Program (IEP);
- 16) Each individualized plan for employment shall also contain, for consumers with the most significant disabilities for whom an employment outcome of supported employment has been determined to be appropriate:
 - a. A description of the time-limited services to be provided by the state.
 - b. A description of the extended services needed and an identification of the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available.
- 17) Amendments to an IPE: The IPE is amended as necessary, by the consumer or when appropriate the consumer's representative and VR Counselor, if there are substantive changes in the employment goal, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services. Amendments to the IPE do

not take effect until agreed to and signed by the consumer, or as appropriate their representative and by the VR Counselor.

Chapter 5: SCOPE OF REHABILITATION SERVICES

5.1 VOCATIONAL REHABILITATION SERVICES AS APPROPRIATE TO INDIVIDUAL NEEDS

The Division makes the following vocational rehabilitation services available to each consumer as appropriate to the individual's needs.

- 1) Counseling, guidance and work-related placement services for individuals with disabilities, including job search assistance, placement assistance, job retention services, personal assistance services, and follow-up, follow-along, and specific postemployment services necessary to assist such individuals to maintain, regain or advance in employment;
- 2) Vocational and other training services for individuals with disabilities, which shall include personal and vocational adjustment, books, or other training materials, and such services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals;
- 3) Physical and mental restoration services;
- 4) Maintenance is monetary support provided to an eligible individual for living expenses, such as food, shelter and clothing that are in excess of the normal living expenses of the individual and that are necessitated by the individual's participation in a program of vocational rehabilitation services;
- 5) Interpreter services for individuals who are deaf;
- 6) Occupational licenses, tools, equipment, and initial stocks and supplies;
- 7) Transportation, including adequate training in the use of public transportation vehicles and systems, in connection with the rendering of any vocational rehabilitation service;
- 8) Telecommunications, sensory and other technological aids and devices;

- 9) Assistive Technology services;
- 10) Home and Vehicle Modifications needed to serve purposes of consumer being able to work and maintain employment;
- 11) Referral and other services designed to assist individuals with disabilities in securing needed services from other agencies;
- 12) Transition services from school to work for youth with disabilities that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;
- 13) On-the-job or other related personal assistance services provided while an individual with a disability is receiving vocational rehabilitation services in this section;
- 14) Supported Employment services;
- 15) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- 16) Other goods and services that can reasonably be expected to benefit an individual with a disability in terms of an employment outcome.

Chapter 6: CASE RECORD

6.1 CONTENTS OF THE CASE RECORD

The VR Counselor must maintain, for each NJDVRS applicant or consumer, a case record which shall include to the extent pertinent, the following information:

- 1) Documentation concerning the preliminary assessment supporting the determination of eligibility, the need for trial work experience, and, as appropriate, documentation concerning the comprehensive assessment supporting the nature and scope of vocational rehabilitation services to be provided.
- 2) In the case record of an individual who has applied for vocational rehabilitation services and has been determined to be ineligible, documentation specifying the reasons for the ineligibility determination and noting a review of the ineligibility determination carried out not later than 12 months after the determination was made;

- 3) A certification of eligibility/ineligibility and the rationale for the decision; (titled, signed, and dated)
- 4) Documentation supporting any determination of a significant disability or a most significant disability;
- 5) Documentation of the periodic assessment of a consumer during trial work experiences;
- 6) Documentation supporting the development of the IPE;
- 7) An individual plan for employment and any amendments to the program;
- 8) In the event that physical or mental restoration services are provided, documentation supporting the determination that the clinical status of the consumer is stable or slowly progressive unless the individual is being provided trial work experiences;
- 9) Documentation supporting any decision to provide services to family members;
- 10) Documentation relating to the consumer's participation in the cost of vocational rehabilitation services;
- 11) Documentation relating to the eligibility of the consumer for any comparable benefits and the use of any comparable benefits;
- 12) Documentation that the applicant to NJDVRS has been advised of the confidentiality of all information pertaining to his or her case and documentation and other material concerning any information released about the individual with disabilities with his or her written consent;
- 13) Documentation as to the reason for closing the case including the consumer's employment status and, if determined to be rehabilitated, the basis on which the employment was determined to be suitable;
 - a) In the case of a consumer who has been provided vocational rehabilitation services under an individualized plan for employment but who has been determined after the initiation of these services to be no longer capable of achieving a vocational goal, documentation of any reviews of this determination shall be included in the record;
- 14) In the event that a consumer's IPE provides for services or a job placement in a nonintegrated setting, a justification for that non-integrated setting;
- 15) Documentation of the periodic reviews and evaluations of progress toward achieving the employment outcome;

- 16) In the event that a consumer obtains competitive employment, verification that the consumer is compensated at or above the minimum wage and that the consumer's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals;
- 17) Documentation of plans to provide post-employment services after the employment objective has been achieved, the basis on which these plans were developed, a description of the services provided and the outcomes achieved;
- 18) Documentation concerning any action and decision involving the consumer's request for review of rehabilitation VR Counselor determinations.

6.2 CASE RECORDING STANDARDS

Case recording is mandated by the law as specific areas in the rehabilitation process that must be verified in the case record.

Case recording is done by utilizing the NJ AWARE system. VR Counselors should refer to the NJAWARE Training Workbook, Version 5.15 as a reference for case recording procedures.

Another purpose of case recording is to facilitate the consumer's rehabilitation process by bringing into focus all the pertinent data about the consumer. It is a way of organizing and keeping important information on a consumer so that reasonable assumptions, plans and goals can be developed and acted upon. Case recording in AWARE should demonstrate continuity in the VR process and long gaps in case recordings should be avoided. By necessity it must deal with that information most pertinent and closely related to the decisions made in the rehabilitation process. The VR Counselor's writings record the meaning which he or she sees in the consumer's experience, the significance placed on previous diagnostic materials and test results, and the justification of the course of action.

Case recording should include an analysis of significant past experiences of the consumer, present observations of the consumer by the VR Counselor and other professionals, and future plans with the consumer.

The following format is to be followed:

SURVEY INTERVIEW

- 1) An analysis of consumer's: □
 - Education
 - Employment history
 - Medical history
 - Psychological/personality
 - Benefits

- Initial impression of needs.

ELIGIBILITY

- 1) The case record in AWARE (i.e., case recording from survey through the date of eligibility) along with appropriate documentation, must evidence the following:
 - a) The consumer has a disability.
 - b) The consumer requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.
 - c) The decision regarding eligibility must be made within 60 days of application for services.
 - d) If eligibility cannot be made within 60 days, then there needs to be:
 - i. An explanation of the unforeseen circumstances beyond the control of the division which precludes this determination within the prescribed time-frame; and
 - ii. Applicant must agree to eligibility in writing by signing the eligibility extension document printed from AWARE
- 2) VR Counselor executes Notification of Eligibility Letter.

INELIGIBILITY

- 1) A written rationale must be entered in the case record in AWARE which demonstrates, by clear and convincing evidence, that the consumer is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome. See Part C: Ineligibility Decision.
- 2) VR Counselor executes the Notification of Ineligibility Letter.

SIGNIFICANCE OF DISABILITY AND ORDER OF SELECTION

- 1) VR Counselor determines the level of significance of the consumer's disability by completing the Significance of Disability module in AWARE. This decision is based on the following:
 - a) Consumers, for whom two or more major life tasks (functional capacities) are impaired as a result of a disability or combination of disabilities, will be identified as Most Significantly Disabled.

- b) Consumers, for whom only one major life task (functional capacity) is impaired as a result of a disability or combination of disabilities, will be identified as Significantly Disabled.
 - c) Consumers, for whom impediments to employment exists, but for whom no major life task (functional capacity) is affected, will be identified as Not Significantly Disabled.
- 2) In the event of an Order of Selection, the following will be the order for serving consumers:
- a) Those consumers identified as Significantly Disabled.
 - b) Those consumers identified as Not Significantly Disabled.
 - c) Those consumers identified as Most Significantly Disabled.

FINANCIAL STATUS

Before any case expenditures are made, an entry in AWARE must reflect:

- a) An analysis of all the consumer's financial resources as listed on the DVR-17, as well as consideration of all comparable benefits.

PRE-IPE ENTRY

In all cases an entry must be included in AWARE immediately preceding the IPE. Counselors will record in the Pre-IPE entry how consumers were encouraged to explore options and exercise informed choice with respect to the selection of the following:

- a) Employment outcome
- b) Specific services needed to achieve the employment outcome
- c) Entity that will provide the services
- d) Employment setting and setting in which the services will be provided
- e) Methods available for procuring the services

IPE

The IPE is to be prepared in required format.

AMENDED PLANS

- 1) An Amended Plan is required for any change in employment outcome and for services identified subsequent to the initial IPE which are necessary to overcome a specific impediment created by a disability and which substantially affect the consumer's ability to achieve the employment outcome. For example, if it is determined after the execution of the Initial IPE that psychotherapy is necessary to the achievement of the employment outcome, an Amended Plan must be executed.
- 2) In each of the above instances, case recording will reflect a specific case entry which:
 - a) Identifies the issue
 - b) Analyzes the information and activities to date
 - c) Provides a rationale for decisions reflected on amended IPE; and
 - d) Indicates next step.
- 3) An Amended Plan is not required for the continuation of a service, (e.g., additional sessions of therapy or continuing college sponsorship unless there is a change of the consumer's Major (subject area of study) which would in turn reflect a change in a vocational goal), or for ancillary services determined after the execution of the initial IPE to be necessary as a support in achieving the employment outcome (e.g., transportation costs or reading glasses). However, in each of the above instances case recording in AWARE will reflect an entry which:
 - a) Provides an analysis of information and a rationale for continuing the service; or
 - b) Provides an analysis of information and a rationale for providing the supportive service.

JOB PLACEMENT

Case recording in AWARE will contain an entry subsequent to the completion of the IPE and attainment of all objectives, which will reflect an assessment of the consumer's job readiness and activities which will be undertaken to secure the employment outcome. The case recording will contain:

- a) An analysis of consumer's readiness for employment
- b) An analysis of services needed to establish an effective job search
- c) A description of the placement methods and strategies which will be utilized; and
- d) An outline of individual responsibilities (i.e., VR Counselor, Consumer, Facility, Job Services, etc.)

CLOSURE

Closure letter to consumer as well as case recording reflecting a final entry in AWARE will outline:

- a) Summary of case activities
- b) Reason for closure
- c) If closed, rehabilitated, a statement outlining services provided, including costs, which describes how these services resulted in suitable employment; and
- d) A statement regarding any planned post-employment services and rationale for these services.

Chapter 7: CLOSURE OF CASE

7.1 DECISION TO TERMINATE VOCATIONAL REHABILITATION SERVICES UNDER AN IPE

The decision is made with the full participation of the consumer, or as appropriate, his or her parent, guardian or other representative. If the consumer has been receiving services under an IPE, the views of the consumer are recorded in the Individualized Plan for Employment. The **exceptions** to the requirements for participation are:

- 1) If the consumer has refused to participate. (Note: The VR Counselor will make every reasonable attempt to contact the consumer, which would include up to 3 contact attempts by means of phone calls, emails, and letters.)
- 2) If the consumer is no longer present in the state; or location is unknown; or
- 3) If the consumer's medical condition is rapidly progressive or terminal.

The rationale for the closure decision is recorded and a certification of ineligibility letter is prepared. The rationale is recorded as an amendment to the IPE if the consumer has been receiving IPE services and demonstrates that the consumer is not capable of achieving an employment outcome.

There will be a periodic review, at least annually, of the ineligibility decision in which the consumer is given opportunity for full consultation in the reconsideration of the decision. The exceptions are:

- 1) The consumer has refused a periodic review.
- 2) The consumer is no longer present in the state and the location is unknown; or
- 3) The medical condition is rapidly progressive or terminal.
- 4) The first annual review of the ineligibility decision is initiated by the local office. Subsequent reviews are undertaken at the request of the consumer.

7.2 TYPES OF CLOSURE

The Division requires that a consumer's case be closed in either rehabilitation or nonrehabilitation status. This determination will be based on the following conditions:

REHABILITATION STATUS

Consumers will be determined to have been rehabilitated only if the following requirements are met:

- 1) The provision of services under the consumer's IPE has contributed to the achievement of the employment outcome.
- 2) The employment outcome is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- 3) The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.
- 4) The consumer has maintained the employment outcome for a period of at least 90 days; and
- 5) The consumer and the VR Counselor consider the employment outcome to be satisfactory and agree that the consumer is performing well on the job.

A rehabilitation letter should be forwarded/ sent to the consumer within 30 days of closure.

NON-REHABILITATION STATUS

A case may be closed in application, eligibility or plan status, based on one or more of the following conditions:

- 1) The consumer has had trial work experiences, and it has been determined that he or she is ineligible for further services since he or she cannot be expected to benefit

(disability too severe) in terms of an employment outcome from vocational rehabilitation services.

- 2) The consumer has been made eligible for vocational rehabilitation services but the case does not progress to the point where the IPE is initiated.
- 3) The consumer has been made eligible for services and the IPE has been initiated, but the consumer has not completed the services as indicated in the IPE; or has not been provided counseling, or is determined ineligible for services.
- 4) The consumer's case may also be closed for one of the following reasons:
 - Can't locate, moved
 - Disability too severe/no reasonable expectation
 - Refused services
 - Death
 - Institutionalized
 - Transferred to other agency
 - Failure to cooperate
 - No disability
 - No vocational disability
 - Other

In cases where the participation of the consumer in the closure decision is required but the consumer cannot be contacted, the circumstances are to be documented.

A non-rehabilitation letter should be forwarded/sent to the consumer within 30 days of closure.

Chapter 8: SPECIAL PROGRAMS

8.1 PURPOSE

This part incorporates the special program policies which are required when serving the designated populations specified in the special program.

8.2 APPLICABILITY OF OTHER PARTS OF THE MANUAL

The policies in this part are applicable to the general program requirements in Parts A-G when serving the populations provided for in the special program.

8.3 SOCIAL SECURITY ADMINISTRATION/VOCATIONAL REHABILITATION PROGRAM

NJDVRS is a participant in the Social Security Disability Insurance (SSDI) and the Supplemental Security Income (SSI) Reimbursement Program and the Ticket to Work Program. NJDVRS complies with the federal regulations governing the funding for services to individuals covered by these programs.

NJDVRS consumers who document receipt of SSDI or SSI benefits on the basis of their own disability are not subject to the required financial participation per NJDVRS policy. Such consumers shall be presumed to have a physical or mental impairment that is a substantial impediment to employment.

Ticket To Work Procedures

Ticket to Work is an SSA program that is administered by SSA and its contractors. The payment mechanisms built into the program should not influence the VR rehabilitation counseling process. A consumer's goals, skills and aptitudes should drive his/her choices regarding an employment goal, earnings and amount of hours worked per week.

1. **At Intake:** All new applicants for services who receive a Social Security benefit are potential Ticket holders and should be told about the Ticket To Work program.
 - A. Use the Ticket To Work Basics sheet found in Inform, under Ticket To Work section to explain the program to the consumers. Advise your consumer that Ticket to Work will not affect their DVR services in any way.
 - B. Explain to consumer that, by assigning a Ticket To Work through participation in the DVR program, they will receive a waiver of SSA medical reviews for a minimum of one year. This only applies if this is the first time a consumer has ever assigned the Ticket. C. The Ticket to Work Assignment form is no longer required at intake.
 - D. The Ticket to Work Verification form is no longer required as the phone line to verify Tickets are now defunct.
2. At initial IPE meeting: Advise your consumer that SSA will assign the Ticket to NJDVRS once he/she signs an initial Individualized Plan of Employment (IPE).

Ticket Assignment is automatic once the initial IPE is signed.

- A. When an individual who receives SSI or SSDI (a beneficiary) signs an IPE, SSA considers the beneficiary's Ticket to Work to be "In Use". BY choosing to seek DVR services and signing an IPE, the beneficiary has also chosen to activate his/her Ticket To Work.

- B. You do not need to take any action to assign the Ticket. Do not use the previous Ticket to Work assignment form.**
 - C. DVR is required to inform SSA when an SSI or SSDI beneficiary signs an IPE. The process is completed electronically through Central Office. It is important to verify that the consumer's correct Social Security number is entered into AWARE, or the consumer's Ticket will not be assigned to NJDVRS.
 - D. SSA will send a letter to the DVR consumer when the Ticket goes into assignment. The letter begins with this sentence: "Congratulations on your decision to work with the State Vocational Rehabilitation agency."
 - E. If there is a Ticket conflict, you will be notified via email by the Central Office Ticket Coordinator. You will receive a Ticket to Work Assignment Form, which your consumer must sign to authorize a Ticket reassignment to NJDVRS.
 - F. If a consumer expresses a refusal to assign the Ticket to NJDVRS, the consumer should indicate that in writing with their signature and date. Fax a copy of their refusal to the Ticket To Work Coordinator in Central Office, 609-292-8347.
3. At Closure: The Rehab Act requires a discussion of post-employment service needs prior to case closure when it is expected that ongoing services and supports will be necessary for an individual to maintain and advance in employment. Providing information about further uses of the Ticket facilitates informed choice. Information on how to reuse a Ticket to Work for further job supports is now included on the successful closure letter in AWARE.

***When you close the case of any SSI or SSDI consumer as a successful rehabilitation, send the successful closure letter available on AWARE, which includes information on reassigning the Ticket to Work. Letter can be found on Inform under the Ticket to Work section. http://inform-prod/inform/vocrehab/VocRehab_index.html**

8.4 TRANSITION FROM SCHOOL TO WORK PROGRAM

NJDVRS collaborates with school districts to provide eligibility determination, consultation and planning services to youth with disabilities who are transitioning from school to work and adult life. A transitioning student is defined as a student with a disability who is between the ages of 14 and 21 years who meets criteria of the federal Individuals with Disabilities Education Act or section 504 of the Rehabilitation Act of 1973, as amended.

- 1) As early as age 14, VR Counselors will, on request, provide consultation in the form of telephone consultations to parents, students or education professionals; interviews with

students and parents or guardians, and/or participation in the Individualized Education Program (IEP) meetings.

- 2) At the beginning of the junior year or within two years prior to leaving the school setting if graduating after age 18, VR counselors will, on request, open cases of transitioning students and determine eligibility. NJDVRS local offices will encourage referrals within this timeframe as it is considered to be in the best interest of most students to begin the NJDVRS process prior to exiting the school system.
- 3) Prior to leaving the school setting, VR Counselors will work with students, parents and professional education staff and with eligible students will develop and approve Individualized Plans for Employment (IPE) in coordination with the IEP.
- 4) Local offices will assign a VR Counselor to each secondary school to consult regarding referrals and provide in-service training and consultation as needed.

Transition services must promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives. They are the responsibility of the Local Education Agency (LEA) while the student is in school, as are appropriate vocational assessments.

The role of the VR Counselor while students are still in school is to provide consultation on disability and vocational rehabilitation matters in addition to providing vocational counseling & guidance for students who have developed an Individualized Plan of Employment (IPE) with the VR Counselor. VR Counselors also provide educational seminars and presentations to school personnel, students and their families regarding NJDVRS and the transition from school to work.

8.5 LEAD TRANSITION COUNSELORS

NJDVRS recognizes the importance of consistent communication between school district personnel and the local office in the transition process. To facilitate the sharing of accurate information and to ensure the seamless transition for a student with a disability with post school activities, the division has an assigned Transition Coordinator in Central Office and in addition has identified a Lead Transition Counselor in each local office.

The duties of the Lead Transition Counselor are:

- 1) To function as resource person for local office staff regarding information on the Transition process
- 2) To collect transition data from VR Counselors in their local office and provide this information to the Transition Coordinator in central office on a monthly basis in order to have a view of activities statewide

- 3) To serve as local office liaison to central office for Transition issues
- 4) To train local office VR Counselors on Transition procedures and to serve as a conduit for Transition information sent from central office for local office staff.
- 5) To function as the primary contact to school districts within the local service area, to respond to general questions on division policy and requests for information and resources.

VR Counselors can access information, guidelines and resources regarding the NJDVRS Transition program in the NJDVRS Transition manual posted on the NJLWD internal website, INFORM. In addition, other transition publications are posted on the NJLWD/NJDVRS website to include "Guidelines for School Personnel."

8-6 6 TRANSPORTATION SERVICES

It is within the program scope of NJDVRS, to provide for the necessary cost of transportation services to clients when it's required for them to enter employment. All transportation options will be explored, including public transportation, ACCESS LINK, personal vehicle mileage reimbursement, and vehicle modification. It is the policy of NJDVRS to provide transportation services which will meet the client's needs at the most reasonable cost to the division.

8-7 7 DRIVER EVALUATION & TRAINING

Driver Evaluation is used to determine whether a client can operate a motor vehicle safely and is a prerequisite for a client being considered for driver training.

Driver evaluation has two components:

- 1) Pre-Driver Evaluation
- 2) Behind the Wheel Driver Evaluation
 - a) Car
 - b) Van

Clients must first obtain a temporary license from the NJ Motor Vehicle Commission.

Driver evaluations/training shall be provided only by an approved NJDVRS evaluator/trainer. All driver evaluators/trainers must be employed by a NJDVRS approved rehabilitation facility possessing a current state driving school license issued by the responsible agency in that state. DVRS pays the facility not the evaluator.

All evaluators/trainers must possess a current State Instructor's License issued by the responsible agency in that state.

All evaluators/trainers must possess a Certified Driver Rehabilitation Specialist (CDRS) certification issued by the Association of Driver Rehabilitation Specialists (ADED) Certification Board. NJDVRS will only accept Automotive Adaptive Control Devices (AACD) and/or Vehicle Modification evaluations/prescriptions written by a CDRS.

A preliminary prescription is completed by the evaluator if the client will need driver training. If it is determined that the client possesses driving potential, the evaluator will recommend the necessary driver training sessions. Upon successful completion of driver training, the evaluator will issue a final prescription mentioning the adaptive equipment or the vehicle modification necessary to enable the client to operate the vehicle safely. **THE VR COUNSELOR MUST ADVISE THE CLIENT THAT PURCHASE OF A VEHICLE MUST BE POSTPONED UNTIL THIS EVALUATION IS COMPLETED.** If the client already owns a vehicle, the evaluator can determine if the recommended equipment (AACD only) can be installed. Any used vehicle will require a mechanical and structural inspection by an approved DVRS vendor.

8-8 8 VEHICLE ADAPTATION & MODIFICATION SERVICES

NJDVRS may contribute to the cost of the following two types of vehicle services, in conjunction with the CDRS prescription.

- 1) Automotive Adaptive Control Devices (AACD). The necessary mechanical or electrical devices added to the standard automobile which enables an individual with a disability to drive (e.g. Hand controls, spinner knobs).
- 2) Vehicle Modification (VM). The necessary mechanical or structural change in any motor vehicle other than AACD items that alters the vehicle as delivered by the original equipment manufacturer (OEM) which enables an individual with a disability to drive or be transported.

VENDOR QUALIFICATIONS

All vendors must be Quality Assurance Program (QAP) certified by the National Mobility Equipment Dealers Association (NMEDA) based on level of expertise in the following two categories:

Category I: High Technology Devices. "High tech" devices are those that meet the following conditions: 1) Devices capable of controlling vehicle functions or driving controls, and 2) operate with a designed logic system or interface or integrate with an electronic system of the vehicle.

High Tech Examples:

Primary driving controls:

- A. Powered gas/brake systems
- B. Power park brake integrated with a powered gas/brake system
- C. Reduced effort steering systems
- D. Horizontal steering system
- E. Reduced effort brake systems
- F. Backups for primary controls
- G. Unilever /Joystick Control Systems

Secondary driving control examples:

- A. Remote panel or switch array interfacing with OEM electronics
- B. Wiring extension for OEM electronics
- C. Powered transmission shifter

Category II: Low Technology Devices. “Low tech” devices are AACD equipment that do not meet the definition of High Technology devices or modifications.

Low Tech examples:

Primary driving controls:

- A. Manual gas/brake pad control
- B. Left foot accelerator pedal
- C. Park brake lever or stand-alone powered park brake
- D. Steering terminal device

Secondary driving controls:

- A. Remote horn button (grounding system)
- B. Turn signal crossover lever
- C. Switch extension on OEM controls
- D. Transmission shifter lever.
- E. Transfer seat base

8-9 VEHICLE ADAPTATION AND MODIFICATION SERVICES POLICY & PROCEDURES

- 1) The VR Counselor should consider vehicle ~~adaptive~~ adaptation and/or modification services only after eligibility has been determined and the service will contribute directly to the achievement of an employment outcome.

- 2) The VR Counselor determines the most appropriate transportation option needed in conjunction with any other rehabilitation services in the IPE. If the need for an AACD or VM is identified, the VR Counselor is to contact the DVRS Central Office Vehicle Modification Consultant (VMC) regarding the potential need for these services. The final prescription should be forwarded by the VR counselor to the VMC.
- 3) If AACD equipment is recommended, the DVRS VMC will review the prescription and will send the VR counselor a list of specific items to be purchased plus their corresponding cost. The VMC does not need to meet in person with the client nor the DVRS counselor on AACD cases.
- 4) If the client already owns a vehicle, the Evaluator can determine if the recommended equipment can be installed (AACD only).
- 5) There is no mileage limitation on any vehicle that will have AACD equipment installed. If a vehicle requires a Modification, it must be a new vehicle.
- 6) If the client successfully completed behind the wheel driver training, has obtained a restricted driver license and will need Modifications to a vehicle, the VMC arranges to meet the client at the client's home or worksite. The consultation will consist of a review of the prescription with client, verification of the type, model and year of the vehicle to be modified and the description of the equipment that will modify the vehicle. After meeting with the client, the VMC will then discuss the case with the VR counselor either in person, by telephone or via email.
- 7) An Insurance Rider must be obtained by the client on the modification equipment for the auto or van. If the client has an accident, the insurance settlement should cover the replacement cost of both the car and the modifications.
- 8) All vehicle modification prescriptions require a minimum of 3 quotes from vendors on the approved list. (Please use current Administrative Memo for vendor list.) DVRS will utilize the lowest bid less the client's responsibility for payment if so required by the DVR17 financial aid form. (See Case Policy Section A-9 which notes that SSDI/SSI recipients are not required to participate financially).
- 9) DVRS will pay only for what is listed on the CDRS evaluator's prescription.
- 10) Under no circumstances will DVRS provide financial assistance for the purchase or lease of a vehicle.

- 11) All automobile insurance requirements, shipping costs, replacement and repair of parts due to normal wear and tear, service and maintenance costs are the sole responsibility of client, and this is required to be stated in the IPE.
- 12) Client must be within a year of anticipated employment in order for DVRS to provide a vehicle Modification. In case of a client attending a community college who plans to work directly after receiving an AA degree a waiver may be considered.
- 13) DVRS payment is made to the vendor installing the AACD items or the vehicle modification system. On all new vehicles there is a rebate toward the Modification cost from the Original Equipment Manufacturer (Dodge, Toyota, etc.). Client must apply to the OEM for the rebate after the completion of the adaptation/modification. Here is an example of how this would work: Cost of the modification is \$5000; DVRS payment is \$4000; client pays \$1000 but gets a \$1000 rebate; client cost is 0.

8.10 RESIDENCE/JOB SITE MODIFICATION

MODIFICATION OF RESIDENCE

The intent of this service is to enable the consumer to achieve, to the greatest possible, independent entry/exit from the residence in order to participate in a Vocational Rehabilitation Program or employment.

- 1) No modification will be authorized by NJDVRS for a rental property unless written consent is given by landlord.
- 2) No structural modification to the residence will be authorized by NJDVRS.
- 3) All equipment/items involved in residence modification will remain the property of the consumer. The consumer is responsible for the removal of any modification equipment when it is no longer necessary. This is to be clearly documented and understood by consumer and proprietor. If reusable, the consumer is to be advised that he or she may donate it to a used equipment recycling program.
- 4) All equipment insurance requirements, shipping costs, replacement and repair of parts service and maintenance costs are the sole responsibility of consumer, and this is required to be stated in the IPE.

MODIFICATION OF JOB SITE

The intent of this service is to alter the physical work environment in order for a consumer to be able to function effectively and efficiently.

Under the Americans with Disabilities Act employers with 15 or more employees must make reasonable accommodations to the disability of a qualified employee. However, there may be instances when a consumer is self-employed, employed by a very small business or needs an

accommodation that would be an “undue hardship” to the employer. When this is determined, the following policy is to be adhered to:

- 1) All modifications are limited to items and/or equipment that are removable without any permanent damage to the employer's property upon termination of employment.
- 2) No structural modification to the physical plant and/or equipment owned by the employer will be authorized by NJDVRS.
- 3) All equipment and/or items involved in job site modification will remain the property of consumer. Consumer is responsible for the removal of any modification equipment when it is no longer necessary. This is to be clearly documented and understood by consumer and employer. If reusable, consumer is to be advised he may donate it to a used equipment recycling program.
- 4) All equipment insurance requirements, shipping costs, replacement and repair of parts, services and maintenance costs are the sole responsibility of consumer, and this is required to be stated in the IPE.

RESIDENCE/JOB SITE MODIFICATION PROCEDURES

Upon determination by the VR Counselor, in consultation with the Central office PPDS responsible for job/residence modification, that job-site or residence modification is appropriate NJDVRS service, the VR Counselor will schedule an independent evaluation of the property. The evaluation will be completed by a currently licensed or certified professional in the assistive technology occupations who will develop a general set of specifications including any issues, concerns, dimensions and/or options to be considered by NJDVRS. The independent evaluation is needed to ensure that all vendor estimates are based on the same specifications and criteria.

A list of approved Assistive Technology evaluators will be maintained in central office and published periodically.

- 1) Evaluators may include but are not limited to:
Rehabilitation facilities with an Assistance Technology Professional (ATP) certified by The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA).
Professional Engineer or others, as appropriate, per NJDVRS.
- 2) The VR Counselor will acquire at least three estimates from vendors in order to obtain the most competitive price and to ensure that the most practical modification and equipment be utilized.
- 3) It is important that the consumer fully understand how the property will be modified. A written agreement/contract shall be signed by the consumer and vendor. It shall be contingent on the vendors' receipt of NJDVRS authorization and adequate guarantee of

payment of the balance, if any, by the consumer or another source. It should include those elements recommended in the evaluation which are to be provided. The VR counselor shall include a copy of this agreement in the case record before issuing the authorization for services.

- 4) The vendor must certify that all modification devices are installed and comply with the Barrier-Free Subcode of the New Jersey Architectural Barriers Act of 1968, the 2010 revised American with Disabilities Act Standard for Accessible Design, and the Rehabilitation Act of 1973, as amended, whenever appropriate.
- 5) The vendor is responsible for all required permits, licenses, insurance and inspections as required by Federal, State and/or Municipal statutes.
- 6) All contractors must have a New Jersey home improvement contractor registration number. Effective January 1, 2006, New Jersey regulation requires that all "home improvement contractors" must be registered with New Jersey Division of Consumer Affairs. The regulation states that a "home improvement" is "any remodeling altering, painting, repairing, renovation, restoring, moving, demolishing or modernizing of a structure used as a place of residence, or any portion of the property on which the structure is located".

8.11 SERVICES TO EMPLOYEES

Services to an employee and/or family member must have the approval of the Local Office Manager as well as the written approval of the Assistant Director of Rehabilitation Services. Under no circumstances is the case to be serviced in the same office in which the employee works unless express approval has been granted by the NJDVRS Director. All practices and policies related to Confidentiality must be honored as well as any pertinent standard of ethics such as found in the Code of Professional Ethics for Rehabilitation Counselors developed and administered through CRCC. (See Section A-7 of this Policy Manual). The best interests of the employee and/or family member must always be given priority and consideration when determining what local office and to what individual VR Counselor the case will be assigned.

8.12 REFERRAL TO THE NEW JERSEY COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Referral to New Jersey Commission for the Blind and Visually Impaired must be made in the following instances.

- 1) Consumers presenting with a central visual acuity of 20/200 or less in the better eye with correction
- 2) A visual field no greater than 20 degrees in the better eye

- 3) A visual acuity of 20/70 or less in the better eye after best correction
- 4) A visual field no greater than 40 degrees in the better eye
- 5) A diagnosis of hemianopsia
- 6) A diagnosis of disabling scotomas
- 7) A Social Security beneficiary who has been found eligible for benefits as a result of visual impairment
- 8) Consumers who have eye problems requiring surgery or extensive eye treatment
- 9) Consumers who are deaf-blind.

8.13 ON-THE-JOB TRAINING

PURPOSE

The purpose of On-The-Job training (OJT) is to assist businesses in training and retaining skilled, productive workers. It is a “hire-first” program in which the employer enters into an agreement with NJDVRS to hire, train, and retain the consumer upon successful completion of the training program. Participating employers will receive a reimbursement up to 50% of the consumer’s gross wages during the duration of training. This will cover the extraordinary costs of training and supervision as well as to compensate for expected lower productivity of the trainee vs. a more experienced employee.

APPLICABLE LAWS AND RULES

- 1) The Employer shall comply with all applicable federal, state, and local laws, rules and regulations, which deal with or relate to employment, including but not limited to the Fair Labor Standards Act, as amended.
- 2) The Employer assures that it will comply fully with the non-discrimination and equal opportunity provisions of the following laws: (a) Title VI of the Civil Rights Act of 1964; (b) Section 504 of the Rehabilitation Act of 1973; (c) Americans with Disabilities Act; (d) The Age Discrimination Act of 1975; and (d) Title IX of the Education Amendments of 1972.
- 3) This OJT will not result in the displacement of employed workers and no trainee shall be illegally discriminated against on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and citizenship.

TRAINEE WAGES AND BENEFITS

- 1) Hourly wages paid to a Trainee shall not be less than the hourly wage specified in the contract.
- 2) Appropriate worker's compensation insurance protection will be provided to all Trainees.
- 3) Each Trainee shall be provided pay, benefits and working conditions at the same level and to the same extent as other employees similarly employed.
- 4) Only those persons eligible for NJDVRS services will be trained under an OJT agreement.

CONTRACT

- 1) Authorization for on-the-job training may be issued to an employer who formally agreed in written contract to provide an eligible consumer training in entry level skills necessary to maintain a specific job with that employer.
- 2) An OJT must be limited to the period of time required for a participant to become proficient in the occupation for which training is being provided. In determining the appropriate length of the contract, consideration must be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the individual employment plan.
- 3) The employer providing the training must agree that an employment relationship shall exist between the employer and the individual during this training.
- 4) The contract must detail training objectives, duration of the training, wages, and must be negotiated, written, and signed by the employer, the consumer, and the VR Counselor;
- 5) Authorization may be issued for up to 50% of the consumer's gross wage during the duration of training. No reimbursement is made for fringe benefits.
- 6) The employer's intention to retain the consumer as an employee at least at an entry level rate at the conclusion of training, as well as, all parties' rights to terminate the agreement for good cause should be included in the contract.

RECORDS

- 1) The employer must submit written reports to NJDVRS on a specified schedule regarding the consumer's progress and attendance.

- 2) The Employer agrees to maintain all records pertinent to the OJT contract for a period of three years from the date of the final expenditure report.
- 3) The grantor may investigate any matter it deems necessary to determine compliance with state policy and or procedures.

8.14 NJDVRS / WORKFORCE DEVELOPMENT PROGRAM REQUIREMENTS

VR Counselors may use individual grant funding to eligible NJDVRS consumers who also meet the criteria listed below. The term Fund 08 is usually used with these grants. The grants are to be used to provide training stipends of up to \$4000 to eligible consumers utilizing the following criteria:

- 1) The NJDVRS consumer must need the training to become employed.
- 2) Training can be either long or short term in nature and needs to be provided in a vocational school or college setting.
- 3) An OJT is not considered training under this grant.
- 4) The training institution must be located in New Jersey and by an approved vendor; (approved training programs can be found on the NJLWD website at: <http://www.njtrainingsystems.org/>).
- 5) The consumer's employment outcome must be in a NJ demand occupation. However, if the Workforce Investment Board (WIB) believes that an occupation is not listed as in demand in its area, it can designate such an occupation as being in demand and allow approved program participants in its jurisdiction to be placed in training.

A demand occupation is one "which is likely to have a significant excess of demand over supply for adequately trained workers during the subsequent period of four or more years." The training must substantially enhance the worker's marketable skill and/or earning power and is not to be approved for individuals already possessing identifiable marketable skills in a labor demand occupation. These occupations are listed in "A Guide to Labor Demand Occupations" published by the New Jersey Occupational Information Coordinating Committee (NJOICC) and supplemented on WNJPIN by area.

The "Demand Occupation Approval Form" (WD-67) must be completed to document all information relative to the training program in question.

More information regarding procedures and guidelines can be found on the NJLWD website: http://lwd.dol.state.nj.us/labor/lpa/lbrdmand/LaborDemand_index.html.

8.15 CHILD CARE

Child care services shall be designed to support the primary vocational rehabilitation objective as identified in the Individualized Plan for Employment (IPE) and may only be provided in conjunction with another NJDVRS service.

- 1) Pursuant to the State Child Care Center Licensing Law (NJSA. 30:5B-1 to 15), NJDVRS may only provide funding for childcare from child care facilities approved, registered and licensed by either the NJ Department of Human Services, Division of Family Development (DFD) or from the Department of Children & Families, Division of Youth and Family Services (DYFS). The payment rate established for that facility will apply.
- 2) Given the ongoing nature of childcare needs beyond case closure, comparable benefits need to be explored. Information regarding the availability of child care and funding assistance can be obtained from local DYFS offices, county Boards of Social Services or by contacting the Child Care Resource and Referral Center in your county.

8.16 PERSONAL ASSISTANCE SERVICES

NJDVRS may provide Personal Assistance Services in order to assist a consumer perform daily living activities that the individual would typically perform if the individual did not have a disability. Such services shall be designed to ensure the consumer will be capable of completing a vocational plan as identified on the Individualized Plan for Employment (IPE) and may only be provided in conjunction with another IPE service.

NJDVRS and the New Jersey Division of Disability Services (NJDDS) believe that coordination of the services of the agencies is essential if maximum cost effectiveness of services to eligible individuals with disabilities in New Jersey is to be achieved. It is the aim of both NJDVRS and NJDDS to facilitate the availability of personal assistants to eligible individuals with disabilities capable of self-directing their plans to obtain appropriate employment.

POLICY

Personal Assistance Services may be provided by NJDVRS while a consumer is receiving vocational rehabilitation services, if the eligible consumer meets the following standards:

- 1) Personal Assistant Services provided by NJDVRS must be documented in the IPE, and the case record must justify that these services are necessary to achieve an employment outcome.
- 2) VR Counselors must coordinate NJDVRS sponsored Personal Assistance Services with any other funding source.

- 3) VR Counselor must identify a source of long term funding for necessary Personal Assistance Services upon completion of NJDVRS sponsorship. Consumer may be the source of funding.
- 4) NJDVRS can only purchase this service from a county designated agency or one of their approved vendors utilizing the hourly rate established for that agency.
- 5) Services may be provided by NJDVRS only for the length of time documented in the IPE.
- 6) NJDVRS may continue the provision of Personal Assistance Services as designated on the IPE, when necessary, for a maximum of ninety (90) days from the beginning of employment.
- 7) For the Personal Assistance Services Program (PASP), and the Personal Care Assistance Program (PCA) Medicaid Waiver Program contact:

The New Jersey Division of Disability Services
(609) 292-7800 (main number)
1-888-285-3036 (toll free)

- 8) For the Community Care Program for the Elderly and Disabled (CCPED) contact your county's Board of Social Services.

8.17 SERVICE PROVISION TO CONSUMERS WITH THE VOCATIONAL GOAL OF SELF-EMPLOYMENT

PURPOSE:

NJDVRS may provide services to eligible consumers whose vocational goal is self-employment. NJDVRS will be supportive but realistic about self-employment options. Starting a small business can be difficult and successful consumers will tend to be those with a certain set of skills, personality traits, and an active support network.

The self-employment process requires a team effort between the consumer, the VR Counselor, and outside business consultants. Each member of the team has certain responsibilities with consumer commitment and involvement of key ingredients in this process. The self-employment process used by DVRS is designed to ensure that those who complete the process have an excellent chance to launch a successful business.

DEFINITIONS

- 1) “Self-employment” means the consumer must have ownership in the business and be involved in the day to day operations.
- 2) “Business Plan” means a formal written document that fully describes the proposed business and covers such topics as a market analysis and marketing plan, start up and continuing costs, and how the business will operate.
- 3) “Assessment” is the process by which it is determined that the consumer has the skills, attributes, and resources to be a business owner and the business idea is evaluated to see if it is reasonable.
- 4) “Start-up costs” are expenses such as initial stock and supplies, equipment, rent and utilities, insurance, site renovations, and licenses needed to open a business.

ASSESSMENT:

Both the consumer and the business idea must be assessed. The consumer and the VR Counselor must be convinced that the consumer has the interest and personality traits to successfully start and maintain a business.

VR Counselors will evaluate the appropriateness of their consumers who are interested in being self-employed using the Business Assessment Scale and determine with the consumer whether this would seem to be an appropriate employment outcome. The VR Counselor, consumer and at least one other NJDVRS staff person should complete the Scale; discuss the results and forward results and business plan to the Central Office contact person for Self-employment programs. (This contact person is available for assistance to the VR Counselors on any issues pertaining to this program area.) The VR Counselor needs to look at factors such as consumer’s level of motivation to work (many small businesses require long hours on the part of the owner and much self-sacrifice to be successful), ability to follow through with requests and ability to be persistent to accomplish tasks. To be self-driven and self-motivated are important personality traits for people who seek self-employment. The ability to learn basic management

skills should be present, such as being able to keep an inventory, keep business records, pay taxes etc. as determined by the needs of the particular business. Note: The Business Assessment Scale can be found in Appendix A.

BUSINESS PLAN:

A business plan is required for all consumers whose goal is self-employment and who are seeking NJDVRS assistance in setting up a small business. A business plan allocates resources and maps out the actions to be taken. This results in the setting of realistic goals and logical decision making. The plan serves as the roadmap for the consumer as well as a marketing tool to help secure any needed financial resources.

The plan shall include:

- a) Executive Summary – This section generally describes the name and type of business, the business location, the product, the market, and the management and business goals.
- b) Products or Services – This section describes the product or service line and any proprietary position (patent, copyright, legal, and technical).
- c) Market Analysis and Marketing Strategy – This section describes the total market, industry trends, target market, competition and the methods of selling, distributing and servicing the product or service line.
- d) Management Plan – This section describes the business organization, personnel, facilities, and operating plan.
- e) Financial Plan & Benefits Analysis – This section should include at least 1 to 3 years of: Profit and Loss Projections; Cash Flow Projections; Balance Sheet Projections; and a Break Even Analysis.

A copy of all business plans must be sent to NJDVRS Central Office for consultation with the staff person assigned to this area prior to authorization or commitment of funds relating to the small business enterprise.

FUNDING

Most businesses fail due to poor “cash flow” generally resulting from poor planning. Consumers must utilize their own resources and obtain appropriate loans for funding the self-employment venture as needed, to ensure business continuation. Financial projections need to be obtained from the consumer detailing the total amount of money needed to operate the business (cost vs. income) over a one to three-year period. The consumer needs to have the resources to cover the costs which are in excess of NJDVRS approved services. Example: If the consumer needs \$40,000 to start the business and NJDVRS case services are approved for \$10,000, the VR Counselor must have a guarantee that the remaining \$30,000 is available to the consumer before sending authorizations for the \$10,000. After plan approval, an NJDVRS letter of commitment may be provided to assist the consumer in obtaining the additional resources but authorization for services will be held until the balance of funds is guaranteed. The additional money may come from:

- Personal Savings
- Family and friends
- Bank loan
- Small Business Administration grant/loan
- NJ Community Loan Fund loan □ Economic Development Authority □ Other sources.

SERVICES:

Services may be provided in the form of:

- 1) Assistance in preparing a business plan, loan applications or other business related documents through counseling and guidance and/or referral to resources such as local office business liaison, central office staff consultant or small business development centers (no financial assistance from this agency will be considered to pay for preparation of these documents).
- 2) Assistance in identifying and obtaining available similar benefits.
- 3) Provision of cost services such as adaptive equipment needed to operate the business, initial advertising costs, initial business insurance premiums and other startup expenses, purchase of initial business stock, tools, equipment, licenses and supplies.
- 4) Provision of initial stock, supplies and operational costs for small businesses may be provided only during the initial six-month establishment period.

FOLLOW UP AND CLOSURE:

Once the business plan is implemented, VR Counselor follow up is critical. The VR Counselor and consumer should write a follow-up schedule into the evaluation section of the IPE. VR Counselors will make visits to the business during the first three months of operation when necessary and as deemed appropriate until the case is closed with NJDVRS. Contacts may include periodic reviews of tax records and the business's books.

LIMITATIONS:

- 1) NJDVRS funds are not provided for long term, ongoing operational costs.
- 2) NJDVRS funds are not provided for multi-level marketing businesses.
- 3) NJDVRS funds are not provided to consumers as cash accounts from which they draw monies as needed, but are only expended to vendors for specific items after estimates for the cost of each item is received.
- 4) Only those business expenses individually identified as essential to the operation of the business will be considered for funding.
- 5) The dollar amount of cost services per eligible consumer, directly related to the self-employment goal, shall not exceed \$10,000.

- 6) All other NJDVRS policy e.g. financial need, use of similar benefits, etc., shall apply to persons whose goal is self-employment.

8.18 POST SECONDARY TRAINING

The employment objective will determine when post-secondary education is necessary. When service providers are considered to be of comparable capacity to meet the consumer needs, NJDVRS will only provide financial support for the least costly. For many employment outcomes appropriate training could be provided by community colleges, and county vocational/technical schools. These options must be considered when comparing program costs. Total program costs should be considered including tuition, fees, books, supplies, transportation, maintenance, etc. as appropriate. Comparable benefits must be explored. VR Counselors must provide a rationale for the service and for the choice of vendor that considers the costs. If the consumer prefers a costlier alternative, the consumer will be responsible for the additional cost.

ELIGIBLE TRAINING PROVIDERS

Degree granting institutions must maintain accreditation by the appropriate regional accrediting body recognized by the U.S. Department of Education.

Non-degree granting institutions, including community rehabilitation programs offering skill training programs, must be included on the “Eligible Training Provider List” maintained on-line by Workforce New Jersey and the State Employment and Training Commission (at www.njtrainingsystems.org).

USE OF ELIGIBLE TRAINING PROVIDER LIST (ONLINE CONSUMER REPORT CARD)

VR Counselors and consumers are required to use the “Eligible Training Provider List” to determine the programs that are approved to provide training in New Jersey, to ascertain the least costly training to prepare for the determined employment outcome and to provide the consumer with informed choice. If it is impractical to do a statewide search, all counties that would be reasonable training sites for the consumer should be searched by the appropriate type of training so that costs can be compared. All cost comparisons should be made on the basis of total packages that consider related expenses.

PRORATION OF PAYMENTS

Authorizations for tuition and fees should be made payable in the smallest unit of payment that can be negotiated with the training provider. In college cases this is generally per quarter, trimester or semester, but in non-degree programs units may be per hour, day, week, month or some other unit. Keeping the units small saves money if a consumer does not complete the program.

PURCHASE OF COMPUTERS

Most consumers should be encouraged to use computers made available through their college or training provider for the use of students. NJDVRS will only consider the provision of personal computers if they are required to overcome the limitations of a disability or if it is documented

that every student is required to have a personal computer.

NJDVRS will retain title to all computers it purchases for consumers. Form DVR-222 must be completed and filed in the consumer's case record.

8.19 DEAF AND HARD OF HEARING SERVICES

NJDVRS has a Program Planning and Development Specialist in Central Office who is designated as the Statewide Coordinator for Deaf, Hard of Hearing and Late-Deafened. This staff person oversees all programs, policies and services provided by NJDVRS to consumers with hearing loss. In addition, there are VR Counselors in almost every local office qualified as Deaf Language Specialists, and/or designated as Rehabilitation Counselors for the Deaf and Hard of Hearing. The Statewide Coordinator holds quarterly meetings with these staff, the "RCD" meeting, at which time policies and issues related to hearing loss are discussed, and relevant information is disseminated.

In addition, NJDVRS supports three Regional Deaf and Hard of Hearing Centers, located in north, central and southern New Jersey. These centers provide vocational rehabilitation services specifically designed for people with hearing loss, including vocational assessments, employment readiness services and job placement assistance.

8.20 CENTERS FOR INDEPENDENT LIVING

Centers for Independent Living (CILs) are grassroots, advocacy-driven organizations operated by and for people with disabilities. The centers are non-residential and community based with

a focus on civil rights, independent living philosophy, consumer control and community inclusion. CILs carry out their mission in a variety of ways, according to the priorities of their local communities, and may offer unique services.

However, all 12 centers in New Jersey provide the four core services which include:

- 1) Information and Referral
- 2) Peer Support

3) Independent Living Skills Training

4) Individual and Systems Advocacy.

The Independent Living Centers are linked together, and also with us, by the Statewide Independent Living Council (SILC) and the tri-annual State Plan for Independent Living, which is developed jointly by the SILC and NJDVRS.

Although the mission of the centers is different from that of NJDVRS, much of their funding comes as a result of the same legislation that provides funding for this agency.

There is a Program Planning and Development Specialist (PPDS) in Central Office assigned to work with Independent Living Centers, and our local offices are encouraged to consider the CILs as an important resource for supportive services like housing referral and adaptation, personal assistance referral, youth transitioning, and assisting with government issues like social security applications. Every county in New Jersey is covered by one of the 12 centers or their satellite offices.

8.21 SUBSTANCE USE DISORDERS (SUD)

GENERAL CONSIDERATIONS

NJDVRS serves individuals with Substance Use Disorders (SUD) in recovery. Such individuals may apply for services and may be determined eligible based on having significant functional limitations as a result of their history of a SUD. Every applicant is assessed on an individual basis. There is no minimum sobriety period that an individual is required to have prior to referral or application to NJDVRS. However, individuals are expected to be abstinent at the time of referral or application, and demonstrate a continued commitment to their recovery program. VR counselors are responsible, to the best of their ability, for assessing

and monitoring the consumer's sobriety through methods deemed appropriate such as: consumer observation, behavioral indicators, drug testing and consultations with SUD providers.

Any individual who applies to NJDVRS will be asked about their substance use regardless of the reported disability at the time of application. If the VR counselor determines that there is an indication of the individual having a SUD, the VR counselor will conduct a further screening and if appropriate refer the individual for a SUD evaluation. Individuals diagnosed with a SUD will be referred for the appropriate treatment when indicated.

VR Counselors are advised to consult with the NJDVRS SUD Best Practices Manual as a reference tool for pertinent matters such as sobriety determination, screening methods, eligibility determination, treatment, and recovery resources.

DIAGNOSTIC CRITERIA

NJDVRS recognizes the diagnostic criteria for Substance Use Disorders as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders

IVTR, (DSMIV-TR). According to the DSMIV-TR, SUD is a maladaptive pattern of substance use that falls into the category of either a Substance Dependency Disorder or a Substance Abuse Disorder. For purposes of NJDVRS, consumers with an SUD will have either dependency or chronic abuse patterns involving alcohol, prescription medication, over the counter medications, inhalants, illegal drugs or a combination of substances.

CO-OCCURRING DISORDERS

Given that individuals with an SUD have a higher incidence of mental health disorders than the general population; VR counselors will utilize their clinical skills to screen all SUD consumers for having a possible co-occurring disorder. VR counselors will also determine the need for a referral for a mental health evaluation if this has not already been done prior to application to NJDVRS.

There is also a higher incidence of traumatic brain injury (TBI) for individuals having an SUD, with the SUD often being secondary to the TBI. As such VR counselors will screen all TBI consumers for having a possible SUD and determine the need for any further evaluations.

ELIGIBILITY

Eligibility determination is based on each of the following criteria:

Documented SUD diagnosis- The consumer's SUD needs to be documented by a professional considered qualified to make the diagnosis. All categories below will be accepted with preference given to categories A or B.

Licensed clinical alcohol and drug counselors (LCADC) Note: an evaluation done by a certified alcohol and drug counselor (CADC) may also be used if done under the direct supervision and signature of an LCADC.

Licensed psychiatrist with a certification from the American Board of Addiction Medicine (ABAM), or American Board of Psychiatry and Neurology (ABPN).

Licensed mental health professionals working within a state licensed SUD/addiction facility or treatment center to include categories (a) and (b) in addition to: Psychiatrist, licensed Psychologist, Licensed Clinical Social Worker (LCSW), licensed Professional Counselor (LPC) or licensed Marriage & Family Therapist (LMFT). Note: these are the professional categories recognized by SUD facilities licensed by the state to conduct "comprehensive (SUD) assessments."

Licensed mental health clinicians working in private practice or mental health treatment centers to include: category (a) and (b) in addition to: Psychiatrists, Licensed APN (Advanced Practice Nurse) of psychiatry/mental health with master's degree, Licensed Clinical Social Worker (LCSW), or licensed Psychologist.

When the licensed professional (as outlined in category (d) is not part of a SUD facility and/or lacks the LCADC or CADC certification, the VR counselor will exercise their judgment as to using this professional's diagnosis of a SUD. The use of such diagnosis would be most

appropriate in cases where there is an established therapeutic relationship between the consumer and clinician.

If a consumer, when applying to NJDVRS, does not have documentation of a SUD, the VR Counselor will refer the consumer for a clinical evaluation done by a qualified professional as stated above.

Significant functional limitations related to employment- Impediments to employment may include among other factors: inadequate education and/or work history, limited tolerance for stress, impaired self-direction and/or self-care, impaired coping or interpersonal skills, impaired working memory, impaired cognitive and motivational processes, and poor decision and choice making. VR Counselors will determine and document how substance abuse or a co-occurring condition affects the consumer's ability to prepare for, obtain, or maintain employment.

Other eligibility considerations:

Demonstrated commitment to an appropriate SUD treatment program - The VR Counselor will assess the individual's compliance with a SUD treatment program as well as the appropriate level of care for that individual based on the VR Counselor's clinical judgment and/or when needed the assessment of a SUD clinician. It is understood that such treatment for eligible consumers may range from an intensive out-patient program to recovery support groups depending on the nature and course of the individual's SUD. For some, prescribed medications may also be part of the individual's treatment and recovery plan.

Determination of work readiness - Work readiness may be assessed by one or more of the following: consumer recognizes the SUD as a disability, is actively participating in a substance abuse treatment program (if clinically indicated), is committed to recovery, is complying with any prescribed addictions and/or medical treatment, is able and willing to participate in the VR process and is capable of working in competitive employment.

INELIGIBILITY

Consumers who are actively engaging in the illegal use of drugs at the time of referral or application will not be made eligible for NJDVRS services. In addition, if such use is determined during the VR process, this may lead to case closure or a suspension of services. This assessment will be determined by the VR counselor on an individual basis and based on factors such as the consumer's unwillingness to maintain sobriety and participate in a treatment program.

Consumers' who self-report or who are suspected of prescription drug abuse should be screened by the VR counselor and referred for a SUD evaluation when appropriate. In such cases, the consumer's case may be closed or services suspended based on the same criteria applied for those using illegal drugs.

As outlined in the Rehab Act of 1973 as amended, Section 7 (20) (i), an individual with a disability does not include an individual "who is an alcoholic and whose current use of alcohol

prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property of the safety of others.” When a consumer is suspected of such activity as outlined above, such individual must agree to comply with a SUD evaluation and follow any treatment recommendations in order to be considered eligible for NJDVRS services.

Any consumer reporting a “recreational use” of alcohol or drugs or history of substance use will be assessed by the VR counselor as to the need for a SUD evaluation and will be informed of their possible ineligibility for services.

RELAPSES

In the event a consumer relapses, the VR counselor should re-assess the consumer’s readiness for VR services, and at the same time not consider such relapse to be an automatic rationale for case closure. This assessment will be made on a case by case basis and could include possible closure in addition to a suspension or interruption of all NJDVRS services.

Such determination should consider the individual’s severity of relapse, addiction history, commitment to regained sobriety, participation in recommended treatment, recommendations of a treatment provider, and any other pertinent factors.

DRUG TESTING

At the VR counselor’s discretion, random drug testing may be conducted by a NJDVRS designated facility. Such testing could be warranted if a consumer has reported or is suspected of current drug use. As in the case of relapses, a positive test result may indicate case closure, but only after having made a comprehensive assessment of the consumer’s commitment to sobriety, work readiness and an appropriate plan for recovery. Consumers suspected of current drug use who refuse testing will be informed of their case closure in accordance with NJDVRS policy. It is advised that the determination of case closure or suspension as a result of a consumer’s drug test and/or relapse be made in consultation with a VR Supervisor, Manager and/or SUD treatment provider. As a general practice it is advised that the VR Counselor be aware of any prescribed medications that the consumer is taking prior to making the referral for drug testing.

MEDICAL MARIJUANA

Individuals who are using marijuana for medical purposes as legislated by the New Jersey Compassionate Use Medical Marijuana Act (P.L. 2009, c.307 (S119 3R)) will be considered for eligibility determination with NJDVRS.

Such individuals must be determined eligible for NJDVRS based on the criteria used for all consumers in addition to being in compliance with all terms of the Medical Marijuana Act to

include:

- having one or more of the designated “debilitating medical conditions”;
- using the marijuana as a medical treatment for such condition;
- proof of current registry with the state health department;
- demonstrate proof of treatment compliance from one of the designated “Alternative Treatment Centers” in New Jersey, authorized to dispense the marijuana as sanctioned by the state

The individual must also provide the appropriate documentation to NJDVRS to indicate a “medical clearance” to work.

CHAPTER 9: POLICY DISSEMINATION SYSTEM

9.1 POLICY DEVELOPMENT CONSULTATION AND REVIEW

The Division, in connection with policy development, takes into consideration the views of individuals and groups concerned with the rehabilitation process. Recommendations from the State Rehabilitation Council (SRC) are a key component to NJDVRS policy review and development. Input from consumers and their families, service providers and NJDVRS central and field staff on matters pertaining to legislation, budget, grants proposals and affirmative action, is utilized in the policy review process.

9.2 PREPARATION AND DISSEMINATION OF POLICY

Additions or deletions of existing as well as new policy issuances are to be developed, approved and disseminated according to the following process:

- 1) A determination is made by the Director or Assistant Directors - hereafter called administrators - that a change in policy is to be made or a new policy issued.
- 2) A person is assigned by the administrator to prepare a draft of the policy along with a supporting rationale. The administrator will determine the time frame for completion of the draft and rationale.
- 3) The Assistant Director of Rehabilitation Development Programs, will review the draft and rationale as to feasibility and to determine that proper language and format are used, if there are any conflicts with existing policy or regulation, and will cross-reference as needed.
- 4) The draft is distributed by the administrator for review by appropriate field and staff persons to assess the impact of the proposed change(s). The administrator will assign time frames for feedback. Feedback is returned to the author.
- 5) The feedback is collated by the author and presented to the administrators.

- 6) This body of information is reviewed by the administrators and a policy decision made.

- 7) The author, with the assistance of the Assistant Director, Rehabilitation Development Programs, prepares final document for issuance under the Director's signature.

- 8) The Managers of Local Field Offices will be notified first, prior to the dissemination of policy to the rest of the field staff.

CHAPTER 10: REASONABLE TIME AND/OR DOLLAR SCHEDULE

Fees for Services shall be in accordance with the Division's fee schedule or the usual and customary charges made to the general public, whichever is less. Where a service fee is not defined in the fee schedule, the usual and customary fee shall be used.

10.1 COLLEGE TRAINING

Consumer and VR Counselor are responsible for assuring that maximum effort is made to secure financial assistance, in whole or in part, from other sources before VR funds can be obligated to pay for college.

The general guidelines as well as fee structure for NJDVRS college sponsorship cited below should always be in accordance with the most up to date NJDVRS Administrative Memorandums and/or directives on this subject.)

FULL-TIME STUDENT (12 OR MORE CREDITS PER SEMESTER)

Undergraduate

Tuition & Fees - up to \$2,500 per semester

Graduate

Tuition & Fees - up to \$3,250 per semester

PART-TIME STUDENT (LESS THAN 12 CREDITS PER SEMESTER)

Undergraduate

Tuition & Fees – up to \$175 per credit

Graduate

Tuition & Fees – up to \$275 per credit

ROOM & BOARD

Room – up to \$1,500 per semester

Board – up to \$750 per semester

- The listed per semester dollar schedule applies to college programs having 2 (fall & spring) semesters per academic year.
- For colleges with 3 semesters per academic year occurring between September and May, the listed semester maximum for a full time student is to be multiplied by 2 & then divided by 3, to get the maximum for each of the three semesters.

Cost of books and supplies may also be funded by NJDVRS as approved by VR Counselor and contingent upon submission of receipts by consumer.

10.2 POST SECONDARY TRAINING OTHER THAN COLLEGE

No more than published fee up to an all-inclusive maximum fee for the entire program of \$4,000. This includes tuition, fees, books, supplies, computers, if required, etc. This limit does not rescind any individually negotiated fees published in the Community Rehabilitation Programs Directory.

10.3 ON-THE-JOB TRAINING

Cost - up to 50% of entry level wage paid for the particular occupation. (See Section H-11.)

10.4 THERAPY

Individual therapies may be funded by NJDVRS for a limited period of time, and if deemed necessary to achieve the employment outcome of the consumer and/or to maintain employment. In addition, other payment sources such as the consumer's medical insurance must first be utilized as a comparable benefit.

Types of therapies may include but are not limited to:

Cardiac Therapy; up to 39 sessions.

Psychotherapy: up to 20 sessions.

Physical Therapy: up to 39 sessions.

Occupational Therapy: up to 39 sessions.

Speech Therapy: up to 39 sessions.

Cognitive Therapy: up to 39 sessions.

Cognitive Rehabilitation: up to 130 days.

10.5 HEARING AIDS

Hearing aids come in a very wide assortment of models and price ranges, with any number of complex features. Hearing aids are also the subject of intense marketing efforts, mostly of a cosmetic nature. It is incumbent on the consumer and Vocational Rehabilitation (VR) Counselor to purchase the hearing aid that will effectively meet the consumer's on-the-job needs at the most reasonable cost. The vocational goal, job duties and the user profile are all important aspects of the hearing aid purchase process. Consequently, a construction worker may need a hearing

aid with different features than an office worker. The consumer and VR Counselor need to be educated shoppers and reject unnecessarily costly recommendations.

Hearing aids generally last up to five years, depending on the type, the consumer's care of the device and environmental conditions. A major priority is extending the working life of a hearing aid as long as possible. The consumer needs to be counseled concerning how to take care of their hearing aid and how to practice preventive maintenance. The consumer needs to develop a relationship with the hearing aid dealer for routine cleaning, repairs and other maintenance, and not rely on their VR Counselor to simply replace the device. The consumer should be reminded in the Individualized Plan for Employment about the recurring cost of hearing aids, the necessity of good hearing aid maintenance and the need to implement a savings plan for future hearing aid needs.

THE PROVISION OF HEARING AIDS:

- Requires in-depth analysis of all facets related to the hearing loss, hearing aids, consumer needs, employment goal and work setting,
- Requires intensive counseling and guidance to overcome a myriad of consumer psychosocial issues including denial of hearing loss, or lack of information concerning hearing loss and proper hearing aid usage,
- Requires counselor knowledge concerning specific types and components of hearing aids, and how to use them in conjunction with Assistive Listening Devices (ALDs) and the importance of the T-switch,
- Require intensive knowledge of the rapid technology availability on all ALDs Listening Devices to further enhance the consumer's hearing experience on-the-job and;
- Requires that a step-by-step process be closely and sequentially followed in order to ensure quality service provision at a reasonable cost.

THE HEARING AID DIAGNOSTIC AND DISPENSING PROCESS

The step-by-step diagnostic and dispensing process for hearing aids referenced in this guidance document, along with pertinent notes and attachments, is outlined as follows:

1. Otolological/Ear Nose and Throat (ENT) Examination
2. Audiological Examination
3. Hearing Aid Evaluation
4. Hearing Aid Dispensing Procedure

STEP 1: OTOLOGICAL EXAMINATION

The Otolological Examination has to be done by an Otologist or Otolaryngologist/ENT to rule out any physical status of the auditory system that prohibits medical clearance for amplification for the consumer. If the consumer needs an MRI; consumer should not have a hearing test until after the MRI has been completed. If consumer needs ear wax removed, this will be included in the cost of the service.

It is absolutely necessary to obtain an Otolological Exam in order to ensure that a consumer receives needed medical care to ensure the validity of the audiogram and hearing aid prescription.

STEP 2: AUDIOLOGIC EXAMINATION

Note: A comprehensive Audiologic Examination and Hearing Aid Evaluation can only be provided by a Licensed/Board Certified Audiologist.

The complete Audiologic Evaluation & Report is the basic hearing assessment and testing that identifies the type, degree and configuration of the hearing loss, and whether a hearing aid is needed.

The Division of Vocational Rehabilitation Services (DVRS) mandates that all hearing aids have a t-coil added to the aids, which will enable a consumer to access a wide variety of assistive listening devices that will further enhance his or her functionality in the community and at work.

STEP 3: HEARING AID EVALUATION

The Hearing Aid Evaluation & Report: specifies the exact type of hearing aid that is needed, and constitutes the hearing aid “prescription.” When it comes to hearing aids there is not a “one size fits all” solution, and the prescribed hearing aid depends upon a variety of factors. A Hearing Aid Evaluation Report must be completed by an Audiologist, not the Hearing Aid Dispenser.

STEP 4: HEARING AID DISPENSING PROCEDURES

Hearing aids must be dispensed by a New Jersey Licensed Hearing Aid Dispenser. Most Audiologists now have hearing aid dispensing licenses. If not, the ENT specialist and Audiologist report will be forwarded to the hearing aid dealers. The Hearing Aid Evaluation and report must be completed by the Audiologist. The Hearing Aid Dispenser will provide the

hearing aid in accordance to the prescription, hand fit the hearing aid to the consumer, adjust the hearing aid for the consumer's comfort, and instruct the consumer on its application, utilization and maintenance.

After reviewing the Audiologic and Hearing Aid Evaluations, the Hearing Aid Dispenser will provide the VR Counselor with a copy of the Manufacturer's Unit Price List (MUPL), with the prescribed hearing aid listed and a copy of DVRS Hearing Aid(s) Agreement. The MUPL is also referred to as the Manufacturer's Unit List Price, and both are at the wholesale cost.

For more detailed information and guidelines about Hearing Aid Evaluations and purchases, it is recommended that VR counselors refer to the best practices manual entitled "What is Involved in Getting a Hearing Aid" on the internal DVRS website, INFORM, under Tools of the Trade.

COCHLEAR IMPLANT DEVICES

The DVRS has no specific guidelines as of yet on how to work with individuals who are requesting services in regard to the purchase or repair of a Cochlear Implant Device (CI). However, when such an individual is requesting this type of service, it is mandatory that the VR Counselor consult with the DVRS State Coordinator for Deaf and Hard of Hearing Programs. The State Coordinator and VR Counselor will work together to review the case and determine the viability of the requested service.

The DVRS will be developing best practices in the near future on how to process these unique cases.

10.6 WHEELCHAIRS

Up to one and one-half times the manufacturers invoice cost.

10.7 MAINTENANCE

Provided to consumers in increments of \$5.00 per week, up to a maximum of \$50 per week, or per diem. NOTE: Authorizations for maintenance must be issued in weekly segments of up to four per authorization.

"Maintenance" means monetary support provided to a consumer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the consumer and that are necessitated by the consumer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the consumer's receipt of vocational rehabilitation services under an individualized plan for employment.

10.8 CONSUMER PERSONAL VEHICLE TRAVEL

If consumer uses personal vehicle, actual costs incurred will be reimbursed based on the vehicle's actual mileage per gallon and the cost of gas per gallon. Tolls and parking will be reimbursed as per receipts.

10.9 RESIDENCE AND JOB SITE MODIFICATION:

RAMP STANDARDS FOR RESIDENCE AND JOB SITE MODIFICATIONS

Maximum fee to be paid to a vendor will be one hundred dollars (\$100) per linear foot and will include all ramp standards stated below and any other requirements established and approved by the applicable jurisdiction's building inspector, as well as, any other fees (building permits, architectural drawings, etc.). All costs and fees are to be included in vendor's estimate.

SLOPE AND RISE

The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 inches (760 mm). Ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as allowed in the Americans with Disabilities Act Accessibility Guidelines (ADAAG), if space limitations prohibit the use of a 1:12 slope or less. Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable.

CLEAR WIDTH

The minimum clear width of a ramp shall be 36 inches (915 mm).

LANDINGS

Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

- 1) The landing shall be at least as wide as the ramp run leading to it.
- 2) The landing length shall be a minimum of 60 inches (1525 mm) clear.
- 3) If ramps change direction at landings, the minimum landing size shall be 60 inches by 60 inches (1525 mm by 1525 mm).

HANDRAILS

If a ramp run has a rise greater than 6 inches (150 mm) or a horizontal projection greater than 72 inches (1830 mm), then it shall have handrails on both sides. Handrails shall have the following features:

- 1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.
- 2) If handrails are not continuous, they shall extend at least 12 inches (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface.
- 3) The clear space between the handrail and the wall shall be 1½ inches (38 mm).
- 4) Gripping surfaces shall be continuous.
- 5) Top of handrail gripping surfaces shall be mounted between 34 inches and 38 inches (865 mm and 965 mm) above ramp surfaces.
- 6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.
- 7) Handrails shall not rotate within their fittings.

EDGE PROTECTION

Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent slipping off the ramp. Curbs shall be a minimum of 2 inches (50 mm) high.

OUTDOOR CONDITIONS

Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces and will consist of pressure treated lumber.

PLATFORM/WHEELCHAIR LIFT AND STAIR GLIDE STANDARDS FOR RESIDENCE AND JOB SITE MODIFICATIONS

If platform lifts, wheelchair lifts or stair glides are used, they shall comply with the American Society of Mechanical Engineers (ASME) A17.1 Safety Code for Elevators and Escalators, Section XX, 1990, as well as, any other requirements established and approved by the applicable jurisdiction's building inspector.

Maximum fee to be paid to a vendor will be eight thousand dollars (\$8,000) for a wheelchair/platform lift and four thousand dollars (\$4,000) for a stair glide. Maximum costs to include all other fees (building permits, architectural drawings, etc.) and are to be included in vendor's overall estimate.

10.10 AACD'S & VEHICLE MODIFICATIONS

To be considered as needed for employment, as per evaluation with fees as established in NJDVRS fee schedule.

10.11 AND SUPPLIES

To be considered as needed for employment, as per evaluation with fees as established in NJDVRS fee schedule.

10.12 IPMENT

To be considered as needed for employment, as per evaluation with fees as established in NJDVRS fee schedule.

10.13 PITAL RECORDS REQUEST FEE

Maximum of \$10 per request. Consider abbreviated requests, such as "Discharge Summary" or "Latest Office Notes" in lieu of "all information requests" that increase expenses and delay records receipt.

10.14 STATE FACILITIES

For programs not available in New Jersey, the rate paid by that state's VR agency. For programs also available in New Jersey, rate paid by NJDVRS for in-state program or the out of state's VR agency rate, whichever is less.

10.15 HETIC AND ORTHOTIC DEVICES

Medicare rate by L code look-up.

10.16 HABILITATION HOSPITALIZATION & MISCELLANEOUS MEDICAL ITEMS

Medicare rate unless specifically covered under NJDVRS Fee Schedule.

10.17 FOR EXCEPTION

It is not the intent of the Division to preclude eligible consumers from receiving services necessary to achieve a vocational goal. However, it is also not the intent of NJDVRS to expend funds on unnecessary services or services that exceed reasonable costs in terms of

If a VR Counselor believes that a procedure, fee, dollar limitation, limitation on number of sessions, etc. would not be in the best interest of the consumer and would preclude the consumer from

receiving services necessary to achieve his or her vocational goal, it is the counselor's responsibility to request a consideration for exception. The VR Counselor must provide a rationale/justification for the request.

The request will be submitted to the NJDVRS Chief, Field Services through the Chain of Command (Supervisor and Manager).

Each level of management will indicate their support or non-support of the request. The Chief will make the final decision.

CHAPTER 11: SUPPORTED EMPLOYMENT

11.1 DEFINITIONS AS APPLIED TO THIS PROGRAM

SUPPORTED EMPLOYMENT

According to the New Jersey Administrative Code (NJAC 12:51) and the Code of Federal Regulations (CFR 361), Supported Employment means competitive work in an integrated work setting or employment in integrated work settings in which individuals are working toward competitive work consistent with the strengths, resources, priorities, concerns, abilities capabilities, interests, and informed choice of the individuals with on-going support services for individuals with the most significant disabilities for whom competitive employment:

- 1) Has not traditionally occurred; or
- 2) Has been interrupted or intermittent as a result of significant disabilities; and
- 3) Who, because of the nature and severity of their disability, need intensive supported employment services and extended services after transition in order to perform this work.

SUPPORTED EMPLOYMENT SERVICES

On-going support services and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment and which are provided:

- 1) For a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the VR Counselor jointly agree to extend the time in order to achieve the employment outcome identified in the individualized plan for employment;

- 2) Following transition, as post-employment services that are unavailable from an extended (long term follow along) services provider and that are necessary to maintain or regain the job placement or advance in employment.
- 3) Supported Employment (SE) and Time-Limited Job Coaching (TLJC) are very similar services, with one major exception. This consumer in Supported Employment is projected to require extended supports under the LTFA program or similar funding arrangement such as provided for by the New Jersey Division of Developmental Disabilities (DDD.) The decision as to whether the consumer will receive SE or TLJC is the responsibility of the VR counselor in conjunction with the consumer and the job coach. This decision is most

often made during the Pre-IPE meeting but can also be made at any time if needed during the course of service provision.

Services are provided by NJDVRS vendors who must be in compliance with the NJDVRS "Procedural Guidelines for Job Coaching Services and Billable Hour Policy." These guidelines pertain to policies, procedures and billable hours for all NJDVRS purchased Job Coaching services which would include services provided in the following phases and specialty areas:

- Pre-Placement Job Coaching
- Time-Limited Job Coaching (TLJC)
- Supported Employment (SE) Intensive Job Coaching
- American Sign Language (ASL) Job Coaching
- Long-Term Follow-Along (LTFA) Regular and ASL

Billable activities are initiated by mutual agreement of consumer, VR Counselor and job coach by means of ongoing communication, conferencing and service team meetings at key points in the job coaching and vocational rehabilitation process.

*The exception to the NJDVRS fee for service billable hour model is the 22 Supported Employment programs operated by a contractual agreement with the New Jersey Division of Mental Health and Addiction Services (DMHAS.)

COMPETITIVE WORK

Work that at the time of transition is performed on a full-time basis or on a part-time basis, as determined in each individualized plan for employment, 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.

NJDVRS CASE SERVICES POLICY MANUAL
INTEGRATED WORK SETTING

Job sites typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

EXTENDED SERVICES (LONG TERM FOLLOW ALONG SERVICES)

Ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a state agency, a private nonprofit organization, employer, or any other appropriate resource from funds other than funds received under the basic Vocational Rehabilitation Program (Title 1) and 34 CFR part 363 after an individual has made the transition from services provided by DVRS Title 1 support. NJDVRS uses the term “Long-Term Follow-Along Services” to describe this element.

11.2 ELIGIBILITY FOR SUPPORTED EMPLOYMENT

GENERAL INFORMATION

Establishing eligibility for the supported employment candidate involves the same basic criteria as required for any other applicant for NJDVRS services:

The presence of a documented disability;

- a. A determination that the disability constitutes a significant obstacle to competitive employment; and
- b. There is reasonable expectation of a supported employment outcome.

ELIGIBILITY REQUIREMENTS FOR SUPPORTED EMPLOYMENT

Services under this program may be provided to an individual who:

- a. Has a most significant disability, and for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of that disability; and
- b. Has been determined to need ongoing support services in order to perform competitive work.

11.3 THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) FOR CONSUMERS RECEIVING SUPPORTED EMPLOYMENT SERVICES

An Individualized Plan for Employment will be developed as defined in Part D (1 & 2) of this Casework Policy Manual. In addition, the IPE must include:

A description of the extended (long term follow along) services needed;

1. Identification of the state, federal, or private program(s) that will provide the continuing support.
2. A description of the basis for determining that continuing support is or will be available.
3. The employment outcome will be stated as the specific occupation while also identifying the outcome as Supported Employment. Rationale for a supported employment outcome must be given; and
4. If during the delivery of services, it becomes apparent that the consumer will succeed in competitive employment without the need of on-going support services, an amendment to the IPE providing a rationale for the change will be necessary.

11.4 EXTENDED SUPPORT SERVICES - LONG TERM FOLLOW-ALONG (LTFA)

CONTRACT SERVICES AND ACTIVITIES

Contract services and activities will be provided under the terms and conditions of the NJDVRS Long-Term Follow-Along (LTFA) program and the New Jersey Administrative Code N.J.A.C. 12:51, The Rules and Regulations governing community based vocational rehabilitation organizations, including Subchapter 20, Standards to Vend Supported Employment Services. All NJDVRS vendors providing LTFA services must be approved through a Notice of Grant Opportunity (NGO) process and as such comply with the NGO rules and stipulations as mandated by NJDVRS. LTFA is defined as services that are:

- 1) Needed to support and maintain an individual with a most significant disability in supported employment;
- 2) Identified based on a determination of the individual's needs as specified in an individualized plan for employment; and
- 3) Furnished by NJDVRS from the time of job placement until transition to extended (long term follow along) services, unless post-employment services are provided following

transition, and thereafter by one or more extended (long term follow along) services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment.

Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:

- 1) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or
- 2) If under special circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice-monthly meetings with the individual.

Services Provided under Supported Employment consist of:

- a) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs
- b) The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site
- c) Job development, job retention and placement
- d) Social skills training
- e) Regular observation or supervision of the individual
- f) LTFA Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement
- g) Facilitation of natural supports at the worksite
- h) Any other service identified in the scope of vocational rehabilitation services for individuals; or
- i) Any service similar to the foregoing services.

CHAPTER 12: Extended Employment

12.1 DEFINITION AS APPLIED TO THIS PROGRAM

EXTENDED EMPLOYMENT

The Extended Employment Program (EE) is one of the programs that may be offered under the federal definition of a Community Rehabilitation Program (CRP) (Rehabilitation Act of 1973 as amended), Section (5).

EXTENDED EMPLOYMENT PROGRAM

An Extended Employment Program is a Community Rehabilitation Program, or that part of a rehabilitation program, engaged in production or service operations for the primary purpose of providing employment combined with rehabilitation services as an interim step in the rehabilitation process. The EE program is specifically for consumers who are presently unable to work in the integrated labor market, and have chosen to work in a non-integrated setting.

The services available to extended employees must include ongoing evaluation, counseling, work adjustment, and job placement. (Note: “work adjustment” is meant here as a general term, separate from “Work Adjustment Training” which is funded as a fee for service via the local office.) A case record shall be maintained on each individual, which shall include documentation of all services provided to the extended employee.

Extended Employees earn wages based on an individual’s productivity rate and at a percentage of the “prevailing wage” for similar type of work. Only those individuals who are at a “100 percent” production rate would be making the full prevailing wage, therefore the majority of extended employees are making a sub-minimum wage.

Extended Employment does not meet the definition of an “employment outcome” for the purposes of the VR program.

On January 22, 2001, RSA issued final regulations revising the definition of “employment outcome” to mean employment in an integrated setting (Final Regulations for State VR Services Program, 66 Fed. Reg. 7249) The VR program regulations define “extended employment” as “work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act” (34 CFR 361.5(b)(19)).

REFERRALS TO THE EXTENDED EMPLOYMENT PROGRAMS

When an individual requests to be referred to an EE program for the purposes of becoming an extended employee, the DVRS counselor will meet with the individual in person at the local DVRS office. During this meeting, the DVRS counselor will utilize the “DVRS Referral for Extended Employment Form” as a means to obtain pertinent information about the individual and through Informed Choice, engage in a full discussion about competitive-integrated

employment options and services that may be provided through DVRS. After meeting with the DVRS counselor, if the individual requests to be referred to the EE Program, the counselor will complete the Referral Form for Extended Employment and send this form directly to the EE Provider, along with any disability related documentation that the individual may have provided. In addition, the DVRS counselor will email the referral form to the designated CRP staff in DVRS Central Office.

According to the New Jersey Administrative Code (N.J.A.C.-12:51-8.1), individuals who choose extended employment as a long-term goal may be directly referred for a trial period of up to 50 days.

Individuals during this trial period will be evaluated as to their ability to perform work in the EE program. The amount of time spent for this evaluation is determined on a case-by-case basis. DVRS administers annual contracts to the EE providers utilizing state funds. As part of the provider's compliance with their contract, an assessment is provided of the individual's ability to work within the EE facility. Areas of assessment may include at minimum, the individual's ability to perform assigned tasks, productivity rate, basic work habits, and social skills as they relate to the work place.

If the individual does not demonstrate the capacity to work in the EE Program, this individual may choose to go back to the local DVRS office to explore other options for services.

The Workforce Innovation and Opportunity Act (WIOA) of 2014, stipulates that beginning, July, 2016, that a youth age 24 or under cannot be directly referred to an EE program, until certain criteria have been met to ensure that adequate pre-employment transition, and vocational rehabilitation services have been provided.

THE ROLE OF THE DVRS CRP UNIT

DVRS Central Office has a CRP Chief and a team of Program Planning Development Specialists (PPDS) who play a role in monitoring the EE Programs. There is a PPDS assigned to each EE Program across the state.

The PPDS works with the provider in determining whether an individual is eligible to work as an employee in the EE facility. The PPDS reviews the EE files, to include information as to the individual's productivity rate and work related behaviors.

The PPDS also makes recommendations as to when an extended employee could be referred to the local office and acts as a liaison between the local office and provider.

More information about EE can be found in the "DVRS Guidelines for Extended Employment."

CHAPTER 13: DEFINITIONS

The following words and terms, when used in this manual, shall have the following meanings unless the context clearly indicates otherwise.

APPROPRIATE MODES OF COMMUNICATION

Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Braille and large-print materials, materials in electronic formats, augmentative communication devices, graphic presentations and simple language materials.

ASSISTIVE TECHNOLOGY DEVICE

Any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

ASSISTIVE TECHNOLOGY SERVICE

Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

COMMUNITY REHABILITATION PROGRAM

A program that provides directly or facilitates the provision of one or more vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement.

COMPARABLE SERVICES AND BENEFITS

Services and benefits that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits, which are available to the individual at the time needed to ensure progress of the individual toward achieving the employment outcome in the individual's IPE and which are commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency (NJDVRS). Comparable benefits do not include awards and scholarships based on merit.

CONTINUING DISABILITY REVIEW (CDR)

An SSA review, conducted periodically to determine if a beneficiary is still meeting the medical requirements to collect disability. If the individual does not meet the medical requirements, SSA may stop the disability benefits.

EMPLOYMENT NETWORK

An organization or individual who provides employment services under the Ticket to Work Program.

EMPLOYMENT OUTCOME

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 an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

EXTENDED EMPLOYMENT

The Extended Employment Program (EE) is one of the programs that may be offered under the federal definition of a Community Rehabilitation Program (CRP) (Rehabilitation Act of 1973 as amended), Section (5).

EXTENDED EMPLOYMENT PROGRAM

An Extended Employment Program is a Community Rehabilitation Program, or that part of a rehabilitation program, engaged in production or service operations for the primary purpose of providing employment combined with rehabilitation services as an interim step in the rehabilitation process. The EE program is specifically for consumers who are presently unable to work in the integrated labor market, and have chosen to work in a non-integrated setting. The services available to extended employees must include ongoing evaluation, counseling, work adjustment, and job placement. (Note: "work adjustment" is meant here as a general term, separate from "Work Adjustment Training" which is funded as a fee for service via the local office.) A case record shall be maintained on each individual, which shall include documentation of all services provided to the extended employee.

MAXIMUS

The organization Social Security has hired to assist in the administration of the Ticket Program.

NJ AWARE

New Jersey Web-Based Online Rehabilitation Case-Management System.

PHYSICAL OR MENTAL IMPAIRMENT

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

POST-EMPLOYMENT SERVICES

One or more services that are provided subsequent to the achievement of an employment

outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests.

Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist an individual to maintain employment; to regain employment; and to advance in employment.

REHABILITATION ENGINEERING

The systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

REHABILITATION TECHNOLOGY

The systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in functional areas, such as mobility, communication, hearing, vision and cognition, and in activities associated with employment, rehabilitation, transportation, recreation, independent living, education, and integration into the community. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

SUBSTANTIAL IMPEDIMENT TO EMPLOYMENT

Means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

TRANSITION FROM SCHOOL TO WORK

Means a coordinated set of activities for youth with disabilities aged 14 to 21, based on the individual student's needs and designed within an outcome-oriented process that promotes movement from school to post-school activities. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the accomplishment of the employment outcome identified in the student's IPE. Transition services include consultation provided by NJDVRS for students beginning at the age of 14.

TICKET TO WORK

Document provided by the SSA to Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries that they can use to access employment services, vocational rehabilitation services and other support services to enable them to go to work. Services can be obtained from the state VR agencies and other qualified Employment Networks.

VOCATIONAL REHABILITATION (VR) COUNSELOR

Throughout the course of this manual, the term "VR Counselor" means a vocational rehabilitation counselor employed by NJDVRS working in one of the NJDVRS local offices.

VOCATIONAL REHABILITATION SERVICES

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice:

- Assessment for determining eligibility and priority for services.
- Assessment for determining vocational rehabilitation needs.
- Vocational rehabilitation counseling and guidance.
- Referral to secure needed services from other agencies, and advisement about consumer assistance programs.
- Physical and mental restoration services.
- Vocational and other training services.
- Maintenance.

- Transportation.
- Vocational rehabilitation services to family members.
- Interpreter services.
- Reader services.
- Job-related services.
- Supported employment services.
- Personal assistance services.
- Post-employment services.
- Occupational licenses, tools, equipment, initial stocks, and supplies.
- Rehabilitation technology.
- Transition services.
- Technical assistance and other consultation services.
- Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

PART M: APPENDICES

Appendix A: Business Assessment Scale



BUSINESS ASSESSMENT SCALE

The Business Assessment Scale is intended as an assessment of the likelihood that an individual will be able to establish a successful business enterprise. It can be used several times in the process of evaluating a consumer and business for self-employment, including early in this process.

The Business Assessment Scale has been developed to assist an individual, VR counselor, or funder in evaluating the individual terms of five attributes/factors, which research has shown contribute to successful operation of a business. The Business Assessment Scale can also help identify key areas where additional planning or effort will be needed.

The Business Assessment Scale can be used:

1. To evaluate applicants for a loan fund;
2. To evaluate consumers as candidates for a self-employment program;
3. As a pre-screening tool prior to developing a business plan;
4. In conjunction with a business feasibility assessment.

The individual will need to provide initial market information regarding the proposed business.

The individual should also be prepared to discuss his/her credit status. Finally, the individual will need to make arrangements with employers and trainers to verify skills and experiences.

Follow the steps listed below to complete the Business Assessment Scale:

- The organization representative or “counselor” and the applicant or “consumer” reviews the purpose of the assessment scale and definitions used. The review should include a discussion of the importance of the consumer providing specific, behavioral examples for each factor or attribute.
- The VR counselor and consumer should complete the assessment scale independently, along with at least one other NJDVRS staff member.
- Differences between the counselor and consumer ratings should be discussed and a consensus reached on each factor. The counselor should ensure that there is evidence to support the ratings on each factor (i.e. work history, education).
- The final score should be discussed and next steps determined.
- Send or fax a copy of the candidate’s Business Assessment Scale along with other relevant business information – Business Plan, etc. to the assigned PPDS for this program area at NJDVRS Central Office.

BUSINESS ASSESSMENT SKILL FACTORS

Definitions of each factor or attribute appear on the following pages. For each definition, use the descriptions, levels, and benchmark scores to determine any appropriate score from 0 to 100. Once you decide on a score for each factor, write it in the appropriate location on this form and also on the Individuals Business Assessment to get the overall weighted score.

Example: Jane Doe has no market data (See “market data” section) but has talked with several business people in the area who have indicated that “there may be some demand for her proposed service.” She has no market data but some initial suggestion of demand. The score should be greater than zero but less than 50. You might suggest a score of 15 since the information is very general.

John Doe has national market data for Franchise X, but no local market data. You might select a score of 20 since national and state trends are not necessarily indicative of local demand.

MANAGEMENT EXPERTISE SKILLS

The degree to which the individual possesses the expertise to manage people and finances. Consider knowledge of, or expertise in sales/marketing, operations, finance/accounting. If acquired pre-injury, individual must continue to demonstrate these skill/abilities.

| Level | Benchmark Scores |
|---|------------------|
| The individual has owned or managed a successful small business, and holds a degree in business management or in a field related to the business being considered. | 100 |
| The individual has at least one years' experience managing a small business or unrelated management experience, but has limited education or training in business management. | 60 |
| The individual has education or training in business management but has limited management experience. | 40 |
| The individual has no management experience and no education or training in business management. | 0 |
| Select an appropriate score from 0 to 100 | |

COMMITMENT/DESIRE/PERSISTENCE

The degree to which the individual exhibits the following behaviors:

- Commitment of time, personal resources, and skill acquisition directed toward operating a business.
- Desire to operate a business demonstrated by initiative to research information, network with individuals and business organizations, and independently seek professional consultation; and
- Persistence in resolving problems and overcoming obstacles.

| Level | Benchmark Scores |
|---|------------------|
| The individual has demonstrated a commitment to jobs or projects in the past by staying with the project. The individual has demonstrated selfmotivation, ambition, and readiness to overcome vocational obstacles. | 100 |
| The individual has demonstrated short-term commitment to jobs or projects and has overcome vocational obstacles | 50 |

| | |
|--|---|
| The individual has not demonstrated commitment or the ability to stay with jobs or projects in the past. | 0 |
| Select an appropriate score from 0 to 100 | |

TECHNICAL SKILLS/WORK EXPERIENCE

The degree to which the individual demonstrates technical skills and knowledge of the industry based on work experience and/or training.

| Level | Benchmark Scores |
|---|------------------|
| The individual has many years of experience and is recognized as an expert in his/her field. | 100 |
| The individual has experience and training and is considered “very proficient” by his/her supervisor. | 80 |
| The individual has had paid or volunteer work experience and has been rated by his/her supervisor as having adequate technical skills | 40 |
| The individual has had no paid or volunteer work experience and has not had the necessary training. | 0 |
| Select an appropriate score from 0 to 100 | |

MARKET DEMAND

The degree to which information supports the need for the proposed business. The feasibility of the business must be assessed in the context of the product/service/target market, competition, and market trends. Evidence of market demand includes” an existing customer base, letters of intent to purchase the product/service, customer surveys, and demographic and industry data. An independent feasibility assessment may also be obtained to evaluate the demand for the proposed business.

| Level | Benchmark Scores |
|--|------------------|
| Market data, including local information, shows outstanding potential. | 100 |

| | |
|---|----|
| Market data, including local information, shows moderate potential | 50 |
| No market data or local information exists to demonstrate demand and/or available market data reveals little or no market demand. | 0 |
| Select an appropriate score from 0 to 100 | |

PERSONAL CREDIT/FINANCIAL SOLVENCY

The degree to which the individual demonstrates the ability to maintain a positive credit rating. In evaluating a negative rating, consider:

- Reason for poor credit rating (e.g. disability-related issues);
- Patterns of indebtedness or bankruptcy (frequent/recurring problem; duration of indebtedness; length of time since last credit problem);
- Evidence of recent solvency.

| Level | Benchmark Scores |
|---|------------------|
| Excellent credit | 100 |
| Satisfactory credit | 60 |
| No credit history | 40 |
| Poor credit with reason | 20 |
| Poor credit | 0 |
| Select an appropriate score from 0 to 100 | |

After recording the scores for each factor assess candidate’s readiness to start a business using the following guide:

Consumer/Applicant Name: _____ Date: _____

Person Completing Assessment: _____

Office: _____

CONSUMER ASSESSMENT TABLE

| Attributes/Factors | Normalized Weight | Score | Weighted Score |
|------------------------------|--------------------------|----------------------|-----------------------|
| 1. Management Exp. Skill | .218 x | | |
| 2. Commitment/Desire | .226 x | | |
| 3. Tech. Skills/Work Exp. | .166 x | | |
| 4. Market Demand | .236 x | | |
| 5. Credit/Financial Solvency | .154 x | | |
| | | (Sum of all weighted | |
| | | scores) | |
| | | Total (BAS Score): | |

- A total score of 61-100 suggests that the individual and/or proposed business possess the characteristics which contribute to a successful business operation.
- A total score of 41-60 suggests that the individual and/or proposed business possess some of the characteristics which contribute to a successful business operation, but may require additional skill building or planning.
- A total score of 0-40 suggests that the individual and/or proposed business do not possess the characteristics which contribute to a successful business operation.

One or more individual scores of 40 and below may suggest the following:

1. There is insufficient information, evidence or documentation to give a higher score.
2. That business ownership is not an appropriate goal for the individual;
3. That the individual is in need of considerable training and guidance and the individual should consider self-employment as a long-term goal.

Scores are not to be used in isolation or as the sole indicator of whether a business enterprise vocational objective is appropriate. All scores should be viewed in the context of other evaluations, including functional evaluations, business feasibility studies, and market analyses.

Individual scores of 60 or lower may serve as the basis for additional planning. The Business Assessment Scale can identify areas where the candidate needs to gain experience or make other changes before he/she is prepared to start and run a business successfully. Candidates may be able to improve their ratings by resolving credit problems, gaining work experience and acquiring management expertise.

Based on BAS scores, is the individual ready to start their business?

_____ Yes

_____ Yes. However, the following steps are recommended to increase the likelihood of success.

_____ No. The following steps are required prior to agency support of a small business.

Recommendations/Requirements to increase the likelihood of success of the business

MANAGEMENT EXPERIENCE SKILL:

Training/Education Required: _____

Industry Experience Required: _____

Has a business plan been developed? _____

Other: _____

COMMITMENT/DESIRE/PERSISTENCE:

Further demonstration of commitment to business: _____

i.e., evidence of follow through on courses, regular visits to SBDC, SCORE, or other community resource, research, completion of business plan.

Further demonstration of commitment as evidenced by meeting deadlines, overcoming obstacles and problems. _____

Other: _____

TECHNICAL SKILL/WORK EXPERIENCE

Training needed: _____

Work experience needed: _____

MARKET DEMAND

Research/evidence necessary to support the need for the product or service: (to the extent that research information is available).

Has a marketing plan been developed? _____

How will products/services be promoted? _____

Has a marketing budget been established? _____

Have community resources been utilized and if necessary has an independent market analysis been procured? _____

PERSONAL CREDIT/FINANCIAL SOLVENCY

Has a credit report been reviewed? _____

If poor credit history, has an explanation been submitted to the credit reporting agency? _____

Has a personal/family budget been completed? _____

Is there a strategy for saving and/or becoming current on monthly bills? _____

Other: _____

Discuss (but do not calculate a score) for the items below. These attributes have been found to be important in business success and should be considered in planning. Consider where constraints to business success may exist and what possible accommodations, if available are required.

For each item, discuss the degree to which the individual possesses the attribute.

HANDLING STRESS AND DIFFICULT WORK DEMANDS

The degree to which the individual demonstrates the ability to cope effectively with multiple demands. Consider demonstrated ability to address customer concerns and resolve disagreements.

FAMILY AND COMMUNITY SUPPORT

The degree to which the individual has a strong support system (family, friends, or community) that provides encouragement and tangible assistance when needed.

HIGH ENERGY LEVEL

The degree to which the individual demonstrates the ability to sustain activities and interests at a level of intensity and for the duration required to achieve goals.

TIME MANAGEMENT

The degree to which the individual demonstrates the ability to make judgments about prioritizing multiple tasks and managing time to meet appropriate deadlines.

COMMUNICATION SKILLS

The degree to which the individual is able to communicate ideas, values, directions and goals effectively to a variety of audiences – both verbally and in writing.

PROBLEM SOLVING SKILLS

The degree to which the individual possesses the ability to identify a problem, identify the need for assistance, use available resources, work cooperatively with a variety of people, and make use of help and consultation.