

PLACEMENT IN SUITABLE EMPLOYMENT

AUTHORITY

Federal Regulations: CFR 361.48

Rehabilitation Act of 1973 as amended, Section 103

*For the purpose of this manual, use of the terms **must** or **shall** reflect requirements of Federal law or regulation or state law or administrative regulation and must be adhered to strictly.*

PLACEMENT-GENERAL CONCERNS

Job placement refers to those activities that may lead to employment of individuals that is consistent with their capacities, abilities, and informed choice. Placement services are provided to eligible consumers in assisting them to seek, maintain, or obtain suitable employment. The placement of individuals must occur in the most integrated setting possible before they can be considered rehabilitated.

Placement is a joint effort among counselor, consumer, DVR support staff, family, or other representatives and groups that are involved in the individual's rehabilitation. It is not necessary in every case for the counselor to have direct intervention in placement. There are many tools and resources to assist both the consumer and counselor in job placement activities. These include the Vocational Rehabilitation Employment Specialists (ES), Community Rehabilitation Programs, PACE, and private vendors. The counselor has the responsibility to insure that the consumer has the information necessary to make an informed choice regarding the job placement services that are most appropriate in order for them to achieve a successful employment outcome.

CRITERIA FOR DETERMINING SUITABLE EMPLOYMENT

Employment may be considered suitable after the individual has worked at least 90 days and the following minimum conditions are met:

1. The work performed is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. If an

individual chooses to enter a vocation considered by the counselor to be incompatible with the individual's disability, the counselor has the responsibility to advise the individual that the employment would not be suitable. The counselor should document these actions in the case file.

2. The individual has the necessary skills to perform the work.
3. The employment and working conditions will not aggravate the individual's disability or jeopardize the health or safety of others.
4. The individual is able to perform the essential functions of the job as determined by the employer with or without reasonable accommodation.
5. The employment is regular and reasonably permanent, and the individual receives a wage commensurate with that paid other workers for similar work. If not employed full-time, the employment is consistent with the individual's capacity to work and produce.

TYPES OF EMPLOYMENT

Competitive Employment

Competitive employment means work that is performed weekly on a full-time or part-time basis, as determined in each IPE, for which the individual is compensated at or above the minimum wage level. The primary placement objective for most individuals should be jobs with earned income in either the public or private sector including self-employment.

This type of employment should enable the individual to become financially self-sufficient and be removed from the rolls of insurance and welfare support systems. Home based employment means any gainful work performed in the home as a result of vocational rehabilitation efforts for which a wage or salary is earned.

Self-Employed (except BEP)

This category refers to work for profit or fees in one's own business, profession or trade. Self employed individuals can be home based or work out of a site in the community. Contract work is considered self-employment. It is often difficult to distinguish between contract work and telecommuting. Here are some things to consider when making the determination:

1. Does the consumer use their own tools and equipment?
2. Is the pay based on the job rather than by the hour or salary?

3. Is the consumer responsible for his or her own taxes and insurance?
4. Are there no set hours?

If the answer is yes to these questions it is most likely that the consumer is doing contract work. If the answer is no then the consumer is telecommuting.

For further information on self-employment please refer to the Self-Employment section of this Manual.

Telecommuting

This is work done out of the consumers home for an employer. This should not be confused with self -employment or contract work.

State-Agency-Managed Business Enterprises (BEP)

This refers to vending stands and other small businesses operated by individuals with significant disabilities under the management and supervision of a State agency. It includes home industry, farming, and other enterprises. Home industry refers to work performed under the management and supervision of a State agency in the individual's own home or residence for wages or salary on a piece-rate, hourly, weekly, or monthly basis. Such employment may be engaged in by persons capable of activity outside the home, as well as by home-based persons.

Homemaking

Homemaking is gainful work and may be appropriate for any individual, male or female, depending upon the individual's needs and circumstances. Homemaking is not restricted to individuals who have functioned only as homemakers. It includes the individual for whom a change in vocational objective to homemaking is most suitable. It also includes those who live alone.

Unpaid Worker

Individuals may be placed in work enabling them to earn only their keep. In these instances, their salary would be paid in-kind rather than cash. The services performed by the individual may include baby-sitting, attendant care, farm work, etc., and shall add to the income of the work unit.

THE EMPLOYER RELATIONS PROGRAM

Employment Specialists (ES) provide services to employers, consumers, and counseling staff, with the mutual goal of assisting the eligible, job-ready consumer in finding suitable employment. The Employment Specialist utilizes a marketing approach, which is designed to increase the quantity and quality of placements. Marketing is an on-going continuous approach that enables DVR to determine the needs of employers and how we can best assist them in meeting those needs. The goal is to develop long-term employer relationships and improve employer satisfaction, resulting in increased employment opportunities for people with disabilities.

A referral to the Employment Specialist for job placement assistance and other appropriate services should be considered in most cases. Consumers nearing completion of academic or vocational/technical training programs should be referred for employment assistance in advance of their completion date. Counselors are encouraged to refer all job ready consumers to the ES in order for them to develop and maintain a qualified applicant pool which will assist in the timely referral of applicants for job openings. Counselors are to complete the ES referral form, enclosing pertinent information related to individual's skills, interests, and abilities. Also include any pertinent medical or vocational testing information which would assist the ES in exploring appropriate employment opportunities. Upon receipt of the referral, the ES will contact the job ready consumer for an assessment of job seeking skills.

Services Provided to Consumers and Counselors by Employment Specialists

- Provide labor market information to include local job availability and future employment trends for counselor planning purposes.
- Develop placement strategies for job-ready consumers to include development of on-the-job training contracts and PACE sites as needed.
- Provide information and assistance with potential job referral sources.
- Prescreen consumers to determine their level of job readiness and to make appropriate recommendations as needed.
- Provide employability skills training for consumers based on individual needs. This includes assistance in developing resumes, preparing for job interviews, dress and grooming, developing job search strategies, etc.
- Develop public relations and agency awareness activities within the community. This may include brochures, speaking engagements, seminars, Job Fairs, television/radio interviews, Job Placement Month, display booths, etc.

The Employment Specialists offer an array of services to employers. Often as a representative of the department the ES acts as a liaison between other DVR staff and employers to coordinate necessary services insuring that the employer's needs are met.

Services Provided to Employers by Employment Specialists

- Assist in arranging accessibility surveys and job analysis to be provided by appropriate department staff when requested by the employers.
- Assist in the area of reasonable accommodation. Reasonable accommodation is an adjustment made to a job and/or work environment that enables a qualified person with a disability to perform the essential functions of that position. This may include appropriate job modification and/or job restructuring and/or referral and coordination with rehabilitation technology staff.
- Provide information and technical assistance with regard to the Work Opportunity Tax Credit (WOTC) program and other employment incentives. WOTC is an elective federal tax credit available to employers that hire individuals with disabilities. The Employment Specialist can assist with completing and processing the required documentation for WOTC certification.
- Provide disability awareness training upon request. The purpose of awareness training is to increase the public understanding of limitations imposed on the hiring and/or advancement of persons with disabilities due to a lack of knowledge, misinformation, and myths that have developed with regard to persons with disabilities.
- Assist employers in the retention of their valued employees who become disabled within the scope of employment. This may include vocational assessment or reasonable accommodation assistance.
- Prescreening of applicants based on the essential functions of the job. Employers are encouraged to contact the Employment Specialist and/or Rehabilitation staff for qualified applicants who have undergone extensive vocational assessment and screening processes.
- In conjunction with the counselor provide on site job coach and support services including follow-up services.
- Assist in the assessment and development of affirmative action and/or non-discrimination policies for individuals with disabilities. Affirmative action is a planned, aggressive, coordinated management program to prevent and/or eliminate discrimination in all areas of employment practice including recruitment, selection, promotion, and fringe benefits for qualified individuals with disabilities.

- Comply with Office of Federal Contract Compliance Programs (OFCCP). The Department of Labor OFCCP is the regulatory agency for employers covered by Section 503 of the Rehabilitation Act of 1973, as amended.
- Provide technical assistance and resources in reference to the Americans with Disabilities Act.

POTENTIAL SOURCES OF EMPLOYMENT INFORMATION

Web Sites (See DVR Intranet Valuable Links: Employment)

Relatives and friends

Previous employers

State employment service

Newspaper want ads

Trade journal want ads

Phone book (yellow pages)

Industrial Directory

Labor Union or professional organization

Chamber of Commerce

Service Clubs

Fraternal organizations

Civil Service Commission (Local, State, Federal)

School placement offices

Church affiliations

Newspaper articles about new businesses or expansion

Known employers of persons with disabilities

Business and occupational directories

Departments' Employment Specialists

Community Rehabilitation Programs

Recipients of Project with Industry Grants