

10.00 EMPLOYMENT OUTCOME: PLACEMENT IN COMPETITIVE EMPLOYMENT

Introduction

Competitive employment is the optimal employment outcome under the VR program, and it should be considered for each individual who receives services under the program.

The goal of placement services is to enable individuals to *obtain* or *retain* community-based employment following participation in placement activities outlined in a mutually agreed upon placement plan prepared through collaboration between the CBVH counselor and the consumer, and with any placement providers who may be involved.

Each CBVH District Office will create a network of employers and resources to help link individuals to opportunities that can enable them to achieve a positive vocational outcome. The emphasis of placement is the development of employer contacts and resources that lead to the actual job opportunities.

Placement Process

Applicants should be made aware of the purpose of vocational rehabilitation early in the rehabilitation process to allow them to determine if VR services are consistent with their goals, abilities and interests. Discussions about placement should be documented as part of the record of services.

While placement is an integral part of the total rehabilitation process, placement services are those specific services that directly lead to obtaining and retaining competitive employment. These services are identified in an individualized placement plan and provided to teach the individual the skills necessary to find a job and to actively support and assist the person in obtaining or retaining employment.

Planning for specific placement services will begin when a vocational goal is mutually selected by the counselor and consumer. Placement preparation is a function of efficient planning for and provision of services throughout the rehabilitation process. It is critical that placement concerns and issues be addressed early in the rehabilitation process and reflected in the development of the IPE.

Scope of Placement Services

Placement involves preparing and coaching job seekers in obtaining employment as well as working with employers to facilitate the hiring of individuals who are blind. Individual and group approaches are used to teach job-seeking skills, conduct an active job search, provide technical assistance in completing applications, developing resumes and improving interview skills. Employer contacts, job development, job or task analysis, job restructuring, reasonable accommodations, job retention counseling and other methods or services that assist individuals and employers in achieving successful employment outcomes are included as placement services. In addition, job development efforts are focused on providing information, support and technical assistance, especially as related to assistive technology, to employers.

Specific activities may also include the following:

1. assessment of employability factors;
2. coaching in developing and implementing a job search plan;
3. networking with employers;
4. use of community employment resources such as the state employment service;
5. job modification;
6. set up of work experience training, on-the-job training and other types of job try-outs (see sections 8.36 and 8.37).
7. consultation with employers or supervisors as necessary to retain employment;
8. coordination of adaptive or assistive (rehabilitation) technology related to a specific employment opportunity and related personal assistance services; and
9. planning post-employment services.

Definitions

In accordance with the Rehabilitation Act amendments of 1998, an **employment outcome** means, with respect to an individual:

- a. entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;
- b. satisfying the vocational outcome of supported employment; or
- c. satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment, telecommuting, or business ownership).

Federal regulations implementing the Rehabilitation Act amendments of 1992 define competitive employment and integrated setting as follows:

Competitive employment is work in the competitive labor market that is performed on a full-time or a part-time basis in an integrated setting; and for which the individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

An **integrated setting**, for purposes of a job placement, is a setting typically found in the community, in which the individual with a disability interacts with non-disabled individuals, other than service providers, to the same extent that non-disabled workers in comparable positions interact with other persons.

The best measure of integration in an employment setting for individuals with disabilities is the degree of parity with the integration experienced by non-disabled workers in similar positions.

Who Has Responsibility for Placement

The CBVH vocational rehabilitation (VR) counselor has full responsibility for developing, coordinating and evaluating placement services or activities and takes an active, strong role in the job placement process, even when an employment specialist is used to assist a job seeker. The counselor is responsible for providing guidance, technical assistance and active

interventions throughout the placement process.

Role of CBVH Counselor

The VR counselor collaborates with the consumer on activities that will lead directly to employment. The counselor also sets expectations, and direction for any placement service providers. The counselor, with the full participation of the job seeker, designs strategies for placement through planning, trouble-shooting, improvising, bringing in resources (including employer contacts/potential job leads through networking), and developing options.

Participation of the Job Seeker

Consumers must be highly involved and participate fully in the placement process in order for services to be effective. The consumer participates fully in placement by:

1. directly contacting employers;
2. actively conducting a job search through networking with contacts in the community;
3. planning, initiating and completing placement activities;
4. communicating frequently with the counselor (and/or placement providers) on placement issues (e.g. development of interviewing skills); and,
5. meeting regularly with the counselor (and/or placement providers) to review progress toward job placement;
6. maintaining a strong desire to work.

Partnerships with Placement Providers

Placement services can be customized to meet the needs of the individual job-seeker through the use of contract service providers or fee-for service placement providers.

Counselors can also refer to placement providers approved by VESID, using the same rate and service structure established between VESID and the service provider.

Factors that Contribute to Employability

The consumer and counselor need to reach agreement on factors that contribute to employability. These factors may include: current occupational and labor market information; the consumer's adaptive skills and techniques, especially in mobility and communication; the consumer's knowledge of specific adaptive technology or techniques related to the work to be performed; and the consumer's interpersonal skills, job skills, work habits, knowledge of employer expectations and desire to succeed in work.

Placement Assessment

The placement assessment is a mutual process of looking at employability and gathering performance-based information that relates to those primary employment factors. Experiential methods for gathering occupational information such as enlisting successfully-employed individuals who are blind or visually impaired to serve as mentors, job shadowing, brief situational assessments or short-term work

experience training, can influence the job-seeker in attaining an employment goal. This is particularly true for adolescents and young adults seeking employment for the first time, but can also be useful for individuals with limited work experience.

The placement assessment is different from a more comprehensive assessment or a vocational evaluation that might occur early in the VR process in that the focus is on job placement services and the purpose is to determine how job placement services can be most effective for the individual. The purpose of defining employability factors and the placement assessment is to clarify, in specific terms, the individual's assets for working toward an employment goal. It enables the job seeker to develop a placement plan.

Any decisions about services should be made with the individual's full participation in the process. Closure of services is appropriate if it is determined that the consumer is not able to benefit from VR services at this time due to significant barriers to the pursuit of an employment goal. The record of services should clearly show that reasonable efforts have been made over an extended period of time to determine barriers and to ameliorate them through existing services. The decision to close the vocational rehabilitation program rests with the VR counselor, with the senior VR counselor's approval, but must include the full participation of the consumer in the decision process. Every effort should be made to clearly explain the decision to the consumer, both verbally and in writing. Whether or not the consumer supports the decision, the CBVH VR counselor must inform the consumer of the local Client Assistance Program and their rights to pursue due process through an administrative review and/or an impartial hearing. The determination must be reviewed within twelve (12) months of closure.

Placement Plan

A placement plan clarifies what activities will occur during placement and who is responsible for certain tasks. Ideally, key job readiness competencies such as mobility, travel and communications will have been addressed prior to the development of the placement plan, however, if not, they must be incorporated into the plan. The consumer, CBVH counselor and placement provider (if involved) must jointly develop and agree to the plan. The counselor is responsible for writing the plan, except in situations where an individual is receiving placement services from a contracted provider. In these instances, the contract placement provider is responsible for the development of the placement plan.

The placement plan is a short-term (approximately 30-90 days), brief written action plan that clarifies specific activities within specific time frames that will be performed by the job seeker, the CBVH counselor and any other professional staff involved in the placement process, such as contracted or fee-for-service placement providers. These specific activities are related to obtaining the employment goal of the job seeker. It is different from the IPE in that it focuses on very tangible, immediate steps and actions that need to occur for job placement rather than describing the overall rehabilitation program. The placement plan should be reviewed and updated as needed at the end of each time period.

A copy of the placement plan must be provided to the individual in an accessible format selected by the individual, including large print, braille, cassette tape or computer disk. The Placement Plan must be part of the record of services. A sample placement plan format is included on page 10.05.13. This format can be modified to suit the preferences of the counselor, consumer or service provider.

Placement Services for Employed Individuals

Placement-related services necessary for the individual to retain employment can be provided to individuals who are at risk for losing their job (job save) or for individuals who are considered "underemployed" due to factors related to their disability (see Chapter 4.00 section on underemployment).

Job Analysis

The VR counselor may be involved in performing a job analysis or securing the resources (contractor or private service provider) for a job analysis to occur. The counselor or service provider may assist in the process of determining the skills that the consumer possesses and the skills that are necessary to meet the essential performance standards of the job. The counselor or service provider may assist the consumer and employer by soliciting information; identifying qualified services or service providers; completing a job site assessment; providing direct resources and materials; and *suggesting* reasonable accommodations. Ultimately, the decisions related to reasonable accommodations must be negotiated directly between the consumer and the employer.

A rehabilitation teacher can also be a resource for job analysis and recommendation of accommodations. These solutions can be relatively simple adaptive equipment or techniques.

Technology

Current knowledge of adaptive technology and coordination with rehabilitation technology providers is often essential for placement efforts to be successful. Appropriate technology needs and interventions should be carefully assessed for each individual pursuing an employment outcome (See Chapter 8.20 Rehabilitation).

Natural Supports

Natural supports are options available in the work environment that enable the individual to continue to succeed in an integrated work setting without the continuous assistance of service providers paid through the vocational rehabilitation system. Natural supports may involve training or supporting supervisory staff or co-workers in being responsive to particular needs or sensitive to the adaptive techniques used by an individual.

Job Coaching

Job coaches are typically used for supported employment but VR counselors can authorize payment for job coaches for non-supported employment placements using VR ("110") funds (instead of Title VI-C Supported Employment) for individuals who may need transitional assistance or support as they are learning the initial demands of the job, or for individuals who can benefit from this type of assistance in obtaining employment, but do not need long term, on-going paid support. (See Section 8.38, Job Coaching).

Follow-up

Once an individual begins employment, the counselor (and the placement contractor if appropriate) must work to ensure that the individual can retain the employment over time. An employment outcome is achieved only if the individual has maintained the employment outcome for a minimum of **90 days** (the job retention period). The counselor must follow the individual during this, often critical, initial period on the job. When requested, a placement contractor can assist in providing this follow-up. At the end of this period, the individual, the counselor, and the employer must consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

The nature of the follow-up will be determined by:

1. the individual's initial adjustment to the placement; and,
2. the consumer's and the employer's perspective on being reasonably satisfied that the essential performance standards of the job are being met.

CBVH should extend the job-retention period if requested by the individual for a specific, valid reason such as assuring that the essential performance standards of the job are being met. During the job retention period (or later under post-employment services), the consumer can receive training to manage new responsibilities or provided with adaptive equipment. The employer can also be provided with technical assistance during follow-up.

Partnerships with Employers

CBVH, through placement-related services, may assist employers through the following services:

1. identifying job duties in clear, non-biased ways;
2. recruiting and placing qualified persons who are blind;
3. recommending adaptive equipment and making computer technology accessible;
4. conducting sensitivity training for staff and employers;
5. advising on making services and products accessible to persons who are blind.

Employer Hiring Incentives: Marketing to Employers

Various incentives exist that can be useful tools in marketing CBVH services to employers and enhancing the interest of employers in hiring individuals who are legally blind. On-the-job training and work experience training are primarily designed to assist consumers to develop tangible work skills and experience but can be used to encourage employers to provide opportunities to individuals who are legally blind.

Tax credits are designed primarily as a benefit to employers for hiring targeted individuals. For example, the Work Opportunities Tax Credit (WOTC) is a federal tax credit program to promote the employment of economically disadvantaged individuals, including participants in vocational rehabilitation. Another tax incentive program, the New York State Tax Credit for Individuals with Disabilities, is a New York State tax credit program specifically targeted for individuals with disabilities.

CBVH will provide current information and training to counselors to enable them to market these incentives directly to employers and make use of the tax

credit and other available hiring incentives when assisting consumers with job placement.

Role of Employers Providing Reasonable Accommodations

The counselor should consider the employer's responsibilities under Section 504 of the Rehabilitation Act and the Title I of the Americans with Disabilities Act during the placement process. The counselor can provide information that will assist the employer to determine their responsibility for accommodating individuals with disabilities. This may include providing information on acquiring or modifying equipment/adaptive devices needed for employment.

ADA

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability (applies only to employers with more than 15 employees). This applies to all employment practices, including recruitment, hiring, promotion, pay, lay-off, job assignments and benefits.

An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodations. It is a violation of the ADA to fail to provide reasonable accommodations to the *known* physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the business.

These basic employment provisions of the ADA should be shared with employers, when requested or necessary, in a matter-of-fact, informational manner accompanied by an offer of technical assistance and support. Consumers should also be aware of the protection afforded them by ADA.

Similar requirements for reasonable accommodations are also incorporated into both the New York State and New York City Human Rights Laws, both of which are applicable to employers of 4 or more.

Work Disincentives and SSA Incentives

An individual's financial status and concerns about possibly losing disability-related income and health insurance (e.g. Medicare or Medicaid) benefits often affect choices about employment options. The Social Security Administration has a variety of work incentives that can be used to manage benefits while working. The Trial Work Period, the Extended Period of Eligibility, Continuation of Medicare, Special Rules for Persons who are Blind and Blindness-related Work Expenses, Continuation of Medicaid Eligibility (1619b Medicaid) and Plans for Achieving Self Support (PASS Plans) are all options that are available to preserve benefits while making the transition to employment.

District Offices will provide periodic opportunities for VR counselors to maintain a working knowledge of these benefits to assist consumers in understanding some of the options available. The local Social Security Office can also assist a consumer in gathering specific information on how to apply these work incentives to their particular situation. CBVH VR counselors can also refer consumers to local independent living centers which usually have expertise and specially-trained peer counselors who can assist individuals in applying work incentives.

Qualitative Measures Of Placement

CBVH is concerned with the qualitative factors related to employment outcomes and the placement services that are directly linked to employment. CBVH is committed to developing the quality of placement services and outcomes by fostering specific quality initiatives within each region.

Through the resources available in each District Office, and with the active support of the CBVH Central Office, each District Office will develop its own qualitative goals and commitments as part of Regional Employment and Children's Services Plan and will also develop measures to track these qualitative factors. Each District Office will develop and implement qualitative measures related to placement services or outcomes. Unit or Team accomplishments will be stressed.

What Is a Qualitative Measure?

A qualitative measure focuses on a critical performance indicator that relates to consumer participation and providing consumers with positive service experiences. For example, measuring consumer satisfaction with particular aspects of placement services may be the basis for measuring effectiveness and developing improvements.

Other qualitative measures may focus on program improvements such as developing counselors' technical competence with regards to adaptive technology or responding to consumers in a timely manner and building momentum in the placement process.

Economic Need

Placement services are not contingent upon a consumer's economic need status. However, the provision of certain specific services in support of placement, such as the provision of high technology equipment, may be contingent on economic need in accordance with existing CBVH policy. See Chapter 5.00 - Determination of Economic Need for further information. When an individual does not meet economic need, the counselor may assist the consumer in identifying alternative resources, such as the Equipment Loan Fund, to cover the cost of placement-related expenses.

Comparable Benefits

Placement services are not subject to a full consideration of comparable benefits. See Chapter 9.00 Comparable Benefits for further information.

Relationship of Placement to Post-Employment Services

Post-employment services can be any VR services provided after closure as rehabilitated (i.e. "Status 26"), if the service is necessary to retain or advance in employment. In general, this could mean that placement services can be provided as a post-employment service when the criteria for post-employment services are met (See Chapter 11.00 - Post-Employment Services).