

Introduction

The goal of VR services is competitive integrated employment based on an individualized determination consistent with the participant's unique strengths, abilities, interests, and informed choice. The outcome of competitive integrated employment can be attained through many routes including but not limited to the following:

1. Direct placement with a VR counselor or placement provider
2. Supported employment
3. Business Enterprise Program (BEP)
4. Self-employment

The participant, in collaboration with the VR counselor, should work to identify the best option to achieve competitive integrated employment. This employment should be stable, long-term, and offer opportunities for advancement, equal to others in the field.

Definitions

Competitive integrated employment means work that is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that is

- a. not less than the rate required under the applicable state or local minimum wage law for the place of employment;
- b. not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;
- c. in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills;
- d. eligible for the level of benefits provided to other employees; and
- e. at a location typically found in the community where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as

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appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Customized Employment is competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual and designed to meet the specific abilities of the individual and the business needs of the employer. It may include customizing a job description, developing specific job duties, identifying a work schedule, and/or providing services and supports at a job location.

Services to Business

Business is an integral member of the placement process. NYSCB and partner providers can provide services to businesses on behalf of the participant or directly to the business to meet a need. These services can include but are not limited to the following:

1. Job analysis
2. Assistive technology services and recommendations
3. Identifying current hiring and tax incentives
4. Identifying a need for job coaching
5. Understanding reasonable accommodations and the Americans with Disabilities Act (ADA)

Job Analysis

The VR counselor or partner provider may be involved in performing a job analysis. The analysis may help determine the skills that the participant possesses and the skills that are necessary to meet the essential functions of the job. The VR counselor or service provider may assist the employer by soliciting information, 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 participant and the employer.

Assistive Technology Services (AT)

NYSCB can offer technical resources, technical training, and technical supports to businesses to help an individual gain competitive integrated employment. VR counselors can use AT specialists from partner providers to recommend and help integrate accommodations into differing computer systems as well as proprietary systems.

The VR counselor should refer to the *Assistive Technology Services Guidelines* for the most up to date information.

Current Hiring and Tax Incentives

The VR counselor and partner providers should be knowledgeable in the current hiring incentives offered by NYSCB such as on-the-job training (OJT) and work-try-out (WTO). The VR counselor should seek the most up to date Tax Incentive information from the New York State Department of Labor (DOL) or from the local Career Center.

Job Coaching

Job coaching can be used on a time limited basis to help promote success in direct placement. Typically, job coaching would be used as the participant is learning the initial demands of the job or to support the participant through the initial transition period. (See Section 10.07, Job Coaching, for additional information.)

Reasonable Accommodations and the Americans with Disabilities Act (ADA)

VR counselors and partner providers should be prepared to help businesses understand their responsibilities in providing reasonable accommodations to employees based on Section 504 of the Rehabilitation Act and Title I of the Americans with Disabilities Act. The ADA makes it unlawful to discriminate in employment against a qualified individual with a disability. NYSCB can offer ADA training to a business and their staff upon request.

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Impact on Social Security Benefits

Earnings from employment, including time limited employment, may have an impact on a participant's Social Security Disability (SSDI) or Supplemental Security Income (SSI). Participants should be advised to inform the Social Security Administration (SSA) when they obtain employment. Each determination by SSA is made on an individual case basis. VR counselors should assist participants in determining the impact of the employment on their benefits through contact with SSA (web address www.SSA.gov) or through benefits advisement services provided by independent living centers, career centers, and other community resources.

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The goal of direct placement is to enable participants to obtain, retain or advance in competitive integrated employment. Direct placement is the least restrictive path to employment and should be considered before Supported Employment. Direct placement can be done by working directly with a VR counselor or may include staff from one of the NYSCB contracted placement providers. The decision to work only with a VR counselor or with a VR counselor and a placement provider should be agreed upon by the VR counselor and the participant. Direct placement can include customized employment where appropriate.

Direct Placement Process

Planning for specific placement services will begin when a vocational goal is mutually agreed upon by the VR counselor and participant. Preparing for placement includes comprehensive planning and provision of services throughout the VR process. It is critical that concerns and issues related to obtaining employment be addressed early in the VR process and reflected in the IPE.

If the participant is working with a placement provider the VR counselor should refer to the Placement Services Guidelines for information on forms, process, and roles and responsibilities of the various partners.

Scope of Placement Services

Placement involves preparing and coaching job seekers to obtain employment as well as working with employers to facilitate hiring individuals who are blind. Participants can work with the VR counselor and placement providers to: learn job-seeking skills, conduct an active job search, assist in completing applications, develop resumes and improve 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 also considered 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. Assessing employability factors
2. Developing a placement plan
3. Coaching in developing and implementing a job search plan

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4. Networking with employers
5. Use of community employment resources such as job clubs, career centers or the workforce development system
6. Job modification
7. Setting up work experience training, on-the-job training, and work try-outs (See Section 10.04, Work Experience Training and Section 10.05, On-the-Job Training, for additional information.)
8. Consultation with employers or supervisors as necessary to retain employment, including sharing information on natural supports
9. Coordinating adaptive or assistive (rehabilitation) technology related to a specific employment opportunity and related personal assistance services
10. Planning for post-employment services

While a placement plan is required in working with a partner provider, the VR counselor should consider the development of a placement plan a best practice. A placement plan can be a useful tool for participants, VR counselors and other professional staff. The placement plan clarifies specific activities, time frames, and who is responsible for task completion.

Placement Services for Employed Individuals

Placement-related services can be provided as necessary for participants who are at risk of losing their job or to advance in employment.

When developing an IPE for a participant who is already working, the employer's responsibilities under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act should be considered when determining services/equipment to be provided by NYSCB.

Follow-Up During Job-Retention Period

Once a participant begins employment, the VR counselor (and the placement provider, if appropriate) must work to verify that the participant can retain the employment over time. An employment outcome is achieved only if the participant has maintained their employment for a **minimum of 90 days** (job-retention period). The goal of long-term employment makes support during this time critical. At the end of this period, the participant, the VR counselor, and the employer must consider the employment outcome to be satisfactory and agree that the participant is stable in their employment and performing well on the job.

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The VR counselor should extend the job-retention period if requested by the participant or employer 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 participant can receive training to manage new responsibilities or be provided with adaptive equipment to maintain employment. The employer can also be provided with technical assistance during follow-up.

Follow-Up After Program Exit

NYSCB is responsible for reporting employment information to the federal government for four quarters after program exit. The VR counselor may contact the participant to check on employment status and gather necessary reporting information. This follow-up will also allow VR counselors to promote long-term employment and address any concerns the participant may have.

Economic Need

Placement services are not contingent on a participant's economic need status. However, the provision of certain specific services in support of placement, such as the provision of high-tech equipment, may be contingent on economic need. See Chapter 5.00, Determination of Economic Need, for additional information.

When a participant does not meet economic need, the VR counselor may assist the participant 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 consideration of comparable benefits. See Chapter 11.00, Comparable Services and Benefits, for additional information.

Relationship of Placement to Post-Employment Services

Post-employment services can be any VR services provided after successful closure (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 13.00, Post-Employment Services, for additional information.

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Supported employment is competitive integrated employment that is intended for individuals with the most significant disabilities. Supported employment is like direct placement but provides greater support throughout the process. Supported employment is a collaborative effort between the participant, the VR counselor, and a community rehabilitation provider. Supported employment is intended to be for the maximum number of work hours per week, based on the individual's unique strengths, resources, interests, concerns, abilities.

Definitions

1. "Supported Employment" refers to competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities. It is intended for whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent because of a significant disability; and who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated state unit, to perform this work.
2. "Competitive Integrated Employment" is work performed on a full- or part-time basis, averaging at least 20 hours per week for each pay period and for which the individual is compensated in accordance with the Fair Labor Standards Act and the NYS Wage and Hour Regulations. For other individuals who cannot work 20 hours, the maximum hours can be determined in his or her Individualized Plan for Employment (IPE). Unpaid and summer employment do not qualify as supported employment. Seasonal employment is only allowable if it is typical of a local labor market.
3. An "Integrated Setting," for the purposes of a job placement, is a setting typically found in the community where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are

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not individuals with disabilities and who are in comparable positions interact with these persons.

4. Individual with a "Most Significant Disability" means any individual:
 - a. who has a severe physical or mental impairment which seriously limits three or more functional capacities in terms of an employment outcome; and
 - b. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period (nine months or more) and need intensive supported employment services over an extended period to perform and sustain competitive work.
5. A "Substantial Functional Limitation" is a limitation resulting from physical, sensory, mental, or cognitive impairments, which restricts the person's ability to function independently in family, community, and employment activities. A substantial limitation is pervasive and is not easily overcome by readily available methods or resources, or in a short period of time.
6. "Ongoing Support Services" are services that are needed to support and maintain an individual with the most significant disabilities in supported employment. These services are provided at least twice a month, usually at the work site, during both the intensive and extended service phases of the individual's employment. The goal of these services is to develop and/or maintain employment stability. These services can occur at places other than the work site at the request of the participant. If provided away from the worksite, it must be documented in a case note and consist of at least two meetings with the individual and one contact with the employer each month.

Ongoing support services may consist of

- a. necessary additional assessments at the work site;
- b. job coaching at the work site;
- c. job development and placement;
- d. social skills training;
- e. regular observation or supervision;
- f. follow up services with the individual, employers, parents, family members, advocates, other authorized persons;
- g. facilitating natural supports at the work site; and
- h. other support services at or away from the work site, such as transportation and personal assistance services.

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7. "Extended Services" are the ongoing support services and other appropriate services provided by state agencies, private organizations, employers, or any other source, to assist the individual in maintaining supported employment once intensive supported employment services are completed.
8. "Customized Employment" is competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual and designed to meet the specific abilities of the individual and the business needs of the employer. It may include customizing a job description, developing specific job duties, identifying a work schedule, and/or providing services and supports at a job location.
9. "Youth with a Disability" is an individual with a disability who is not younger than 14 and not older than 24.

Models of Supported Employment

Supported Employment is achieved through several models, strategies and techniques often developed through joint efforts among state agencies, non-profit organizations and local and community groups.

The "Individual Competitive Placement" model is the placement of an individual with the "most significant disability" in an integrated setting with support and training at the work site. Individual Competitive Placement should always be considered first, and other options only considered after attempting Individual Competitive Placement.

An "Enclave" is a small work group which is integrated among the regular work force of a single industrial establishment.

A "Mobile Crew" is a small work crew (no more than eight individuals), which provides a single-purpose service at several places of business in the community (such as a janitorial service) and operates from a vehicle with one supervisor.

The Role of the VR Counselor

The VR counselor has a primary role in planning and coordinating supported employment services. VR counselors are responsible for periodically reviewing an individual's progress to determine the effectiveness of services and suggest any changes that would promote success. VR counselors should take an active role and remain in contact with the individual, job developer, job coach, and employer throughout

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the process. Supported employment services are often provided by general community rehabilitation partners; therefore, the VR counselor is the source of vision-related information and accommodations as well as a link to other vision related support services such as O&M and VRT that may promote success in supported employment.

Target Population - Individuals with the Most Significant Disabilities

Supported employment services are intended for individuals with the most significant disabilities who, due to the nature and severity of their disability, may need intensive supported employment services or ongoing services to perform competitive work.

Limitations on Provision of Supported Employment

The provision of Supported Employment Services is limited in that the services must be

1. needed to support and maintain an individual with the most significant disabilities in employment.
2. based on documentation and a determination by NYSCB of the individual's needs as specified on an IPE; and
3. provided for a period not to exceed 24 months (beginning at the time of placement in the work setting when on-the-job intensive coaching is first provided) before the transition is made to extended services. Under special circumstances, the individual and the VR counselor can jointly agree to extend the 24-month time frame to meet objectives identified in the IPE.

Supported Employment IPE and Documentation

A Supported Employment IPE must be developed outlining the services to be provided to everyone under the Supported Employment program. Supported Employment should be selected in the "Type of IPE" field. A copy of the IPE must be provided to the supported employment contractor to maintain in their files.

In addition to the IPE requirements in Chapter 6.00, case documentation for supported employment must include

1. a description of the extended services needed;
2. identification of the state, federal, or private programs that will provide continued support;

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3. a description of the basis for determining that continuing support is available;
4. determination of the minimum weekly number of hours the individual can work at the time of transition to extended services; and
5. if services will exceed the time limited 24 months, documentation which indicates that longer services are necessary for the individual to achieve job stabilization prior to making the transition to extended services.

Note: During the development of the IPE, it is important to identify what support services would also be needed in promoting successful outcomes. These services could include but are not limited to situational assessment, orientation and mobility, vision rehabilitation therapy, and social casework. These services will most likely be provided by a blend of blindness and general community providers.

Determination of Ongoing and Extended Services

The VR counselor should take all steps necessary to identify and document availability of ongoing and extended services. VR counselors should work with individuals throughout the VR process to obtain eligibility with extended service providers such as the Office for People With Developmental Disabilities (OPWDD) and the Office of Mental Health (OMH).

Periodic Reviews

The VR counselor will conduct periodic reviews of individuals receiving supported employment services to determine whether supported employment services should be continued, modified, or discontinued.

Supported employment services must be reassessed by the VR counselor at least once during every 90-day period. The VR counselor's decision should be based upon the individual's progress as determined through reports and regular contact with the employer, job coach, and the individual. The periodic review will be documented in a case note.

Authorizations and Referrals for Supported Employment Services

NYSCB provides supported employment services through use of the ACCES-VR Supported Employment Contract. VR counselors should coordinate all referrals and authorizations for supported employment services with the NYSCB home office. VR

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Counselors should refer to the ACCES-VR Supported Employment Guidelines for a complete list of referral information needed.

Status 18

As soon as the supported employment IPE is signed, the participant should enter Status 18 and remain in that status until stabilization has occurred or the 24 months have ended, whichever occurs first.

Stabilization, Status 22

Stabilization will occur when the VR counselor determines that the supported employment placement is expected to remain intact for the indefinite future. This will be determined through the employer's and individual's satisfaction with the job performed and by the fact that a system of support is in place and will be carried out by a long-term provider. At this point, the participant's case should enter Status 22.

Transition to Extended Services

During the development of the supported employment IPE, the VR counselor will have determined funding sources for extended follow-along services to be provided after VR funded intensive services have been terminated. Such funding may be available through NYSCB (only for youth with a disability), OPWDD, OMH, private agencies, or a special state fund for extended services. NYSCB has worked with ACCES-VR, OPWDD and OMH to develop a memorandum of understanding (MOU) regarding the provision of supported employment services.

Extended Services for Youth

NYSCB can provide extended services to youth with the most significant disabilities, using VR funds, for a period not to exceed four years, or until such time that a youth reaches the age of 25 and no longer meets the definition of a youth with a disability, whichever occurs first. If other extended service options are available, youth should be transitioned to those providers. If no other extended service provider is currently available, VR counselors should work to identify other extended supports to avoid disruption of services.

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Case Closure

Separate requirements are specified for different scenarios, depending on whether the individuals with most significant disabilities, including youth with the most significant disabilities, achieve competitive integrated employment or work toward competitive integrated employment on a short-term basis, and whether they are receiving extended services and any other VR services from NYSCB or from other service providers.

For an individual with a most significant disability, including a youth with the most significant disability, who has achieved an employment outcome in supported employment in competitive integrated employment, the case is closed at the time the individual

1. achieves the employment outcome,
2. satisfies the requirements for case closure, and
3. is not receiving extended services or any other VR service provided by NYSCB.

For an individual with a most significant disability, including a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis and is receiving extended services from funds other than NYSCB, the case is closed when the individual

1. achieves competitive integrated employment within the short-term basis period,
2. satisfies the requirements for case closure, and
3. is no longer receiving vocational rehabilitation services provided by NYSCB.

If an individual does not achieve competitive integrated employment within the short-term basis period, the service record will be closed unsuccessfully.

For a youth with a most significant disability who is receiving extended services provided by NYSCB, the case will be closed when the youth

1. achieves an employment outcome in supported employment in competitive integrated employment without entering the short-term basis period,
2. is no longer eligible to receive extended services provided by NYSCB because the youth
 - a. no longer meets the ages requirements established in the definition of a youth with a disability,
 - b. has received extended services for a period of four years, or

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- c. has transitioned to extended services provided with funds other than NYSCB (i.e., OMH or OPWDD).
3. satisfies the requirements for case closure, and
4. is no longer receiving any other VR service from the VR agency provided with VR program funds.

For a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis, the case will be closed when the youth

1. achieves competitive integrated employment within the short-term basis period,
2. is no longer eligible to receive extended services provided by NYSCB because the youth
 - a. no longer meets the age requirements established in the definition of a youth with a disability,
 - b. has received extended services for a period of four years, or
 - c. has transitioned to extended services provided with funds other than NYSCB, i.e., OMH or OPWDD.
3. satisfies the requirements for case closure, and
4. is no longer receiving any other vocational rehabilitations services provided by NYSCB.

If a youth does not achieve competitive integrated employment within the short-term basis, the case will be closed unsuccessfully.

Post-Employment Services

Individuals who have successfully completed a supported employment program may be eligible for Post-Employment Services (PES) through NYSCB in addition to the extended services being provided to maintain the supported placement. PES services should be limited to the provision of time-limited specific interventions, which cannot otherwise be provided through extended services.

Reapplication for Supported Employment Services

At the time of closure, the participant (and, if appropriate, their representative) should be advised that they may reapply for services if: they can no longer continue in supported employment; the current supported employment placement is no longer appropriate, or additional VR services may enable them to obtain unsupported competitive employment.

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Comparable Benefits

To maximize the use of Title I and Title VI-C funds for supported employment, NYSCB will make maximum use of services from public agencies, private non-profit organizations, and other appropriate resources in the community to carry out a supported employment program.

BUSINESS ENTERPRISE PROGRAM (BEP)

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Background

The Randolph-Sheppard Vending Facility Program is a federal program administered by NYSCB. It provides business opportunities for NYSCB participants as Business Enterprise Program (BEP) facility managers in federal buildings.

New York State has a similar program which provides business opportunities for NYSCB participants as a sole proprietor in a retail facility in state buildings. Opportunities are also available in municipal and private buildings.

Types of Retail Facilities

There are five types of Business Enterprise Program facilities that may be established:

1. Automatic – where vending machines are located at various sites and near each other
2. Vending routes – where vending machines are located at various sites and not near each other
3. Retail store – providing pre-packaged merchandise (candy, newspapers, tobacco, beverages, lottery, etc.)
4. Snack bar/deli – serving prepackaged or prepared on and off premises food and refreshment items
5. Cafeteria – full-service food operation serving hot meals

Training Components

There is a training program for individuals interested in BEP. It has an online component and an on-site training, which is conducted regionally. The training program qualifies individuals to own and operate the various types of facilities. Licensed owners/managers are provided additional training as needed based on available opportunities. Each training program is intended to be participant-centered, having the flexibility to address everyone's needs. However, each participant must demonstrate the skills needed for successful facility management before being considered eligible for licensure. Because participants can learn at an individual pace, the length of each training program may vary.

Length of Training

Training is completed at the individual's pace and therefore can vary accordingly. It will include a minimum of six weeks of on-site training.

Definitions

The following terms, as defined, are used throughout this policy:

1. BEP Director – the home office BEP staff member responsible for all BEP operations
2. Candidate – an NYSCB participant who has been referred to the Business Enterprise Training Program
3. District Supervisor – a BEP staff member responsible for field operations in one of three BEP districts; district supervisors are in Buffalo, Albany, and New York City
4. Business Enterprise Program Specialist (BEPS) – a BEP staff member responsible for supervising program members who manage a BEP facility and is actively involved in training
5. BEP Training Manager – BEP owner/manager who has been selected to participate in the training of candidates at selected training sites
6. BEP Training Program – the VR-sponsored training program designed to teach participants the skills needed to own and operate a BEP facility
7. Licensure – signifies that an individual is eligible for consideration to own and operate a retail facility
8. Program Member – an individual who is licensed and placed as a BEP facility manager or as an employee of a facility manager

Training Program Requirements

All BEP members are licensed by NYSCB to own/manage retail facilities. To meet the basic requirements for licensing, an individual must

1. be legally blind,
2. be a United States citizen,
3. be at least 18 years old, and
4. successfully complete the BEP training program. See *Business Enterprise Program Training Manual* for more information.

Benefits

A member of the BEP is entitled to benefits which can include the following:

1. Small business ownership in a NYSCB-administered BEP facility
2. Financial Distribution Program
3. Life insurance
4. Medical insurance premium reimbursement
5. Promotional opportunities

Promotions

The retail management training program will provide, where possible and feasible, for the advancement of program members who merit and are interested in such advancement. Promotional opportunities become available through the promotional list and are filled following the promotional policy as in the BEP handbook.

Rule

Being licensed as a manager does not guarantee placement as a manager or as an employee of a manager. Placement is subject to availability of positions and opportunities.

The Business Enterprise Training Program

The Business Enterprise Training Program is designed to prepare NYSCB participants to become licensed BEP business owners/managers.

Role of VR Counselor

The VR counselor is responsible for the identification and referral of participants to the Business Enterprise Training Program. The VR counselor is also responsible for service coordination for any participant referred to the Business Enterprise Training Program. See the *Business Enterprise Training Manual* for further information.

Role of the District Supervisor

The district supervisor will

1. determine if individuals are appropriate for the program,
2. accompany individuals interested in the BEP on on-site visits,
3. obtain criminal and credit background checks,
4. monitor progress of individuals in the training program in conjunction with the VR counselor,
5. administer on-site training, and
6. determine training program completion.

Required Personal Attitudes and Characteristics of BEP Candidates

Positive attitudes and characteristics are essential for success in the BEP. Before making a referral to the Business Enterprise Training Program, the VR counselor must first determine that a participant meets these basic referral requirements:

1. U.S. citizenship and at least 18 years of age
2. Willingness to participate in Orientation and Mobility (O&M) training to successfully travel to and from training and worksite locations
3. The ability to be independent in activities of daily living, including personal hygiene, clothing management, and personal finances
4. The ability to communicate effectively, including the ability to keep notes and records for training and business purposes
5. Must be able to accomplish required physical tasks of the job, including long hours and physical labor
6. The ability to utilize functional math skills, including addition, subtraction, multiplication, division, fractions, and decimals
7. An awareness of the demands of self-employment as in the BEP
8. Some basic computer skills are a necessity for success. and training will be provided to the level that is needed.
9. Self-motivated and self-reliant as well as having problem solving skills
10. The interest in becoming a member of the BEP and a sole proprietor of a retail facility and enjoy working with people and the public

VR counselors should introduce the BEP to applicants at intake and whenever appropriate to goal planning and give the applicant any available appropriate literature.

When the VR counselor and participant identify BEP as a potential vocational goal, a Self-Employment Inventory will be administered and discussed with participant in addition to discussing the characteristics listed above.

The VR counselor should include a viewing of the BEP videos (on the website or available on disk) in this discussion.

Additionally, the VR counselor should authorize an ATC Readiness Evaluation as basic computer skills are required for training.

Prior to a Formal Referral to BEP Training

1. The VR counselor will set up and attend a meeting with the participant and the BEP district supervisor for a general introduction to the program and how it works.

The BEP district supervisor will cover the following information:

- General training overview and standard time frames
 - Discussion of current and projected store availability
 - Self-reliance component of being a sole proprietor
 - Physical demands and long hours of store operation
 - General requirements of store management
 - Overview of employee management responsibilities
 - Working with the public, host agencies, and the BEP
 - Security access and effect of criminal history
 - Lottery license and effect of criminal history
 - Need for background check and credit check
 - Effect of personal financial obligations on business success
 - Earning potential of a BEP career
 - Rewards of being an owner/manager
 - Rewards commensurate with the effort put in
2. The VR counselor will accompany the participant on a visit to at least two BEP locations (newsstand and another store type). This will be arranged and conducted by the BEP district supervisor so that any questions can be answered during the tour.

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3. The VR counselor will then meet with the BEP district supervisor to review initial impressions and discuss any remediation that may be needed prior to a formal referral.
4. The VR counselor, BEP staff, and participant will meet and decide whether to continue with BEP as a vocational goal and whether to make a formal referral. The VR counselor and BEP staff will share information as necessary and appropriate for program participation. No *Release of Information* form is necessary between NYSCB staff.
5. BEP Staff will arrange a criminal record background check and a credit check (a criminal record does not prevent participation in training but can restrict placement. Federal locations and lottery locations can be limited depending on criminal offense). Discrepancies in a credit report and/or delinquent child support payments may affect acceptance into training, or the time frame for acceptance while credit situation is remediated (can result in rehabilitation funds being seized by the government). If the participant has a sex offender status, the BEP staff will decide regarding the impact of that sex offender status (a sex offender status does not prevent participation in training but can restrict placement in certain locations such as any location with child care or within proximity to school).

Formal Referral to the BEP Training

1. The VR counselor will complete the *Business Enterprise Training Program Referral Form* and attach the following:
 - Intake summary or updated participant summary
 - Proof of citizenship
 - ATC Readiness Evaluation Results
 - Self-Employment Inventory
 - Most recent eye report/eye medical report (should be within two years)
 - Pertinent assessments and vocational, psychological, and or training reports as well as any other existing assessment or testing information available
 - Information regarding all support services, including counseling, which the participant will be receiving during training
2. The VR counselor will submit the referral to the local district supervisor (BEP will respond to the VR counselor within two weeks of receipt of the referral).
3. The VR counselor and participant should discuss and address any O&M or VRT needs prior to the start of the assessment or training.

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4. The VR counselor and participant should also discuss and address any equipment needs prior to the start of the assessment or training. However, if at any time during the assessment or training, if it is felt by BEP staff that adaptive equipment should be considered, the BEP staff should discuss the need with the VR counselor, prior to discussing it with the participant, and appropriate recommendation and purchasing procedures will be followed by the VR counselor.
5. If the BEP staff accept the referral, they will meet with the participant and a training agreement will be signed as well as any other necessary forms. The formal assessment will be scheduled as well as an online math assessment and any required mandatory training prior to participant being on-site.

Business Enterprise Training Program Assessment

The assessment will be two weeks (mandatory) in length. The assessment will take place at a BEP store, full-time, Monday – Friday. The assessment will be arranged and conducted by the BEP specialist with assistance from the BEP manager where the assessment is taking place. The participant will receive online course work to be completed in conjunction with the two-week assessment.

Throughout the two weeks, the participant will be continuously evaluated on:

1. Note taking ability
2. Math skills
3. Stamina/physical limitations
4. Problem solving ability
5. Customer relations/Social skills
6. Learning ability
7. Adaptive skills
8. Personal management (hygiene, dress, grooming)
9. Mobility/travel skills, attendance/punctuality
10. Adaptive equipment needs

At the completion of the assessment a Training Assessment Report will be completed by the BEP staff, the BEP manager and the participant.

It is assumed that the VR counselor, as part of their role, has already assessed the appropriateness of this goal for this participant; however, if the BEP Training Assessment reveals areas of concern, these will be discussed, and the VR counselor can determine what further evaluations are needed, such as the following:

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1. Medical reports
2. Functional skills
3. Psychological/Neuropsychological evaluation
4. Adaptive Skills Test
5. Memory/Language assessment
6. Wide-Range Achievement Test
7. Other appropriate/available evaluations

After all documentation and assessment results are gathered, a meeting with the district supervisor and the VR counselor will be held to discuss the results of the assessment. A collective decision will be made as to whether to

1. initiate training, or
2. provide any required remediation prior to start of training, or
3. recommend against the BEP as a vocational goal.

A meeting will be held with the participant, the VR counselor, and the BEP district supervisor to discuss and review the assessment results, discuss strengths and issues, answer questions, and advise as to acceptance into the program or the need for remediation. The participant will then accept or reject the plan.

If remedial training is recommended, a remediation plan will be developed and completed with a successful outcome prior to the start of training. Assessment of the remediated skill or behavior may be required prior to acceptance into training.

After acceptance into the training program, the VR counselor will arrange for an ATC evaluation, equipment, and training to be completed prior to the start of the BEP training, and the VR counselor will complete an authorization for the BEP coursework.

Dog Guide Requirement

Before beginning the training program, candidates who utilize dog guides must show evidence from a veterinarian that the dog has updated vaccinations and is free from parasites.

ServSafe and We Card Training

Participants must successfully complete ServSafe, and We Card training and certification and must successfully pass the ServSafe certification examination.

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Scheduling the BEP Training

The BEP district supervisor will schedule the start of training and will select the BEP stores to be used for on-site segments. The BEP staff will meet with the participant and outline and explain the specific training plan.

Throughout training, the BEP staff will be in regular contact with participant as training progresses and will share progress with the VR counselor. If there is a lack of progress, the BEP staff will contact the VR counselor and a meeting will be scheduled to discuss concerns.

The BEP staff will continue to monitor the participant throughout completion of the training program and submit training reports. The VR counselor should review these reports and if necessary, provide additional services needed by the participant.

On-Site Training

Upon successful completion of the designated preliminary training, the participant will complete the on-site portion at a BEP business. The length of the on-site training is flexible with a minimum of six weeks. This allows the participant to work at least one full monthly cycle or more, if necessary. During the on-site training, the participant will be expected to be present at the facility for all normal working hours. This will include hours when the facility is normally closed to complete necessary paperwork. During the on-site training, the participant will perform all management functions of the store (under the oversight of the BEP staff). Regular reports of activities performed are created by the BEP staff, the BEP training managers, and the participant. Monthly reports will be submitted to the VR counselor. The VR counselor should review these reports and if necessary, provide additional services needed by the participant.

The BEP staff will determine the schedule and location for onsite training.

Fees to Training Managers

Training managers will be used to actively train participants at the direction of the BEP trainer.

Manager training fees will be \$40 per day for facility use when the BEP specialist is present and \$80.00 per day when the BEP specialist is not present. These fees will be

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paid by the VR counselor monthly based on the report received from the BEP trainer. The BEP trainer will track days to be paid to manager trainers.

Throughout the BEP Training

If issues develop during training, the VR counselor and the BEP trainer together will determine the recommended course of action. The senior counselor and the BEP district supervisor must be consulted before any plan is put into action.

If issues develop that result in the need to terminate a trainee, the district manager, senior counselor, the BEP director, and the BEP district supervisor must be consulted before the plan is put into action.

Recommendation for Licensure

Upon successful completion of the training program, the participant will be recommended for licensure. A BEP training staff member will submit the recommendation to the BEP supervisor. When approved by the BEP supervisor, the license will be prepared and issued to the participant with copies to the following:

1. District supervisor
2. Participant's personnel file (BEP)
3. Participant's case record (vocational rehabilitation)

Once a participant is licensed, they are subject to all the rules and regulations of the BEP.

Licensure Meeting

The participant will be scheduled for the licensure meeting at the end of the training program. A member of the BEP staff will conduct this meeting at a site acceptable to all parties. The licensure meeting will provide each participant with an understanding of the policies, the procedures, and the regulations of the EP. During the meeting, special emphasis will be placed upon the responsibilities, expectations, and relationships that are part of the program.

At the conclusion of the licensure meeting, the newly licensed manager will be informed about the availability of opportunities as a facility manager or potential for other employment.

Note

Participants qualify for membership in the BEP when they become licensed. Most benefits begin with actual placement as a licensed manager or as an employee of a licensed manager.

Placement Assistance

The VR counselor can authorize the following services for first-time placement of a manager in a retail and/or first-time placement in a foodservice facility:

1. A maximum of 20 hours of on-site instruction to provide the support needed during the first days of managing a facility independently
2. License fees (i.e., resale certificate, cigarette license, fingerprinting)
3. Permits (cigarette, health, DBA, etc.)
4. Telephone installation
5. Deposits (newspaper, telephone, etc.)
6. Unemployment insurance (first premium or first installment, whichever is less)
7. Disability insurance (first premium or first installment, whichever is less)
8. Workers' compensation (first premium or first installment, whichever is less)
9. Change fund (\$450 per site, additional \$300 if also a lottery location)
10. Fees to open a bank account and purchase of first check order

Expiration of License

The license of a manager will expire when a licensee

1. retires from BEP,
2. experiences a restoration of vision and is no longer considered legally blind,
3. fails to return at the end of an approved leave of absence, or
4. fails to accept a position as manager or secure permanent employment (at least 20 hours per week) in a BEP facility within one year of receiving license

VR Case Closure

The VR counselor is responsible for determining when to close the participant's case. The VR counselor should notify the BEPS and the participant when their case has been closed. See Chapter 2.00, VR Process, for information on case closure.

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Upward Mobility Training

The Randolph-Sheppard Law mandates that each state licensing agency provide for upward mobility training "for all licensed vending facility managers." Therefore, licensed retail managers should have access to additional training, as needed, to manage other types of BEP businesses, e.g., a deli, café, express stop, or vending routes as they become available. The nature and extent of these upward mobility services will mean that each manager interested in these services will need to have their case reopened, and training needs will be addressed on an individual basis.

Referral Process

A retail manager who is in good standing in the BEP (as determined by the BEP staff) and has a current ServSafe certificate can be referred to the Foodservice Management/Deli Training Program. In most cases, the retail manager will discuss their interest in the program with their BEPS. The BEPS will consult with the BEP district supervisor to determine if the manager is ready to enter the Foodservice Management/Deli Training Program. If the district supervisor agrees that the manager is ready to participate in the program, the BEPS will confer with the VR counselor so that the manager's case can be reopened.

VR Counselor Responsibilities

The VR counselor assigned to a manager participating in the upward mobility training program is responsible for the following:

1. Case reopening
2. Voucher preparation for training (lodging, transportation, etc.)
3. Service coordination

BEP Candidate Responsibilities

Each BEP retail manager is responsible for obtaining coverage for their retail facility during the absence caused by participation in upward mobility training. The BEP retail manager maintains responsibility for the effective management of their retail business.

NYSCB will reimburse the BEP manager for the cost of their replacement needed during the training program. The cost of the manager's replacement, which will be approved by the BEPS, must be within accepted industry standards. The BEPS will provide a schedule to the VR counselor.

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Completion of Upward Mobility Training Program

Upon completion of the Upward Mobility Training Program, the manager will return to the retail business that they are responsible for managing. NYSCB reimbursement for the manager's replacement ends at this time, and the VR counselor should place the case in Status 22 and will follow the procedure for case closure.

When placed as a foodservice/deli facility manager, post-employment services can be provided if needed. If the manager successfully completes the Foodservice Training Program/deli, they will be eligible to bid on any facility vacancies. If the manager does not successfully complete the Foodservice Management Training Program/Deli, they will be eligible to bid on only retail facility vacancies.

Vending Machine Training

Each person participating in the BEP Retail Training Program will be expected to demonstrate basic skills related to vending machines. For those participants appointed to an automatic location, successful completion of a comprehensive, short-term training program will be mandatory. The VR counselor should be prepared to pay for the cost of the training as well as the expenses the BEP manager might incur to participate in the training program. This Vending Machine Training Program is part of the Upward Mobility Training Program, and therefore all policies related to upward mobility training are in effect for this training program as well.

BEP Referral to VR

If a BEPS determines that a program member is having problems that are affecting their ability to successfully manage a BEP facility, and attempts to resolve the issues with the manager have not been successful or require more resources, the BEPS will discuss the situation with the BEP district supervisor. If the district supervisor feels that VR might be able to assist in developing a plan to address the problem(s), they will complete the "BEP Referral to VR" form and forward it to the senior counselor who will assign the program member to a VR counselor as they would any application received.

The VR counselor or senior counselor will meet with the program member, the BEPS, and the BEP district supervisor within two weeks of receiving the referral. The problems outlined by the BEPS will be discussed and a plan developed.

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If the consensus of the group is that the program member's problem(s) could be alleviated with additional BEP skills training, the BEPS will aid in the development of a training plan. If the consensus of the group is that the program member's problem(s) could be alleviated with other VR services, the VR counselor will be responsible for developing a service plan. The VR counselor is responsible for all case management services.

Program Member Responsibility

The program member should expect to participate in training services during normal working hours. The program member is responsible for providing coverage for the BEP facility during the time they are participating in the planned services. During the training program, the BEP program member will meet regularly with their BEPS and VR counselor to discuss progress toward achieving the training goals.

Post-Employment Services

Provisions of the Randolph Sheppard Act provide that any licensed program member whose case is closed may be eligible for post-employment services to achieve their maximum vocational potential and maintain employment within the State Retail Facility Program. See Chapter 13.00, Post-Employment Services, for further information.

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Choosing Self-Employment

Self-employment is a vocational option that may be considered when it is determined that it is the most appropriate method for an individual to reach their employment goal. Self-employment can be an exciting and productive employment outcome for participants who have the skills, interests, resources, and supports to develop and manage their own business.

NYSCB can assist with self-employment in accordance with the policies and procedures in this chapter. When considering self-employment to achieve an employment outcome, the VR counselor and the participant should review and discuss the information in this chapter.

It is important to realize that the process of establishing a business is lengthy and that purchases must adhere to policies and procedures prescribed by New York State. All parties involved in the establishment of the business should be prepared to deal with the time frames necessitated by the process of developing a business plan, and if approved, implementing the plan.

NYSCB Assistance and Services

When self-employment is determined to be the appropriate means to an employment outcome, NYSCB will provide assistance with services based on individual needs. Assistance and services may include, but are not limited to the following:

1. Referral to community resources for basic business courses, assistance in developing a business plan, and assistance in business start-up
2. Purchase of specific goods and services in accordance with an approved Individualized Plan for Employment (IPE) and with this policy
3. Purchase of other VR services needed to successfully achieve self-employment

NYSCB can also assist an individual who is eligible for VR services who is already self-employed. Business plans for individuals who are already self-employed must be carefully reviewed. NYSCB funds may not be used to make up for financial difficulties caused by poor management and planning or as a substitute for funds an individual can obtain from a lending institution. If NYSCB was not involved in establishing the initial business, NYSCB can contribute up to \$15,000 in accordance with an approved IPE.

Restrictions Regarding NYSCB Involvement and Assistance

The restrictions listed below apply to NYSCB involvement and assistance with

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establishing a self-employment enterprise. NYSCB will not

1. be the only funding source of a self-employment enterprise;
2. purchase or lease any type of vehicle that is needed for the business;
3. sign a lease or purchase any building or land;
4. make any improvements or permanent additions or modifications to any business property except to the extent necessary to make the property accessible to the individual operating the business;
5. fund business license renewals;
6. support a business that doesn't comply with all relevant state, federal, and local laws and regulations;
7. support businesses that are highly speculative in nature, those organized as non-profits or those where the business plan demonstrates that the closure criteria would not be met;
8. refinance existing debt; nor
9. purchase "good will" – an intangible saleable asset associated with the reputation of a business and its relationship with its customers.

VR Counselor's Role

NYSCB's role in working with a participant whose employment outcome is self-employment is to

1. assist the individual in locating information about self-employment prior to deciding to pursue self-employment;
2. assess the participant's potential for self-employment;
3. assist the participant in obtaining the skills and tools necessary for the business;
4. guide and support the participant through the self-employment process;
5. provide the individual with information on community resources that can provide support during the self-employment process (e.g., VR self-employment guide, small business development centers (SBDC), Senior Corps of Retired Executives (SCORE), Small Business Administration (SBA), New York State Preferred Source Program (NYSPSP));
6. review and evaluate the participant's business plan to determine when it is ready to present to the self-employment committee; and
7. participate in the review of the business plan by the self-employment committee.

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Participant's Role

Participants who have a self-employment goal are responsible for the following:

1. Participating in a NYSCB assessment to determine whether self-employment is appropriate
2. Preparing and submitting a business plan using the VR self-employment guide or other business plan prototype that includes the required elements of a business plan
3. Identifying funding sources for the business
4. Presenting their business plan to the self-employment committee
5. Implementing the business plan to establish the business, including securing funding to support the business plan, and providing quarterly financial statements to NYSCB after the business has been established, until case closure

Economic Need

The purchase of allowable goods and services for a business (listed below) is contingent on economic need. If a participant meets NYSCB economic need, NYSCB may purchase allowable goods and services, up to a maximum of \$15,000, in accordance with the individual's IPE and NYSCB policy.

The purchase of consultant services to assist a participant to develop a business plan is not contingent on economic need.

Assessing an Individual's Potential for Success in Self-Employment

A self-employment goal is a large investment of time and resources for both the participant and for NYSCB. To increase the possibility of a successful self-employment outcome, an assessment, including the readiness self-assessment worksheet, must be completed prior to proceeding with the self-employment process.

Assessment

The assessment should take place soon after the participant expresses interest in self-employment. Information gathered during the assessment should be documented in a

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case note. It should include but not be limited to a discussion of the following issues:

1. The individual's previous experience in the employment area including related employment and/or education
2. The individual's ability to interact appropriately with the public
3. The availability of assistance and support from the individual's family
4. The individual's preliminary concept of the proposed business
5. The individual's willingness and ability to locate, secure and use other funding sources
6. Whether the individual has the physical and mental capabilities to meet the work requirements of the proposed business. O*Net should be used as a resource.
7. Potential barriers to successful achievement of the self-employment goal and possible solutions to address each of the barriers

The following questions can be used to address many of the assessment components noted above.

1. Why do you feel self-employment is the best way for you to achieve your vocational goal?
2. What has been your experience in dealing with the public? Do you enjoy meeting the public?
3. Why have you selected this type of business?
4. What experience do you have in this or a related kind of business?
5. What type of assistance will you need, if any, in establishing and running the business?
6. What information and skills will you need to learn to operate this business?
7. If you do not have experience with this type of business, would you consider working for someone else as a training experience in this field before establishing your own business?
8. How many hours do you anticipate you would need to work each week as you establish the business? To maintain the business. Is this feasible given your other commitments?
9. What level of income are you expecting from the business? Is this a reasonable income level to support you and your family?
10. What financial resources do you have available for establishing the business? Do you have family or friends who will invest in your business? Would you consider borrowing money?
11. Are you aware of the risks involved with establishing a business? Are you prepared to face those risks should they occur?

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The Readiness Self-Assessment Worksheet from vrselfemploymentguide.org

The readiness self-assessment worksheet will be used as part of the assessment to determine whether to continue to pursue a goal of self-employment. It is designed to be administered in an interview with the participant and is an open-source document designed specifically for use by vocational rehabilitation programs. The inventory covers five target areas: Why self-employment, start-up funding, business skills, needed accommodations, and other challenges.

Next Steps

After completion of the assessment, including the readiness self-assessment worksheet, the VR counselor will meet with the participant to determine whether they should continue to pursue self-employment. If self-employment is not a viable employment outcome, the VR counselor and participant should continue with the vocational exploration process.

If the decision is made to continue to pursue self-employment, the VR counselor and individual should discuss whether the individual is ready to begin preparing the business plan. The VR counselor and individual should also determine whether the individual will need additional skill training prior to or at the same time they are developing the business plan.

Training

Training may be provided to raise the participant's skills to a level where self-employment can be considered a feasible employment outcome. Any training to be provided prior to the development of the IPE should be identified in a case note along with the reason it is being provided. Small business development centers and other community resources can be explored as possible sources for training related to self-employment.

Examples of training which may be useful include the following:

1. Coursework related to the establishment and management of a small business enterprise
2. Coursework in the principles of accounting or business law
3. Coursework to learn to develop a marketing plan

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Adaptive equipment needed by the individual for self-employment may be provided in accordance with the policies. See Chapter 5.00, Determination of Economic Need, Section 9.04, Assistive Technology Services, and Section 9.05, Assistive Technology Devices.

Preparing a Business Plan

If after the assessment, the VR counselor and individual agree that the individual will continue to pursue self-employment, the individual should begin to develop a business plan using either the *Business Plan Outline* from VR self-employment guide or another business planning tool that includes the required elements of a business plan. Again, the VR counselor and individual should discuss the various community resources available for assistance with this process and appropriate referral(s) should be made.

Contents of the Business Plan

A business plan is a comprehensive document describing all relevant aspects of the self-employment enterprise. It is the basis for planning the business and provides the rationale for requesting NYSCB's support for the business.

The VR self-employment guide *Business Plan Outline* or other business planning tool containing the required components must be used to develop a business plan that will be submitted to the VR counselor for review. The expectation is that there will be significant detail in each of the sections of the business plan for NYSCB to evaluate the strength of the business plan and the resources available to support the business. VR counselors should use the list below when reviewing business plans to determine whether they contain the required information.

The business plan, at a minimum, must contain all the following elements:

1. Cover sheet – the name, address, and phone number of the business and the name and contact information (if different from above) of the person who wrote the business plan
2. Executive summary – a one- to two-page overview providing highlights of the business plan
3. Table of contents – a listing of the major sections of the business plan
4. Business and industry description – a detailed description of the business including but not limited to who it will serve, what products or services will be

offered, the number of employees, and the goals of the venture

5. Management, organization, and operations plan – a detailed description of who is involved in the business and how the business will be staffed including but not limited to: identifying staff, their qualifications, and respective roles; an organizational chart; a description of hiring practices; and how business operations will be accomplished
6. Marketing plan and analysis – a detailed plan for marketing the business including but not limited to a description of the target market and the analysis to determine the market need; a summary of the current and future competition; the strengths and weaknesses of the business and a detailed marketing strategy
7. Financial plan and statements – a detailed financial description including but not limited to operating costs, projected expenses and revenues, a cash flow analysis, a breakeven analysis, a balance sheet, and an income statement. The projections identified in the financial plan will provide the basis for benchmarks for determining the stability and progress of the business. These benchmarks will be used in determining when case closure is appropriate.
8. Supporting documents – any additional documents related to the business, including but not limited to leases, patents, licenses, insurance, and other legal documents; current credit report, resumes of critical personnel; letters of intent and memorandums of understanding; regulatory documents, assurances that the business complies with all relevant state, federal, and local laws and regulations; and other documents related to the specific business.

Participant's Assurance of Other Resources

NYSCB cannot be the only funding source of a self-employment enterprise. Individuals are required to do a funding search of a minimum of three funding sources and report the outcome of their search to their VR counselor. In addition, individuals are required to furnish assurance acceptable to NYSCB that funding for the project costs not covered by NYSCB will be available for the establishment of the business. This information must be submitted with the business plan. In-kind contributions relevant to the business will be reviewed to determine if they can be considered an additional funding source.

Examples of acceptable assurances:

1. SBA approval letter
2. Letter of approval from bank or other financial institution
3. Proof of available personal assets (e.g., bank statement)

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As fiscal solvency is a critical issue for successful business ownership and operation, individuals are required to provide a copy of their credit rating along with their completed business plan. VR counselors may review this credit rating with their supervisor(s) and/or the self-employment review team to determine whether the credit rating will have an impact on the individual's ability to secure adequate resources to implement the business plan. NYSCB can reimburse the individual for the cost of the credit rating report.

Informal Business Plan Review – NYSCB Self-Employment Review Team

After the VR counselor determines that the proposed business plan contains the necessary information, the plan is sent to the self-employment review team for their review. The self-employment review team will review the business plan to identify deficiencies, evaluate the financial information, and may make a recommendation about whether the business plan appears to be viable. The team will send a response to the VR counselor identifying any issues that need to be clarified in the business plan and may propose questions that the VR counselor should address with the individual. The review team is also available to discuss questions the VR counselor or their supervisors have regarding the business plan.

Use of Outside Consultants (Unpaid)

There are numerous community resources available to provide seminars and workshops and to assist on an individual basis during the self-employment process. This includes assistance in developing a business plan and identifying funding for the proposed business. Several resources are listed below. VR counselors and individuals are strongly encouraged to access the web sites of these organizations and to contact the organizations to determine the type of assistance they can provide.

1. U.S. Small Business Administration (SBA)
2. NYS Empire State Development
3. SUNY Small Business Development Center
4. Service Corps of Retired Executives (SCORE)
5. NYS Preferred Source Program (NYSPSP)

Use of Outside Consultants (Paid)

If no other resource is available or deemed appropriate, VR counselors may authorize \$50.00 per hour up to a maximum of \$400.00 for the services of a consultant, an accountant and/or an attorney to assist an individual in the preparation of a business plan.

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Consultants must be approved by NYSCB prior to authorization of funds. When a consultant is used, it is important that the consultant recognize that it is critical that the participant takes responsibility for all parts of the self-employment process and that the role of the consultant is to assist the individual and the VR counselor during the process. Consultants with expertise in self-employment can

1. assist the VR counselor with assessing the individual's potential for self-employment,
2. assist the individual in conducting the business feasibility study,
3. assist the individual in the development of the business plan,
4. assist the VR counselor in evaluating the viability of the proposed business and the business plan, and
5. provide recommendations to the individual on how to strengthen the business plan.

Formal Business Plan Review - The Self-Employment Committee

If the business plan is considered viable after the issues identified during the informal review of the business plan have been addressed, the VR counselor will convene the self-employment committee to formally review the business plan.

The committee will consist of the following individuals: VR counselor, senior counselor, district manager, at least one member of the NYSCB self-employment review team, and a minimum of one member of the business community (preferably someone who has knowledge of the type of business being proposed). The individual will present the business plan to the committee on a date and time that is convenient to all parties. The committee will also have the opportunity to review the business plan document and any additional documentation submitted by the individual. The committee can request that additional information be submitted by the individual and/or the VR counselor.

The committee is expected to provide guidance and recommendations for improving the business plan. The VR counselor will write up the notes from the meeting including any recommendations.

After receiving the recommendations from the committee, the individual can amend the plan in accordance with the committee's recommendations, choose not to move forward with the business plan or if NYSCB determines that the plan is not viable, the individual can request an appeal of the decision in accordance with the NYSCB appeals process.

Updating the IPE

After a business plan has been reviewed by the NYSCB self-employment committee, and approved by the VR counselor and senior counselor, the IPE should be updated to include self-employment services to enable the VR counselor to purchase approved items and services identified in the business plan.

Implementing the Business Plan

Implementing the business plan is the responsibility of the individual. The VR counselor is responsible for coordinating services identified on the IPE and for providing needed support and guidance to the individual as they establish the business. In addition to providing assistance with developing a business plan, many of the resources listed in this chapter can help with implementation of the business plan and establishing the business.

Quarterly Financial Report

Individuals are required to provide quarterly financial reports to NYSCB after the business has been established, until case closure. The reports must include the following information:

1. Cash position
2. Sales and other receipts
3. Costs of goods sold
4. Itemized expenses
5. Net profit
6. All outstanding liabilities

This information will be used to determine the income generated by the business. When compared to the financial projections in the business plan, these reports will also be useful in evaluating the stability of the business. The NYSCB self-employment review team can assist the VR counselor in evaluating the quarterly financial reports.

NYSCB Financial Participation

NYSCB financial participation in a business is limited, subject to a participant meeting economic need and subject to the availability of funds. NYSCB will not be the only funding source of a self-employment venture.

NYSCB's financial contribution for allowable goods and services is limited to a maximum of \$15,000. Other services identified on the approved IPE that are not part of the business plan are not included in the \$15,000 maximum.

Allowable Goods and Services

When implementing a business plan, only essential goods and services may be furnished subject to economic need. The following business-related goods and services

may be purchased with NYSCB funds, up to the maximum of \$15,000:

1. Initial inventory as defined in the business plan (one time only)
2. Business related tools and equipment
3. Shelter, which is normally portable, easily dismantled, moved, and reassembled with a minimum loss of value
4. Initial business license(s)
5. Installation and a maximum of three months maintenance of business phone
6. Utilities (a maximum of three months)
7. Business related insurance (a maximum of one year) such as fire, theft, burglary, and liability
8. Rent (a maximum of three months)
9. Advertising
10. Office supplies (not including office equipment)
11. Legal services - legal costs associated with establishing a business enterprise, (e.g., review of legal documents).
12. Accounting services - costs associated with establishing an accounting system and maintenance for a three-month period.

Criteria for Closure

Businesses can take a long time to develop and achieve profit-making status. Business profit/loss statements can provide operating income data to assess the financial strength of the business which can help the VR counselor to determine when to close an individual's case.

Federal regulations mandate that the criteria listed below be met prior to determining that an individual has reached a successful employment outcome. In addition, although the criteria listed below do not specify a monetary amount or number of hours worked per week, for the employment goal to be considered competitive the individual must be earning at or above the legal minimum wage for the number of hours worked.

Criteria for determining successful closure:

1. The individual has achieved the employment outcome as listed on the IPE.
2. The employment is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. The employment is in the most integrated setting possible consistent with the individual's informed choice.
4. The individual has maintained the employment for at least 90 days.
5. The individual and the VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

Post-Employment Services

Post-employment services (PES) for individuals who have been closed in self-employment are limited to VR services which are not related to the business except when the start-up contribution from NYSCB was less than the \$15,000 maximum. If NYSCB did not contribute the maximum allowance of \$15,000 and an assessment by NYSCB clearly indicates that providing additional funds for the business would enable the business to be successful, NYSCB can provide additional funds totaling up to a maximum of \$15,000 for the business start-up and the post-employment services. Any funds must be provided in accordance with the list of goods and services in this section and would therefore be limited to those goods and services that are not time limited start-up costs.

Example: An individual who achieved a self-employment goal whose case was closed one year ago contacts NYSCB for assistance. She reports that her business has not grown at the expected rate and that she is concerned that the business will soon begin to falter.

She is requesting additional funds for advertising. After determining that NYSCB's initial contribution to the business was \$12,000, the VR counselor contacted the NYSCB self-employment review team to request a review of the business records. After meeting with the individual to gather additional information about the business, the VR counselor, in consultation with NYSCB self-employment review team, determined that the business could benefit from additional advertising and that additional advertising could make the difference between the business being successful and failing. An additional \$3,000 was authorized during PES for advertising. The VR counselor maintained the case in PES until the next quarter financial records were available and reviewed. At that time, the business was again deemed successful, and the participant's case was closed.

See Chapter 13.00, Post-Employment Services, for additional information.