

CHAPTER 51

VOCATIONAL REHABILITATION SERVICES

Authority

N.J.S.A. 34:16-27, 34:1-20, 34:1A-3; 34:16-20 et seq., 29 USCA, Sec. 701 et seq. and 34 CFR 361.1 et seq.

Source and Effective Date

R.1991 d.604, effective November 22, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Executive Order No. 66(1978) Expiration Date

Chapter 51, Vocational Rehabilitation Services, expires on November 22, 1996.

Chapter Historical Note

Chapter 51, Vocational Rehabilitation Services became effective August 6, 1981 as R.1981 d.289. See: 13 N.J.R. 230(a), 13 N.J.R. 517(a). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1986 d.298, effective June 30, 1986. See: 18 N.J.R. 1088(b), 18 N.J.R. 1479(a). The Executive Order No. 66(1978) expiration date for Chapter 51 was extended by gubernatorial waiver from June 30, 1991 to December 31, 1991. See: 23 N.J.R. 1893(a). Chapter 51 was readopted as R.1991 d.604. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 12:51-1.1 Scope and purpose

Prior to this submission, the New Jersey Department of Labor, Division of Vocational Rehabilitation Services (DVRS) published Standards for vocational rehabilitation facilities which have had the force of policy. This chapter is intended to strengthen the legal impact of these standards. The purpose of this chapter is to define the criteria for operation of a program which is eligible to vend services to the Division of Vocational Rehabilitation Services.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Stylistic revisions.

## 12:51-1.2 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

## SUBCHAPTER 2. INTRODUCTION

## 12:51-2.1 Standards

(a) Standards of performance and service for vocational rehabilitation facilities are necessary in order to assist and encourage their orderly development, growth, and successful operations. The following standards, unless specified otherwise, are applicable to sheltered workshops, psychiatric rehabilitation centers, and similar types of facilities which provide rehabilitation services.

(b) The facilities staff of the Division of Vocational Rehabilitation Services has called together from time to time a committee to assist and give counsel in the development of appropriate standards for the various rehabilitation facilities in New Jersey. This committee has been composed of representatives of the New Jersey Association of Rehabilitation Facilities and the facilities staff. Initial standards were developed in June, 1967 similar to those published by the National Policy and Performance Council under the sponsorship of the Vocational Rehabilitation Administration.

(c) The basic rationale how the development of these standards of operation consists of the following:

1. With the increased growth and diversification of facilities in the vocational rehabilitation field, there is a need to establish standards of operations for agencies offering rehabilitation services.

2. Established, recognized standards give evidence of a professional discipline, help facilities provide the consumer with quality services, and establish accountability of operations.

3. Standards for rehabilitation facilities are necessitated by the enactment of State and Federal legislation to help establish and improve rehabilitation facilities. These standards will be utilized as a minimum basis for establishing the approval of assistance grants under the Federal Vocational Rehabilitation Act and other legislation, and for the use of such rehabilitation services, and by the New Jersey Commission for the Blind and Visually Impaired. They shall also be applicable to the purchase of services and the payment of fees to the rehabilitation facility by the Division of Vocational Rehabilitation Services and the New Jersey Commission for the Blind and Visually Impaired.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Remove vague language from the regulation regarding seeking "approval" and specifies that "approval" will take the form of a certificate.  
Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Stylistic revisions; deleted (c)4 and 5.

## SUBCHAPTER 3. CORPORATE ORGANIZATION AND ADMINISTRATION

## 12:51-3.1 Organization and by-laws

(a) The rehabilitation facility or its parent organization will be, or will be part of, a legal entity with a charter and by-laws which are in accordance with those legal requirements which affect its organization.

(b) The facility will be incorporated as a not-for-profit organization and will hold a letter of exemption under Section 501(c)3 of the Internal Revenue Service Code of 1954.

1. The agency's charter from the State of New Jersey will identify the corporate entity, state the objective of the corporate entity, and describe categories of the qualifications for membership if applicable.

2. The charter, by-laws, or articles of incorporation will contain provision for the dissolution of the organization in such a manner as to ensure that no residual assets can accrue to the benefit of any individual or group of individuals.

(c) The charter will clearly state the purposes of the facility and describe these purposes in a form suitable for distribution.

(d) The purpose of the facility will be related to the human needs it serves. The facility will describe how its programs contribute to these purposes and conditions or restrictions on admission or provision of services.

1. The by-laws will:
  - i. Provide for a governing body/board;
  - ii. Describe qualifications for election to the governing body/board and tenure of office;
  - iii. Provide for the election and specification of duties of officers;
  - iv. Establish regular and special meetings of the governing body/board, in no event fewer than four meetings each year;
  - v. Provide for committees of the governing body/board;
  - vi. Describe the parliamentary procedures which will be followed in the conduct of business meetings;
  - vii. Describe methods of amending the by-laws;
  - viii. Establish a quorum with requirements of at least one-third of the governing body/board; and
  - ix. Require recording of minutes.
2. The rehabilitation facility will have an Affirmative Action Program and will not discriminate on the basis of race, sex, creed, national origin, or disability.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (d)1.

### 12:51-3.2 Governing body/board

(a) The governing body/board has a legal and moral responsibility for the formulation of basic policies concerned with the achievement of its purposes and conduct of its program.

(b) The governing body/board shall be constituted so as to provide effective ethical leadership, resourcefulness, and stability for the facility.

(c) The governing body/board, to the extent practicable, on a rotating basis, will reflect a wide range of community interests, including consumer participation.

(d) The governing body/board, whose members shall serve without pay, and whose membership will not result in financial gain, shall be responsible for establishing all broad facility policies of administration and operation.

1. The governing body/board will be broadly representative of the community and reflect the major areas of

activities in which the workshop is engaged. The governing body/board should reflect such professional and related fields as management, personnel, rehabilitation, manufacturing, public relations, finance or accounting, medicine, law and public welfare. A disabled person, associations for the disabled, and organized labor should also be represented.

2. The governing body/board will be organized into committees corresponding to the major activities of the workshop. The minimum committees include an Executive Committee, Personnel Committee, Finance Committee, and Nominating Committee.

3. There will be a provision in the Articles of Incorporation and/or the By-Laws stating a maximum length of time for a term of office of a governing body/board member to ensure rotation of membership.

4. The governing body/board, or its executive committee, shall meet at least quarterly and minutes of all meetings will be on file and distributed to all governing body/board members.

(e) The governing body/board will formulate a mission statement, approve and evaluate programs, stimulate continuing program planning, and adopt recommendations for program growth, including:

1. Establishing policy regarding property, funds, personnel operations; and
2. Obtaining adequate financial support for the workshop and providing funding for the building and equipment needs for the organization as part of its responsibilities.

(f) The governing body/board will have the responsibility for the establishment and maintenance of high standards of operations for the facility and for its continuing development.

(g) The governing body/board will approve the initiation, expansion, or modification of the facility's program based upon the rehabilitation needs of the community and the capability of the facility to affect those needs within its established goals and objectives.

(h) The governing body/board will adopt an annual budget, establish policies for administration of funds, and it will quarterly review the financial status of the facility.

(i) The governing body/board will consist of no less than seven people. No maximum is set at this time.

(j) Staff members of the facility other than the executive director, and staff members of DVRS, will not serve as members of the governing body/board.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(i); added (j).

**12:51-3.3 Executive director**

(a) The governing body/board will appoint an executive director or equivalent. It will formally state his or her relationship to the governing body or its designated authority and duties, and delegate to him or her in writing such authority and responsibility as is necessary to direct the facility in accordance with its policies.

(b) The executive director will maintain an effective liaison with the governing body/board and standing committees, except when his or her personal status is under consideration.

(c) The executive director will develop a written orientation package for members of the governing body/board. He or she will assist the governing body/board in the formulation of policy by presenting and interpreting operating reports, including reports reflecting the efficiency and effectiveness of the facility, and by presenting and interpreting financial statements, short-term and long-term plans, changing concepts, needs and related information.

(d) The executive director will assist the governing body/board as required in such functions as fund-raising, community relations, and related duties.

(e) The executive director will coordinate and direct activities of the facility in accordance with the policies of the governing body/board. He or she will develop the organizational structure for the facilities staff.

(f) The executive director will maintain personnel policies. He or she will control the operation of the facility through day-to-day decisions and authorization of expenditures, and other procedures in accordance with the policies established by the governing body/board.

(g) The executive director shall upgrade the operation of the facility by studying and analyzing reports of the various services comparing the performance against budgetary, administrative, and professional standards and the extent to which facility goals and objectives are being attained, and taking appropriate corrective measures. He or she will also keep informed of local and national rehabilitation developments.

(h) The executive director will be held responsible to the governing body/board and its executive committee for the overall and entire administration of the facility's operations and programs and offer to them appropriate information, guidance, and recommendations with respect to any matter thereto or as otherwise required by his or her job description.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(h).

**12:51-3.4 Staff organization**

(a) There will be a staff organization under the executive director which sets forth lines of authority, responsibility, and communication in accordance with policies established by the governing body/board. The organizational structure will be designed to promote efficient and effective operation of the facility's programs. The organizational chart will be updated annually.

1. The delegation of authority and responsibility within the staff organization will be established and specified in job descriptions of administrative and professional personnel.

2. Coordination of activities and policies of administrative and professional departments will be achieved through regularly scheduled meetings of appropriate department heads.

3. Each department head will be responsible to the executive director or his or her designee for fulfillment of assigned duties. Each department head will:

i. Carry out the administration of his or her department in keeping with policies established by the governing body/board and by the executive director;

ii. Have direct access to the executive director or his or her designee;

iii. Participate in decisions affecting his or her department, such as the establishment of department goals and objectives, budgeting, staffing, space allocation, travel, client selection, in-service training, consultants, public relations, and program development;

iv. Be responsible for employee's scheduling, job performance, and periodic rating of employee's effectiveness; and

v. Be responsible for interns, trainees, aides, and volunteers assigned to his or her department.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a) and (a)3.

**12:51-3.5 Business and financial practices**

(a) The rehabilitation facility will observe sound business and financial practices in all areas and will manage its fiscal affairs consistent with the purposes of the organization, applicable legal requirements, and generally accepted principles of financing.

1. The facility will operate on an annual budget. The budget should be prepared by the facility's executive director. It shall be submitted to and approved by the governing body/board or its designated authority, and will be used during the year covered as a yardstick to assess accomplishment of budgetary goals.

2. The rehabilitation facility's accounting system will follow the standards established by the Commission on the Accreditation of Rehabilitation Facilities (101 N. Wilmont Rd., Suite 500, Tucson, Arizona 85711) and the American Institute of Certified Public Accountants (AICPA) Audit Guide for Audits of Voluntary Health and Welfare Organizations, as amended and supplemented, incorporated herein by reference. The Audit Guide is available from AICPA, 666 Fifth Ave., New York, New York 10019. Such an accounting system will be functional and enable the organization to identify clearly the cost of rehabilitation services, production activities, administration, and other expenses of operation. The financial records of accounts must be kept on the premises of the facility.

3. Fiscal reports will be prepared and communicated to the governing body/board or its designated authority at no less than quarterly intervals, or more frequently, if needed.

4. An annual report, demonstrating stewardship of resources received and services rendered, will be published and made available to the public. The report should include information on financial status, administration, and program activities as well as composition of the governing body/board.

5. The governing body/board and the executive director shall have an audit conducted which meets the requirements for the Single Audit Act, Federal OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations," as amended and supplemented, incorporated herein by reference (Federal Register, Vol. 55, No. 52, Friday, March 16, 1990). This audit shall be conducted in accordance with generally accepted auditing standards and the AICPA Industry Guide for Voluntary Health and Welfare Organizations and a copy shall be filed with the Division of Vocational Rehabilitation Services each year.

6. Charges for services or products will be based on a knowledge of their cost, including overhead. All long-term contracts should be reviewed regularly to ensure an adequate pricing structure.

7. Where fees are charged for services not paid for by other agencies, the facility will have an established schedule of fees for services. The schedule of fees shall be available in printed form and will be applied fairly and equitably to each person served. Fees will not be split with other agencies or individuals as consideration for referral of persons to be served.

8. Fund raising programs will conform to legal requirements and established ethical standards for fund raising activities.

9. The facility will have a risk protection program adequate to preserve its assets and to compensate its staff, volunteers, clientele, and the public for reasonable claims due to events for which the facility is liable. Evaluation of the needs for insurance and the types of protection offered will be reviewed annually, or more frequently, if necessary. Insurance or risk coverage will include building(s), equipment and inventory, malpractice liability, Workers' Compensation, Social Security, and bonding of appropriate personnel.

10. In quoting bids for contract work, an overhead mark-up averaging at least 80 percent on direct labor, supported by the precise analysis of costs of normal direct labor, should be charged for subcontract work. The value of any services, equipment or space provided by the contractor for the contract operation may be included in the determination of this mark-up. Bid quotations for contract work should not be less than the minimum hourly overhead rate established (usually known as the "shop rate") for the workshop and take into consideration the following:

- i. Knowledge of local industry prevailing piece or time rates for comparable work;
- ii. Determination of production norms of the clients;
- iii. Production rate norms established when industry rates are not available; and
- iv. Costs of supplies, equipment peculiar to the work, and of administrative overhead.

11. Selling prices of the workshop's manufactured products will be in line with the prevailing price range for such products in the areas in which its products are marketed.

12. Subcontract prices and selling prices of manufactured items will be reviewed at least annually to assure that they remain fair and competitive. The workshop will not knowingly accept work from companies whose workers are legally on strike at the time they accept it.

13. The facility will seek to achieve optimum efficiency consistent with the rehabilitation needs of its clients.

14. The facility will pay wage rates commensurate with those paid for similar types and amounts of work by local commercial and industrial establishments maintaining approved labor standards.

15. The facility must comply with all Federal and State wage and hour laws and regulations, and be certified when applicable, by the Wage and Hour and Public Contracts Division of the U.S. Department of Labor and by the State of New Jersey. All clients under the age of 18 are required to have working papers issued by the local board of education. The facility will comply with Federal, State, and local laws and regulations covering the physical facility, staff, client benefits, and will also comply as nearly as practicable with local industrial and/or business practices relating to fringe benefits, including Social Security coverage for all clients so eligible.

16. Active membership should be maintained in the appropriate State and National professional associations such as the national Rehabilitation Association, the New Jersey Rehabilitation Association and their affiliates, the National Association of Rehabilitation Facilities, the New Jersey Association of Rehabilitation Facilities, New Jersey Psychiatric Rehabilitation Association, and any other allied health and welfare organizations.

17. All financial records will be made available to authorized representatives of the New Jersey Department of Labor and the New Jersey Commission for the Blind and Visually Impaired facilities staff and will be subject to examination and audit upon satisfactory notice thereof.

18. The facility will file with the Division of Vocational Rehabilitation Services an annual copy of its certified audit and the management letter.

19. The Division of Vocational Rehabilitation Services will suspend payment to any facility that does not keep appropriate records.

Amended by R.1983 d.600, effective January 3, 1984.

See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Update the regulations to recognize the "shop rate" concept for bidding.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a)1-5, 12, and 15-19.

## SUBCHAPTER 4. VOCATIONAL EVALUATION

### 12:51-4.1 Vocational evaluation

(a) Vocational evaluation is a comprehensive, individual process that utilizes work, real or simulated, as the primary focus for assessment for the purpose of determining individual vocational objectives, assets, limitations, and behaviors in the context of work environments in which the individual might function and includes specific recommendations to reduce or eliminate barriers to obtaining specific vocational objective(s). Vocational evaluation takes into consideration medical, psychological, social, previous work history, educational, cultural, and economic data in the attainment of vocational goals.

1. The vocational evaluation process must include intake procedures as well as an orientation procedure in order to define reasonable expectations for all parties involved. In addition, psychometrics, and one or more of the following techniques: work samples, simulated job stations or on-the-job evaluation, will be considered necessary for a comprehensive vocational evaluation.

2. The length of the basic evaluation should be based upon the time necessary to accomplish the individual's vocational goals which generally should be completed within a five-week (25 days of work) period, but may be more intensive and thereby shorter by mutual agreement. Those facilities that have not received approval for a five-week evaluation will continue to provide a 10-week evaluation at the approved 10-week evaluation fee. Further time extensions will depend entirely upon justification, viable staff conferences and written reports. The evaluation period will be complete when one of the following goals is accomplished:

i. Development of a facility rehabilitation plan with a specific vocational objective; or

ii. Determination that the facility's program is not suitable to meet the client's needs.

iii. Production rate by the client must be 12 percent of standard production rates at the end of the evaluation process in those programs where production activities, which may include work samples, are part of the evaluation process. If the client produces at nine percent of normal productivity rates, one five-week extension may be considered for facilities with a five-week vocational evaluation program and two five-week extensions may be considered for facilities with a 10-week vocational evaluation process. The client's productivity should be sampled over the last three-day period prior to the preparation of the report. If at the end of the evaluation, the client is not producing at 12 percent of standard productivity, the client will be deemed to have minimal vocational potential and will, therefore, be terminated from DVRS sponsorship and referred for appropriate program services.

Amended by R.1983 d.600, effective January 3, 1984.

See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Clarifies language and removes outdated material related to phone in periods that have already expired.

Repeal and New Rule, R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Section was "Evaluation".

### 12:51-4.2 Procedure

(a) The rehabilitation facility will maintain a current description of the tools, forms, and materials used for the vocational evaluation process, noting when such tools are utilized. DVRS may contract with a facility for a short term evaluation utilizing a specific system such as Apticon. In these instances, the maximum fees and length of time will be those on file with the facilities unit.

(b) The evaluation staff conference will be conducted no later than the fourth week and will include all parties interested/involved in the individual's rehabilitation.

(c) The evaluation report will be prepared following the staff conference and should arrive at the DVRS office during the fifth week and will be processed for further action by DVRS. DVRS will be responsible for providing appropriate documentation of such action to the facility in a timely manner. The vocational evaluation report will be comprehensive in nature and include information as referenced in the most recently published CARF standards manual concerning the range and scope of vocational evaluation.

(d) Vocational evaluation, other than simulated job stations, on-floor work observation, and on-the-job evaluation, shall be carried out in a separate room with appropriate space, light, and ventilation. Sound levels shall not exceed 70 decibels.

Repeal and New Rule, R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R.3797(a).  
Section was "Procedure".

## SUBCHAPTER 5. WORK ADJUSTMENT TRAINING (WAT)

### 12:51-5.1 Work adjustment training

(a) Work adjustment training (WAT) is designed to help the handicapped individual form a work personality that will help increase his or her productivity and handling of the day-to-day demands of competitive employment, by developing one or more of the following: self-confidence, self-control, work tolerance, ability to handle interpersonal relationships and understanding of work. There may also be varying degrees of skill acquisition involved.

(b) Clients who are earning between 20 percent and 40 percent of standard production rates at the end of 18 weeks should be retained as extended (sheltered) employees at that time. Clients who are earning above 40 percent of standard production rates may be considered for up to two nine-week extensions if there is a definable upward trend in their production. Clients earning between 15 percent and 20 percent of standard production rates may be given one nine-week extension of work adjustment training if patterns of performance indicate that there is reason to believe they can achieve the extended (sheltered) level of employment. If a client cannot achieve extended (sheltered) level of employment, an attempt should be made to find another appropriate program for the individual.

(c) It is recognized that the acceptable level for extended (sheltered) employees' production vary from shop to shop dependent on several factors such as the level of sophistication of contract work. These figures are meant to serve as minimums and do not preclude a shop's setting higher minimum standards for extended (sheltered) employees so long as those standards are forwarded in writing to DVRS.

(d) During work adjustment training, staff conferences are to be held no less than every six weeks. Written notes of these conferences will be submitted to DVRS during the week following the conference. A comprehensive review of the client's progress will be conducted at the staff conference two weeks prior to the end of the authorization (approximately week 16 for a 90-day authorization and week seven for a 45-day authorization). The same relative schedule for processing will be binding on both parties.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Clarifies language and removes outdated material related to phone in periods that have already expired.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a)-(d).

## SUBCHAPTER 6. EXTENDED (SHELTERED) EMPLOYMENT

### 12:51-6.1 Extended (sheltered) employment

(a) Extended (sheltered) employment is a program designed to provide long term employment in the facility for a client/worker whose functional limitations or handicapping conditions are such as to make employment outside the facility an unrealistic goal, or who needs extended work conditioning in preparation for nonsheltered competitive employment. The program has available all the services of the basic vocational rehabilitation program provided by DVRS at a lower level of intensity and without the time constraints of the basic vocational rehabilitation program. After completion of a certified Title I program and the achievement of at least 20 percent of the normal production level, these persons will be individually certified by DVRS.

(b) The services available to extended (sheltered) employees must include evaluation, counseling, placement, and work services. A case record shall be maintained on each individual which shall include documentation of all services provided to the extended (sheltered) employee.

(c) The case record will also include a facility individual rehabilitation plan which will be developed in concert with the evaluation of the extended (sheltered) employee. The case record is the primary source of documentation and must be updated every three months.

(d) Each extended (sheltered) employee will have a formal semi-annual review conducted by appropriate professional staff and modification will be made of the individual's facility rehabilitation plan as indicated by progress or lack of the same.

(e) Case records will include regular quarterly notation of client earnings as a percentage of competitive pay on jobs. Specific explanations are required in those instances where an individual is earning over 50 percent of the competitive rate and is not involved in active efforts toward competitive placement. Active placement efforts in progress must be documented.

(f) The ratio for floor supervision shall be one supervisor to 20 clients. Floor supervisors shall not be absent from the floor due to other assigned duties not related to floor supervision (for example, contract procurement). Staff meetings, safety committee, etc., are considered regular supervisory responsibilities.

(g) In computing supervisor ratio in satellite facilities, off-site, or crew labor programs, these will be considered as separate entities. While counseling and placement services

need not be "on site" full time, all services must be available on a regularly scheduled basis.

(h) When a staff vacancy exists through illness or separation that is expected to last more than 10 consecutive days, the facility must notify the DVRS facility specialist. If it appears the vacancy will exist beyond 10 days, the facility will submit, in writing, a plan for assuring continued services to clients.

(i) For the purposes of standards compliance, a position will be considered vacant for 40 work days. After 40 work days, the position will be considered not to exist until such time as it is filled.

(j) Each facility is expected to place a percentage of its extended (sheltered) employees in competitive employment each year. It is recognized that economic considerations will impact on performance in this area and consideration will be given for economic factors.

(k) Physical plant facilities must comply the Commission on Accreditation of Rehabilitation Facilities (CARF) standards for "Physical Facilities, Health, and Safety", as amended and supplemented, incorporated herein by reference.

(l) A client who is released early for medical appointments shall be considered to have attended the full day for purposes of counting program days unless such early releases occur on more than five percent of the days he or she is present.

Amended by R.1983 d.600, effective January 3, 1984.

See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Clarifies and regulates the definition of a client service day in the event of early release for medical reasons.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a); recodified (b)-(m) as (b)-(l), with changes.

### 12:51-6.2 Reporting

(a) The facility shall be responsible for the submission of a quarterly statistical report 14 calendar days after the close of each quarter. This report will be submitted on Form RSW-1 to be supplied by the Division of Vocational Rehabilitation Services.

Quarter Ending	Date Due
September 30	October 14
December 31	January 14
March 31	April 14
June 30	July 14

(b) A narrative report shall also be submitted on June 15 of each year, relative to the Extended (sheltered) Employment Program, which shall detail the major accomplishments of the program and explain any problems that were encountered.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Stylistic revision in (b).

### 12:51-6.3 Business and financial practices; records; requirements

(a) Contractor's accounting records are required to include the following information:

1. Individual client attendance records summarizing periodically on a calendar basis the number of days the client is present and absent, and the reason. The scheduled "working day" of a facility's extended (sheltered) employment program will consist of not less than five working or instructional hours. This record will be maintained either for all clients in a single binder or individually in each client's case file.

2. Total wages or other payments to all individual clients on an annual basis for the agency's fiscal or calendar year.

3. Supplementary cost records: Records shall also be maintained that will enable the State auditor to readily and accurately determine the separate cost for direct labor, indirect labor, and payments made in excess of those required by minimum Wage and Hour regulations (often called wage supplements or "subsidies").

4. Annual auditor's reports, copies of the auditor's adjustments and work papers, if any, to explain the adjustments and depreciation schedules. An analysis of the agency's costs will not be completed until this information has been reviewed by State auditors. In the absence of this information, the agency's book figures and the State auditor's estimates will be used in computing the agency's program costs.

5. The validity and reliability of the expenses (costs recorded in agency records) are determined to a large extent by the agency's internal control procedures and organization and maintenance of source documents. To the extent that they do not adequately provide for accounting of the agency's financial transactions in accordance with generally accepted accounting principles, recommendations will be made, if necessary, to bring them into conformity with such.

6. Such records and procedures as may be necessary or required to meet the requirements of Contract Sections VII, VIII, XII, XIII, XV, XIX, XX, et al., and this chapter.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a)1-6.

### 12:51-6.4 Wage and hour compliance

Contracts will comply with all applicable State and Federal wage and hour regulations including the possession of all certificates legally required and on a current basis.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Stylistic changes.

**12:51-6.5 Reevaluation of extended (sheltered) employees**

(a) Annual reevaluation and ongoing services to extended (sheltered) employees is the responsibility of the vocational rehabilitation facility. This activity is supported by DVRS under the funding of the Extended Employment Act.

(b) On occasion it may become apparent that with the provisions of some specific service the individual may be competitively employable. When this instance occurs, the facility should contact the local DVRS office and discuss the specifics of the case. The decision as to whether the case should be accepted will be made on an individual basis.

(c) Vocational rehabilitation services to individuals to maintain them in extended (sheltered) employment are also a matter of individual consideration. If the vocational goal continues to be extended (sheltered) employment, the Plan of Services and all justification must be reviewed and signed by the Manager.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a); deleted (c); redesignated existing (d) as (c), with changes.

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**SUBCHAPTER 7. PSYCHO-SOCIAL CENTERS**
**12:51-7.1 Psycho-social centers**

(a) Psycho-social rehabilitation is a structured program of vocational preparation which endeavors to:

1. Discover and develop the individual's strengths and assets;
2. Build positive and adaptive skills; and
3. Increase and extend the individual's repertoire of skilled behavior in the physical, emotional and intellectual areas. The purpose of the center is to teach living, learning and working skills necessary to function effectively in the individual's community with the least possible support.

(b) Psycho-social rehabilitation is distinguishable from treatment or maintenance programs by its emphasis on vocational performance skills acquisition. Treatment seeks to alleviate discomfort, reduce symptoms and minimize "sickness" in a non-threatening environment with minimum demands. Vocational rehabilitation begins when work ceases to be a treatment modality and becomes the program goal toward which all psycho-social activities and all performance expectations are oriented.

(c) The tactic of providing vocational performance skill acquisition is designed to make the client increasingly less dependent upon the program itself and upon the mental health system. Rather than solving the immediate problems, or assisting him through a crisis, the rehabilitation goal is ultimately to teach the individual the skills necessary to prevent future problems, enabling him or her to live and work effectively and independently. Effective rehabilitation programs are those in which all activities are systematically synchronized to progress deliberately toward that goal utilizing existing resources and linking the client to program services that ultimately enhance his or her independence in the community.

(d) The minimum staff required for approval of a facility in this classification should consist of the following:

1. Executive director (agency);
2. Program director or supervisor (full-time);
3. Rehabilitation counselor (full-time);
4. Work supervisor (full-time);
5. Employment specialist (full-time); and
6. Consulting psychiatrist.

(e) At least two of the above, exclusive of the executive director and consulting psychiatrist, must have a master's degree or a B.A. and at least three years experience in providing vocational programming to the psychiatrically disabled. A staff-to-client ratio of one to 12 exclusive of the executive director and consulting psychiatrist must be maintained.

(f) Specific staff qualifications appear at N.J.A.C. 12:51-9.1(i)1 through 11 and will be followed. The staff personnel mentioned in (d) above must be approved by DVRS.

(g) Demonstration of compliance with standards for New Jersey vocational rehabilitation facilities is the responsibility of the facility.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Clarification of language only.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a), (b), (c), and (g).

**12:51-7.2 Program description: vocational readiness assessment**

(a) A vocational readiness assessment (VRA) is designed as a short-term period of time during which a facility evaluates the readiness of a client to engage in and benefit from a variety of vocational services. A determination is made at the end of this short term assessment that the client understands and is committed to the goal of employment upon completion of the rehabilitation process.

(b) Community living skills are often the greatest barrier to employment for psychiatric clients. In recognition of this fact the VRA shall evaluate the various skills and their

potential impact on vocational service provision. These skills include, but are not limited to: medication, housing, transportation, self-maintenance, including grooming and appearance, money management, home maintenance (cooking, cleaning, shopping, etc.), psychological and psychiatric factors including interpersonal skills, and ability to utilize leisure time. The VRA shall also evaluate the client's ability to participate in vocational activities.

(c) A VRA can be accomplished through a variety of activities and services examples of which are interviewing, group and individual counseling, service procurement, activities of daily living, leisure time activity groups, psychometrics, community contacts, work activities such as a facility work situation, contracts or volunteer work.

(d) A VRA can be authorized to a maximum of 10 program days over a period of 20 working days. An agency must provide the following services over this period:

1. Vocational activities (40 percent of time);
2. Related activities (ADL, use of leisure time, etc.) (40 percent of time);
3. Assessment related counseling (15 percent of time);
4. Community contacts (five percent of time).

(e) The VRA should be designed in a systematic, organized fashion that allows for concrete observation as the basis for its results.

(f) On the ninth or tenth day of VRA a staff conference will be held which will be attended by appropriate facility staff and the DVR counselor.

(g) Written notes of the staff conference shall be submitted which address the results of the assessment including the potential impact of community living issues, potential adjustment to a vocational program, a determination as to the feasibility of further vocational services and a tentative rehabilitation diagnostic plan for those services. If an agency has determined that the client is not appropriate for further vocational services at this time, recommendations for referral, type of service, and mechanisms for linkage shall be made. Psycho-social centers shall make every effort to utilize other existing services to assist their clients in realizing their full potential prior to the development of such services at the facility.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a), (b), (f) and (g).

### 12:51-7.3 Program description: rehabilitation assessment

(a) The primary purpose of a rehabilitation assessment is to evaluate the client's present level of skilled performance and to ascertain the level of skilled performance needed to live, learn and work in his or her community with the least possible amount of support.

(b) The ultimate outcome of rehabilitation assessment is the formulation of the individual facility rehabilitation plan that will specify the individual client's rehabilitation goals and will provide the standards against which progress is measured.

(c) An agency offering a rehabilitation assessment must provide the client with the following minimum time in direct service.

1. Two hours of vocational activities per day, which must include either a facility or community site situational assessment in at least two occupational areas. The use of work samples, contract work and psychometrics is desirable but optional. The vocational activities shall be provided in a systematic organized basis for the purpose of determining client conditions and job objectives in the context of the work environment in which he or she shall function. Direct observation of the client within the context of the work environment shall become the basis for the evaluation.

2. Two hours of related activities, such as interactional group activities, activities of daily living, etc., per day, which should be consistent with the client's level of functioning and complement the vocational activities in terms of how the client's interactional style and related skills development affect the client's potential for employment and the employment maintenance.

3. Two hours of counseling a week must be an integral part of the rehabilitation assessment provided by the facility. It should be directed towards vocational or related issues which impact on a client's progress toward competitive employment.

(d) A rehabilitation assessment may be authorized up to 10 weeks. The evaluation period will be completed when one of the following goals is accomplished:

1. Development of a facility rehabilitation plan; or
2. Determination that the facility program is not suitable to the client's needs.

(e) The evaluation report shall include answers to questions such as:

1. Was the client's originally stated vocational goal realistic? If not, why wasn't it and has a realistic goal been formulated?

2. Is the client ready for a transitional work experience or competitive employment? If so, what occupational area?

3. If the client is not ready for either of the above, what does the client need for job readiness?

4. What kind of program will meet the needs of the client? Is this program addressing the behavior, attitude and skills assessed during the evaluation and where might the services best be provided?

5. How do support services issues such as housing, medication, financial, etc., impact on the rehabilitation plan? How is the client's program addressing these needs?

(f) As a result of the rehabilitation diagnosis, the agency may decide to discontinue the client's program and refer him or her to another appropriate service through the Division of Vocational Rehabilitation Services counselor.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a)-(f).

#### 12:51-7.4 Program description: rehabilitation plan

(a) The rehabilitation plan will describe the means by which the client will progress from the present level of skilled performance to the needed level of skill performance.

(b) Each rehabilitation plan will specify long-range and short-range goals.

(c) Each goal statement will describe observable, measurable behavior to be addressed, the environment in which the behavior occurs, the technique or method to be used, the measure of effectiveness, and the staff person responsible.

(d) Progress reports will address each individual short-range goal. The facility shall make every effort to identify and utilize existing services at other agencies to assist its clients in realizing their full potential as part of the rehabilitation plan.

(e) The diagnostic report will be prepared following the staff conference conducted at the end of the eighth week of the diagnostic phase. The report should arrive at the DVRS office during the ninth week and will be processed for further action by the DVRS during the tenth week. If significant information develops during weeks nine and 10, it should be communicated to DVRS by phone and a handwritten note will be entered on the diagnostic report by the responsible counselor.

(f) Any significant development or event at any time during the rehabilitation process must be reported immediately to the DVRS counselors.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (c)-(e).

#### 12:51-7.5 Program description: vocational development training

(a) Vocational development training is a process of increasing and extending the individual's repertoire of performance skills (behaviors) in the physical, emotional and intellectual areas of functioning for the purpose of providing the individual with the living, learning and working skills necessary to function effectively in employment and inde-

pendently in the community in spite of his or her emotional handicap. The process involves exposure to situational experiences and related activities that enhance inter-personal interaction, personal attitudes, work habits, skills work and stress tolerance and motivation.

(b) An agency providing vocational development training must provide the client with the following minimum time in direct services:

1. Four hours of vocational activities per day which may include facility site operations in food service, janitorial/maintenance, clerical, other services or contract work.

2. Two hours of related activity such as interactional group activities, activities of daily living, etc., per week. These related activities should complement the vocational activities in terms of improving the client's interactional style and related skills development so as to affect the client's potential for employment and employment maintenance.

3. One hour of counseling per week must be an integral part of vocational development training provided by the agency. It should be directed towards vocational or related issues which impede a client's progress toward competitive employment.

4. Transitional work experience may be utilized in lieu of the four hours of work activities and two hours of related activities during the initial authorization as long as the following three criteria are met.

i. The client is on the job site for a minimum of four hours per day;

ii. There is a work-site visit by the professional facility staff at least once per week; and

iii. There exists some related activity at least once per week to maintain the client's connection with the facility.

(c) Vocational development training can be authorized initially up to 22 weeks. An initial eight-week extension can be authorized. This initial extension shall be utilized with the client participating in transitional work experience. A facility may request continuation of agency site programming rather than transitional work experience only with justification and concurrence of the DVRS counselor.

(d) During vocational development training staff conferences are to be held no less than every six weeks. Written notes of these staff conferences will be submitted to DVRS during the week following the staff conferences. A comprehensive review of the client's progress will be conducted at the staff conference two weeks prior to the end of the authorization (approximately week 20 for a 110-day authorization and week seven for a 40-day authorization). The same relative schedule for processing will be binding on both parties.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(d).

#### 12:51-7.6 Program description: transitional work experience

(a) Transitional work experience is a realistic experience in the community that allows the client to test his or her employment skills in a real work setting. This can be either subsidized or unsubsidized and may take the form of the transitional employment, formal volunteer situations or some variations. Compliance with all applicable wage and hour regulations is required.

(b) An agency providing transitional work experience must provide the client with the following minimum time in the program:

1. Four hours of transitional work experience per day;
2. A minimum of one site visit by an agency professional staff person per week; and
3. Some related activity at least once per week to maintain the client's connection with the facility.

(c) Transitional work experience will have had an initial nine-week authorization during vocational development training. An additional nine weeks of transitional work experience may be authorized as indicated based on client progress.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(c).

#### 12:51-7.7 Program description: job maintenance

(a) Job maintenance is a stabilization process after job placement has occurred to assist the client in maintaining the job he or she has acquired. This has been demonstrated to be a crucial service for clients with significant emotional difficulties. During this service, problems that the client and the employer experience can be resolved with the assistance of the facility professional staff person. Since service needs in this area will vary, a unit fee structure will be employed. A unit is a session of individual or group counseling or a job site visit. They are called units because in terms of actual staff time expenditure, they would be basically comparable with three to four hours of time.

(b) Job maintenance may be accomplished through group or individual counseling which addresses specific employment or employment related problems as well as through job site visits.

(c) An initial 22 units of job maintenance is provided during the initial 60 working day period. These units can be utilized in any combination of individual/group counseling or job site visits. Upon completion of 60 working days and participation by the client and facility professional staff person in the job maintenance program, a rehabilitation plan will be submitted to the referring DVRS counselor with one of the following recommendations.

1. No further maintenance is needed, therefore, the case can be closed; or

2. An extension be requested for a maximum of 20 job maintenance units in segments of 10 job maintenance units.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a) and (c).

### SUBCHAPTER 8. FEES

#### 12:51-8.1 Classifications; fees and program requirements

Federal regulations require that payments for vocational rehabilitation services be based on the reasonable cost of providing them. Reasonable cost will be defined and determined by the Division of Vocational Rehabilitation Services based on the Federal Office of Management and Budget (OMB) Circular A-122, "Cost Principles for Nonprofit Organizations," as amended and supplemented, incorporated herein by reference (Federal Register, Vol. 45, No. 132, Tuesday, July 8, 1980).

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised text.

#### 12:51-8.2 Establishment and changes in fees

(a) A fee schedule consisting of an appropriate fee structure for each classification will be maintained by the Division of Vocational Rehabilitation Services which will provide reasonable compensation to the rehabilitation facilities for services provided.

(b) Each approved facility will be reviewed periodically by the facilities and audit staffs of DVRS for the purpose of determining its program effectiveness and results, and efficiency and compliance with applicable laws and regulations. The appropriateness of fees and other support of funding which a facility receives as it relates to the costs of its programs will be determined in accordance with principles and procedures for determining costs promulgated in Federal OMB Circular A-122 and reported in accordance with Federal OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations."

(c) The following Organizational CARF Standards are of prime importance in this evaluation:

1. The purposes of a rehabilitation facility will be established and stated so as to govern the direction and character of its programs. Its operation shall be directed to the primary objective of fulfillment of its purposes.

2. The rehabilitation facility will be organized and administered so as to achieve its stated mission.

3. The rehabilitation facility will provide services essential to implement its programs. These services must be of high quality and effectively applied through its programs.

4. The rehabilitation facility staff will be competent, ethical and qualified to provide the services essential to the achievement of the facility's stated goals. It shall establish and maintain personnel policies which contribute to the effective functioning of its staff.

5. The rehabilitation facility will maintain accurate and complete records necessary to conduct its programs. It will prepare and distribute reports that demonstrate and interpret the level of fulfillment of its purposes.

6. The rehabilitation facility will manage its fiscal affairs consistent with the purposes of the organization in accordance with sound practices and legal requirements.

7. The rehabilitation facility will be designed, located, constructed, equipped and operated so as to promote the efficient and effective conduct of its programs and to protect the health and safety of persons served and staff.

8. The rehabilitation facility will actively participate in community planning, organizations and programs as they relate to rehabilitation, and shall conduct a public information program.

9. The facility will have an evaluation system to identify the results of facility services and the effect of the programs on individuals served in such a way that program performance can be improved and community support can be enhanced.

(d) Upon completion of this review, a determination will be made as to whether the currently approved fees for that facility's programs are appropriate/inappropriate.

(e) In the event that the total revenues earned from DVRS for these programs are determined by this review and analysis to exceed the actual cost of these programs by more than 10 percent during the most recently completed fiscal year, the total "excess revenues" will be treated as an unabsorbed cost for the fiscal year and carried-forward and added to the total cost for the following fiscal year. A cost analysis, including the roll-forward for these unabsorbed costs, will be completed for the following fiscal year. In the event the total DVRS revenues exceed the actual program operating costs for the second fiscal year and the unabsorbed costs carried-forward from the preceding fiscal year, an appropriate revision of the fees for these programs will be considered and implemented upon approval of the Director of DVRS at that time.

Amended by R.1983 d.600, effective January 3, 1984.

See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Update references to publications used in determining program costs.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a)-(c) and (e).

### 12:51-8.3 Program requirements, existing and new programs

(a) A written narrative description of all the facility's programs, services and administrative procedures shall be maintained and made available to interested parties. This description will be submitted to DVRS by new facilities applying for program approval as well as existing facilities whenever changes are made in the facility's programs, services, or administrative procedures.

(b) Services shall be geared to the objective development of the client's maximum potential for employment in a competitive labor market, or in a sheltered workshop if the client's needs are best served in such an environment.

1. To accomplish (b) above, the following services should be provided:

i. Medical, psychological, social, educational, and vocational evaluation at the time of intake. There will be written criteria for procedures for admissions;

ii. The following kinds of services should be made available to clients, trainees, and employees: vocational evaluation, work adjustment training, on-the-job training, skill training, placement and follow-up.

(c) An internal system of program evaluation will be developed which offers continuous information about the quality of services provided and the results achieved by persons following their provision.

(d) Programming of facility services for clients shall be based upon professional evaluations of the individual's assets, needs, progress and vocational goal. A facilities rehabilitation plan will be developed for each client and revised periodically; it will also be coordinated with the individual written rehabilitation plan (IWRP) developed by the local DVRS office.

(e) Professional ethics will be maintained at all times with respect to confidentiality in the use of the client's records. It is recommended that a central comprehensive client record system be kept in a secured place; for example, all client records may be kept in a central location and controlled by a designated person.

1. These records should include the following:

- i. Completed facility application;
- ii. Medical history;
- iii. Medical examination report and work precautions;
- iv. Social history and case information;
- v. Psychological reports and/or psychiatric reports;
- vi. Evaluation reports, prognosis, and summary reports and facilities rehabilitation plan;

- vii. Information on wages paid and written report on the discussion of wages with the client;
  - viii. A summary description fully setting forth the reasons for non-acceptance or closure of the case;
  - ix. A written record of follow-up placement efforts; and
  - x. A continuous running record, updated monthly, of client activity.
- (f) A current client or worker manual, or handbook covering services available and personnel policies, regulations and benefits should be given to each client at the time of acceptance.
- (g) Each client in extended employment will be evaluated twice a year and appropriate modification will be made to the client's rehabilitation plan.
- (h) Records will be kept which reflect the productivity of each client/worker on a continuing basis.
- (i) The facility will have a carefully planned placement program for clients who are ready for employment in the competitive labor market, including an adequate follow-up program.
- (j) The facility will evaluate every three years its total program, its coordination with related rehabilitation programs in the community, the capacity of the facility for providing services needed in the community, follow-up of clients served, and the adequacy of the total program. Information derived from the facility's system of program evaluation should be utilized in this regard.
- (k) The written consent of the client, guardian, and, if necessary, cooperating agencies shall be obtained prior to the use of facility clientele for public relations and publicity purposes.
- (l) A facility shall have a written grievance procedure for distribution to clients, trainees, and employees, which facilitates receiving and hearing complaints and discussing problems of a general or specific nature.
- (m) All records of both client and facility pertaining to DVRS sponsored clients will be made available to (DVRS) facility specialist and/or facility and auditors upon request.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).  
Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(e); (g)-(h); and (j)-(m).

#### 12:51-8.4 Procedure for program/facility approval

(a) A facility that wishes to implement a new program on a "fee for service" basis should first discuss the proposed program with the manager and staff of the local office. It should be noted that the endorsement of the manager and staff of the local office will have great significance on the final disposition of its request.

(b) The next step would be to discuss the concept with the facilities specialist assigned to the area. The facilities specialist should be used as a consultant in designing and detailing the program to be offered.

(c) The program description must be detailed and must clearly show how the proposed program differs from existing previously approved programs; the creation of new programs is not routine procedure.

(d) It is also important that a step-by-step outline be included showing various techniques and procedures, as well as goals that are expected.

(e) No new program will be approved where adequate descriptions do not exist for present programs.

(f) Once the final proposal is completed in sufficient detail, a cost analysis must be prepared and a fee request made. These items must be attached to the program description and forwarded to the facilities specialist.

(g) The facilities specialist will assemble the "Program Request Package," which includes the detailed written comments of the local office manager and the specialist's own written endorsement. This package will be delivered through the facilities unit to the appropriate administrative staff for final approval.

(h) In order to vend services to the Division of Vocational Rehabilitation Services, a facility must apply for and be granted a certificate from that agency. This certificate will be issued by the Director of the Division of Vocational Rehabilitation Services upon his or her being satisfied that:

- i. There is a need for the service to be vended; and
- ii. The facility is in compliance with the rules and regulations governing vocational rehabilitation facilities.

(i) Certificates will be issued covering several specific service areas including, but not restricted to:

- i. Vocational evaluation;
  - ii. Work adjustment training;
  - iii. Sheltered employment;
  - iv. Psycho-social vocational rehabilitation services;
- or
- v. Skill training.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).  
Deleted in its entirety replaced with recognized rule.  
Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(c) and (f)-(g); added (h).

#### 12:51-8.5 (Reserved)

Repealed by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Section was "Description of services for new program approval".

## SUBCHAPTER 9. STAFFING

**12:51-9.1 Staffing requirements, procedures and qualifications**

(a) In the process of developing maximum work capacity, a client/worker may require assistance with personal problems, including the development of vocational goals, his or her role as a worker, acceptance and adjustment to his or her disability and adequate interpersonal relationships, and acceptance of supervision. The availability of competent licensed ethical and qualified professional disciplines of medicine, psychiatry, psychology, social work, vocational rehabilitation counseling, teaching, and a variety of therapies assures the effective use of the workshop for rehabilitation purposes in realizing the goal of employment of the handicapped for more effective living.

1. The executive director will maintain a functional organizational chart which is available at all times.

(b) The facility will provide a staff improvement program designed to encourage professional growth and development of the staff; for example, University Training Programs. Part of this program should include attendance at professional conferences each year pertaining to the work of the staff member, such as Association of Rehabilitation Facilities and State Association meetings and programs which are offered by Cornell University and the International Center for the Disabled (ICD).

(c) The staffing pattern of the facility will be based upon an endeavor to provide a program of services designed to fulfill the individual needs of the handicapped clients being served. Generally speaking, the professional and supervisory staff-client ratio should be no more than one to 12. The staff referred to are those directly involved in services to the client. When dealing with the more severely handicapped, this ratio should be much less.

(d) Personnel policies, procedures and practices, and job descriptions must be stated in writing, a matter of official record, and given to all staff members. Such personnel codes shall be reviewed annually.

(e) Staff meetings at which appropriate staff members are present must be held periodically (at least once per month), and the minutes for every meeting will be kept on file and distributed for the use of the staff members involved.

(f) The executive director and the governing body/board will conduct a periodic review of professional staff salary ranges.

(g) Evidence that the director and staff actively participate in interagency and community planning activities should be available.

(h) All staff members will have an annual written evaluation of their performance.

(i) Minimum qualifications for staff personnel are:

1. Executive director should possess:

i. A Bachelor's Degree and some of the college and university education should have included training in business administration, personnel management, the social sciences, industrial engineering, or management;

ii. Three years of experience in an administrative capacity directing professional, technical or supervisory personnel. Graduate degree(s) work may be substituted for two years experience; and

iii. Experience as a staff member in a rehabilitation facility.

2. Supervisor (production) should possess:

i. A high school or technical school education or equivalency; and

ii. Supervisory experience in industrial production.

3. Rehabilitation counselor should possess a Bachelor's Degree in vocational rehabilitation or related fields.

4. Bookkeeper should possess a high school education or business school training in bookkeeping and/or accounting.

5. Vocational evaluator should possess an undergraduate degree, with emphasis in the rehabilitation area, and must attend a DVRS approved training program within six months of employment. Post graduate training in vocational evaluation may be substituted for the DVRS training program.

6. Vocational instructor should possess:

i. Accreditation by the New Jersey State Department of Education, or qualified as a journeyman in his or her field; and

ii. One year's experience in teaching a trade with teaching experience acceptable to the Division of Vocational Rehabilitation Services.

7. Director of professional services should possess:

i. A Master's Degree in vocational rehabilitation or related field;

ii. At least one year of experience in an administrative capacity directing professional, technical, or supervisory personnel; and

iii. Experience as a staff member in a rehabilitation facility.

8. Psychiatrist should possess board certification.
9. Program director (psycho-social), who will be responsible for the overall development, implementation and maintenance of the psycho-social program and may have direct service responsibility, should possess:
- i. A Master's Degree in vocational rehabilitation or a related field;
  - ii. At least three years' experience, one of which should be in an administrative capacity, directing professional, technical or supervisory personnel; and
  - iii. Experience in direct vocational service with the psychiatrically disabled.
10. Work supervisor (psycho-social) should possess:
- i. A high school education or equivalent; and
  - ii. Five years of work experience in occupational areas similar to those being offered at the facility. The individual must have a clear understanding of the demands and expectations in business and industry, particularly related to the occupational area supervised. The individual must understand the functional limitations imposed by a psychiatric handicap. Any combination of college or technical school may be substituted for experience on a year for year basis. College credits should be within the helping professions.
11. Employment specialist (psycho-social) should possess:
- i. A Bachelor of Arts degree in human services or a related field; and
  - ii. Two years' experience in working with the disabled, particularly with individuals who have significant emotional problems. He or she should have an understanding of the functional limitations imposed by such a handicap and must be familiar with the demands and expectations of business and industry. Experience in job placement should also be required.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Remove excessive editorial material that do not constitute rules and regulations in enforceable sense. Reduces 24 position description to 11.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a) through (i).

## SUBCHAPTER 10. REPORTING

### 12:51-10.1 Reporting

(a) It is the responsibility of the Division of Vocational Rehabilitation Services to monitor activity within vocational rehabilitation facilities to insure both the quality of service and availability of service.

(b) In order to facilitate this process, the facility will file a quarterly report with DVRS within 21 days of the end of each quarter.

(c) DVRS keeps statistics based on the Federal fiscal year. This begins October 1, and ends on September 30. Therefore, reports are due as follows:

First Quarter	Oct. 1-Dec. 31	Due Jan. 21
Second Quarter	Jan. 1-March 31	Due April 21
Third Quarter	April 1-June 30	Due July 21
Fourth Quarter	July 1-Sept. 30	Due Oct. 21

(d) Grant reporting will generally be done on a quarterly basis. Provisions for reporting and due dates will be listed in the "Award Letter" for the grant.

Amended by R.1983 d.600, effective January 3, 1984.

See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Correct date of second quarter report period.

Amended by R.1991 d.604, effective December 16, 1991.

See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Revised (a) and (c).

## SUBCHAPTER 11. PHYSICAL FACILITIES

### 12:51-11.1 Considerations

(a) The rehabilitation facility will be designed, located, constructed, and equipped so as to promote effective conduct of its program and to protect the safety of its clientele, staff and equipment.

1. The facility will be located in a community convenient to main thoroughfares and public transportation and where there are adequate parking and food service for clients and staff.

2. The site and size of the property and building, rented or purchased, will be adequate for the immediate program and contemplated expansion. It is suggested that there be a minimum footage of 100 square feet floor space, exclusive of storage space, but including aisles and passageways, for each client. All ceilings will be a minimum of nine feet in height. The architectural design of the building if being newly constructed will provide for maximum flexibility in adapting floor space and utilities to facilitate operations of the workshop.

3. Private offices, easily accessible, shall be available for client counselling.

4. Space will be provided for lavatory facilities of adequate number, design, and construction to accommodate individuals with disabilities and will be kept in a clean, orderly and sanitary manner.

5. Architectural barriers must be eliminated. A plan for removal of all barriers will be developed and submitted to DVRS, in accordance with the Uniform Construction Code, N.J.A.C. 5:23-7, Barrier Free Subcode.

6. The facility will conform to all local, State and Federal codes, regulations, and standards with respect to health and safety. It shall have regular fire drills and an evacuation plan and require an annual inspection by the local fire control agency.

7. The facility will use criteria similar to that used in industry in determining the type and amount of labor-saving tools, equipment and machinery to use in the facility unless there are clearly defined reasons for exceptions in dealing with specific groups or clients.

8. New construction and remodeling will be in keeping with present day industrial design and meet all building codes. An automatic fire alarm system shall be required.

9. Equipment used in vocational evaluation will represent the type currently used in competitive industry and be based on client capabilities and opportunities in the labor market.

10. Access to suitable hospital and first-aid facilities will be readily available and at least one person who is trained in administering first-aid to other required client-related medical services will be available during all working hours.

11. All floors will be kept clean and dry and free of holes or projections which constitute a hazard.

12. The facility will have at least two exits, exclusive of ladders and elevators and as remote from each other as possible. It will also provide for adequate lighting (no less than a 30 candle of illumination in work areas), proper storage of inflammable material or other supplies, unobstructed and marked aisles and passageways, and adequate safety inspection and enforcement of safety regulations.

(b) The standards in (a) above will apply as appropriate based on the type of program and activities required.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).

Correct language.  
Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)1; 3.-6. and 8.

**SUBCHAPTER 12. COMMUNITY RELATIONS**

**12:51-12.1 Program requirements**

(a) The workshop will cooperate on a continuing basis with all other community agencies, the State Rehabilitation Facility Association, the New Jersey Psychiatric Rehabilitation Association, and the appropriate State agencies in defining the needs of individuals with disabilities, providing services to meet those needs, and solving problems they have in common.

(b) The facility will have a well-planned public education program in which all forms of communication are utilized to encourage understanding, cooperation and financial assistance from other agencies, as well as, civic, religious, fraternal, business and industrial groups in the community.

(c) Fund-raising practices will comply with the State and local laws, ordinances and regulations.

(d) Every effort should be made to maintain liaison with the local labor unions.

(e) The facility will work closely with the local DVRS office and other referral agencies to establish and maintain a coordinated system of service delivery for all of its community's disabled.

(f) The facility will be responsive to the needs of the community.

(g) In the event of a lay-off of employees, either professional or extended, DVRS must be notified immediately.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a) and (e)-(f).

**SUBCHAPTER 13. PROFESSIONAL ADVISORY COMMITTEE**

**12:51-13.1 Composition and purpose**

(a) The permanent Professional Advisory Committee will consist of the Chief of Rehabilitation Service, the facilities staffs of the Division of Vocational Rehabilitation Services and the New Jersey Commission for the Blind and Visually Impaired, the President of the New Jersey Association of Rehabilitation Facilities, and representatives of the Association.

(b) A Professional Advisory Committee is permanently established to meet at least twice a year to review the standards. Written minutes of these meetings will be distributed. A formal report recommending any changes in the regulations will be promulgated no later than six months prior to any readoption.

(c) Other duties of this Professional Advisory Committee will consist of assistance in handling differences of opinion, grievances and/or problems which may arise between directors of rehabilitation facilities and any private or public agencies, including the New Jersey Division of Vocational Rehabilitation Services. Those involved in whatever dispute is being mediated will in all cases be invited to attend the Professional Advisory Committee meeting.

(d) A report of these periodic meetings should be made available to members of the New Jersey Association of Rehabilitation Facilities and the New Jersey Division of Vocational Rehabilitation Services.

Amended by R.1983 d.600, effective January 3, 1984.  
See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).  
Correct codification of paragraph and delete "Duties" as separate section, 12:51-13.2.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a)-(c).

(c) If these efforts fail, consideration will be given to the establishment of a new facility. An excess of facilities is not a desired goal inasmuch as this approach would be costly and wasteful.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a) and (c).

## SUBCHAPTER 14. GRANTS

### 12:51-14.1 Availability

(a) The availability of grant monies is often difficult to determine. When specific grant monies are available the DVRS will publish this information and inform facilities of the specific details for application.

(b) In the absence of specific information on availability of grant monies, facilities are encouraged to forward their request, via letters of intent, in reasonable detail, along with tentative budgets, to the facility specialist for their area. It would be advisable to discuss this material with the local DVRS office prior to submission.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a).

### 12:51-14.2 Procedure

(a) The facility specialist will acknowledge receipt of the proposal and forward it to the DVRS Chief of Rehabilitation Services for Facilities who will maintain a file of proposals.

(b) The Chief of Rehabilitation Services for Facilities will, when appropriate, act as facilitator for those grant requests which show particular merit.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised text.

## SUBCHAPTER 15. STATE PLAN

### 12:51-15.1 Procedure

(a) The New Jersey Division of Vocational Rehabilitation Services will maintain a State Rehabilitation Facilities Plan containing an inventory of rehabilitation facilities available within the State and a description of the utilization pattern of the facilities and their utilization potential. The inventory of rehabilitation facilities will include a determination of needs for new, expanded, or otherwise modified rehabilitation facilities or rehabilitation facility services, and a prioritized list of facility projects necessary to achieve short range State goals. This plan will be developed with the active participation of a representative group of providers and recipients of vocational rehabilitation services and will be available to the public for review and inspection.

(b) Following an initial inquiry, the facilities unit will evaluate the need that is expressed and attempt to develop a program at an existing facility to meet that need.

## SUBCHAPTER 16. COOPERATIVE RELATIONSHIPS

### 12:51-16.1 Responsibilities

(a) It is expected that each facility will have an on-going relationship with the local DVRS office. The local office manager will function as the focal point of that relationship and will be responsible for reporting to the appropriate facility specialist.

(b) The facility specialist will work to maintain liaison with both the DVRS local office manager and the facility staff.

(c) It shall be the facility director's responsibility to inform the DVRS facility specialist of any problems that cannot be corrected at the local level.

(d) All requests for modification of standards, policy and procedure, or grant assistance should be directed to the facility specialist after discussion with the local office manager. Discussion with the local DVRS manager is advisable as his or her input will significantly impact the outcome of any such request.

(e) All written requests to the DVRS Facilities Unit will be responded to in writing within 15 working days of its receipt. If a complete answer cannot be given, the reasons for any delays will be explained and a tentative date for resolution will be set.

(f) The role of all concerned is to provide timely, appropriate, and effective service to individuals with disabilities.

Amended by R.1991 d.604, effective December 16, 1991.  
See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
Revised (a), (c), (d) and (f).

## SUBCHAPTER 17. PAYMENT AND ATTENDANCE POLICY

### 12:51-17.1 Procedure

(a) All authorization forms issued for services in rehabilitation facilities will be authorized in terms of number of days of services. A starting date will be stated.

(b) The facility should notify the local office and be paid for only the days the client physically attends the facility plus any official commemorative holidays occurring during the authorized period of service up to a maximum of 13 days in a calendar year.

(c) DVRS reserves the right to terminate any authorization by submitting in writing, such a notification to the facility, giving it five-days' notice.

(d) It is the counselor's responsibility to maintain an awareness of the client's progress in the facility and it is the counselor's responsibility to terminate the program in the event of attendance problems severe enough to negate the value of the facility program.

(e) DVRS is interested in the evaluation of its clients from a competitive employment point of view. There are not, within the DVRS context, excused absences. Clients whose attendance does not compare favorably with the industrial norms should not be represented as having good attendance.

Amended by R.1983 d.600, effective January 3, 1984.  
 See: 15 N.J.R. 1584(a), 16 N.J.R. 51(b).  
 Clarifies that all exceptions to stated regulations must be agreed upon in writing by specific staff.  
 Amended by R.1991 d.604, effective December 16, 1991.  
 See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
 Revised (a)-(c) and (e).

(c) The DVRS maintains a firm commitment to ensure that quality, meaningful rehabilitation services will continue to be provided to individuals with disabilities. This commitment mandates DVRS to:

1. Utilize an accreditation process that will enable the agency to meet the ever changing demands of the rehabilitation movement;
2. Utilize the services of a nationally-recognized voluntary agency that has been established specifically for accreditation purposes, and operates independently of the institution it accredits; and
3. Utilize an accrediting body that meets the criteria as an acceptable accreditation authority that has been adopted by the Council of State Administrators of Vocational Rehabilitation (CSAVR).

(d) In order to achieve the above, rehabilitation facilities which are providing services to clients of DVRS will apply for accreditation and arrange an on-site survey by the Commission on Accreditation of Rehabilitation Facilities no later than the third year of operation from date of approval by DVRS.

Amended by R.1983 d.600, effective January 3, 1984.  
 See: 15 N.J.R. 1548(a), 16 N.J.R. 51(b).  
 Subsection (d) deleted and (e) recodified at (d).  
 Amended by R.1991 d.604, effective December 16, 1991.  
 See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
 Revised (a) through (d).

**SUBCHAPTER 18. COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) ACCREDITATION**

**12:51-18.1 New Jersey Division of Vocational Rehabilitation Services**

(a) The New Jersey Division of Vocational Rehabilitation Services (DVRS) has developed, maintained, and applied standards for approving vocationally oriented rehabilitation facilities to vend services to DVRS. These standards constitute the basis for this chapter.

(b) The New Jersey standards document has proven to be an effective tool in measuring the quality and effectiveness of vocational rehabilitation services being provided to DVRS clients.

**SUBCHAPTER 19. ELIGIBILITY FOR DVRS SERVICES**

**12:51-19.1 Client eligibility**

(a) To be eligible for services from DVRS, an individual must have a physical or mental disability which constitutes or results in a substantial handicap to employment for the individual and regarding which there is a reasonable expectation that vocational rehabilitation services may enhance the individual's employability.

(b) Referrals are accepted from all sources and facilities are encouraged to refer individuals to DVRS who might benefit from services.

Amended by R.1991 d.604, effective December 16, 1991.  
 See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).  
 Revised (a).