

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, §§ 701 et seq. and 34 CFR 361.1 et seq.

Source and Effective Date

R.1996 d.564, effective November 8, 1996.
Sec: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 51, Vocational Rehabilitation Services, expires on May 7, 2002. See: 33 N.J.R. 4091(a).

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). Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1991 d.604, effective November 22, 1991. See: 23 N.J.R. 2927(b), 23 N.J.R. 3797(a).

Pursuant to Executive Order No. 66(1978), Chapter 51 was readopted as R.1996 d.564, effective November 8, 1996. See: Source and Effective Date. See, also, section annotations.

Subchapter 2, Introduction, was made a part of Subchapter 1, General Provisions, and a new Subchapter 2, Adoption by Reference, was adopted by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 3, Corporate Organization and Administration, was renamed Organization and Administration by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 6, Extended (Sheltered) Employees, was recodified to Subchapter 8, and a new Subchapter 6, Time Limited Job Coaching, was adopted by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 7, Psycho-Social Centers, was recodified to Subchapter 9, and a new Subchapter 7, Employment Skills Training Services, was adopted by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 8, Fees, was partially recodified to Subchapter 10, Fees, and partially recodified to Subchapter 11, Program Requirements, and a new Subchapter 8, Extended (Sheltered) Employees, was recodified from Subchapter 6 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 9, Staffing, was recodified to Subchapter 12, Staff Requirements, and a new Subchapter 9, Psycho-Social Centers, was recodified from Subchapter 7 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 10, Reporting, was repealed, and a new Subchapter 10, Fees, was recodified from Subchapter 8 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 11, Physical Facilities, was recodified to Subchapter 13, and a new Subchapter 11, Program Requirements, was recodified from

Subchapter 8 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 12, Community Relations, was recodified to Subchapter 14, and a new Subchapter 12, Staff Requirements, was recodified from Subchapter 9 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 13, Professional Advisory Committee, was recodified to Subchapter 15, and a new Subchapter 13, Physical Facilities, was recodified from Subchapter 11 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 14, Grants, was recodified to Subchapter 16, and a new Subchapter 14, Community Relations, was recodified from Subchapter 12 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 15, State Plan, was repealed, and a new Subchapter 15, Professional Advisory Committee, was recodified from Subchapter 13 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 16, Cooperative Relationships, was repealed, and a new Subchapter 16, Grants, was recodified from Subchapter 14 by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 18, Commission on Accreditation of Rehabilitation Facilities (CARF) Accreditation was renamed Accreditation of Rehabilitation Programs by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Subchapter 20, Standards to Vend Supported Employment Services, was adopted as new rules by R.1996 d.564, effective December 16, 1996. See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

12:51-1.1 Scope and purpose

SUBCHAPTER 2. ADOPTION BY REFERENCE

12:51-2.1 Adoption by reference
12:51-2.2 Availability of standards adopted by reference

SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

12:51-3.1 Organization and by-laws
12:51-3.2 Governing body/board
12:51-3.3 Executive director
12:51-3.4 Staff organization
12:51-3.5 Business and financial practices

SUBCHAPTER 4. VOCATIONAL EVALUATION

12:51-4.1 Vocational evaluation, description
12:51-4.2 Procedure

SUBCHAPTER 5. WORK ADJUSTMENT TRAINING (WAT)

12:51-5.1 Work adjustment training

SUBCHAPTER 6. TIME LIMITED JOB COACHING

12:51-6.1 Time limited job coaching
12:51-6.2 Personnel administration and staffing development
12:51-6.3 Job coach and job coach supervisor training
12:51-6.4 Staff coverage

SUBCHAPTER 7. EMPLOYMENT SKILLS TRAINING SERVICES

- 12:51-7.1 Employment skills training services
12:51-7.2 Approval process

SUBCHAPTER 8. EXTENDED (SHELTERED) EMPLOYMENT

- 12:51-8.1 Extended (sheltered) employment
12:51-8.2 Reporting
12:51-8.3 Business and financial practices; records; requirements
12:51-8.4 Wage and hour compliance
12:51-8.5 Reevaluation of extended (sheltered) employees

SUBCHAPTER 9. PSYCHO-SOCIAL CENTERS

- 12:51-9.1 Psycho-social centers
12:51-9.2 Program description: vocational readiness assessment
12:51-9.3 Program description: rehabilitation assessment
12:51-9.4 Program description: rehabilitation plan
12:51-9.5 Program description: vocational development training
12:51-9.6 Program description: transitional work experience
12:51-9.7 Program description: job maintenance

SUBCHAPTER 10. FEES

- 12:51-10.1 Establishment and changes in fees

SUBCHAPTER 11. PROGRAM REQUIREMENTS

- 12:51-11.1 Program requirements, existing and new programs
12:51-11.2 Procedure for program approval

SUBCHAPTER 12. STAFF REQUIREMENTS

- 12:51-12.1 Staff requirements, procedures and qualifications

SUBCHAPTER 13. PHYSICAL FACILITIES

- 12:51-13.1 Considerations

SUBCHAPTER 14. COMMUNITY RELATIONS

- 12:51-14.1 Program requirements

SUBCHAPTER 15. PROFESSIONAL ADVISORY COMMITTEE

- 12:51-15.1 Composition and purpose

SUBCHAPTER 16. GRANTS

- 12:51-16.1 Availability
12:51-16.2 Procedure

SUBCHAPTER 17. PAYMENT AND ATTENDANCE POLICY

- 12:51-17.1 Procedure

SUBCHAPTER 18. ACCREDITATION OF REHABILITATION PROGRAMS

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

SUBCHAPTER 19. ELIGIBILITY FOR DVRS SERVICES

- 12:51-19.1 Client eligibility

SUBCHAPTER 20. STANDARDS TO VEND SUPPORTED EMPLOYMENT SERVICES

- 12:51-20.1 Definitions
12:51-20.2 Administrative
12:51-20.3 Personnel administration and staff development

- 12:51-20.4 Supported employment services and community relationships
12:51-20.5 Consumer involvement and empowerment
12:51-20.6 Service design
12:51-20.7 Career planning and development
12:51-20.8 Job development and marketing
12:51-20.9 Employment phases and support
12:51-20.10 Quality service outcomes

SUBCHAPTER 1. GENERAL PROVISIONS**12:51-1.1 Scope and purpose**

(a) The purpose of this chapter is to define the criteria for operation of a program which is eligible to vend specific services to the Division of Vocational Rehabilitation Services and to ensure the provision of quality services to persons with disabilities. The basic rationale for the development of these standards of operations consists of the following:

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

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

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

(b) The standards of performance and service for vocational rehabilitation organizations, unless specified otherwise, are applicable to community rehabilitation programs such as sheltered workshops, psychiatric rehabilitation centers, supported employment providers, and similar types of organizations which provide 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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Rewrote section; (b) incorporates parts of former N.J.A.C. 12:51-2.1.

SUBCHAPTER 2. ADOPTION BY REFERENCE

12:51-2.1 Adoption by reference

(a) The standards maintained by the Rehabilitation Accreditation Commission, also known as the Commission on the Accreditation of Rehabilitation Facilities (CARF), and published in the 1996 Standards Manual and Interpretive Guidelines for Employment and Community Support Services and other accrediting bodies such as the Council on Accreditation of Services for Families and Children, the Joint Commission on Accreditation of Health Care Organizations and other State agencies for whom documentation is provided that they meet or exceed CARF standards are adopted and incorporated herein by reference as standards for the operation of vocational rehabilitation programs in New Jersey.

(b) The standards of the American Institute of Certified Public Accountants (AICPA) Audit Guide for audits of voluntary Health and Welfare Organization, as amended and supplemented, are adopted and incorporated herein by reference as standards for rehabilitation organization accounting systems. The requirements of the Single Audit Act, Federal OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-profit Organizations," as amended and supplemented are adopted and incorporated herein by reference as standards for the conduct of audits for rehabilitation organizations.

(c) The Rehabilitation Act, 29 U.S.C. §§ 701 et seq. as amended, for Titles I and VI Part C and their applicable Federal regulations are adopted and incorporated herein by reference, as amended and supplemented, for the operation of vocational rehabilitation programs in New Jersey funded under those Titles.

12:51-2.2 Availability of standards adopted by reference

(a) A copy of the standards adopted and incorporated herein by reference as standards for the operation of vocational rehabilitation programs in New Jersey may be obtained from the Commission on the Accreditation of Rehabilitation Facilities, 101 N. Wilmont Road, Suite 500, Tucson, Arizona 85711.

(b) A copy of the standards adopted and incorporated herein by reference as standards for rehabilitation organizations accounting systems may be obtained from the American Institute for Certified Public Accountants, 666 Fifth Avenue, New York, New York 10019.

(c) The Single Audit Act, Federal OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-profit Organizations" may be found in the Federal Register, Vol. 55, No. 52, Friday, March 16, 1990.

(d) All standards adopted and incorporated herein by reference may be reviewed at the Division of Vocational Rehabilitation Services, 135 East State Street, Trenton, New

Jersey 08625, between the hours 8:30 A.M. through 4:30 P.M.

SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

12:51-3.1 Organization and by-laws

(a) The rehabilitation organization 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 status as a business under the laws of this State.

(b) A not-for-profit organization must 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 of non-profit organizations 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 organization and describe these purposes in a form suitable for distribution.

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

(e) The by-laws will:

1. Provide for a governing body/board;
2. Describe qualifications for election to the governing body/board and tenure of office;
3. Provide for the election and specification of duties of officers;
4. Establish regular and special meetings of the governing body/board, in no event fewer than four meetings each year;
5. Provide for committees of the governing body/board;
6. Describe the parliamentary procedures which will be followed in the conduct of business meetings;
7. Describe methods of amending the by-laws;

8. Establish a quorum with requirements of at least one-third of the governing body/board; and
9. Require recording of minutes.

(f) The rehabilitation organization 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.
Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

12:51-3.2 Governing body/board

(a) Each rehabilitation organization shall establish a governing body/board which consists of no less than seven people and is broadly representative of the community and reflect the major areas of activities in which the organization is engaged.

1. 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.

2. A person with a disability, associations for people with disabilities, and organized labor should be represented on the governing body/board.

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

4. Staff members of the organization other than the executive director, and staff members of DVRS, shall not serve as members of this governing body/board.

(b) The articles of incorporation and/or the by-laws shall provide a maximum length of time for a term of office of a governing body/board member to ensure rotation of membership.

(c) The governing body/board shall be responsible for:

1. Formulating basic policies concerned with the achievement of its purposes and conduct of its program;
2. Establishing all broad organizational policies of administration and operation;
3. Formulating a mission statement, approving and evaluating programs, stimulating continuing program planning, and adopting recommendations for program growth;
4. Establishing policy regarding property, funds, personnel operations;

5. Obtaining adequate financial support for its organizations and providing funding for the building and equipment needs for the organization;

6. Establishing and maintaining high standards of operations for its programs and for its continuing development;

7. Approving the initiation, expansion, or modification of its programs based upon the rehabilitation needs of the community and the capability of the organization to affect those needs within its established goals and objectives; and

8. Adopting an annual budget, establishing policies for administration of funds and reviewing the financial status of the organization on a quarterly basis.

(d) 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.

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).
Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).
Rewrote section.

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 organization in accordance with its policies.

(b) The executive director will be responsible for:

1. Assisting the governing body/board in the formulation of policy by presenting and interpreting operating reports, including reports reflecting the efficiency and effectiveness of the organization and by presenting and interpreting financial statements, short-term and long-term plans, changing concepts, needs and related information;
2. Assisting the governing body/board as required in such functions as fund-raising, community relations, and related duties;
3. Coordinating and directing activities of the organization in accordance with the policies of the governing body/board;
4. Developing the organizational structure for the program staff;
5. Maintaining personnel policies;

6. Controlling the operation of the organization through day-to-day decisions and authorization of expenditures, and other procedures in accordance with the policies established by the governing body/board;

7. Upgrading the operation of the programs by studying and analyzing reports of the various services comparing the performance against budgetary, administrative, and professional standards and the extent to which program goals and objectives are being attained, and taking appropriate corrective measures;

8. Being informed of local and national rehabilitation developments; and

9. Administering the overall operations and programs and offering them appropriate information, guidance, and recommendations.

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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Amended duties.

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 organization'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.

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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

12:51-3.5 Business and financial practices

(a) The rehabilitation organization's accounting system will follow the standards established by the Commission on the Accreditation of Rehabilitation Facilities (CARF) 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 accounting system

shall be functional and enable the organization to identify clearly the cost of rehabilitation services, production activities, administration, and other expenses of operation.

(b) The governing body/board and the executive director of not-for-profit organizations 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. 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.

(c) A for-profit organization shall provide a written report by an independent auditor in compliance with the terms and conditions of the grant agreement and applicable laws and regulations, within 13 months of the conclusion of the contract, or within 13 months of the end of the fiscal year which includes the grant period. Such a report on compliance can be part of the independent auditor's financial audit, or can be a separate report.

(d) 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.

(e) Where fees are charged for services not paid for by other agencies, the organization 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 divided with other agencies or individuals as consideration for referral of persons to be served.

(f) In quoting bids for contract work, an overhead mark-up should be charged. The value of any products or 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 program services or work should take into consideration the following:

1. Knowledge of local industry prevailing piece or time rates for comparable work;
2. Determination of production norms of the clients;
3. Production rate norms established when industry rates are not available; and
4. Costs of supplies, equipment peculiar to the work, and of administrative overhead.

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

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

(i) The organization will pay wage rates commensurate with those paid for similar types and amounts of work of local commercial and industrial establishments maintaining approved labor standards.

(j) The organization must comply with all Federal and State wage and hour laws and regulations, and be certified when applicable, by the Wage and Hour 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 organization 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. The facility shall 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 shall 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.

(k) 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 American Rehabilitation Association, the New Jersey Psychiatric Rehabilitation Association, the Association for Persons in Supported Employment, and any other allied health and welfare organizations.

(l) 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.

(m) The organization will file with the Division of Vocational Rehabilitation Services an annual copy of its certified audit and the management letter.

(n) The Division of Vocational Rehabilitation Services will suspend payment to any organization 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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Substantially amended section.

SUBCHAPTER 4. VOCATIONAL EVALUATION

12:51-4.1 Vocational evaluation, description

(a) Vocational evaluation is a comprehensive, individualized and systematic process in which an individual, in partnership with the evaluator and DVRS counselor, learns to identify vocational options consistent with his or her abilities, capabilities, preferences and interests and develop employment goals and objectives. This process incorporates background information (for example, information on education, psychological history, work history, medical/physical capabilities, behavior status, and financial status) and uses a combination of testing, work samples, situational assessments, community-based job tryouts, prevailing labor market data, occupational information, assistive technology, functional capacities, accommodations, and modifications. It incorporates respect for the consumer's personal processes of growth, self-empowerment, and development of insight leading to the consumer's informed choice of meaningful career progression goals.

(b) 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, the range and scope of the evaluation services should be sufficiently comprehensive to obtain information about the consumer such as the quantity of work, quality of work, ability to accept criticism, ability to accept supervision, the most effective type of supervision for this particular individual, attendance, attention to detail, care with materials and property, cooperation, dependability, personal care and hygiene, initiative, meeting work schedules, neatness in performing work, completion of task/assignments, punctuality, safety awareness, teamwork, motivation to work, and ability to communicate and means of communication. Evaluation should also identify the accommodations, adaptations, and supports such as assistive technology devices, and assistive technology services this person requires in order to participate in a vocational program.

(c) The length of the basic vocational evaluation process should be based upon the time necessary to identify 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 of the client, evaluator and DVRS counselor. 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 which include the consumer, the evaluator and the DVRS counselor and written reports. The evaluation shall result in:

1. Development of a rehabilitation plan with a vocational goal in an integrated competitive setting with, if required, a description of supports that are required for such a placement. The evaluation report must identify the number and types of support that are required;

2. Development of the organization's rehabilitation plan, indicating why an integrated, competitive objective is not recommended at this time, and identifying the services to be provided in the non-integrated setting, with a specific vocational objective; or

3. Determination that a vocational program is not appropriate at this time.

(d) Evaluations utilizing piece rate productivity shall be measured during the last three days prior to the case conference. Clients must be performing at 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".

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Changed name of section from "Vocational evaluation" and substantially amended section.

12:51-4.2 Procedure

(a) The rehabilitation organization 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 an organization for a short term evaluation utilizing a valid commercial assessment system. In these instances, the maximum fees and length of time will be those on file with the community rehabilitation program unit.

(b) The evaluation staff conference will be conducted no later than the fourth week for a five-week evaluation and no later than the eighth week for a 10 week evaluation and will include minimally the consumer, the agency case manager, and the DVRS counselor.

(c) The evaluation report will be prepared following the staff conference and should arrive at DVRS office during the fifth week for a five-week evaluation and during the ninth week for a 10 week evaluation and will be processed for further action by DVRS. DVRS will be responsible for providing appropriate documentation of such action to the facility within one week of receipt of the report. 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 comprehensive vocational evaluation services. It shall include evidence that competitive integrated employment has been considered and identify the supports necessary for competitive integrated placement if that is the established vocational objective.

(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".

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Applied existing procedures to five-week evaluation and added procedures for ten-week evaluations; added to contents of evaluation report.

SUBCHAPTER 5. WORK ADJUSTMENT TRAINING (WAT)

12:51-5.1 Work adjustment training

(a) Work adjustment training (WAT) is designed to help the individual with a disability 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) In programs where paid work in a non-integrated setting is utilized, persons served who are earning between 20 percent and 40 percent of standard production rates at the end of 18 weeks may be referred for certification 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 and the vocational goal is integrated competitive employment. 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 6. TIME LIMITED JOB COACHING

12:51-6.1 Time limited job coaching

(a) The limited job coaching is the provision of skills training by a job coach to an individual with a disability in an integrated, competitive job setting. This program is intended for those who require intensive individual training at the work site, but who, once they have learned the job and other routines, will not require long term extended services. This program is an alternative for individuals with disabilities who do not wish to participate in work adjustment programs in nonintegrated settings or who require minimal time limited supports to adjust to work in an integrated setting.

(b) Each consumer is to receive an individual vocational assessment. This can be a review of existing records from other resources compiled by the rehabilitation counselor. The range and scope of the evaluation services are the same as those listed in N.J.A.C. 12:51-4.1(b).

(c) The client, a representative of the community program, and the Division's local Vocational Rehabilitation Counselor shall meet to identify those services necessary for the client to become employed, and to formulate an Individualized Written Rehabilitation Plan. At this point, if there is consensus among the parties, an individual placement in competitive employment with the assistance of a job coach can be funded.

(d) Records that must include actual numbers of job coaching hours for each day shall be maintained.

12:51-6.2 Personnel administration and staffing development

(a) Basic qualifications for professional job coaches are that the individual shall have an AA degree from an accredited college in the Human Services field, or three years of related experience. If the job coach is to serve individuals whose primary language is American Sign Language (ASL), the coach shall achieve a rating of Intermediate in the Sign Communication Proficiency Interview (SCPI).

(b) Mentors recruited at the job sites shall be supervised and shall have the qualifications required for their assignments. Any personal risks or liabilities that might be encountered shall be clearly communicated to the mentor, along with information on insurance coverage.

(c) Trainees/interns shall be supervised and have the qualifications required for their assignments. Information regarding any personal risks, liabilities, and insurance coverage shall be clearly communicated to the trainee/intern and, when appropriate, to the affiliating academic or training program.

(d) Job description shall be maintained which address all staff members involved in this service. The descriptions shall set forth the qualifications, the reporting supervisor, the position(s) supervised, and the duties of each position. These are to be dated, regularly reviewed for appropriateness, and provided in written form to the individual involved.

12:51-6.3 Job coach and job coach supervisor training

(a) The organization shall have a policy for orientation of new staff members, staff members moving to new positions, volunteers, and trainees/interns, including orientation to the organization's purpose.

(b) The organization shall define and provide for the orientation and ongoing training needs of personnel providing job coaching services. This orientation and training shall include achieving community integration and the following: introduction to disability; philosophy of the organization in such areas as personal dignity, family interactions, and participation in community life; individual rights and how to assist persons to secure and exercise those rights; behavioral management practices; characteristics of persons served (for example, means of communication, degree of supervision, guardianship, special needs, medications, and general health); communication and active listening skills; confidentiality; conflict resolution; documentation and recordkeeping; job development techniques; performing a job analysis; creating the client job profile; placement; creation of a job log; facilitation of the use of natural supports; legal requirements and hiring practices (for example, Americans with Disabilities Act, Department of Labor Wage and Hour regulations); prevention/reporting of neglect and abuse; reasonable accommodation including assistive technology; social skills training; and work environments including negotiating skills, interacting with supervisors, understanding of employer and organized labor's needs and expectations.

12:51-6.4 Staff coverage

The organization has a written procedure that identifies alternate individuals to ensure that the job coaching service is provided in the absence of designated job coaching staff.

SUBCHAPTER 7. EMPLOYMENT SKILLS TRAINING SERVICES

12:51-7.1 Employment skills training services

(a) An employment skills training service is an organized, formal training program that assists a person seeking employment to acquire the skills necessary for a specific job or family of jobs. Formal skills training programs can be provided at job sites or within formal and organized training and educational settings.

(b) A number of community based organizations have developed programs intended to provide entry level skills in various occupations for individuals in the community who have disabilities. In that there are frequently an insufficient number of individuals with disabilities in a community at a given period in time to fill a complete class, such programs shall also be available for individuals without disabilities.

12:51-7.2 Approval process

(a) In order to vend a skill training program by a community based organization, it is necessary to acquire Chapter 531 approval from the Department of Education, or Chapter 46 approval if the organization intends to offer the

program to the general public for a fee. In those instances where some other department has approval authority, the appropriate approval from that department shall be secured.

(b) In addition to Chapter 531 approval, prior to submitting an application the following issues shall be addressed:

1. The local DVRS office manager must agree that there is a need for this training in a community based program. A letter of support from the local DVRS office manager shall accompany the application;
2. There shall be a sufficient number of jobs requiring the proposed training in the area. The sources of occupational information shall be referenced;
3. There shall not be comparable programs available within the community, such as community colleges, other facilities, private schools;
4. There shall be a sufficient number of individuals with disabilities and without disabilities who have a potential to fill the training slots; and
5. There shall be other funding sources in addition to DVRS that shall be used to establish and/or maintain the program.

(c) If there is a similar program readily available in a community college or vocational school, there shall be documentation that the individuals being admitted to the community based skills programs require more individual attention in learning the skills themselves, and in personal adjustment issues.

(d) The requirements of (a) through (c) above may be accomplished by surveying the business community to identify availability of jobs, surveying the potential student market to be assured there will be adequate enrollment, surveying potential competitive programs to avoid duplication, developing a curriculum with the advice of experts in the field in conjunction with the area community rehabilitation program specialist that will teach skills that will enhance employment opportunity (for example, if one is planning a computer training program, it should use popular software, janitorial should teach commonly used equipment). The program shall be coordinated with the Department of Education, all other sources of revenue and referral shall be identified, and local community support for the program shall be assured.

(e) Additional elements to the application that are critical to establishing and maintaining a successful skills service are: entrance criteria; the business community (a business advisory council) shall be consulted to assure a continuation of teaching the appropriate, competitive subject matter; a determination of the competencies to be taught; the program length in order to establish a reasonable cost per student; and identified levels of achievement so that if a student is not capable of achieving the most sophisticated level, there are gradations that would permit employment at a lesser skill level.

(f) Once the program issues have received approval, the organization shall submit the required "cost accounting" document to the Division for the establishment of a fee.

SUBCHAPTER 8. EXTENDED (SHELTERED) EMPLOYMENT

12:51-8.1 Extended (sheltered) employment

(a) Extended (sheltered) employment is a program designed to provide long term employment by the community rehabilitation program of a client/worker who is presently unable to work in the competitive labor market as provided for in N.J.S.A. 34:16-40(e). The program has available all the services of the basic vocational rehabilitation program (Title I) 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 an individual rehabilitation plan which will be developed in concert with the evaluation and participation 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 participate in a formal semi-annual review with an appropriate professional staff member and modification will be made of the individual's 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 program specialist. If it appears the vacancy will exist beyond 10 days, the facility will submit, in writing, a plan for assuring continued services to client.

(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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Section was "Classifications; fees and program requirements".

12:51-8.2 Reporting

The organization approved to provide extended employment services 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.

<u>Quarter Ending</u>	<u>Due Date</u>
September 30	October 14
December 31	January 14
March 31	April 14
June 30	July 1

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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Deleted subsection designations and provisions requiring a narrative report.

12:51-8.3 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.

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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Deleted (a)5 and (a)6, relating to validity of expenses and record requirements.

12:51-8.4 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.

12:51-8.5 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. The

Division shall also meet with extended employees to offer them options for integrative employment.

(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.

(d) Consumers who wish to participate in supported integrated employment shall be referred to the local DVRS office for that service.

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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

In (a), added provision relating to options; and added (d).

SUBCHAPTER 9. PSYCHO-SOCIAL CENTERS

12:51-9.1 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 adequate 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 staff in (d) 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 people with a psychiatric disability. A staff-to-client ration 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. 12:51-12.1(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)3, (b), (c), and (g).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Former section "Staffing requirements, procedures and qualifications" recodified to N.J.A.C. 12:51-12.1.

12:51-9.2 Program description: vocational readiness assessment

(a) A vocational readiness assessment (VRA) is designed as a short-term period of time during which a program 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) The VRA shall evaluate community living 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. This information is to be used to establish other potential areas of needed support. 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 the consumer, and/or his or her chosen advocate or family member, appropriate facility staff and the DVRS 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).

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

12:51-9.3 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 adequate support.

(b) The ultimate outcome of rehabilitation assessment is the formulation of the individual written 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 vocational written rehabilitation plan; or
2. Determination that a vocational 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).

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

12:51-9.4 Program description: rehabilitation plan

(a) The rehabilitation plan will be formulated with the consumer, the case manager and the DVRS counselor and 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 involving, minimally, the client, the case manager, and the DVRS counselor 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

In (a) and (e), provided that consumer, case manager, and DVRS counselor would formulate plan.

12:51-9.5 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 independently in the community in spite of his or her psychiatric disability. The process involves exposure to situational experiences and related activities that enhance interpersonal 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

12:51-9.6 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).

12:51-9.7 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. 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) 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).
 Amended by R.1996 d.564, effective December 16, 1996.
 See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).
 Deleted (b), relating to group and individual counseling; and recodified (c) as (b).

SUBCHAPTER 10. FEES

12:51-10.1 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 organizations for services provided.

(b) Each approved program will be reviewed periodically by the community rehabilitation program specialist 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 an organization 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) 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).
 Amended by R.1996 d.564, effective December 16, 1996.
 See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).
 Deleted (c) and (d), relating to CARF standards and determination of appropriateness of fees; and recodified (e) as (c). Section was "Reporting".

SUBCHAPTER 11. PROGRAM REQUIREMENTS

12:51-11.1 Program requirements, existing and new programs

(a) A written narrative description of all the organization's programs, services and administrative procedures shall be maintained and made available to interested parties. This description will be submitted to DVRS by new organizations applying for program approval as well as existing organizations whenever changes are made in their programs, services, or administrative procedures. Effective January 1, 1999, any community based organization seeking status as a vendor of the Division of the services regulated by Chapter 51 shall have been in existence providing the service for which it is seeking approval for a minimum of two years (24 months) or be able to demonstrate the capacity to provide the service applied for as a result of providing a similar service or have a history of being able to implement services successfully.

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

1. To accomplish (b) above, the following should be provided:
 - i. Medical, psychological, social, educational, and vocational history shall be analyzed 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, job coaching, 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 outcomes achieved by persons following their provision.

(d) Services for clients shall be based upon professional evaluations of the individual's assets, needs, progress and vocational goal. A written rehabilitation plan shall be developed with the individual in concert with the case manager and the DVRS/CBVI counselor.

(e) Professional ethics will be maintained at all times with respect to confidentiality in the use of the client's records.

1. These records should include the following:

- i. Completed program 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 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 certified extended employee 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 organization will have a plan of placement services for clients who are ready for employment in the competitive labor market, including an adequate follow-up program.

(j) The organization will evaluate every three years its total program, its coordination with related rehabilitation programs in the community, the capacity of the organization for providing services needed in the community, follow-up of clients served, and the adequacy of the total program. Information derived from the organization'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 the client for public relations and publicity purposes.

(l) An organization 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 the program pertaining to DVRS sponsored clients will be made available to the Division's community rehabilitation program specialist and/or 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

In (a), added two year prior existence or demonstrated capacity requirement; and in (d), provided that client, case manager, and DVRS/CBVI counselor would develop the plan.

12:51-11.2 Procedure for program approval

(a) An organization that wishes to implement a new program on a "fee for service" basis must, besides meeting the criteria of N.J.A.C. 12:51-11.1, assemble the "Program Request Package," which includes the detailed written comments of the local office manager and the community rehabilitation program specialist's written endorsement.

(b) The package shall contain a detailed program description, cost analysis and fee requests.

(c) A community rehabilitation program must apply for and be granted a written approval issued by the Director of the Division of Vocational Rehabilitation Services upon his or her being satisfied that:

1. There is a need for the service to be vended; and
2. The community rehabilitation program is in compliance with the rules and regulations governing community based vocational rehabilitation organizations.

(d) Letters of approval will be issued covering several specific service areas including, but not restricted to:

1. Vocational evaluation;
2. Work adjustment training;
3. Extended employment;
4. Psycho-social vocational rehabilitation services;
5. Skill training;
6. Time limited job coaching; or
7. Supported employment.

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).
Substantially amended section.

SUBCHAPTER 12. STAFF REQUIREMENTS

12:51-12.1 Staff requirements, procedures and qualifications

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

(b) The organization 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 of Persons in Supported Employment, meetings and programs which are offered by Cornell University, University of Medicine and Dentistry of New Jersey (UMDNJ), the New Jersey Psychiatric Rehabilitation Association and the International Center for the Disabled (ICD).

(c) 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 participant. When dealing with the individuals with more severe disabilities, 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 individuals with disabilities, 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 program.

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 staff member in a rehabilitation program.

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 psychiatric disabilities.

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 disability. 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 individuals with disabilities, particularly with individuals who have significant psychiatric disabilities. He or she should have an understanding of the functional limitations imposed by such a disability 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Deleted (a), relating to available services; and recodified (a)1 as (a).

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 DRVS, 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.

SUBCHAPTER 13. PHYSICAL FACILITIES

12:51-13.1 Considerations

(a) If an agency offers on site services at its facility, it 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 is adequate parking and food service for clients and staff.

(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.

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 14. COMMUNITY RELATIONS

12:51-14.1 Program requirements

(a) It is recommended that the organization cooperate on a continuing basis with all other community agencies, the New Jersey Association of Rehabilitation Facilities, the New Jersey Psychiatric Rehabilitation Association, the Association of Persons in Supported Employment 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 organization 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 organization 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 15. PROFESSIONAL ADVISORY COMMITTEE

12:51-15.1 Composition and purpose

(a) The permanent Professional Advisory Committee will consist of the Chief of Rehabilitation Services, the commu-

nity rehabilitation program specialists 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, representatives of the Association, the New Jersey Association of Persons in Supported Employment, the New Jersey Psychiatric Rehabilitation Association and representatives of other organizations that have a vested interest in DVRS community rehabilitation program policy.

(b) A Professional Advisory Committee is permanently established to meet at least twice a year to review the standards of performance and service for vocational rehabilitation programs. Written minutes of these meetings will be distributed. A formal report recommending any changes in the standards 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 the appropriate members of the New Jersey Association of Rehabilitation Facilities, the New Jersey Association of Persons in Supported Employment, the New Jersey Psychiatric Rehabilitation Association, other organizations with a vested interest 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Section was "Procedure".

SUBCHAPTER 16. GRANTS

12:51-16.1 Availability

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

(b) In the absence of specific information on availability of grant monies, organizations are encouraged to forward their request, via letters of intent, in reasonable detail, along with tentative budgets, to the community rehabilitation pro-

gram 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).

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

Section was "Responsibilities".

12:51-16.2 Procedure

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

(b) The Chief of Rehabilitation Services 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.

Amended by R.1996 d.564, effective December 16, 1996.
See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 17. PAYMENT AND ATTENDANCE POLICY

12:51-17.1 Procedure

(a) All authorization forms issued for services in rehabilitation programs will be authorized in terms of units of service. A starting date will be stated.

(b) The organization should notify the local office and be paid for only the units the client physically attends the program plus any official commemorative holidays occurring during the authorized period of service up to a maximum of 13 days in a calendar year. In those instances where the unit of service is an hourly rate, such as job coaching, only hours actually delivered will be reimbursed.

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

(d) It is the DVRS counselor's responsibility to maintain an awareness of the client's progress in the program 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 program.

(e) DVRS is interested in the evaluation of its client's competitive employment. 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).

Amended by R.1996 d.564, effective December 16, 1996.

See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 18. ACCREDITATION OF REHABILITATION PROGRAMS

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 organizations to vend services to DVRS. These standards constitute the basis for this chapter.

(b) 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).

(c) In order to achieve the above, community rehabilitation programs which are providing vocational evaluation, work adjustment training, extended employment, time limited job coaching and/or supported employment services to clients of DVRS will apply for accreditation in employment services and arrange an on-site survey by the Commission on Accreditation of Rehabilitation Facilities or any other accrediting body which meets or exceeds CARF standards no later than the third year of operation from date of approval by DVRS, or November 8, 1999. Programs are encouraged to submit all core programs for accreditation, but are required to submit comprehensive vocational evaluation services to vend vocational evaluation; employee development services to vend work adjustment training and extended employment; and community employment services to vend supported employment and/or time limited job coaching.

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).
 Amended by R.1996 d.564, effective December 16, 1996.
 See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).
 Section substantially amended.

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 and require vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

(b) Referrals are accepted from all sources and organizations are encouraged to refer individuals with disabilities 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).
 Amended by R.1996 d.564, effective December 16, 1996.
 See: 28 N.J.R. 4045(a), 28 N.J.R. 5209(a).

SUBCHAPTER 20. STANDARDS TO VEND SUPPORTED EMPLOYMENT SERVICES

12:51-20.1 Definitions

The following words and terms which apply to the supported employment program have the following meanings unless the context clearly indicates otherwise:

“Competitive work” means work that at the time of transition is performed weekly on a full-time basis or on a part-time basis, as determined in each individualized written rehabilitation plan, and for which an individual is compensated consistent with the wage standards provided for in the Fair Labor Standards Act and the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a et seq..

“Extended services” means on-going support services and other appropriate services provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under the basic Vocational Rehabilitation Program, after an individual with the most severe disabilities has made the transition from State vocational rehabilitation agency support. New Jersey DVRS has used the term “long term follow along services” to describe this element.

“Integrated work setting” means job sites where either:

1. Most employees are not disabled; and
2. An individual with the most severe disabilities interacts on a regular basis, in the performance of job duties, with employees who are not disabled; and
3. If an individual with the most severe disabilities is part of a distinct work group of only individuals with disabilities, the work group consists of no more than eight individuals; or
4. If there are no other employees or the only other employees are individuals who are part of a work group as described in paragraph 3 above, an individual with the most severe disabilities interacts on a regular basis, in the performance of job duties, with individuals who are not disabled, including members of the general public.
5. The interaction required by paragraph 3 and 4 above shall not be satisfied by contact between an individual with the most severe disabilities and individuals who provide on-going support services at the job site. This is interpreted to mean that if the only contact that the work group has in the performance of its job function is with the person delivering the skills training it is not integrated work and thus not considered supported employment.

“On-going support services” means services that are:

1. Needed to support and maintain an individual with the most severe disabilities in supported employment.
2. Based on a determination by the Division of Vocational Rehabilitation Services of the individual’s needs as specified in an individualized written rehabilitation plan; and
3. Furnished by DVRS from the time of job placement until transition to extended services and, following transition, by one or more extended services providers throughout the individual’s term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment. On-going support services must include, at a minimum, twice-monthly monitoring at the work site of each individual in supported employment to assess employment stability, unless under special circumstances, especially at the request of the individual, the individualized written rehabilitation plan provides for off-site monitoring, and, based upon that assessment, the coordination or provision of specific services at or away from the work site, that are needed to maintain employment stability. If off-site monitoring is determined to be appropriate, it must, at a minimum, consist of two meetings with the individual and one contact with the employer each month.

On-going support services consist of:

1. Any particularized assessment needed to supplement the comprehensive assessment of rehabilitation needs including such pre-placement services as are necessary to insure a good employee-job match;

2. The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;
3. Job development and placement;
4. Social skills training;
5. Regular observation or supervision of the individual;
6. Follow-up services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
7. Facilitation of natural supports at the worksite;
8. Any other service identified in the scope of rehabilitation services; and
9. Any service similar to the foregoing services.

“Supported employment” means:

1. Competitive work in integrated work settings for individuals with the most severe disabilities:
 - i. For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and
 - ii. Who, because of the nature and severity of their disability, need intensive supported employment services from the designated State unit and extended services after transition in order to perform this work.
2. Transitional employment for individuals with the most severe disabilities due to mental illness.

“Supported employment services” means on-going support services provided by the designated State unit with funds under this part:

1. For a period not to exceed 18 months, unless under special circumstances a longer period to achieve job stabilization has been jointly agreed to by the individual and the rehabilitation counselor and established in the individualized written rehabilitation plan, before an individual with the most severe disabilities makes the transition to extended services; and
2. As discrete post-employment services following transition in accordance with those items indicated under “Discrete post-employment services” listed under 34 C.F.R. 363.4(c)(3) concerning authorized activities.

“Transitional employment” means a series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of on-going support services must include continuing sequential job placements until job permanency is achieved.

12:51-20.2 Administrative

(a) The organization shall develop a mission statement that describes in broad terms the organization’s purpose, whom it serves, and general areas of service. These must be consistent with the purposes stated in legal documents. It shall be sufficiently broad to allow for modification of the program in response to community needs, or the needs of the individuals it serves, and yet specific enough to give direction to the organization’s efforts. It shall reflect the perspective that persons with disabilities have a right to informed choices, including integrated community-based employment.

(b) The governance authority of the organization shall comply with N.J.A.C. 12:51-3.2.

(c) The organization shall develop an information and communication system that is designed to promote the effective and efficient management of the organization. The system of information collection, dissemination and utilization must be accurate, communicated to appropriate personnel, relevant to the organization, and timely.

1. Appropriate safeguards are to be applied to protect confidential administrative records, whether they are electronically or manually maintained. These safeguards must include access to records being limited to authorized individuals, and controls so that the locations of all essential records will be known at any time.

2. The organization shall develop reports required by the Division of Vocational Rehabilitation Services which contain relevant employment information. The organization shall develop procedures for tracking costs.

(d) The organization’s policy shall demonstrate that systems are in place to measure outcomes including effectiveness, efficiency, and satisfaction of the people served and comply with CARF Standards, Section 1, Article C of the 1996 CARF Standards Manual.

12:51-20.3 Personnel administration and staff development

(a) The organization’s policy shall reflect its commitment to recruit, manage, develop and retain appropriate personnel to meet the needs of the people served and contribute to the accomplishment of the organization’s mission in conformance with CARF, Section 1, Article E.

(b) Professional job coaches shall have an AA degree in the Human Services or the rehabilitation related field from an accredited college, or three years of related experience. If the job coach is to serve individuals whose primary language is American Sign Language (ASL), the coach shall achieve a rating of Intermediate in the Sign Communication Proficiency Interview (SCPI).

12:51-20.4 Supported employment services and community relationships

(a) Supported employment is employment or employment-related services provided for people with disabilities within an industrial/business community setting and is intended to maintain or result in paid employment in the community. Such services are designed to enable the person served to integrate into the work place.

(b) Supported employment services assist persons with disabilities who require ongoing support, on and/or off the job, in order to choose, obtain, and retain paid employment in integrated settings.

(c) The organization shall establish and document relationships with a variety of community groups impacting upon integrated employment opportunities including local businesses. This is demonstrated through cooperative agreements, contracts, and participation in consortia and advisory groups.

(d) The organization should enhance relationships with community employers through:

1. Providing for close cooperation between the organization and community employers through such mechanisms as business advisory councils, membership in community employer associations, business forums, and/or formal relationships with public and private schools;
2. Providing onsite job analysis, consultation, and recommendations for worksite and job modification, when appropriate;
3. Assisting employers to identify, modify, and/or eliminate architectural, procedural, instructional/communication, and/or attitudinal barriers to the employment and advancement of persons with disabilities; and
4. Educating employers about various disabilities and resulting vocational implications, assistive devices, job accommodations, services provided by the organization, incentives to the employer, and current disability-related legislation affecting the employer.

(e) There shall be clear lines of communication between supported employment services personnel and appropriate individuals in the worksite. All persons should have equal opportunity for reasonable accommodation.

(f) The organization shall adopt a policy with regard to accepting work opportunities from businesses experiencing labor disputes.

(g) The organization shall have a process to actively market supported employment information to consumers, their families, and interested community groups.

12:51-20.5 Consumer involvement and empowerment

(a) The organization shall develop employment opportunities based upon the individual's preferences, interests, abilities, capabilities and needs. The organization shall assist the person served to:

1. Understand and manage the financial and personal impact of supported employment on disability benefits and other benefits; and
2. Become knowledgeable about access to, and rights and responsibilities, under such benefits.

(b) The persons served shall be informed of supported employment service options and policies regarding transfer and reentry to supported employment services.

(c) Based upon an assessment which fully involves the consumer and that identifies the supports the individual shall require in order to participate fully in the program, the organization shall work with the individual with a disability, and the Division of Vocational Rehabilitation's Counselor, to develop an Individualized Written Rehabilitation Plan (IWRP). The organization providing the long term follow along shall be invited to the planning meeting.

(d) Issues that contribute to the development of this plan are choices of the person served, career planning, and opportunity for job advancement and job changes. Other items that may be included are short and long term goals and objectives related to employment, opportunities for integration and independence, utilization of generic integrated community resources to meet non work needs, short and long term supports needed (including such supports as financial resources, natural supports), assistive technology devices and assistive technology services. Finally, issues involved in the development of the plan are consideration of ancillary support services if needed, job satisfaction, and provision for at least semiannual review.

(e) The organization shall have procedures in place in which the consumer's input, abilities and capabilities are the primary factors in the development of an individual supported employment plan, and which can include input from the individual's representative with the consumer's permission.

(f) There shall be a process and written procedure for the ongoing review and modification of the consumer's plan which ensures that the consumer's preferences are considered and the consumer actively participates in the decision making process.

(g) The supported employment organization staff shall demonstrate a significant effort in providing individual integrated employment opportunities that match the consumer's occupational objective.

12:51-20.6 Service design

(a) The organization shall have a mechanism in place for informing consumers of all supported employment service options, their outcomes and timeframes for initiation and completion of service.

(b) Within the organization's target population(s) as defined by funders, the organization shall not exclude individuals based upon actual or perceived severity of disability(ies) or multiple needs. The intake and orientation process should be designed to facilitate the ability of the person served to take maximum advantage of the programs and services offered. The person served shall have the opportunity to clearly understand the purposes of the organization and its programs and services in response to the person's strengths, abilities, needs, and preferences.

(c) There shall be clearly written criteria of entrance/admission to programs. Policies and procedures shall be established for intake that identify the criteria of the order of admission for persons awaiting service, and designate the position(s) responsible for making admission decisions.

(d) If waiting lists are maintained, procedures shall be in place that provide for adequate information to identify the person and his or her needs, a periodic review of the list, the order of selection from the list, and the referral actions taken.

(e) The supported employment services offered by the organization shall be customized in frequency, type and duration to the individual consumer's needs and interests in conjunction with the DVRS counselors, and long term follow along organization personnel involved as outlined in the consumer driven IWRP.

(f) Communication to family and/or significant other is at the discretion of the consumer, except for consumers for whom a guardian has been judicially appointed or who have properly designated an individual representative.

12:51-20.7 Career planning and development

(a) Career planning and development for individuals who are clients of the Division of Vocational Rehabilitation Services requires the active involvement of the Division's Rehabilitation Counselor as the goals established and the objectives required become an integral part of the Individualized Written Rehabilitation Plan.

1. The organization shall utilize an individualized career/vocational process to develop employment opportunities. This process shall comply with N.J.A.C. 12:51-4.1(b).

2. The organization shall utilize a situational assessment process such as job sampling, internships, transitional employment, volunteer jobs to determine interest, skills, assistive technology and support needs that the individual requires to meet his or her career goals. The steps required to achieve those goals shall be specifically written and approved by the client, organization representative, and rehabilitation counselor.

3. The career planning and development process is based upon the individual's interests, preferences and stated goals within the context of the person's whole life situation. It shall ensure access to the full range of occupational possibilities.

(b) The supported employment staff member shall consult with the Division of Vocational Rehabilitation Counselor and the client in the development of a vocational goal, short and long term objectives, and issues to be addressed during the coaching of the client on or off the job, and the methods to be used in addressing those issues.

(c) When major changes occur in the person's placement plan, there shall be evidence that such changes were made with full knowledge and agreement of the person served and the rehabilitation counselor.

(d) The person's progress towards the accomplishment of goals is to be analyzed regularly with the active involvement of the person served, with goals and/or services modified as needed, and communicated to personnel from the referral source and the Division of Vocational Rehabilitation Services. The major decisionmaking body shall be a coordinated team that serves the person and includes the person served, the rehabilitation counselor, the long term follow along provider, other significant supporters as identified by the person served, and the job coach.

(e) The supported employment organization shall offer a variety of career exploration activities.

12:51-20.8 Job development and marketing

(a) The organization shall have a marketing strategic plan that has specific objectives related to employment outcomes which contains strategies for implementation, identification of staff responsible for the plan and materials which are respectful and image enhancing.

(b) The organization shall conduct job development by a process of matching an individual's preferences, skills and needs with specific job characteristics including a routine analysis of potential job sites in relation to the possibility of narrowing or combining existing job responsibilities.

(c) The organization shall provide whatever support and training is needed for an individual who chooses to initiate all or any part of their own job development efforts.

(d) The organization shall have a policy stating its adherence to all State, Federal wage and hour, supported employment and Americans with Disabilities Act regulations.

12:51-20.9 Employment phases and support

(a) The organization shall assist the consumer in benefit planning including accessing Social Security work incentives such as the PASS and IRWE.

(b) The organization shall provide support employment services utilizing three support phases:

1. The intensive support phase immediately after placement, which helps the supported employee to acquire the physical, intellectual, emotional and social skills needed to perform the specific job tasks, work routine and personal life activities critical to employment success;

2. The interim support phase, which is that period during which the supported employee is assisted to utilize the physical, intellectual, emotional and social skills whenever and wherever needed for job success, as well as to identify and learn new strategies to overcome problems that have emerged. The intensity of job specific support typically decreases and the frequency of an on site intervention is diminishing. Individual and community supports may continue at the same level or increase in intensity during this phase; and

3. The extended support phase, which refers to the ongoing assistance the supported employee receives to strengthen and maintain physical, intellectual, emotional and social skills and access resources needed to continue successful job tenure. Service shall be proactive with individual support needs continually assessed. Job specific supports should be available on and off the job site and individual/community supports available as needed.

(c) The supported employment specialist shall function in a consultative role to employers as needed/requested including the identification, access and development of natu-

ral supports. These duties shall be contained in the job description and verified by written notes, reports and brochures, where applicable. The supported employment specialist shall always respect the confidentiality of the consumer if the consumer requests it.

(d) Through the analysis of the work culture and other life arenas the supported employment specialist identifies the existence of and links to resources that are naturally occurring and shall enhance the success and satisfaction of the employee. These activities shall be documented in consumer interview, individual plan, case notes, and on site visits.

(e) The supported employment program shall have a long term commitment to the employee and shall have a procedure to support individuals through re-employment, career advancement and time between jobs. Policy and case notes shall identify contact with clients at least twice per month.

12:51-20.10 Quality service outcomes

(a) Supported employees shall receive the same wages and benefits as non-disabled co-workers in similar job titles.

(b) The organization shall seek jobs for development in a variety of occupational categories which have opportunities for advancement, pay increases, benefits and increases in responsibilities. Employment shall be stable rather than temporary.