




Title:	Self-Employment
Policy #:	80-VR-16
Legal Reference:	ORC §3304.15, CFR 351.5(9)(i)(C), 361.48, 361.49, 361.81; OAC 3304-2-56 and 3304-2-66
Date:	June 4, 2018
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	80-VR-16 (12/16/13)
History:	Self-Employment Planning – CS (12/31/06)
Review/ Implementation	Begin Review – 10/4/19 Implement Revisions By – 6/4/20

I. AUTHORITY

This policy, and if necessary subsequent procedures, are issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules, policy and procedure in furtherance of its statutory duties.

II. PURPOSE

The purpose of this policy is to provide guidelines for the provision of Self-Employment services to Vocational Rehabilitation individuals in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code [ORC], Ohio Administrative Code [OAC]), Governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Executive Director expectations.

III. APPLICABILITY

This policy applies to VR Staff and VR Contractors.

IV. DEFINITIONS

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

V. POLICY

A. General

1. OOD shall provide information to individuals and if applicable, their parent or legal guardian throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties, and the VR Overview). This information shall be provided, in writing, and when appropriate, in the individual’s native language or through an appropriate mode of communication.

2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals and/or other actions taken in relation to this procedure.
 - a. If written approval from a supervisor or manager is required, it shall be requested, via an "Activity Due" in AWARE or via email.
 - i. If supervisory or management approval is required during the VR process, the supervisor or manager shall document their approval in AWARE Case Note.
3. If any OOD Staff are a Certified Rehabilitation Counselor (CRC-certified) and will be directly involved with an individual's case, he/she shall complete the "Professional Disclosure Statement" (80-VR-01.E).
 - a. VR Staff or VR Contractors who are not a Certified Rehabilitation Counselor (CRC) are exempt from this requirement.
 - b. Once completed, the "Professional Disclosure Statement" shall be reviewed and signed by the individual and, if applicable, his/her parent or legal guardian, and the CRC-certified VR Staff or VR Contractor.
 - i. Once signed, the statement shall be scanned into the AWARE Participant Module, as a Case Note, with the category "Professional Disclosure Statement" and summary title "Signed."
4. When time extensions on the IPE are needed for individuals pursuing self-employment, the direction in "Individualized Plan for Employment" (80-VR-08-01) shall be followed.
5. VR Staff or VR Contractors working with an individual participating in the Business Enterprise Program (BEP) shall follow the direction in this (Self-Employment) procedure unless otherwise indicated.
6. If an individual chooses someone other than his/her parent or legal guardian to take part in any area of the process for VR services, the individual shall be required to complete and sign a "Consent to Obtain and Release Information" (80-VR-01.G) form.
7. Maintenance services (e.g. uniforms, rent) shall not be authorized after the first 30 days of self-employment.
8. Self-employment services shall not be supported for an individual who has a court appointed legal guardian.
9. If at any time during the self-employment process it is determined that self-employment is no longer a feasible or viable option, VR Staff or VR Contractor shall:
 - a. document the reason(s) in an AWARE Case Note;
 - b. provide notification to the individual and if applicable, the business consultant; and
 - c. explore placement services and/or other employment options with the individual.

B. Appropriateness of Self-Employment

1. Self-employment shall not be supported for individuals who:
 - a. are not intending to pursue self-employment in a manner that meets the definition of competitive integrated employment (i.e., making minimum wage or more);
 - b. do not have a disability related rehabilitation need associated with the request for financial support of the business;
 - c. propose to develop a non-profit business;
 - d. do not have the skills, abilities and stamina to operate his/her own business (i.e., needs assistance to complete the basic tasks necessary to operate and sustain the proposed business);
 - e. are not going to be the majority owner of the proposed business; and/or
 - f. do not have demonstrated access to capital needed for the start-up of the business and ongoing access to working capital to handle unforeseen circumstances and/or slow periods within the business.
2. OOD support for an existing business shall be contingent upon the satisfactory results of a fiscal and legal review which documents the existing business does not have liens, litigation, or other hidden costs.
3. Self-employment may be supported for an individual to attain his/her employment goal when it is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The determination of appropriateness for self-employment should include, but is not limited to the following:
 - a. the selection of an agreed upon employment goal and an expressed interest in self-employment;
 - b. counseling and guidance detailing the advantages and disadvantages of self-employment to ensure informed choice;
 - c. identifying potential barriers to self-employment; and
 - d. a review of the individual's financial status.
4. An individual who is legally blind and interested in becoming an operator or manager of a food service facility may be interested in the OOD Business Enterprise (BE) Program and should first complete all requirements to determine the appropriateness of Self-Employment as well as the additional requirements to determine the appropriateness for the BE Program.

C. Business Plan Development, Review and Approval Process

1. The individual will be required to complete a business plan and submit it to OOD for approval.

2. OOD shall authorize for a business consultant to assist the individual with the development of his/her business plan.
 - a. When necessary and available, additional technical assistance and other consultation services to conduct market analysis, develop business plans and otherwise provide resources, should be provided through the statewide workforce development system to individuals pursuing self-employment.
3. Business plans requesting OOD to support business-related expenses under \$10,000 shall be reviewed for approval by a supervisor.
4. Business plans requesting OOD to support expenses of \$10,000 or above shall be reviewed for approval by an Area Manager.
5. If a business plan is not approved by a supervisor or Area Manager, other vocational services, such as job placement services, should be explored with the individual.

D. Individualized Plan for Employment (IPE) Development

1. In addition to following the direction in "Individualized Plan for Employment" (80-VR-08-01) an IPE for self-employment should also include:
 - a. the specific employment goal (self-employment is not an employment goal);
 - b. identification that the IPE included self-employment services (by checking the box);
 - c. service needs in relation to a business start-up (i.e., business consultation, business plan implementation assistance); and
 - d. business start-up expenses.
 - i. Note that OOD cannot be an ongoing investor in a business.
2. An individual shall have alternative plans for continued funding which shall be addressed in the business plan and documented on the IPE.
 - a. OOD's business support shall not exceed six (6) months after start-up.
3. VR Staff or VR Contractor shall complete an amendment to the IPE if the individual requests additional start-up goods, services or financial support.

E. IPE Implementation and Monitoring

1. The provision of services provision may begin once the appropriate approvals for the IPE and business plan have been obtained documented in an AWARE Case Note.
2. During the provision of self-employment services, monthly reports should be completed by the business consultant detailing the progress of the implementation of the business plan.
3. Business start-up supplies and equipment, identified in the "VR Inventory Agreement" (40-FIN-01-06.A), shall be purchased solely with OOD funds.

F. Self-Employment Case Closure

1. Self-employment case closure follows the direction in “Case Closure Procedure” (80-VR-02-01) and at a minimum, self-employment case closure shall include wage determination.
 - a. The hourly wage for self-employed individuals is calculated by taking the business’ gross income minus the expense, then dividing the actual hours worked (i.e. Hourly Wage= Gross Business Income-Expenses/Actual Hours Worked).

G. Violation

An employee who violates this policy may be subject to discipline up to and including removal.

FORMS AND ATTACHMENTS

- N/A

RESOURCES

- Vocational Rehabilitation Definitions (80-VR-99.A)
- Professional Disclosure Statement (80-VR-01.E)
- Consent to Obtain and Release Information (80-VR-01.G))
- Comprehensive Assessment (80-VR-04-01)
- Comprehensive Assessment Form (80-VR-04.A)
- Individualized Plan for Employment” (80-VR-08-01)
- VR Inventory Agreement (40-FIN-01-06.A)
- OOD BE Program (80-VR-10-17)

REVIEW

It is the responsibility of the Deputy Director, or designee, to review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director, or designee, shall document the review as required in “Policy and Procedure Development, Review, Dissemination and Acknowledgement” (10-ADM-01).