

## **ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

**Program Name:** Vocational Rehabilitation (VR)

**Policy Number:** VR-10.2-v3

**Effective Date:** July 1, 2008

**Last Revision:** September 30, 2021

**CHAPTER 10:** Education/Training Services

**Section 10.2:** On the Job Training and Apprenticeship Services

### **I. Policy Statement**

This policy provides the guidelines regarding the provision of On the Job Training (OJT) and Apprenticeship services for clients who may need these services in order to obtain and achieve a successful employment outcome as listed on their most recent and approved Individualized Plan of Employment (IPE).

### **II. Authority**

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. §§:
  - Scope of vocational rehabilitation services for individuals with disabilities 361.48 (b)(6)
  - Comparable services and benefits 361.53 (a) and (c-e)
  - Participation of individuals in cost of services based on financial need 361.54 (b)(1-2)
- United States Department of Education, Office of Special Education and Rehabilitative Services, Policy Directive RSA-PD-16-04, Training Services Data Elements XII (E)
- A.R.S. §§ 23-502 and 503
- Arizona Administrative Code, Title 6, Chapter 4:
  - Provision of VR services R6-4-206 (C)(8) through (15)
  - Service and provider standards, service authorizations equipment purchasing, Workers' Compensation R6-4-402 (A)(3)(c) and (B)(7)
  - Economic need and similar benefits R6-4-403 (A)(1)(b)(vi) and (B)(2)(b)(i)

### **III. Applicability**

This policy applies to a client who chooses to participate in OJT or in an

apprenticeship program to gain work experience in a specific area. To participate, the client must:

- A. Have or obtained soft work skills and knowledge needed to perform basic work duties.
- B. Meet essential performance standards related to the specific job description with the potential OJT or apprenticeship program.
- C. Determine basic eligibility requirements for OJT or apprenticeship program.
- D. For a listing of apprenticeship programs, refer to DES Apprenticeship Office at <https://des.az.gov/services/employment/apprenticeship>

#### **IV. Standards**

- A. The VR Counselor must determine the client's readiness for OJT or apprenticeship program.
- B. Economic need does not apply.
- C. Comparable benefits do not apply.
- D. The OJT must be specific to the client's employment goal as identified on the most current and approved IPE.
- E. The VR Counselor must:
  - 1. Identify a potential employer for OJT (it can also be the client and/or vendor),
  - 2. Ensure the client possesses basic knowledge and skills needed to perform the job before negotiating OJT with the employer,
  - 3. Negotiate the OJT contract terms with the employer, and
  - 4. Verify that the employer has employment opportunities available at the time the OJT contract is being negotiated.
- F. The VR Counselor must ensure the potential OJT employer can meet the following parameters:
  - 1. Must have the capacity to provide training and supervision to the client,
  - 2. Have employment opportunities available,
  - 3. Comply with all Fair Labor Standards Act (FLSA) rules and Department of Labor (DOL) wage and hour laws,
  - 4. Be responsible for withholding necessary Social Security (also known as Federal Insurance Contributions Act, FICA), federal and state income taxes and any other required withholdings on wages paid to the client,

5. Be willing to become a VR vendor and be open to training and working with individuals with disabilities, and
  6. Must pay the client a training wage that is at least minimum wage and commensurate with the job that is being performed.
- G. The OJT contract terms must include the following items:
1. Employer information (business name, number, address, federal employer identification number (FEIN), etc,
  2. Job information (position, typical salary, start/end date, date of OJT) and,
  3. Schedule of wages.
- H. The schedule of wages must be determined by:
1. How long it takes to train the average new hire,
  2. Need for extensive one-on-one training/supervision based on client's learning curve and disability related needs, and
  3. Estimation of how much longer it may take for the client to learn the job than the average new hire.
- I. During the OJT period, VR will:
1. Reimburse up to 50% of the client's wages for the agreed upon training period,
  2. Provide support services (uniforms, tools, bus passes), and
  3. Provide job site assessment and necessary accommodations.
- J. VR must provide the workers' compensation coverage for the client during the OJT contract provision.
- K. VR must not authorize additional job training services for the client while paying reimbursement to the employer for the OJT.
- L. The VR Counselor may authorize job retention services during apprenticeship or after completion of the OJT in the event the employer hires the client and job retention services are necessary to help the client retain employment.
- M. Program application fees, required textbooks and occupational tools are allowable in circumstances when the apprenticeship program does not provide them.
- N. When the client is enrolled in an apprenticeship program, case closure may be pursued when all the criteria for a successful closure has been met per section 5.1.

## **V. Procedure**

- A. Refer to IV. D and H.
- B. Refer to Standard Work (if available)
- C. Refer to RSA Allowable Services, Contracts and Provider Requirements.
- D. The OJT Contract must be completed and signed by the VR Counselor, client and OJT employer.
- E. In instances when the OJT employer is not a contracted service provider, the VR Counselor must:
  - 1. Request the OJT employer to complete an Arizona Substitute W-9 form, and
  - 2. Complete a Provider Registration Request form.
- F. The VR Counselor must forward all completed and required forms as listed in Section V.F of this section to the RSA Contracts department.
- G. The client's IPE must reflect the agreed upon OJT service prior to initialing the referral and RSA Purchase Authorization process.
- H. The VR Counselor must task the Purchasing Technician to create the RSA Purchase Authorization for the OJT service as outlined in the OJT contract terms.
- I. Upon receipt of the OJT Monthly Service Report and Invoice, the VR Counselor must review the report for completeness, approve the provider's invoice and process for payment after confirming that the reporting documentation is complete.
- J. Refer to [AZApprenticeship@azdes.gov](mailto:AZApprenticeship@azdes.gov) for further assistance on apprenticeship programs and processes.

## **VI. Documentation Requirements**

The client's electronic case file must include the following:

- A. OJT included in the IPE Justification Narrative.
- B. OJT Contract signed by all parties.
- C. OJT monthly service report submitted from the vendor.
- D. OJT monthly invoice submitted from the vendor.
- E. Any documentation pertaining to the apprenticeship program, position, and wages.