

# **Community-Based Prevocational Services**

**Innovations in Employment Supports**

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## COMMUNITY-BASED PREVOCATIONAL SERVICES

CBPV provides learning and work experience, including volunteer work, where the individual can develop general, **non-job-task-specific** strengths and skills that contribute to employability in paid employment in integrated community settings.

### **What are the Individual's Requirements for Participating in Community-BASED Prevocational Services?**

- Require habilitative services including learning and work experiences, including volunteer experiences, where the individual can develop general, non-job-task specific strengths and skills that contribute to employability in paid employment in integrated community settings; **AND EITHER**
- Have documented and assessed earning capacity of less than 50 percent of the current state minimum wage, federal minimum wage, or prevailing wage; **OR**
- Be likely unable to retain competitive employment in the community without significant prevocational or job readiness services due to the nature of his or her developmental disability.

## **FLSA—Unpaid Work Experiences**

Per Department of Labor, individuals with disabilities can spend a **limited number of hours** engaged in unpaid work experiences at a business for job exploration, assessment and training.

**These experiences must meet all of the following criteria:**

1. The individual participating in the situational assessment has a physical and/or cognitive disability that prevents them from obtaining competitive employment at or above the minimum wage immediately and the individual needs intensive ongoing support to succeed in employment.
2. Time spent at the place of business is for vocational exploration, assessment or training. It must be conducted under the general supervision of staff from a rehab organization.
3. Employment in the community must be a specific goal in the individual's plan of service specifying the need for exploration, assessment and training activities.
4. The individual's activities can't result in an immediate advantage to the business, examples include:
  - a) Individual can't displace regular employees
  - b) Individual can't fill a vacant position
  - c) Individual can't relieve regular employees of assigned duties
  - d) Individual can't perform duties that are a clear advantage to the business
  - e) Individual can't be under the supervision of the business instead of the rehab agency
  - f) Individual can't be engaged in activities that don't address the needs identified in the individual's service plan
  - g) The individual's service plan specifies a limit on the time spent at the business (the planning document needs to be specific regarding the intent of the person's time at the site in terms of duties and how long they spend there).
5. Per DOL, as a rule, unpaid work experiences are permissible if the following hour limitations are not exceeded:
  - Vocational explorations (Identifying types of jobs an individual may be interested in) – **5 hours per job experienced**
  - Vocational assessments (Evaluating an individual's overall employment skills, interest and suitability for specific occupations)- **90 hours per job experienced**
  - Vocational training (Developing an individual's skills for a specific occupation)- **120 hours per job experienced**

### **FLSA—Situational Assessment Criteria**

6. The participating individual is not entitled to a job after the unpaid work experience is completed. However, if they are hired, they can't be considered a trainee unless they are working in a different, clearly distinguishable occupation.
7. Upon request, documentation must be provided to DOL indicating that the **individual is enrolled in a community-based placement program, that the enrollment is voluntary and that there is no expectation of payment.**

### **Considerations in Unpaid Work Experiences**

**There are a number of practical considerations in the use of unpaid job experience under the DOL guidelines:**

1. The use of unpaid work experiences must connect clearly with the goals and objectives of the individual's service plan. There should be a particular rationale why the specific activities at the particular place of business are occurring and it should be documented in the service plan. Simply having an individual participate in a unpaid work experiences to "stay busy" or because it is a standard part of the "employment program" for everyone is not acceptable to DOL.
2. The planning document must state the specific intent and purpose of the individual's time at the employer site in terms of duties and number of hours that will be spent there.
3. If there are benefits to the business be explicit that these benefits are incidental and immaterial and ensure that all other requirements are fully complied with.
4. A type of work experience that raises DOL concerns is taking a group on an ongoing basis to a business to perform job duties for no pay, unless each individual's service plan specifically states how this unpaid work experience is connected to their employment goals and specifies the number of hours of the unpaid work experience. All other requirements of the guidelines must be complied with.

***Volunteering, internships and unpaid job exploration can be effective strategies for individuals with disabilities to gain work-related experience, as well as assessments and training.***

### **FLSA—Volunteering Overview**

- Volunteering refers to unpaid activities with **non-profit groups** that are open to the public.
- DOL “ individuals may volunteer or donate their services for public service, religious or humanitarian objectives”
- Volunteering may be a step towards employment. It is a way of exploring interests, developing skills, gaining experience, building a resume and making connections that lead to future paid jobs.

### **Volunteering should not be a long-term substitute for paid employment.**

- Volunteer activities should be based on an individual's interests and preferences.
- General characteristics of a volunteer opportunity:
  1. The activity is generally part-time
  2. The activities are the kind typically associated with volunteer work rather than paid employment
  3. **Services are offered freely and without pressure or coercion—i.e. the person is truly volunteering.**
  4. Regular employees have not been displaced to accommodate the volunteer.
  5. The individual does not receive or expect to receive any benefit (beyond the experience itself).
- Volunteers may receive reimbursement for expenses, discounts on services, refreshments, small gifts of appreciation.

**Community-Based Prevocational services may be provided directly to an individual or on his or her behalf. These services may include, but are not limited to:**

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| 1.  | training the individual to follow directions, attend to task, multi-task, complete tasks, problem solve, work safely, increase productivity, adapt to work routines, and carry out assigned duties in an effective manner; |
| 2.  | helping the individual to acquire appropriate attitudes and work habits, including instruction in socially appropriate behaviors on and off the job site;  |
| 3.  | assisting the individual with adjusting to the demands of the workplace including stress management techniques;  |
| 4.  | familiarizing the individual with job production and performance requirements, such as training the individual to follow directions;   |
| 5.  | providing travel training, including the use of public and para-transit systems;   |
| 6.  | instructing the individual to adhere to generally accepted workplace policies, conduct and dress;  |
| 7.  | instructing the individual to communicate effectively with supervisors, coworkers and customers;   |
| 8.  | instructing the individual on topics related to mobility about the appropriate use of job-related facilities, such as lounge areas, lunchrooms/cafeterias; and rest rooms;   |
| 9.  | instructing the individual, family, advocates, and support staff about benefits, planning, education, and counseling pertaining to benefits management and employment;   |
| 10. | instructing the individual about the use of technology that can assist in developing job/volunteer skills and meeting workplace expectations;  |
| 11. | providing instruction in the appropriate use of job-related facilities (e.g., lounge areas, lunchrooms/cafeterias, and rest rooms);  |
| 12. | assessing the individual to determine his or her work interests, productivity and skills;  |
| 13. | instructing the individual about the use of technology that can assist in developing job/volunteer skills and meeting workplace expectations;  |
| 14. | assisting the individual to experience a variety of employment and/or volunteer options within the community;  |

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| 15. | documenting and supporting the delivery of Community Based Prevocational services. Examples include habilitation plans/staff action plans, service documentation, monthly summaries, annual assessments, and other documentation directly related to the delivery of community based prevocational services, as required by OPWDD; |
| 16. | transporting individuals between activities;   |
| 17. | assisting an individual with obtaining and participating in Community Based Prevocational experiences;   |
| 18. | developing and negotiating potential community and employment experiences on behalf of the individual;   |
| 19. | assisting an individual with obtaining and participating in Community Based Prevocational experiences; (repeat)  |
| 20. | communicating with family or other members of the individual's circle of support to discuss and address issues related to Community Based Prevocational activities, and preparing the individual for prevocational activities;   |
| 21. | staff travel time to allowable Community Based Prevocational services activities while the staff is being paid for work hours by the provider;   |
| 22. | staff time to attend OPWDD Innovations Training; and   |
| 23. | other services, as previously authorized by OPWDD.   |