

## **Existing Business Guide**

### **September 2015**

This guide is to be used to help DVR staff work with consumers whose goal is to maintain their existing business. This guide is not designed for start-up business/farms or existing farms whose goal is to change their farm operation (e.g. dairy cow farming changing to goats or dairy cow operation adding farmer's market operation). The self-employment Business start-up toolkit should be used for changes in type of operation goals such as those. If you have any questions, please remember to consult with your team and supervision.

The Application process, Eligibility process and Vocational Guidance and Counseling for all consumers, including farmers/small business owners, should all be the same in the DVR process. The part that is individualized is the employment plan for all DVR consumers.

During your initial conversations with an existing business consumer, inquire if they have received assistance from DVR for a self-employment goal in the past. If so, look up their case to review the vocational goal. If the goal was for the same self-employment, review the current functional limitations in comparison to those of the prior case to determine if there are significant changes and/or new limitations. Document your findings and any supporting data in the case file, including the medical documentation that supports any significant increase of functional limitations.

If there are no significant changes inform the consumer they have already received assistance for their current vocational goal and limitations. Deny further services and provide them their appeal rights.

If they have never received DVR assistance related to their existing business or it has been more than seven years since they last received services so their file has been purged please continue with the Existing Business Guide.

If they have received services related to the current vocational goal but have new or significant changes in their limitations complete the exception process requesting approval to provide services for the same self-employment goal.

During the Employment plan development phase (currently status 10) with existing businesses review with the consumer the existing business guide and fee schedule. If the consumer would like to proceed, follow these steps.

#### **Steps:**

##### **1. Ownership**

Establishing the employment relationship determines the appropriate policy to be followed to provide services and accommodations. The consumer needs to be at least 50% owner of the business and have legal right to the real estate where the business is run.

To determine the percentage of ownership, the counselor must obtain one of the following documents:

- Tax return with Schedule C (business)
- Schedule F (farm)
- Articles of Corporation (S or C Corp)
- Articles of Organization (LLC)

To determine legal right to real estate, the counselor must obtain one of the following documents:

- Real estate taxes (County Name and Geographic Information System (GIS) available on the web/)
- Deed (Proof that they own the land)
- Legal contract (Lease or Land Contract).

**Note:**

*If the consumer is a laborer (receives a paycheck, receives goods or services in lieu of pay, claim earned income) or owns less than 50% of the business/farm, follow normal DVR policy and process as you would for an employee for any other job.*

*There are many resources available that can help identify accommodations. You can use the IL Center. You can refer the individual for job development. You may consult with your co-workers who may be trained vocational evaluators. Consult with your team members or management.*

## **2. Write IPE**

- IPE for vocational guidance and counseling, profitability assessment and accommodations assessment ( the IPE must state that this is following an approved Profitability Assessment only).
- Authorize and send PO for profitability assessment. (see tech spec attachment 1)

## **3. Review Profitability Assessment Report**

- If the Profitability Report confirms minimum wage for the hours worked was met in each of the prior three years approve support of the existing business. Review report in person at the farm and perform a walk through at the business to establish job duties, barriers and how their limitations are affecting them in the essential functions of their job duties.
- If the Profitability Report shows minimum wage for hours worked has not been meet in each of the prior three years deny support of existing business and offer other DVR services. Provide appeal rights and offer other DVR services as appropriate.

## **4. Referral to Assessment Service Provider**

- Discuss vendor options with consumer and send a referral to the agreed upon vendor (IL center, Stout, private consultant, Agribility, etc.)
- Send vendor the following information:
  1. Consumer and counselor contact information
  2. Counselor's employment findings on job duties, barriers and how disability limitations are affecting the essential function of their job
  3. Documentation of functional limitations (to include restrictions when relevant)
- Vendor meets consumer at the business to assess overall health/stability of the business and determine what accommodations are required for the essential functions of the job duties listed in the counselor's employment findings
- Accommodations Report is provided to DVR via email by vendor
- VRC reviews the recommendations to:
  1. Ensure all accommodations are addressing disability issues documented during eligibility. (If the disability was not documented initially the consumer is required to provide proof of a new permanent disability.)
  2. Pull in supervisor if any accommodation exceeds \$5,000
  3. Call provider with any questions or clarification needed prior to meeting with consumer

##### **5. Accommodations Assessment Review Meeting**

- The review meeting is held in DVR office with assessment provider, counselor and consumer. The recommendations (to include 3 bids if applicable) are reviewed and negotiated. IPE is amended to include purchase of goods/services if applicable. Agreement on purchase of goods/services may not be determined at this meeting if further research, review and additional meetings are necessary to finalize the services to be provided.
- Review Fee Schedule and Discuss Required Consumer Share:
  - **DVR Fee Schedule allows for up to \$10,000 for accommodations/ assistive technology only.**
  - **Anything over this requires an exception. Exception qualifiers:** Different/unrelated disability (Medical documentation must be provided that supports significant increase of functional limitations. An example is complaints of pain – that is not subjective and not a worsening of disability).
  - Required Consumer Share must be determined prior to adding item to IPE. Verification of funds is required prior to authorization.

**6. Authorize for and send out POs for accommodation purchases** (following purchasing policy).

**7. Follow for 90 days to ensure accommodations are working.**

**8. Closure/wage verification:**

- Complete the closure page and federal requirements as per any other case
- Wages are determined by use of the most recent year taxes to determine wage per hour worked.
  - If the most recent year's taxes are in the profitability report, use that wage.
  - If the most recent year's taxes are not in the profitability report authorize a wage update from the profitability vendor.

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