

# **Regulations and Standards for Supported Employment and Intake Processes**

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## **Introduction**

Supported employment and intake processes require staff to be thoroughly familiar with the regulations and standards applicable at the federal, state, and New York City levels. This guide presents a comprehensive overview of the regulatory framework and voluntary standards that shape employment support services for individuals with intellectual and developmental disabilities (IDD). It serves as a key reference for staff involved in service planning, quality assurance, job coaching, and employment support.

By applying the regulations and standards outlined in this guide, organizations and professionals can foster inclusive intake procedures and work environments where all individuals—regardless of ability—are supported and empowered to succeed.

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# 1. A Regulatory Framework

Employment support staff play an essential role in protecting and promoting the rights of individuals with intellectual and developmental disabilities (IDD) throughout the employment journey—including the intake process and ongoing support in the workplace. Their responsibilities include understanding and applying local, state, and federal regulations related to employment and support services for individuals with IDD. It is critical that staff ensure compliance with these regulations to uphold legal protections and foster inclusive, person-centered practices.

The intake process, as part of employment support services, includes final-stage responsibilities such as assisting with onboarding and providing inclusive orientation at the actual job site of a real employer. These steps are essential for ensuring a smooth transition into competitive integrated employment and long-term success on the job.

This chapter outlines the regulatory framework that governs both the intake process and employment support services for individuals with IDD in New York City. It includes mandatory legislative and governmental regulations (Clauses 1.1–1.3), as well as relevant voluntary standards and conformity assessment frameworks (Clauses 1.4 and 1.5), which guide ethical and professional practices in the field.

## 1.1. United States Federal Regulations

The following federal regulations significantly influence the employment of individuals with IDD:

- **Americans with Disabilities Act (ADA):** Mandates nondiscrimination and equal opportunity for persons with disabilities in employment, government services, public accommodations, and transportation.
- **Developmental Disabilities Assistance and Bill of Rights Act (DD Act):** Promotes the rights and empowerment of individuals with developmental disabilities.
- **Rehabilitation Act:** Aims to enhance the lives of individuals with disabilities through various programs and initiatives.
- **The Workforce Innovation and Opportunity Act (WIOA):** Improves the workforce development system to aid individuals, including those facing significant employment barriers, in securing quality jobs and careers.
- **Telecommunications Act:** Ensures that people with disabilities have access to telecommunications services.
- **Air Carrier Access Act:** Prohibits discrimination in air transportation against individuals with disabilities.
- **Voting Accessibility for the Elderly and Handicapped Act:** Improves access to voting facilities for the elderly and people with disabilities.

- **Civil Rights of Institutionalized Persons Act:** Safeguards the rights of individuals in institutions, including those with disabilities.
- **Individuals with Disabilities Education Act (IDEA):** Guarantees a free appropriate public education tailored to the individual needs of students with disabilities.
- **Architectural Barriers Act:** Requires federally financed buildings to be accessible to persons with disabilities.
- **National Voter Registration Act:** Eases the voter registration process for all Americans, including those with disabilities.
- **Health Insurance Portability and Accountability Act (HIPAA):** Protects the privacy of individual health information.
- **Standard Occupational Classification (SOC):** Classifies workers into occupational categories for federal statistical purposes.
- **Occupational Safety and Health (OSH) Act:** Ensures safe and healthful working conditions.
- **U.S. Department of Labor Regulations:** Addresses a broad spectrum of workplace issues, from wages to safety.
- **Fair Housing Act:** Outlaws housing discrimination based on disability.
- **Convention on the Rights of Persons with Disabilities (CRPD):** An international treaty focused on the rights and dignity of persons with disabilities.

#### **Primary Federal Employment Laws in the United States:**

- **Title VII of the Civil Rights Act of 1964:** Prohibits employment discrimination based on race, color, religion, sex, or national origin.
- **The Americans with Disabilities Act (ADA) of 1990:** Prohibits discrimination against individuals with disabilities in the workplace.
- **The Age Discrimination in Employment Act (ADEA) of 1967:** Protects individuals who are 40 years of age or older from employment discrimination.
- **The Fair Labor Standards Act (FLSA) of 1938:** Establishes minimum wage, overtime pay, and other employment standards.
- **The Family and Medical Leave Act (FMLA) of 1993:** Entitles eligible employees to take unpaid leave for family or medical reasons.
- **The Equal Pay Act of 1963:** Prohibits wage discrimination based on sex.

For employment support staff, familiarity with these regulations is crucial for effectively advocating for and supporting clients with IDD in their employment endeavors in New York City.

### **1.1.1. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA), enacted in 1990, and amended by the ADA Amendments Act of 2008 (ADA), is a landmark civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places open to the general public. For vocational rehabilitation job coaches, understanding the ADA is crucial in supporting individuals with disabilities. Here are the key aspects of the ADA relevant to vocational rehabilitation:

To fall under the ADA's protection, an individual must either have a disability or have a relationship or association with someone with a disability. The ADA defines an "individual with a disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment. Notably, the ADA does not list all covered impairments specifically.

#### **1. Title I - Employment:**

This title mandates that employers with 15 or more employees must provide qualified individuals with disabilities equal opportunity to benefit from employment-related opportunities, similar to others. This includes non-discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. The ADA restricts questions about an applicant's disability before a job offer is made and requires reasonable accommodations to be made for the known physical or mental limitations of otherwise qualified individuals, unless it results in undue hardship.

- **Reasonable Accommodations**

Under Title I, reasonable accommodation refers to modifications or adjustments to a job, the work environment, or the hiring process that enable an individual with a disability to have an equal opportunity not only to get a job but to perform their job tasks successfully, similar to individuals without disabilities. These accommodations address three aspects of employment: ensuring equal opportunity in the application process, enabling a qualified individual with a disability to perform the essential functions of a job, and allowing employees with disabilities to enjoy equal benefits and privileges of employment.

Examples of reasonable accommodations include making facilities accessible, job restructuring, modifying work schedules, acquiring or modifying equipment, changing tests, training materials, or policies, and providing qualified readers or interpreters. Job coaching is also considered a reasonable accommodation. These accommodations, often seen as "productivity enhancers," benefit all employees, not just those with disabilities.

- **Cost-effective Accommodations**

Many job accommodations are cost-effective, involving minor adjustments like physical changes (installing ramps, modifying restrooms, adjusting workspace layout), accessible and assistive technologies (accessible software, screen readers, videophones), accessible communications (sign language interpreters, closed captioning, Braille or large print

materials), and policy enhancements (allowing service animals, adjusting work schedules for medical appointments).

## **2. Title II – Public Entities (and Public Transportation):**

Title II covers all activities of state and local governments regardless of the government entity's size or receipt of federal funding. It requires public entities to make their programs, services, and activities accessible to individuals with disabilities.

## **3. Title III – Public Accommodations and Services Operated by Private Entities:**

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples include privately owned, leased, or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, and movie theaters.

## **4. Title IV – Telecommunications:**

Title IV requires telephone and internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allow individuals with hearing and speech disabilities to communicate over the telephone.

## **5. Title V – Miscellaneous Provisions:**

This title includes a range of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the employment provisions of the ADA.

For employment support staff, the ADA provides a legal framework to advocate for reasonable accommodations and equal opportunities for individuals with disabilities. Understanding and applying ADA guidelines is essential for creating inclusive work environments and supporting the vocational aspirations of individuals with disabilities.

### **1.1.2. Developmental Disabilities Assistance and Bill of Rights Act**

The Developmental Disabilities Assistance and Bill of Rights Act (DD Act) is a key piece of federal legislation in the United States aimed at providing assistance and protection to individuals with developmental disabilities. For vocational rehabilitation job coaches, understanding the DD Act is crucial in advocating and providing the right support for their clients.

#### **Key Provisions of the DD Act:**

##### **1. Participation and Inclusion:**

The DD Act ensures that individuals with developmental disabilities are fully integrated and included in their communities. It also mandates that they and their families participate in designing and accessing culturally competent services, supports, and other assistance.



## **2. Definition of Key Terms:**

- **Developmental Disability:** A broad term as defined in the Act, covering a range of disabilities.
- **Inclusion, Individualized Support, and Integration:** These terms emphasize the full participation of individuals with developmental disabilities in community life.
- **Employment-Related Activities:** Activities that support the employment of individuals with developmental disabilities.

## **3. Supported Employment Services:**

The DD Act specifically defines 'supported employment services' as services enabling individuals with developmental disabilities to engage in competitive work in integrated settings. This is particularly important for those who have not traditionally been employed competitively or have had interrupted employment due to significant disabilities. These services are vital for individuals needing intensive support or extended services to perform such work.

## **4. Personal Assistance Services:**

Defined as a range of services provided to assist an individual with a disability in performing daily activities, both on and off the job, which they would typically perform if they did not have a disability. These services aim to increase the individual's control over their life and ability to perform everyday activities.

## **5. Quality Assurance Activities:**

This includes advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance. These activities ensure monitoring of services and supports to prevent abuse, neglect, exploitation, or rights violations, and inappropriate use of restraints or seclusion. Additionally, they include training in leadership, self-advocacy, and self-determination, as well as activities related to interagency coordination and systems integration for enhanced services.

## **6. Administration and Oversight:**

The Administration on Developmental Disabilities (ADD), part of the U.S. Department of Health and Human Services and the Administration for Children and Families, is responsible for implementing and administering the DD Act.

For employment support staff, the DD Act provides a comprehensive framework to support the rights, inclusion, and full participation of individuals with developmental disabilities in all aspects of community life. It underscores the need for individualized support and the importance of ensuring quality and safety in services provided.

### **1.1.3. Rehabilitation Act**

#### **1. Federal Law Basis:**

The Rehabilitation Act of 1973 is a federal law that focuses on the rights and needs of individuals with disabilities.

## 2. Purpose and Scope:

- **Community Rehabilitation Programs:** It emphasizes the establishment, development, or improvement of community rehabilitation programs. These programs aim to promote integration and competitive employment for individuals with disabilities.
- **Non-Discrimination:** The Act prohibits discrimination based on disability in programs conducted by Federal agencies, those receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.
- **Employment Discrimination Standards:** The standards for determining employment discrimination under the Rehabilitation Act align with those in Title I of the Americans with Disabilities Act.

## 3. Key Terms Defined:

- **Supported Employment Services:** Refers to competitive integrated employment, including customized employment, for individuals with the most significant disabilities. It targets those who historically haven't had or have had interrupted competitive integrated employment due to significant disabilities.
- **Ongoing Support Services:** These are services provided at least twice monthly for assessment and coordination of intensive services to maintain employment stability. They include job training, job retention, social skills training, supervision, follow-up services, and facilitation of natural supports.
- **Extended Services:** These refer to ongoing support and other services necessary to maintain an individual with a most significant disability in supported employment. They are tailored based on individual needs and are provided by various agencies or organizations post-transition from state-supported services.

## 4. Individuals with Disabilities Classification:

- **Individual with a Disability:** The Act specifies various categories, including individuals with significant and most significant disabilities.
- **Pre-Employment Transition Services:** Services intended for individuals with disabilities in preparation for employment.

## 5. Employment Concepts:

- **Competitive Integrated Employment:** Employment in a setting where individuals with disabilities work alongside individuals without disabilities.
- **Customized Employment:** Tailored employment settings that match the strengths and interests of the individual with a disability.
- **Assessment for Eligibility and Needs:** Involves determining the eligibility and vocational rehabilitation needs of an individual with a disability.

This summary encapsulates the critical aspects of the Rehabilitation Act relevant to employment support staff, highlighting its role in promoting equitable employment opportunities and support for individuals with disabilities.

#### **1.1.4. The Workforce Innovation and Opportunity Act**

##### **1. Federal Law Context:**

The Workforce Innovation and Opportunity Act (WIOA), enacted in 2014, is a Federal law that amends the Rehabilitation Act of 1973.

##### **2. Establishment of a New Federal Advisory Committee:**

WIOA creates a Federal Advisory Committee focused on increasing competitive integrated employment for individuals with disabilities.

##### **3. Key Definitions:**

- **Customized Training:** Training tailored to fit the specific requirements of an individual with a disability and the employer.
- **Individual with a Barrier to Employment:** An individual who faces substantial obstacles in securing employment, often due to a disability.
- **Career Pathway:** A series of connected education and training strategies and support services that enable individuals, especially those with a disability, to secure industry-relevant certification and obtain employment within a specific sector.
- **Competitive Integrated Employment:** Employment that is full or part-time at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work and fully integrated with coworkers without disabilities.
- **Customized Employment:** Defined as competitive integrated employment for an individual with a significant disability, based on their unique strengths, needs, and interests, designed to meet specific abilities of the individual and the business needs of the employer, and implemented through flexible strategies.

##### **4. Enhanced Roles in Workforce System:**

- WIOA emphasizes the importance of the general workforce system and One-Stop Career Centers in addressing the needs of people with disabilities.
- It involves the transition of several disability agencies from the Department of Education (DOE) to the Department of Health and Human Services.

This summary highlights the key aspects of WIOA relevant to employment support staff, emphasizing its role in promoting accessible employment opportunities and tailored training for individuals with disabilities

#### **1.1.5. Telecommunications Act**

##### **1. Federal Law Overview:**

The Telecommunications Act of 1996 is a significant piece of Federal legislation in the United States.

##### **2. Accessibility Requirement (Section 255):**

- **Mandate for Accessibility:** Section 255 of the Act mandates that telecommunications products and services must be accessible to people with disabilities.
- **Definition of Accessibility:** Accessibility in this context is defined as "readily achievable," which means that the goal of making products and services accessible should be easily accomplishable without much difficulty or expense.

### **3. Implication for Vocational Rehabilitation:**

- This Act is crucial for vocational rehabilitation job coaches as it ensures that telecommunications tools and services, which are vital for both job training and placement activities, are accessible to individuals with disabilities.
- It supports the integration of people with disabilities into the workforce by ensuring they have equal access to essential communication technologies.

This summary underscores the importance of the Telecommunications Act of 1996 in promoting accessibility in telecommunications, which is a key consideration for employment support professionals in supporting their clients.

#### **1.1.6. Air Carrier Access Act**

##### **1. Federal Law Overview:**

The Air Carrier Access Act (ACAA), established in 1986, is a significant federal law in the United States.

##### **2. Purpose of the Act:**

- **Prohibition of Discrimination:** The ACAA is specifically designed to prohibit discrimination against passengers with disabilities by air carriers.
- **Accessibility and Inclusion:** The Act aims to make air travel accessible to persons with disabilities, ensuring they have equal opportunities to travel by air, regardless of physical or intellectual disabilities.

##### **3. Implications for Vocational Rehabilitation:**

- As a vocational rehabilitation job coach, understanding the ACAA is important for ensuring that clients with disabilities are aware of their rights when traveling by air.
- This knowledge can assist in planning for job-related travel or training opportunities that involve air travel, ensuring that clients with disabilities receive equal treatment and necessary accommodations.

This summary highlights the ACAA's role in promoting equal access to air travel for individuals with disabilities, a critical aspect for employment support professionals in supporting the mobility and independence of their clients.

#### **1.1.7. Voting Accessibility for Elderly and Handicapped Act**

##### **1. Federal Law Overview:**

The Voting Accessibility for the Elderly and Handicapped Act, established in 1984, is a key federal law in the United States.

## **2. Purpose of the Act:**

- **Improving Voting Access:** This Act was enacted to enhance the fundamental right to vote for elderly and handicapped individuals. It focuses on improving access to registration facilities and polling places for Federal elections.
- **Requirements for Accessibility:** The Act mandates that polling places used in Federal elections be accessible and that registration and voting aids, such as instructions in large font, be available to accommodate the needs of elderly and handicapped voters.

## **3. Updates and Improvements:**

- **Accessible Voting Act of 2020:** This Act further improved the 1984 Act by reducing barriers to voting for people with disabilities, ensuring more comprehensive accessibility in voting processes.

## **4. Implications for Vocational Rehabilitation:**

- For vocational rehabilitation job coaches, understanding this Act is crucial in advocating for and supporting the voting rights of clients with disabilities.
- It also provides a framework for educating clients about their rights and the available accommodations to participate fully in the electoral process.

This summary highlights the importance of the Voting Accessibility for the Elderly and Handicapped Act and its subsequent improvements in ensuring accessible voting for individuals with disabilities, a key consideration for employment support professionals in promoting civic participation among their clients.

### **1.1.8. Civil Rights of Institutionalized Persons Act**

#### **1. Federal Law Overview:**

The Civil Rights of Institutionalized Persons Act (CRIPA), enacted in 1980, is a federal law in the United States.

#### **2. Purpose of the Act:**

- **Protection of Rights:** CRIPA is designed to protect the civil rights of individuals in various state or local institutions. This includes correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.
- **Scope of Protection:** The Act focuses on safeguarding against unconstitutional conditions within these institutions, such as abuse, neglect, or deprivation of rights.

#### **3. Implications for Vocational Rehabilitation:**

- **Advocacy and Awareness:** As a vocational rehabilitation job coach, it's important to be aware of the rights protected under CRIPA, especially when working with clients who are currently in or transitioning out of these institutional settings.
- **Supporting Transition:** Understanding CRIPA can aid in advocating for the rights of clients in these settings and assist in planning for their successful transition to community-based living and employment.

This summary underscores the significance of CRIPA in protecting the rights of persons in institutional settings, a crucial aspect for employment support professionals in advocating for and supporting their clients' rights and successful community integration.

### 1.1.9. Individuals with Disability Education Act

#### 1. Historical Context and Evolution:

- **Original Act:** Initially passed as the Education of Handicapped Children Act in 1975.
- **Renaming and Amendments:** Renamed as the Individuals with Disabilities Education Act (IDEA) in 1990, with significant amendments in 1997 and 2004 to enhance its scope and effectiveness.

#### 2. Purpose of the Act:

- **Ensuring Equal Access to Education:** IDEA aims to ensure that all children with disabilities receive equal educational opportunities. It emphasizes full participation, independent living, and economic self-sufficiency for these children.

#### 3. Categories of Disabilities Covered:

- IDEA outlines specific disability categories, including autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.

#### 4. Implications for Vocational Rehabilitation:

- **Educational Support and Transition Services:** As a vocational rehabilitation job coach, understanding IDEA is critical for assisting clients who are transitioning from educational settings to the workforce.
- **Collaboration with Educational Institutions:** Knowledge of IDEA helps in collaborating with schools and educational institutions to ensure smooth transitions for students with disabilities into vocational training and employment.
- **Advocacy for Rights and Services:** Being aware of IDEA enables vocational rehabilitation professionals to advocate effectively for the rights and services that their clients are entitled to under this Act.

This summary highlights the importance of IDEA in the context of employment support, particularly in ensuring that individuals with disabilities receive appropriate educational support and are prepared for economic self-sufficiency and independent living.

### 1.1.10. Architectural Barriers Act

#### 1. Federal Law Overview:

The Architectural Barriers Act (ABA) of 1968 is a pioneering federal law in the United States.

#### 2. Primary Objective:

- **Accessibility in Federally Financed Buildings:** The ABA mandates that all buildings financed with federal funds must be accessible to physically handicapped persons. This includes buildings intended for public use, employment, or residence by individuals with physical disabilities.

#### 3. Design and Construction Standards:

- **Ensuring Accessibility:** The Act requires that these buildings be designed and constructed in accordance with standards that ensure accessibility for physically handicapped individuals.

#### 4. Implications for Vocational Rehabilitation:

- **Workplace Accessibility:** As a vocational rehabilitation job coach, understanding the ABA is crucial when assessing workplace environments for clients with physical disabilities.
- **Advocacy and Compliance:** This knowledge assists in advocating for clients' rights to accessible work and public spaces and in ensuring that employers comply with these standards for federally financed facilities.
- **Facilitating Employment Opportunities:** Awareness of ABA standards aids in identifying and facilitating suitable employment opportunities in accessible environments for clients with physical disabilities.

This summary emphasizes the significance of the ABA in promoting accessible environments, which is a key consideration for employment support professionals in supporting the integration of individuals with physical disabilities into the workforce and public life.

### 1.1.11. National Voter Registration Act

#### 1. Federal Law Overview:

The National Voter Registration Act, enacted in 1993 and commonly known as the “Motor Voter Act,” is a significant federal law in the United States.

#### 2. Purpose of the Act:

- **Facilitating Voter Registration:** The primary aim of the Motor Voter Act is to simplify the voter registration process for all Americans, including those with disabilities.

- **Addressing Low Registration Rates:** A key purpose is to increase voter registration rates among minorities and persons with disabilities, which have historically been low due to discrimination.

### **3. Requirements for State-Funded Programs:**

- **Provision of Voter Registration Services:** The Act mandates that all state-funded programs primarily engaged in providing services to persons with disabilities must offer voter registration forms to their applicants.
- **Assistance in Registration:** These programs are required to assist individuals in completing the voter registration forms.
- **Submission of Completed Forms:** The programs must also ensure that the completed forms are transmitted to the appropriate state officials.

### **4. Implications for Vocational Rehabilitation:**

- **Promoting Voter Registration:** As a vocational rehabilitation job coach, it's important to be aware of this Act to ensure that clients with disabilities are informed about and have assistance in accessing their right to vote.
- **Collaboration with State-Funded Programs:** Understanding the Act can also guide collaboration with state-funded programs to facilitate the voter registration process for clients with disabilities.

This summary underscores the importance of the National Voter Registration Act in promoting the democratic participation of individuals with disabilities, a key aspect for employment support professionals in advocating for the full civic inclusion of their clients.

## **1.1.12. Health Insurance Portability and Accountability Act**

### **1. Federal Law Overview:**

The Health Insurance Portability and Accountability Act (HIPAA), enacted in 1996, is a significant federal law in the United States focusing on health information privacy.

### **2. Primary Objectives:**

- **Health Insurance Portability:** To eliminate job-lock due to pre-existing medical conditions by ensuring health insurance portability.
- **Reduction of Healthcare Fraud and Abuse:** To combat fraud and abuse in the healthcare system.
- **Enforcement of Health Information Standards:** To establish and enforce standards for health information.
- **Security and Privacy of Health Information:** To guarantee the security and privacy of individuals' health information.

### **3. Protection of Personal Health Information:**



- **National Standards:** HIPAA establishes national standards to protect medical records and personal health information.
- **Applicability:** It applies to health plans, healthcare clearinghouses, and healthcare providers that conduct certain transactions electronically.

#### **4. Privacy and Patient Rights:**

- **Safeguards for Privacy:** HIPAA requires safeguards to protect the privacy of personal health information.
- **Limits on Information Disclosure:** Sets limits and conditions on how health information can be used and disclosed without patient authorization.
- **Patient Rights Over Health Information:** Grants patients' rights over their health information, including the right to examine and obtain copies of their health records and request corrections.

#### **5. Implications for Vocational Rehabilitation:**

- **Confidentiality in Client Interactions:** As a vocational rehabilitation job coach, understanding HIPAA is crucial for maintaining confidentiality and appropriate handling of clients' health information.
- **Guidance on Information Sharing:** Knowledge of HIPAA helps in navigating the complexities of sharing health-related information, ensuring compliance with privacy standards.
- **Advocating for Client Rights:** It's important to advocate for clients' rights to access and control their health information, which can be relevant in the context of their vocational rehabilitation process.

This summary emphasizes the importance of HIPAA in protecting the privacy and security of health information, a key consideration for employment support professionals in managing sensitive client information.

### **1.1.13. Office of Management and Budget, Standard Occupational Classification**

#### **1. Overview:**

- The Standard Occupational Classification (SOC) is a federal statistical standard used for classifying occupations.
- It is established and reviewed by the Office of Management and Budget (OMB).

#### **2. Classification and Use:**

- **Broad Coverage:** The SOC classifies all occupations across various sectors, including private, public, and military.
- **Data Collection and Analysis:** It is utilized by federal and state agencies for categorizing workers into occupational categories. This aids in collecting, calculating, and disseminating data, allowing for occupational comparisons across different data sets.

- **Purpose:** Designed to encompass all occupations where work is performed for pay or profit, reflecting the current occupational structure in the U.S.
- **Occupational Classification:** Under the SOC system, workers are classified based on their job duties rather than job titles.

### 3. Users of Occupational Data:

- The data are used by government program managers, industrial and labor relations practitioners, students, job seekers, vocational training schools, and employers setting salary scales.

### 4. Occupational Salary Scale and Prestige:

- Salary scales and reimbursement rates for various occupations are based on SOC data.
- Inclusion of an occupation into the SOC can enhance its national prestige and pay.

### 5. Decision-making Process:

- The final decision on occupation inclusion in the SOC is made by the Standard Occupational Classification Policy Committee (SOCPC) and the OMB.
- The SOCPC comprises representatives from various federal agencies, including the Departments of Labor, Commerce, Defense, Education, Transportation, Health and Human Services, the Equal Employment Opportunity Commission, the National Science Foundation, the Office of Personnel Management, and the OMB.

### 6. OMB's Role:

- The OMB oversees the implementation of the President's vision across the Executive Branch, including the issuance of Federal OMB Circulars like A-133 and A-122.

### 7. Future Revisions:

A revision of the current SOC (2018) is not expected until at least 2028.

For employment support staff, understanding the SOC is crucial for guiding clients in career choices, understanding job market trends, and being aware of the classification system that influences occupational data and salary scales.

## 1.1.14. The Occupational Safety and Health Act

### 1. Federal Law Overview:

The Occupational Safety and Health (OSH) Act of 1970 is a key federal law in the United States focused on workplace safety.

### 2. Primary Objectives:

- **Safe and Healthful Work Conditions:** To ensure safe and healthful working conditions for all working individuals.

- **Enforcement of Standards:** Authorizes the enforcement of safety standards developed under the Act.
- **State Assistance:** Assists and encourages states in their efforts to ensure safe and healthful working conditions.
- **Provision of Resources:** Provides research, information, education, and training in the field of occupational safety.

### **3. Employer Responsibilities:**

- **Hazard-Free Environment:** Employers are required to provide an environment free from recognized hazards. This includes exposure to toxic chemicals, infectious agents, excessive noise, mechanical dangers, and extreme temperatures.
- **Prevention of Serious Harm:** Ensuring conditions do not cause or are likely to cause death or serious physical harm to employees.

### **4. Employee Compliance:**

- Each employee is required to comply with occupational safety and health standards and all applicable rules and regulations for their actions and conduct.

### **5. Occupational Classification:**

Under the SOC system, workers are classified based on their job duties rather than job titles.

### **6. Creation of OSHA:**

- \*The Occupational Safety and Health Administration (OSHA) was established under the OSH Act of 1970 to oversee and enforce workplace safety standards.

### **7. Implications for Vocational Rehabilitation:**

- **Workplace Safety Awareness:** As a vocational rehabilitation job coach, it's important to be aware of OSH Act provisions to ensure clients are placed in safe work environments.
- **Advocacy and Education:** Educating clients about their rights and responsibilities under the OSH Act and advocating for their safety in the workplace.
- **Collaboration with Employers:** Working with employers to understand and implement safety standards for the benefit of clients.

This summary highlights the importance of the OSH Act in maintaining safe working conditions, a crucial aspect for employment support professionals in ensuring the well-being of their clients in the workforce.

## **1.1.15. U.S. Department of Labor Regulations**

### **1. Overview of the DOL:**

- The U.S. Department of Labor (DOL) administers and enforces over 180 federal laws, impacting approximately 150 million workers and 10 million workplaces.

## **2. Key Areas Covered:**

- **Wages and Hours:** Regulations related to minimum wage, overtime, and other aspects of worker compensation.
- **Workplace Safety and Health:** Including the Occupational Safety and Health Administration (OSHA) standards.
- **Workers' Compensation:** Laws providing compensation for work-related injuries or illness.
- **Employee Benefits Security:** Overseeing employee benefit plans.
- **Unions and Their Members:** Regulations governing union activities and protections.
- **Employee Protection:** Various laws protecting workers from unfair labor practices.
- **Uniformed Services Employment and Reemployment Rights Act:** Rights and protections for uniformed service members.
- **Employee Polygraph Protection Act:** Restrictions on the use of lie detector tests.
- **Garnishment of Wages:** Laws related to the withholding of wages for payment of debts.
- **Family and Medical Leave Act:** Rights to leave for family and medical reasons.
- **Veterans' Preference:** Laws ensuring preferences in employment for veterans.
- **Government Contracts, Grants, or Financial Aid:** Requirements for entities receiving government funds.
- **Migrant and Seasonal Agricultural Workers:** Protections for these specific worker groups.
- **Mine Safety and Health:** Regulations specific to mining operations.
- **Construction:** Safety and health standards in construction.
- **Transportation:** Laws governing transportation workers.
- **Plant Closings and Layoffs:** Regulations on notifications and procedures for large-scale employment changes.
- **Posters:** Requirements for workplace postings.

## **3. Role of OSHA:**

- Part of the DOL, OSHA ensures safe and healthful working conditions by setting and enforcing standards and providing training and assistance.

## **4. Basic Requirements of OSHA for Employers:**

- Provide a hazard-free workplace and comply with OSHA standards.

- Regularly examine workplace conditions.
- Ensure the use of safe tools and equipment.

## **5. Implications for Vocational Rehabilitation:**

- **Awareness of Labor Laws:** Knowledge of these laws is crucial for advising clients on their rights and protections in the workplace.
- **Advocacy and Support:** Assisting clients in navigating these regulations in their employment.
- **Collaboration with Employers:** Working with employers to ensure they meet the legal requirements, particularly in accommodating workers with disabilities.

This summary provides a broad overview of DOL regulations, highlighting their importance in protecting workers' rights and safety, which is crucial for employment support staff in supporting their clients.

## **1.1.16. U.S. Departments of Labor and Education, Regulations to implement the Workforce Innovation and Opportunity Act**

### **1. Overview of W.I.O.A. Regulations:**

- The U.S. Departments of Labor and Education issued five rules to implement the Workforce Innovation and Opportunity Act (W.I.O.A.), landmark legislation aimed at enhancing the nation's public workforce system.

### **2. Goals of W.I.O.A.:**

- **Strengthening the Workforce System:** W.I.O.A. is designed to bolster the U.S. public workforce system.
- **Support for Diverse Job Seekers:** Aims to assist Americans, including youth and those with significant barriers to employment, in securing high-quality jobs and careers.
- **Employer Engagement:** Helps employers in hiring and retaining skilled workers.

### **3. Key Provisions:**

- **State Vocational Rehabilitation Services Program:** Focuses on improving vocational rehabilitation services.
- **State Supported Employment Services Program:** Enhances support for employment services.
- **Limitations on Use of Sub-minimum Wage:** Sets regulations on the employment of individuals with disabilities at wages below the federal minimum.

### **4. Effective Dates of Rules:**

- The final rules were announced on August 19, 2016, and published in the Federal Register.

- Most rules became effective on September 19, 2016, with specific parts regarding vocational rehabilitation services becoming effective on October 18, 2016.

## **5. Implications for Vocational Rehabilitation:**

- **Guidance for Service Provision:** These regulations provide a framework for vocational rehabilitation job coaches to deliver services more effectively.
- **Enhanced Opportunities for Clients:** Assist job coaches in helping clients overcome barriers to employment and access high-quality jobs.
- **Compliance and Best Practices:** Ensures that job coaches are up to date with the latest regulations and best practices in vocational rehabilitation and supported employment services.

This summary highlights the importance of the W.I.O.A. regulations in shaping employment support services and enhancing employment opportunities for individuals with significant barriers to employment.

### **1.1.17. Fair Housing Act**

The Fair Housing Act (FHA), part of the Civil Rights Act of 1968, is crucial for vocational rehabilitation job coaches to understand as it provides protections that can directly impact clients with disabilities. Here's a summary tailored to the needs of vocational rehabilitation job coaches:

#### **1. Purpose and Scope**

- **Objective:** The FHA aims to prevent discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, national origin, familial status, and disability.
- **Disability Inclusion:** For clients with disabilities, the Act ensures equal housing opportunities and mandates reasonable accommodations and modifications to living spaces to meet their needs.

#### **2. Key Provisions for Clients with Disabilities**

- **Reasonable Accommodations:** Property owners must adjust policies or operations to enable people with disabilities to have equal housing opportunities. Examples include permitting service animals in a no-pet building or providing a reserved parking space.
- **Reasonable Modifications:** The FHA requires landlords to allow, at the expense of the person with a disability, changes to the living environment that enable full enjoyment of the premises. This could include installing grab bars in bathrooms or modifying doorways for wheelchair access.
- **Accessibility Requirements:** In buildings with four or more units constructed after March 13, 1991, the FHA mandates specific accessibility features in public and common-use areas as well as within the housing units themselves.

### **3. Enforcement and Compliance**

- **Complaint Process:** Individuals who believe their FHA rights have been violated can file a complaint with the U.S. Department of Housing and Urban Development (HUD) or in federal court.
- **Penalties:** Violations of the FHA can result in legal actions, penalties, and compensation for damages to the aggrieved parties.

### **4. Implications for Vocational Rehabilitation Job Coaches**

- **Advocacy and Support:** Job coaches can advocate for their clients by ensuring they are aware of their rights under the FHA, especially regarding reasonable accommodations and modifications.
- **Collaboration with Landlords:** Coaches may need to collaborate with landlords and property managers to negotiate reasonable accommodations or modifications for clients.
- **Resource and Information Sharing:** Job coaches should be knowledgeable about the FHA to provide accurate information and resources to clients facing housing discrimination or accessibility issues.

Understanding the FHA enables employment support staff to better support their clients in securing and maintaining suitable housing, which is often a critical factor in successful employment and rehabilitation outcomes.

## **1.1.18. Convention on the Rights of Persons with Disabilities**

### **1. International Human Rights Treaty:**

- The CRPD (Convention on the Rights of Persons with Disabilities) is a United Nations treaty aimed at protecting the rights and dignity of persons with disabilities.

### **2. Purpose and Requirements:**

- **Human Rights Promotion:** Countries that are parties to the convention commit to promoting, protecting, and ensuring the full enjoyment of human rights for persons with disabilities.
- **Equality Under Law:** The convention emphasizes that persons with disabilities should enjoy full equality under the law.

### **3. Impact on Disability Rights Movement:**

- **Shift in Perspective:** The CRPD has been instrumental in changing the global view of persons with disabilities from being seen as objects of charity or medical treatment to being recognized as full and equal members of society with human rights.

### **4. Significance:**

- The CRPD was the first U.N. human rights treaty of the 21st century, marking a significant step in international disability rights.

## **5. Status in the United States:**

- **Non-Ratification by the U.S.:** As of the latest information, the United States has signed but not ratified the CRPD. It is one of a few countries, and the only permanent member of the United Nations Security Council, to have done so.
- **Senate Vote in 2012:** The U.S. Senate voted on the CRPD in 2012 but fell short of the two-thirds majority needed for ratification.
- **Reasons for Non-Ratification:** The decision not to ratify was influenced by beliefs that U.S. disability legislation is already robust and concerns about the policy implications of the CRPD potentially undermining certain political objectives.

## **6. Implications for Vocational Rehabilitation:**

- **Global Framework for Disability Rights:** Understanding the CRPD helps vocational rehabilitation job coaches align their practices with international standards on disability rights.
- **Advocacy and Awareness:** The CRPD serves as a tool for advocacy, emphasizing the shift towards viewing persons with disabilities as equal members of society.
- **Informed Support:** Provides a broader perspective on disability rights, which can enrich the support and guidance offered to clients with disabilities.

This summary underscores the CRPD's role in shaping global perspectives and policies regarding the rights of persons with disabilities, a crucial aspect for employment support professionals in their advocacy and service delivery.

### **1.1.19. Reserved for United States Federal Regulations**

### **1.2. New York State Regulations**

As a job coach in New York State, staying informed about the local legislative and governmental regulations is key to ensuring the rights and well-being of individuals with Intellectual and Developmental Disabilities (IDD) in their employment.

#### **New York State Legislative and Governmental Regulations:**

- **New York State Social Service Law:** Governs social services programs, including those relevant to individuals with disabilities.
- **Mental Hygiene Law:** Addresses the treatment and rights of people with mental health and developmental disabilities.
- **The Protection of People with Special Needs Act:** Ensures the safety and well-being of people with special needs in state care.
- **New York State Human Rights Law (NYSHRL):** Prohibits discrimination in employment, housing, credit, and other areas based on protected categories.



- **New York State Department of Health, OPWDD Regulations:** Regulations from the Office for People With Developmental Disabilities, focusing on the delivery of services and supports.
- **New York State Education Department, Adult Career and Continuing Education Services (ACCES-VR) Regulations:** Governs vocational rehabilitation and educational services for adults with disabilities.

### **Basic Worker Rights in New York State:**

Every worker in New York has the right to:

- Be paid at least the minimum wage.
- Fair compensation for overtime work.
- Sick and safe leave entitlements.
- A workplace free of harassment, discrimination, and hazards.
- Scheduled work breaks and days of rest.

### **Key New York State Employment Laws:**

- **New York State Human Rights Law (NYSHRL):** Prohibits employment discrimination on various grounds, including disability.
- **New York Paid Family Leave (PFL):** Provides job-protected, paid leave for family care and other specific needs.
- **New York State Labor Law (NYLL):** Sets standards for minimum wage, overtime, breaks, and child labor laws.
- **New York State Workers' Compensation Law:** Requires employers to provide insurance for work-related injuries or illnesses.

Understanding these laws and regulations is crucial for employment support staff. This knowledge ensures that they can effectively advocate for the rights and needs of their clients with IDD, navigate the complexities of employment law, and collaborate with employers to create inclusive and compliant workplaces.

#### **1.2.1. New York State Social Service Law, Section 488**

Section 488 of the New York State Social Service Law is a crucial aspect for employment support staff to understand, particularly when working with individuals with disabilities who may be vulnerable to various forms of abuse and neglect. This section provides detailed definitions of terms related to abuse and neglect, which are vital for ensuring the safety and well-being of clients.

#### **Key Definitions in Section 488:**

- **Reportable Incident:** An event or situation that requires official reporting due to its nature, involving potential harm or violation of an individual's rights.
- **Physical Abuse:** Infliction of physical harm or injury to an individual.

- **Sexual Abuse:** Any non-consensual sexual contact or interaction.
- **Psychological Abuse:** Actions or statements causing mental or emotional harm to an individual.
- **Deliberate Inappropriate Use of Restraints:** Use of physical or chemical restraints for convenience or discipline, rather than for medical or safety needs.
- **Obstruction of Reports of Reportable Incidents:** Interfering with the reporting process of incidents that are legally mandated to be reported.
- **Unlawful Use or Administration of a Controlled Substance:** Illegal or unauthorized administration of drugs.
- **Neglect:** Failure to provide adequate care or services, resulting in harm or risk of harm.
- **Failure to Provide Proper Supervision:** Not providing the necessary oversight or monitoring to ensure safety and well-being.
- **Failure to Provide Adequate Food, Clothing, Shelter, Medical, Dental, Optometric or Surgical Care:** Not meeting the basic needs and medical care requirements of an individual.
- **Failure to Provide Access to Educational Instruction:** Denying or failing to facilitate access to educational opportunities.
- **Significant Incident:** An incident that is not as severe as a reportable incident but still significant in nature and impact.
- **Intentionally and recklessly:** Actions or behaviors that are purposeful or with disregard for safety or consequences.

#### **Implications for Vocational Rehabilitation:**

- **Awareness and Reporting:** Job coaches must be aware of these definitions to identify and report any incidents of abuse or neglect.
- **Advocacy and Protection:** Understanding these terms equips job coaches to better advocate for the rights and protection of individuals with disabilities.
- **Educational Role:** Job coaches play a crucial role in educating both clients and their families about these issues and their legal rights and protections under the law.

Familiarity with Section 488 of the New York State Social Service Law is essential for employment support staff in their role of safeguarding the rights and welfare of individuals with disabilities.

#### **1.2.2. Mental Hygiene Law**

The New York State Mental Hygiene Law is a key legislative framework for vocational rehabilitation job coaches. Its provisions include the establishment of the New York State

Office for People with Developmental Disabilities (OPWDD). Key aspects relevant to vocational rehabilitation include:

1. **Establishment of OPWDD:** This office was created to provide focused oversight and assistance for individuals with developmental disabilities, ensuring they receive appropriate care and services.
2. **Scope of Services:** The law outlines the range of services and supports that should be provided to individuals with developmental disabilities. This includes vocational training, employment assistance, and other rehabilitation services to foster independence and integration into the community.
3. **Rights and Protections:** The Mental Hygiene Law emphasizes the rights of individuals with developmental disabilities, including the right to treatment, education, and vocational rehabilitation in the least restrictive environment.
4. **Program Regulations:** The law sets standards for various programs and facilities providing services to individuals with developmental disabilities, ensuring they meet certain quality and safety standards.
5. **Coordination of Services:** It also stresses the importance of coordinated efforts among different agencies and service providers to offer comprehensive support to individuals with developmental disabilities.
6. **Advocacy and Oversight:** The law establishes mechanisms for advocacy and oversight to protect the interests of individuals with developmental disabilities and ensure they receive appropriate and effective services.

For employment support staff, understanding the provisions of the New York State Mental Hygiene Law is essential. It guides their practices in providing the necessary support and advocacy to help individuals with developmental disabilities achieve their vocational and personal goals.

### 1.2.3. The Protection of People with Special Needs Act

The Protection of People with Special Needs Act, effective from 2013 in New York State, is crucial for employment support staff to understand. It establishes the Justice Center for the Protection of People with Special Needs (“Justice Center”) and introduces a Code of Conduct with key elements:

1. **Establishment of the Justice Center:** This center is dedicated to protecting individuals with special needs from abuse and neglect.
2. **Code of Conduct Requirement:** Anyone having regular and substantial contact with people receiving services from covered facilities or providers must read and sign the NYS Justice Center’s Code of Conduct for Custodians of People with Special Needs.
3. **Framework of the Code of Conduct:** The Code does not detail specific actions for every situation but provides guidelines for supporting people with special needs. The ten clauses include:

- Person-centered approach.
- Ensuring physical, emotional, and personal well-being.
- Respect, dignity, and choice; promoting self-determination.
- Fostering relationships and advocacy.
- Maintaining confidentiality of personal health information.
- Adhering to non-discrimination principles.
- Upholding integrity, responsibility, and professional competency.
- Compliance with reporting requirements.

**4. Mandated Reporting:** The Act designates certain individuals as mandated reporters, requiring them to report cases of abuse, neglect, and significant incidents involving vulnerable persons to the Vulnerable Persons' Central Register (VPCR), operated by the Justice Center.

For employment support staff, this Act is fundamental in guiding their conduct and responsibilities. It emphasizes the need for a respectful, safe, and supportive environment for people with special needs and outlines the legal obligations for reporting and preventing abuse and neglect.

#### 1.2.4. New York State Human Rights Law

- **Legal Framework:** The New York State Human Rights Law (NYHRL) is part of the Executive Law (Article 15), and it aims to prevent discrimination in various areas including employment, which is pertinent for employment support.
- **Protected Categories:** The law explicitly prohibits discrimination based on age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, or disability.
- **Applicability:** It applies to employment, housing, education, credit, and access to public accommodations. This broad scope ensures comprehensive protection against discrimination in key areas of public life.
- **Historical Significance:** Enacted in 1945 as the Law Against Discrimination, it was pioneering legislation in the U.S. to address and prevent discrimination.
- **Enforcement:** The law is enforced by the New York State Division of Human Rights, which is responsible for investigating complaints of discrimination and enforcing the provisions of the law.
- **Implications for Job Coaches:** As employment support staff works with individuals with disabilities, it's crucial to understand and apply this law in their practices. This involves ensuring non-discrimination in employment settings, advocating for equal opportunities, and being aware of the rights and protections afforded to their clients under this law.

- **Role in Advocacy:** Employment support staff play a critical role in promoting an understanding of these rights among employers and clients. They should be equipped to identify potential instances of discrimination and guide their clients in seeking appropriate recourse if their rights under the NYHRL are violated.
- **Commitment to Inclusivity:** Understanding the NYHRL is part of fostering an inclusive work environment, where individuals of all backgrounds and abilities are treated with respect and dignity, in line with the principles of the law.

In summary, the New York State Human Rights Law is a fundamental piece of legislation that employment support staff should be well-versed in, to ensure they can effectively support and advocate for the rights of individuals with disabilities in various employment contexts.

### 1.2.5. New York State Department of Health, OPWDD Regulations

1. **Overview of OPWDD and Mental Hygiene Law:** The Office for People with Developmental Disabilities (OPWDD) is part of the New York State Department of Health, governed by the Mental Hygiene Law. This law mandates that OPWDD is responsible for ensuring that persons with developmental disabilities receiving care and treatment have their personal and civil rights protected.
2. **Access to OPWDD Services:** The document "Front Door. Access to Services" provides comprehensive information on accessing OPWDD services. It covers the OPWDD structure, eligibility criteria, Medicaid and OPWDD services, planning processes, care management, and specific services like employment supports.
3. **Supported Employment Services (SEMP):** The ADM #2023-09 outlines regulations for Supported Employment Services, detailing requirements for SEMP service providers including service documentation, records retention, billing, staff training, and more. SEMP services are designed to help individuals with developmental disabilities obtain and maintain competitive employment.
4. **SEMP Service Delivery and Requirements:** SEMP services include vocational assessment, employment planning, job coaching, training, transportation, and development of job retention strategies, among other supports. SEMP can be delivered in two phases: Intensive SEMP (focused on job development and coaching for up to 250 hours annually) and Extended SEMP (ongoing job coaching and career development services, limited to 200 hours annually).
5. **Eligibility for SEMP Services:** Individuals receiving SEMP services must be interested in competitive employment or self-employment and have this as a valued outcome in their Individualized Service Plans (ISPs).
6. **Staff Qualifications for SEMP Providers:** Staff providing SEMP services must have a minimum of a high school equivalency diploma or one year of relevant work experience, and complete an OPWDD-approved vocational rehabilitation or supported employment training program.

7. **Quality Performance Standards:** OPWDD has developed Quality Performance Standards applicable to all agencies providing services to individuals with developmental and intellectual disabilities. These standards focus on person-centered practices and individualized outcomes.
8. **Personal Outcome Measures (POM):** Providers are encouraged to use the Council on Quality and Leadership's 21 Personal Outcome Measure domains to evaluate the effectiveness of supports in achieving personal outcomes for individuals.
9. **Accreditation and Self-Direction Guidance:** Agencies can seek accreditation from entities like CQL or the Commission on Accreditation of Rehabilitation Facilities to enhance quality improvement. Additionally, OPWDD provides guidance for providers on Self-Directed services, allowing individuals to control their supports and services.
10. **Importance for Employment Support Staff:** Understanding these regulations and guidelines is crucial for employment support staff as they guide and support individuals with developmental disabilities in employment settings. It ensures compliance with OPWDD standards, promotes person-centered and rights-protected service delivery, and helps staff understand the range of services and supports available for their clients.

These regulations and guidelines set the framework for employment support staff to effectively support individuals with developmental disabilities in gaining and maintaining employment while ensuring their rights and individual preferences are respected and upheld.

#### **1.2.6. New York State Education Department, Adult Career and Continuing Education Services (ACCES-VR) Regulations**

1. **Overview of ACCES-VR:** The Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) is part of the New York State Education Department. It's responsible for administering, setting standards, and monitoring the intensive service component of supported employment programs, as outlined in Chapter 515 of the Laws of 1992.
2. **Supported Employment Definition:** ACCES-VR defines "supported employment" as paid, competitive, integrated employment with ongoing support for individuals with significant disabilities (such as serious mental illness, intellectual and developmental disabilities, and others). It includes assistance like job coaching, job placement, on-site training, and tailored supervision.
3. **Eligibility for Supported Employment Services:** To be eligible for supported employment services through ACCES-VR, individuals must be:
  - Most significantly disabled as defined in ACCES-VR Policy.
  - Traditionally not participated in competitive integrated employment or have had intermittent employment due to disability.

- Identified through a comprehensive assessment that supported employment is the most appropriate vocational objective.
4. **Trial Work Experience (TWE):** Before making an ineligibility determination, supported employment services may be provided as a Trial Work Experience if there's a likelihood that the individual may not benefit from vocational rehabilitation services due to the severity of the disability.
  5. **Customized Employment and Work Settings:** Customized employment, mobile work crews, and enclaves are considered as supported employment outcomes when certain conditions are met, such as integration with non-disabled workers, industry-standard work performance, and independent or typically supervised work.
  6. **Supported Employment Policy 1310.00:** This policy provides a detailed guide on supported employment, including:
    - Description and definitions.
    - Employment models.
    - The role of the vocational rehabilitation counselor.
    - Requirements for supported employment services.
    - Competitive integrated employment and short-term basis.
    - Ongoing support services.
    - Individualized Plan for Employment.
    - Wage requirement.
    - Duration of supported employment services.
    - Transition to extended services.
  7. **Role of Employment Support Staff:** As an employment support staff, it's important to understand and apply ACCES-VR regulations in your practices. This includes identifying eligible individuals, assisting them in obtaining and maintaining employment, and ensuring compliance with supported employment standards and guidelines.
  8. **Importance of Ongoing Support and Collaboration:** Providing ongoing support to individuals in supported employment settings and collaborating with other service providers are key aspects of ACCES-VR guidelines.

In summary, employment support should be familiar with ACCES-VR regulations and guidelines to effectively support individuals with significant disabilities. Understanding these regulations will aid in providing appropriate employment support and supported employment services while ensuring compliance with state standards.

### 1.2.7. New York State Office of Mental Health Regulations

1. **Overview of OMH:** The New York State Office of Mental Health operates psychiatric centers and oversees more than 4,500 programs provided by local governments and nonprofit agencies. These programs collectively serve over 700,000 individuals annually.
2. **OMH's Role in Employment Programs:** OMH funds various employment programs focusing on adults (18+) with Serious Mental Illness. These programs are supported through non-Medicaid state funding and aim to develop skills necessary for attaining and sustaining competitive, integrated employment.
3. **Types of Supported Employment Services:**
  - **Affirmative Business/Industry and Transformed Business Model:** Programs that create employment opportunities within businesses designed to be inclusive of individuals with mental illness.
  - **Transitional Employment Placement:** Services offering temporary job placements to help individuals gain the experience and confidence needed for competitive employment.
  - **Assisted Competitive Employment:** Support for those who are ready for competitive employment, providing assistance in job finding and sustaining employment.
  - **Ongoing Integrated Employment Supports:** Continuous support services to maintain long-term employment, including job coaching and workplace adaptation.
  - **Work Programs:** Structured programs offering work experience and skill development in a controlled environment.
4. **Guidance and Resources for Providers:** OMH has developed a Guide for Employment Specialists, offering resources and guidance for those providing supported employment services in New York State. This guide is a crucial tool for employment support staff, as it provides detailed information on service provision, best practices, and resource utilization.
5. **Role of Employment Support Staff in OMH Regulated Programs:**

**Employment Support Staff play a critical role in these programs by:**

  - Assisting individuals with Serious Mental Illness in developing vocational skills.
  - Supporting individuals in transitional employment and helping them progress towards sustained competitive employment.
  - Providing ongoing support to ensure job placement, inclusive orientation at the job site and retention, and career advancement.
  - Working within the guidelines and standards set by OMH to deliver effective and compliant services.



6. **Importance of Integration and Skill Development:** OMH emphasizes the integration of individuals with mental illness into regular business environments and the development of their skills for competitive employment. Employment support staff should focus on creating pathways for such integration and skill enhancement.
7. **Compliance and Quality Standards:** Employment support should adhere to OMH regulations and quality standards, ensuring that their practices align with the state's objectives for mental health and employment services.

### 1.2.8. Reserved for New York State Regulations

### 1.3. New York City Regulations

For employment support staff operating within New York City, it is essential to have a comprehensive understanding of the city's legislative and governmental regulations. This knowledge is fundamental to safeguarding the rights and promoting the welfare of individuals with Intellectual and Developmental Disabilities (IDD) in their employment endeavors. Being well-versed in these local regulations enables employment support staff to effectively advocate for their clients and ensure that their employment experiences are both rewarding and compliant with the city's legal standards.

- **New York City Human Rights Law (NYCHRL):** This law prohibits employment discrimination based on race, gender, sexual orientation, disability, and other protected categories. Understanding and ensuring compliance with NYCHRL is crucial for employment support staff to advocate for the rights of their clients and ensure equal employment opportunities.
- **Earned Sick Time Act (ESTA):** ESTA mandates that employers provide paid sick leave to employees. Employment support staff should be aware of these rights to ensure that individuals they support are receiving their entitled benefits and accommodations in the workplace.
- **New York City Fair Workweek Law:** This law regulates scheduling practices for employers in specific industries like fast food and retail. It's important for employment support staff to be familiar with these regulations to advocate for fair scheduling practices for clients working in these sectors.
- **New York City Paid Safe and Sick Leave Law:** This law requires employers to provide paid leave for employees who are victims of domestic violence, sexual assault, or stalking, or who need to care for a family member who is a victim. Employment support staff to be aware of these provisions to support clients who may be in such situations.
- **New York City Freelance Isn't Free Act:** This law mandates written contracts for freelance workers and offers protections against non-payment. For employment support staff working with clients who are freelancers, understanding this law is essential to ensure their clients are treated fairly and receive payment for their work.

- **Living Wage Law:** This law requires certain employers receiving financial assistance from the city to pay their employees a "living wage." Employment support staff should be aware of these requirements to ensure that their clients are being compensated fairly according to this law.

In summary, employment support staff operating in New York City should be well-versed in these local laws and regulations. This knowledge is vital for advocating on behalf of their clients and ensuring that they are treated fairly and equitably in their employment, receive appropriate benefits and accommodations, and are compensated adequately. These regulations are key in supporting the successful employment and integration of individuals with disabilities or other employment barriers into the NYC workforce.

### **1.3.1. New York City Human Rights Law**

The New York City Human Rights Law (NYCHRL) is a civil right law integral to Title 8 of the Administrative Code of New York City. It notably prohibits discrimination in employment, housing, and public accommodations on various grounds including race, color, age, national origin, gender (inclusive of gender identity and sexual harassment), sexual orientation, disability, marital status, and partnership status. This law uniquely defines disability more broadly than the ADA and FHA, encompassing a wide range of impairments, whether visible or not. The NYCHRL's disability provisions are significant for employment support staff, as they ensure comprehensive protection and accommodation for individuals with disabilities. Enforcement of these provisions is carried out by the New York City Commission on Human Rights.

### **1.3.2. Reserved for New York City Regulations**

## **1.4. Supported Employment Industry Voluntary Standards**

This section outlines the voluntary standards within the Supported Employment Industry, essential for guiding best practices, ethical conduct, and professional accreditation, particularly for those involved in support and employment services for individuals with disabilities.

- **New York State Employment First Commission, EmployAbility Toolkit:** Provides guidelines and resources to prioritize employment for people with disabilities, emphasizing that employment should be the primary outcome for all working-age individuals with disabilities.
- **New York State Department of Health, Office of Mental Health, A Guide for Employment Specialists:** Equips employment specialists with strategies and tools to support individuals with mental health conditions in achieving their employment goals.
- **The Council on Quality and Leadership, Accreditation Requirements:** Sets quality standards and accreditation for organizations, ensuring person-centered approaches and outcomes in human services.

- **The National Alliance of Direct Support Professionals (NADSP), Code of Ethics, Core Competences, Certification Requirements:** Outlines ethical principles for direct support professionals to respect the rights and dignity of persons with disabilities. Additionally, the NADSP has developed core competences and a certification program for direct support professionals, aimed at recognizing and promoting the professional development and core competences of those working directly with individuals with disabilities.
- **The Association of People Supporting Employment First, Code of Conduct, Certification Requirements:** Establishes standards for professional conduct for those engaged in promoting employment-first initiatives, focusing on inclusive and equitable employment opportunities for people with disabilities. The APSE provides certification services (CESP Certification) for employment support professionals nationwide.
- **The National Organization for Human Services, Standards:** Defines professional standards and ethical guidelines for human service practitioners, emphasizing effective service delivery and client welfare.
- **The Human Services Research Institute, Community Support Skill Standards:** Identifies essential competencies for community support professionals to provide effective, person-centered services.
- **U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, The Evidence-Based Practices KIT:** Offers a collection of evidence-based practices for mental health services, including supported employment models.
- **New York State Consortium for Advancing and Supporting Employment, Guidelines:** Provides frameworks and strategies to improve employment outcomes for individuals with disabilities in New York State.
- **U.S. Department of Labor, Office of Disability Employment Policy (ODEP), Policies:** Advocates for policies and initiatives that enhance workplace success for people with disabilities.
- **Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health (NIOSH), Pocket Guide to Chemical Hazards:** Provides safety information for handling chemicals, essential for maintaining workplace safety, especially in environments employing individuals with disabilities.
- **Council on Accreditation, Standards for Vocational Rehabilitation Services, Accreditation Requirements:** Establishes quality and performance standards for vocational rehabilitation services to support individuals in their employment pursuits.
- **The Joint Commission, Behavioral Health Accreditation-Vocational Rehabilitation, Accreditation and Certification Requirements:** Accredits organizations offering behavioral health and vocational rehabilitation services, focusing on safety and quality of care.

- **The Commission on Accreditation of Rehabilitation Facilities (CARF International), Accreditation and Certification Requirements:** Sets international standards for quality rehabilitation services, focusing on achieving optimal outcomes for service users.
- **American Rehabilitation Counseling Association (ARCA), Competencies:** Details the knowledge, skills, and attitudes necessary for rehabilitation counselors to provide high-quality services.
- **The Association of People Supporting Employment First (APSE):** Advocates for and supports employment-first initiatives and offers the CESP (Certified Employment Support Professional) Certification for employment support professionals nationwide, promoting high standards and ethical practices in the field.
- **Commission on Rehabilitation Counselor Certification (CRCC):** A national certifying body that oversees a certification program for Certified Rehabilitation Counselors (CRC), maintains a registry of all certified counselors, and provides their certification status to the public. The CRCC also upholds a Code of Professional Ethics for Rehabilitation Counselors, under which all certified rehabilitation counselors must practice, ensuring the highest ethical standards in the profession.

These voluntary standards constitute a comprehensive framework aimed at supporting, protecting, and empowering individuals with disabilities. For employment support professionals, a deep understanding of these standards is vital for effectively navigating the spectrum of services within the supported employment industry and advocating for the rights and needs of individuals with disabilities.

#### **1.4.1. New York State Employment First Commission, EmployAbility Toolkit**

The EmployAbility Toolkit, introduced by the New York State Employment First Commission under Governor Cuomo in 2014, is designed to advance competitive, integrated employment for individuals with disabilities as a preferred choice. This toolkit is particularly relevant for employment support staff, offering them a comprehensive resource to support their work in facilitating employment opportunities for their clients. It emphasizes the importance of increasing employment rates and reducing poverty among people with disabilities, while also advocating for businesses to adopt disability-inclusive hiring practices. Developed collaboratively by various New York State agencies and organizations, the toolkit equips employment support staff with critical information on financial incentives for employers, the advantages of hiring individuals with disabilities, and strategies for sourcing qualified candidates. This initiative is a key component of New York's commitment to creating a more inclusive workforce, providing employment support staff with the tools they need to effectively support individuals with disabilities in achieving employment success.

#### **1.4.2. New York State Department of Health, Office of Mental Health, A Guide for Employment Specialists**

The "Guide for Employment Specialists" by the New York State Department of Health, Office of Mental Health, is designed to enhance the effectiveness of employment specialists working with individuals seeking employment. It emphasizes the adoption of evidence-based best practices in supported employment services, moving away from the outdated notion that individuals with mental health disorders should be sheltered from employment. Employment specialists are encouraged to develop proficiency in assisting individuals to acquire and maintain employment skills and to facilitate job creation within the community.

#### **1.4.3. The Council on Quality and Leadership, Accreditation Requirements**

The Basic Assurances Manual by the Council on Quality and Leadership (CQL) lays the groundwork for CQL's accreditation criteria. It acts as an extensive guide, encompassing fundamental principles that resonate with various organizations' Codes of Ethics and Conduct. This manual ensures a unified standard of practice, reinforcing the commitment to quality and ethical integrity within employment support and other human service fields.

By aligning with the Basic Assurances Manual, employment support staff can ensure that their practices not only meet but exceed the ethical and professional expectations set forth by the field. This alignment underscores the commitment to quality, integrity, and person-centered practices, providing a solid foundation for employment support staff, to deliver exemplary support to individuals with disabilities. The manual's coverage of key ethical domains ensures that employment support staff are well-prepared to navigate the complexities of their roles, fostering an environment of trust, respect, and empowerment for all individuals served.

#### **1.4.4. The National Alliance of Direct Support Professionals, Code of Ethics, Core Competences, Certification Requirements**

The National Alliance of Direct Support Professionals (NADSP) provides a comprehensive Code of Ethics and Core Competencies specifically designed to guide direct support professionals in their professional conduct and service delivery. The Code of Ethics consists of nine key principles: person-centered supports, promoting physical and emotional well-being, integrity and responsibility, confidentiality, justice, fairness, and equity, respect, relationships, self-determination, and advocacy. These principles form the ethical foundation for direct support professionals, emphasizing the importance of a person-centered approach and ethical integrity in their work.

Additionally, the NADSP outlines Core Competencies that are structured around seven goals, encompassing twenty-three competencies and sixty skills. This framework is designed with the flexibility to accommodate task modifications, allowing direct support professionals to tailor their support to meet the unique needs of each individual they assist. The competencies cover a wide range of essential skills and knowledge areas, ensuring that direct support professionals are well-equipped to provide high-quality support.

Direct support professionals can further their professional development through the NADSP's certification program. This certification is distinct from the NYS Justice Center's Code of Conduct, offering an additional layer of professional recognition and credibility. The NADSP certification validates the skills and ethical commitments of direct support professionals, reinforcing their dedication to providing exceptional support to individuals with disabilities.

For direct support professionals interested in pursuing certification or learning more about the NADSP's ethical and competency guidelines, detailed information is available on the NADSP Certification page.

#### **1.4.5. The Association of People Supporting Employment First, Code of Conduct, Certification Requirements**

The Association of People Supporting Employment First (APSE) has crafted "Ethical Guidelines for Professionals in Supported Employment" that are particularly pertinent to employment support staff. These guidelines underscore the importance of respect, dignity, and the enhancement of services, advocating for the active participation of individuals in their own employment journeys. They highlight the necessity of fostering skill development, social inclusion, and ensuring minimal intrusion in community settings, aligning with the employment support staff's role in facilitating a supportive and empowering environment for individuals in supported employment.

Central to these guidelines is the principle that individuals should be at the forefront of decision-making processes related to employment, career planning, job development, and job acquisition. This approach not only respects the autonomy of the individuals served but also promotes their active involvement in shaping their employment pathways. The guidelines further encourage the integration of workplace and life supports, the provision of opportunities for career advancement, and the importance of comprehensive staff training, which are all areas where vocational rehabilitation job coaches can make significant contributions.

In addition to the APSE's guidelines, the Certified Employment Support Professional™ (CESP) Code of Conduct establishes ethical standards for those holding or seeking the ESPCC credential. This code stresses compliance with legal requirements, adherence to ESPCC policies, and the maintenance of high professional performance. Integrity, responsibility, professional growth, honesty, fairness, non-discrimination, confidentiality, appropriate credential use, conflict of interest disclosure, and violation reporting are key components. Designed to enhance the profession's image, this code aligns with the moral, ethical, and legal standards employment support staff are expected to uphold.

The Association of People Supporting Employment First (APSE) plays a crucial role for employment support staff through its promotion of Employment First initiatives and the Certified Employment Support Professional (CESP) certification program. APSE's commitment to prioritizing the full inclusion of individuals with disabilities in the workplace directly aligns with the mission of employment support staff.

The CESP certification is specifically designed to acknowledge and improve the capabilities of employment support professionals, including employment support staff, enhancing their effectiveness in facilitating integrated employment opportunities for individuals with disabilities. This certification is a testament to the quality of employment services provided and reinforces the employment support staff's role in creating accessible and inclusive work environments.

#### **1.4.6. The National Organization for Human Services, Ethical Standards**

The National Organization for Human Services has developed ethical standards that are particularly relevant for employment support staff. These standards emphasize core values such as respect for individual dignity and welfare, promotion of self-determination, appreciation of cultural diversity, commitment to social justice, and adherence to principles of integrity, honesty, genuineness, and objectivity. These guiding principles are essential for employment support staff in their ethical and professional decision-making processes, ensuring they provide the highest quality support to individuals with disabilities.

The standards recognize the challenges that may arise from potential conflicts between these ethical guidelines and various external factors, such as regulatory requirements, workplace policies, cultural norms, credentialing boards, and personal beliefs. They serve as a framework for navigating such conflicts, ensuring that employment support staff can maintain ethical integrity in complex situations. Additionally, these standards offer guidance on addressing behavioral issues within the human services profession, ensuring accountability and professionalism.

Employment support staff seeking to align their practice with these ethical standards can find more comprehensive information and resources on the National Organization for Human Services website.

#### **1.4.7. The Human Services Research Institute, Community Support Skill Standards**

The Community Support Skill Standards, developed by the Human Services Research Institute (HSRI), outline essential practices for direct service workers in community-based human service settings. Created with input from a national coalition, these standards cover a broad skill set across twelve key areas such as empowerment, communication, assessment, and advocacy, applicable to various human service roles and client populations. They are the outcome of an extensive occupational analysis, aiming to enhance the quality and effectiveness of direct support work. For more details, visit HSRI's website.

#### **1.4.8. U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, Evidence Based Practices**

The Evidence Based Practices KIT, crafted by the New Hampshire-Dartmouth Psychiatric Research Center for the Substance Abuse and Mental Health Services Administration

(SAMHSA), is an invaluable resource for employment support staff. It offers a detailed framework for evaluating the efficacy of Supported Employment programs, directly supporting the employment support staff's roles in optimizing employment outcomes for individuals with disabilities.

The KIT includes diverse tools such as a readiness assessment to evaluate a program's baseline, the Supported Employment Fidelity Scale to ensure adherence to established best practices, and the General Organizational Index for gauging an organization's overall preparedness for Supported Employment efforts. It also provides tailored outcome measures that can be customized to suit the specific objectives of a program.

For employment support staff, the KIT's detailed guidelines for conducting evaluations and actionable insights on leveraging assessment results are particularly beneficial. These tools empower employment support staff to identify areas for improvement and implement strategies that significantly enhance the effectiveness and reach of Supported Employment services.

#### **1.4.9. New York State Consortium for Advancing and Supporting Employment, Guidelines**

The New York State Consortium for Advancing and Supporting Employment (CASE) provides targeted training and technical assistance crucial for employment support staff. This initiative, supported by the New York State Education Department's Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR), leverages the collective expertise of partners like the Yang-Tan Institute at Cornell University, Eleversity, the New York State Association of People Supporting Employment First (APSE), and the New York Alliance for Inclusion and Innovation. These collaborations offer employment support staff access to a wealth of knowledge across employment support, supported employment, and special education, enhancing their skill set for assisting individuals with disabilities.

CASE has developed specific guidelines to improve the quality of Supported Employment Services (SEMP), ensuring employment support staff is well-equipped to help individuals with disabilities find and retain meaningful employment. These guidelines emphasize creating inclusive work environments that embrace diversity and innovation, directly impacting the effectiveness of job coaches in facilitating employment opportunities for people with disabilities.

#### **1.4.10. U.S. Department of Labor the Office of Disability Employment Policy, Policies**

The Office of Disability Employment Policy (ODEP) plays a pivotal role in shaping the landscape in which employment support staff operate. As a distinctive non-regulatory branch of the U.S. Department of Labor, ODEP is committed to advancing policies and practices that promote the employment success of individuals with disabilities. By working collaboratively with employers and various levels of government, ODEP strives to cultivate work environments that are inclusive and accessible to all.



A key component of ODEP's strategy is the support and promotion of the Job Accommodation Network (JAN), an invaluable resource for vocational rehabilitation job coaches. JAN provides comprehensive, expert guidance on workplace accommodations and disability employment issues, which is crucial for job coaches as they assist employers in navigating the requirements of the Americans with Disabilities Act (ADA) and support individuals with disabilities in their employment journeys. This includes aiding in the understanding of accommodation options, employment rights, and pathways to self-employment.

For employment support staff, JAN's offerings are an essential toolkit, enhancing their ability to support clients effectively. The network's emphasis on the interactive process of accommodation, coupled with its dedication to fostering successful employment outcomes, aligns closely with the employment support staff's mission to enhance employment opportunities for individuals with disabilities, thereby furthering ODEP's goal of a more inclusive workforce.

#### **1.4.11. Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, Pocket Guide to Chemical Hazards**

The "Pocket Guide to Chemical Hazards" by the National Institute for Occupational Safety and Health (NIOSH), a branch of the Centers for Disease Control and Prevention (CDC), is an invaluable tool for employment support staff. This guide offers vital information on the identification and control of various chemical hazards that might be present in workplace environments. It is especially useful for employment support staff as they prepare individuals with disabilities for safe and informed participation in the workforce.

Although the guide provides comprehensive details on numerous chemicals and substance groups, it does not cover all possible substances. For chemicals not listed or those lacking defined occupational exposure limits (OELs), NIOSH recommends consulting its Occupational Exposure Banding Safety and Health Topic Page. This additional resource can assist employment support staff in further safeguarding the health and safety of their clients by offering guidance on potential risks and protective measures for chemicals not fully covered in the Pocket Guide.

#### **1.4.12. Council on Accreditation, Standards for Vocational Rehabilitation Services, Accreditation Requirements**

The Council on Accreditation (COA), founded in 1977, plays a significant role in the professional landscape for vocational rehabilitation job coaches. As an international, independent, and nonprofit entity, COA accredits a wide range of human and social service organizations, setting benchmarks for quality and best practices in employment support services among other sectors. This accreditation ensures that organizations serving over 7 million individuals and families in the U.S. and Canada maintain the highest standards of service delivery.

For employment support staff, COA's standards are a testament to the commitment required towards excellence and accountability in their practice. The accreditation criteria

set by COA guide employment support staff in aligning their services with industry best practices, thereby enhancing the quality of support provided to individuals with disabilities. Moreover, COA's status as an approved accreditor of Qualified Residential Treatment Programs (QRTPs) under the Family First Prevention Services Act (FFPSA) underscores its authority and reliability in the field, further validating the importance of adhering to its standards for employment support staff.

#### **1.4.13. The Joint Commission, Behavioral Health Accreditation-Vocational Rehabilitation, Accreditation and Certification Requirements**

The Joint Commission offers specialized accreditation and certification services that are highly relevant to employment support staff, particularly in the realms of Behavioral Health Accreditation and Employment Support (Vocational Rehabilitation). These services aim to assess and elevate the quality and safety of services within healthcare settings, ensuring that they meet rigorous standards. For employment support staff, adhering to The Joint Commission's standards signifies a dedication to excellence in supporting individuals with disabilities, enhancing both the efficacy and integrity of their practice. This commitment to high-quality service provision is crucial for fostering positive employment outcomes and overall well-being for clients.

Employment support professionals seeking to deepen their understanding of these standards and their application in practice are encouraged to explore the resources available on The Joint Commission's official website.

#### **1.4.14. The Commission on Accreditation of Rehabilitation Facilities, Accreditation and Certification Requirements**

The Commission on Accreditation of Rehabilitation Facilities (CARF International), known for its accreditation and certification services, plays a pivotal role in the work of employment support staff by setting high standards for health and human service providers. This emphasis on quality assurance ensures that services are delivered according to the best practices in the field, directly impacting the effectiveness of vocational rehabilitation.

For employment support staff, aligning with CARF-accredited organizations means working within environments that are committed to excellence and continuous improvement, thereby enhancing the support and outcomes for clients with disabilities. This commitment to quality is essential for employment support staff aiming to provide top-tier employment support (vocational rehabilitation) services.

#### **1.4.15. The Commission on Rehabilitation Counselor Certification, Certification Requirements**

The Commission on Rehabilitation Counselor Certification (CRCC) plays a crucial role in the professional development of employment support staff in the United States, with its headquarters in Schaumburg, IL. As an esteemed certifying organization, the CRCC ad-

ministers a national certification program specifically designed for Certified Rehabilitation Counselors. This program not only maintains a detailed registry of certified professionals but also offers public verification of their certification status, ensuring transparency and trust in the qualifications of rehabilitation counselors.

For employment support staff, adherence to the CRCC's Code of Professional Ethics is paramount. This code delineates the ethical standards expected of certified professionals, guiding their practice and interactions within the field of employment support (vocational rehabilitation).

The CRCC's certification program is accredited by the National Commission for Certifying Agencies, part of the Institute for Credentialing Excellence, which underscores the program's compliance with high national standards. This accreditation reaffirms the value of CRCC certification for employment support staff, signifying their commitment to excellence, ethical practice, and continuous professional development in supporting individuals with disabilities.

Employment support staff seeking to uphold the highest standards in their practice can find further information and resources through the CRCC's official website and the 2023 Code of Ethics document.

#### **1.4.16. American Rehabilitation Counseling Association, Competencies**

The American Rehabilitation Counseling Association (ARCA) Competencies document serves as a pivotal guide for employment support staff, outlining best practices in counseling and support for persons with disabilities (PWDs). This resource is crafted to deepen job coaches' understanding and enhance their ability to assist PWDs, highlighting the critical perspective of viewing disability as a key part of personal identity and cultural diversity. Although the competencies outlined are not obligatory, they are strongly recommended for adoption by both individual counselors and counselor training programs, underscoring a commitment to social justice and the promotion of inclusive, empathetic practices.

For employment support staff, embracing these competencies means actively contributing to a counseling environment that respects and values the unique experiences of individuals with disabilities, aligning their work with the broader goals of equity and accessibility in society.

#### **1.4.17. Reserved for Supported Employment Industry Voluntary Standards**

### **1.5. Employer Voluntary Standards (Policies)**

This section outlines the voluntary standards and policies adopted by various employers to guide their practices and interactions with employees, including those with disabilities. These standards reflect the commitment of each organization to fostering an inclusive, respectful, and ethical workplace.

- **AHRC New York City, Policies:** AHRC New York City implements a set of policies designed to support and accommodate individuals with intellectual and developmental disabilities. These policies aim to create an inclusive work environment that values diversity and ensures equal opportunities for all employees, including those with disabilities, by providing necessary accommodations and promoting accessibility.
- **Trader Joe's Company, Value Guide:** Trader Joe's Company has established a Value Guide that embodies the organization's culture and values, guiding the behavior and decisions of its employees. This guide emphasizes respect, integrity, and excellence in all aspects of its operations, including fair treatment and equal opportunity for all team members, creating a supportive and positive work environment.
- **TJX Global, Code of Conduct:** TJX Global's Code of Conduct outlines the principles and ethical standards expected of its employees worldwide. This code emphasizes respect for individuals, integrity in business practices, and a commitment to creating a diverse and inclusive workplace. It ensures that all employees, regardless of their background or abilities, are treated with dignity and respect, fostering an environment that values diversity and inclusion.
- ...

These Employer Voluntary Standards serve as a blueprint for creating ethical, inclusive, and supportive work environments. They are crucial for employment support staff to understand, as they offer insights into the workplace cultures and policies of potential employers for individuals with disabilities. Familiarity with these standards can assist employment support staff in identifying suitable employment opportunities that align with the needs and rights of those they support.

### 1.5.1. NYSARC Inc. New York City Chapter Policies

For employment support staff, understanding employer voluntary standards and policies, such as those outlined by NYSARC Inc. New York City Chapter (AHRC) Policies, is crucial in fostering inclusive and respectful workplace environments.

- AHRC's Personnel Practices Manual sets forth standards of conduct and policies applicable to all employees, emphasizing professional behavior, respect, and courtesy towards everyone. It explicitly discourages disruptive behaviors, discrimination, harassment, and any form of intimidation or bullying. The manual advocates for open, honest communication, confidentiality, collaboration, and professionalism, ensuring a positive and congenial work atmosphere.
- Additionally, AHRC's Code of Conduct for Custodians of People With Special Needs, which incorporates the NYS Justice Center's Code of Conduct along with AHRC-specific requirements, is particularly relevant for job coaches. This Code of Conduct emphasizes the ethical and professional responsibilities of those working closely with individuals with special needs, aligning with the job coach's role in supporting individuals with disabilities in employment settings.

Adhering to these standards not only ensures compliance with organizational policies but also aligns with the broader goals of employment support in promoting employment opportunities for individuals with disabilities in a supportive and respectful manner.

### **1.5.2. Trader Joe's Company, Value Guide**

For employment support staff, Trader Joe's Company's Value Guide serves as an exemplary model of how organizational values can shape workplace culture and employee behavior, particularly in service-oriented sectors like food retail. Trader Joe's outlines seven core values that dictate how employees, referred to as Crew Members, should conduct themselves, make decisions, and prioritize their actions. These values emphasize integrity, a unique philosophy of trading, enhancing both internal (among employees) and external (with customers) experiences, minimizing bureaucracy, fostering a 'Kaizen' environment of continuous improvement, and upholding the company's brand.

Understanding these values is crucial for employment support staff as they prepare individuals with disabilities for employment. It provides insights into the employer's expectations and the workplace ethos that their clients might encounter. Emphasizing the alignment of personal values with those of potential employers can significantly enhance job compatibility and satisfaction for individuals with disabilities, making such corporate value guides invaluable tools in the coaching process.

### **1.5.3. TJX Global, Code of Conduct**

The TJX Global Code of Conduct, designed for an apparel retail service provider, offers a comprehensive framework for ethical business conduct, addressing a wide range of significant topics along with additional resources to assist employees in navigating ethical dilemmas. For employment support staff, the principles laid out in TJX's Code of Conduct provide a valuable reference for instilling ethical considerations and integrity in their clients as they prepare for employment.

Key tenets of the Code emphasize acting ethically, being accountable for one's actions, reporting any suspected violations of the Code or law, cooperating with company investigations, and fostering a non-retaliatory environment. These principles are crucial for employment support staff to impart to their clients, ensuring they understand the importance of integrity in the workplace and are equipped to handle ethical issues responsibly.

By integrating TJX's ethical guidelines into their employment support, employment support professionals can better prepare individuals with disabilities for the expectations and challenges of the workplace, emphasizing the critical role of ethics and integrity in building a successful career.

### **1.5.4. Reserved for Employer Voluntary Standards (Policies)**

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