**DRAFT Policy 51.405**

**Effective Date: xx/xx/xx**

TITLE: EMPLOYMENT RESPONSIBILITIES TOWARDS PARTICIPATING EMPLOYEES

# PURPOSE.

This policy sets forth the U.S. AbilityOne Commission’s (Commission) expectations for Nonprofit Agencies (NPAs) regarding the provision of the employment benefits of job individualizations, person-centered employment plans, and career advancement programs for participating employees in the AbilityOne Program (Program).

# APPLICABILITY.

This policy applies to the Commission, its designated Central Nonprofit Agencies (CNAs), and NPAs in the Program.

# AUTHORITY.

1. 41 U.S.C. §§ 8501-8506, Javits-Wagner-O’Day (JWOD) Act
2. 41 C.F.R. Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled

**4. DEFINITIONS.**

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in Commission Policy 51.102. Definitions specific to this policy are noted below.

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| Term | Definition |
| Career Advancement Program | A program that is consistent with employees’ Person-Centered Employment Plans (PCEPs) and supports the upward employment and/or outward employment of participating employees. |
| Job Individualization | A flexible process designed to personalize the employment relationship between a participating employee and the NPA in a way that meets the needs of both. This involves an interactive process that identifies the individual’s capacities, interests, and goals, as well as reasonable accommodations and/or significant job supports that may be necessary for the individual to be successful on the job. |
| Outward employment | A position that is outside the NPA (e.g., a position in a for-profit company, a non-profit organization that is not an AbilityOne contract holder, or a government agency) that is in alignment with the employee’s PCEP goals. |
| Participating Employee | An employee who is blind and/or has a significant disability and is counted towards the direct labor hour ratio mandated by the Javits-Wagner-O’Day Act (JWOD). |
| Person-Centered Employment Plan (PCEP) | A written employment plan that involves the participating employee in the development of the plan; identifies the employee’s strengths, goals, needs for employment services, and desired outcomes with respect to employment; and includes benefits counseling. |
| Upward employment | Employment progression within an NPA (e.g., a more advanced position within an AbilityOne contract that counts toward the DLH ratio, a supervisory or other position in the contract that is considered indirect labor hours, or a position in an NPA) that is in alignment with the employee’s PCEP goals. |
| Technical Assistance | The process of providing targeted support and expertise to an NPA to build capability and capacity, or to resolve performance challenges. Technical assistance may include prescribing corrective action plans and providing training and consulting to identify, select, or design solutions based on research or recognized best practices. |

**5. RESPONSIBILITIES.**

1. The Commission:
2. Sets forth expectations for NPAs regarding the provision of job individualizations, PCEPs, and career advancement programs for participating employees in the Program in accordance with applicable statutes and regulations.
3. Establishes Program standards for job individualizations, PCEPs, and career advancement programs in the Program.
4. Ensures that the NPAs meet the Commission’s expectations and standards regarding job individualizations, PCEPs, and career advancement programs for participating employees, including through the CNA’s provision of technical assistance and financial resources as appropriate.
5. Makes final determinations regarding appropriate phase-in timelines for NPAs to achieve the expectations set forth in this guidance.
6. Conducts inspections as determined necessary.
7. The CNA:
8. Consults with the Commission in developing Program standards for job individualizations, PCEPs, and career advancement programs for participating employees.
9. Effectively implements the Commission’s expectations and Program standards regarding job individualizations, PCEPs, and career advancement programs for participating employees, including through the provision of technical assistance and, as appropriate, financial resources.
10. Recommends to the Commission appropriate phase-in timelines for NPAs to achieve the expectations set forth in this guidance.
11. The NPAs:
    1. Comply with the expectations and Program standards regarding the provision of job individualizations, PCEPs, and career advancement programs for participating employees in the Program.
    2. Maintain a system that includes records and data on the job individualization, PCEPs, and career advancement programs.

**6. POLICY**

1. In General:
   1. AbilityOne jobs are expected to provide quality employment opportunities for participating employees in the Program and, where desired by such employees, serve as a springboard to additional employment opportunities for those employees.
   2. Job individualizations ensure that participating employees work in jobs that meet their capacities, interests, and goals, and in which any necessary reasonable accommodations and/or significant job supports have been clearly identified.
   3. PCEPs ensure that the desires of participating employees are reflected in an employment plan centered around the individual’s employment goals.
   4. A career advancement program ensures that participating employees are provided pathways to, and supports for, upward and outward employment.
2. CNAs:
   1. The CNAs are essential partners in effectuating this policy. Towards that end, the CNAs shall:
   2. Consult with the Commission in developing standards for job individualizations, PCEPs, and career advancement programs.
   3. Educate NPAs regarding the standards of job individualizations, PCEPs, and career advancement programs.
   4. Educate NPAs on available federal, state, local, community, and CNA resources to carry out job individualizations, PCEPs, and career advancement programs, and assist NPAs in obtaining such resources.
   5. Partner with NPAs in developing implementation plans and timelines for providing job individualizations, PCEPs, and career advancement programs for participating employees and make recommendations to the Commission regarding phased-in timelines for specific NPAs.
   6. Collect and evaluate records and data on an NPA’s progress in providing job individualizations, PCEPs, and career advancement programs for participating employees, and on the resources that have been used to provide those programs.
   7. Share the records, data, and evaluations described in subsection (v) with the Commission in an electronic format that the Commission can directly and fully access.
3. NPAs:
   1. Participating NPAs shall:
4. Be well versed in the standards of job individualizations, PCEPs, and career advancement programs for participating employees.
5. Partner with the CNAs in developing implementation plans and phase-in timelines if needed for providing job individualization, PCEPs, and career advancement programs to participating employees.
6. Provide participating employees with job individualizations, PCEPs, and career advancement programs consistent with the Program standards and in accordance with a phase-in period if approved by the Commission.
7. Seek out all available federal, state, local, community, and CNA resources for the provision of job individualizations, PCEPs and career advancement programs.
8. Comply with inspections, requests for records and data, and other requests of the CNA and the Commission.

**7. PROCEDURES**

1. The Commission, in consultation with the CNAs and subject matter experts, will develop standards for job individualizations, PCEPs, and career advancement programs.
2. The standards will include requirements regarding the professionals qualified to engage in such activities, the necessary components of each activity to be effective, the timing of which each activity shall take place and how often the activities shall take place, and any other items that the Commission deems appropriate.
3. If an NPA has made significant and good faith efforts to use its own available resources and/or to obtain federal, state, local, community, and CNA resources in order to provide job individualizations, PCEPs and career advancement programs, and has still been unable to secure the necessary resources to meet the phased-in timeline approved by the Commission, the NPA shall send a detailed description of its efforts to the Commission and an explanation as to why the necessary resources are not available to the NPA. The Commission will determine whether an exemption, with conditions, will be granted to the NPA under those circumstances.

**8. EXCEPTION TO POLICY.**

None.

**9. SUPERSESSION.**

None.

**10. EFFECTIVE DATE.**

This policy is effective on DATE.

This policy will be implemented over the course of FY2023.

**APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_**

**Kimberly M. Zeich**

**Executive Director**