

# THE ESSENTIAL ELEMENTS OF CUSTOMIZED EMPLOYMENT FOR UNIVERSAL APPLICATION

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## Background

The Workforce Innovation Technical Assistance Center (WINTAC) and the Youth Technical Assistance Center (Y-TAC) are national technical assistance centers funded by the Department of Education's Rehabilitation Services Administration (RSA) to provide technical assistance and training to state vocational rehabilitation agencies and their partners. The WINTAC and Y-TAC entered into a partnership with Griffin-Hammis Associates, TransCen, Inc., Marc Gold & Associates, and Virginia Commonwealth University to develop a document to identify the essential elements of customized employment (CE) as a guide for the universal application of these elements across service delivery and training providers. This effort began in response to attempts by VR agencies and other core partners in the workforce development system to effectively achieve competitive integrated employment for individuals with barriers to employment, especially individuals with significant disabilities, as stressed throughout the Workforce Innovation and Opportunity Act (WIOA) and the Rehabilitation Act as amended. Representatives from the Department of Labor's Office on Disability Employment Policy (ODEP) and RSA have reviewed and approved the content of this *Essential Elements* document.

It is the hope of all of the parties involved in this effort that *The Essential Elements of Customized Employment* will result in consistency of CE training content across the nation, an increase in CE training providers, an increase in the capacity and sustainability of CE as a service to individuals in need of the service, and a significant increase in the number of individuals who obtain competitive integrated employment through the strategies, techniques, and interventions articulated in this document.

Although this document articulates the essential elements of CE almost exclusively from the perspective of working with individuals with significant



disabilities, CE is an approach that can be used for any individual with barriers to employment in need of the service.

**The Essential Elements are organized in four sections:**

1. Overview of Customized Employment
2. Conducting Discovery and Creating Discovery Documents
3. Planning for Customized Employment
4. Employment Development Representation

## **1. Overview of Customized Employment**

Customized employment (CE) refers to competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as

- Job exploration by the individual and
- Working with an employer to facilitate placement, including
  - Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
  - Developing a set of job duties, a work schedule, specifics of supervision (including performance evaluation and review), and determining a job location;
  - Representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and
  - Providing services and supports at the job location.

It is further understood that in CE, the employer of record is the owner of the business in which the employee is working. Historically, employment services for individuals with disabilities have acted as a proxy employer, managing contract agreements with the owners of businesses. In CE, the owner of the business must be the employer of record.

Customized employment is a relationship between an employer and an employee that is negotiated to meet the needs of both parties. It is based on an exchange of specific contributions by the employee for pay by the employer at or above minimum wage. CE is a universal employment strategy and is especially useful for employment seekers with significant life complexities and barriers to employment, such as severe disability. It is presumed that all employment seekers can work if CE is used as the employment strategy. Employment seekers

with the most significant disabilities have traditionally been excluded from consideration for employment due to the pre-set demands of competitive personnel practices. CE provides a strategy to navigate these challenges and, thus, provides a possibility for any employment seeker to be successfully employed. The process comprises a set of pre-employment services designed to ensure that the employment seeker is the primary driver of the outcome received. CE is included in the definition of supported employment (SE) services in WIOA: “The term supported employment services means ongoing support services, including customized employment, needed to support and maintain an individual with the most significant disability.” The *Essential Elements* of CE dovetail with SE to assure the employer and employee with a disability work successfully together.

## **The Essential Elements of Customized Employment**

- A. Negotiation of job duties.** In demand-side employment, job duties are set by employers prior to recruitment interactions with employment seekers. In CE, the job duties are set as a result of negotiations with employers.
- B. Individualization, involving a job for one person.** Historically, employment services for individuals with disabilities have allowed multiple individuals to perform job tasks for contracted expectations by employers. In CE, the employment relationship is individualized unless employment seekers wish to share job duties or co-own a business.
- C. Negotiated pay of at least the minimum wage.** CE does not utilize subminimum wages. The pay for a customized job is based on the successful negotiation of several factors: the target wage set by the employment seeker, the entry wage paid by the employer, the typical wage paid for positions that contain tasks to be performed by the employee and other similar factors as is consistent with the definition of competitive integrated employment as defined in 34 CFR §361.5(c)(9)(ii) of WIOA.
- D. CE occurs in businesses in the community or in businesses owned by the individual.** Historically, individuals with disabilities have been offered employment in human service settings alongside other individuals with disabilities in organizations whose primary mission is serving individuals with disabilities. For CE, if an individual wishes to work in a human service organization, the work tasks performed must be associated with those performed by human service staff such as finance, supervision, counseling and administration. The work tasks should not include any of the contract work performed by “clients” or students of the organization as this is inconsistent with the definition of competitive integrated employment.

- E. CE facilitates mutually beneficial voluntary employment relationships.** In traditional demand-side employment, employment seekers, or their representatives seek businesses with job openings and try to convince employers that they can meet the demands of the existing job descriptions based on the employment seeker's resume, education and past experiences. In CE, representatives seek to find a successful fit between specific areas of benefit and need for employers in the form of job tasks aligned to the employment seeker's strengths, needs, and interests. In addition, because CE seeks to bypass typical personnel processes, employment seekers and their representatives are encouraged to seek voluntary, negotiated relationships with employers.
- F. Job development “agents” are used as necessary to represent the employment seeker.** Historically, employment seekers were often encouraged to prepare for competitive personnel interactions with employers by practicing interview responses, developing standard resumes, and through other techniques. CE is enhanced by having skilled representatives approach potential employers and explain CE. The representatives describe the unique features of the employment seeker and identify tasks that fit the individual and benefit the employer. They then negotiate a customized job description and employment expectations. Whenever possible, the employment seeker should be included in tandem with the agent when approaching the employer, and in some instances, the employment seeker may take the lead to represent themselves when approaching the employer.
- G. A qualitative “no fail” process that presumes that all individuals can work** and includes discovery of the employment seeker to determine the employment seeker's strengths needs and interests. Traditionally, employment services for individuals with disabilities used comparative assessments to determine the likelihood that the employment seeker might become employed. This resulted in many individuals with more significant disabilities being excluded from employment services. For CE, it is therefore necessary to begin employment services by using a process that presumes benefit by the employment seeker and that cannot be “failed.”
- H. Customized self-employment or customized wage employment, as chosen by the individual.** Although the vast majority of individuals with disabilities will find a predictable wage relationship with an employer to be the best route for employment, CE can also involve individualized business ownership as an option. This path should be determined through Discovery with the individual. Just as with CE for wage employment, customized self-employment considers business owners' strengths,

ecological needs, and interests to align to specific market opportunities found in the community that match the individual's profile.

- I. **CE is best used to meet the needs of employment seekers with disabilities who have not been or are unlikely to be successful with traditional, demand-side employment.** Many, possibly most, individuals with disabilities can benefit from traditional, demand-side employment as long as they are well matched to jobs and receive reasonable accommodation and post-employment supports, as needed. CE should be offered to those individuals whose disability makes demand-side employment unlikely or impossible.

## **2. Conducting Discovery & Creating Discovery Documents**

The WIOA definition of customized employment requires that an individualized determination be made of the individual's strengths, needs, and interests for the employment seeker with a significant disability and that such employment meets the needs of the individual as well as the business needs of the employer. The role of this qualitative process is to determine who the employment seeker is by understanding their strengths (potential contributions to employers), their needs (the features that need to be in place for success), and their interests (providing a direction to the type of work that the individual wants to do).

Since Discovery is designed to replace traditional comparative assessments, a replacement for the assessment report provided to the employment seeker, employment agency, and VR counselor is also needed. How this report is developed as well as the depth of the report are both important considerations. The report should be primarily descriptive rather than evaluative, detailing the asset-based features of the individual. The report should also guide the plan for customizing a job description for the employment seeker. Additionally, the report should demonstrate depth to sufficiently capture the individual's strengths, needs, and interests as well as challenging aspects of the person's life that may impact employment.

### **The Essential Elements of Discovery and the Documents of Discovery**

- A. **Determination of the individual's strengths, needs, and interests should be the result of a qualitative approach of Discovery.** If all employment seekers are to be considered for employment, CE services should focus on the determination of the best aspects of the employment seeker and avoid using traditional, comparative assessments that inevitably focus on deficits and challenges.
- B. **The Discovery process used should include the recognized strategies of qualitative research,** such as interview, observation, participation with the employment seeker, and records review. Since qualitative procedures have not traditionally been

used to understand the employment seeker, CE practitioners need to develop the skills necessary for quality facilitation of a qualitative strategy.

- C. Discovery facilitation should strive to view the employment seeker descriptively rather than evaluatively.** Traditionally, human service staff and VR counselors have been trained and socialized to view employment seekers evaluatively, comparing them to others and to standard expectations. Discovery proceeds from a descriptive perspective that focuses on detailing what occurs rather than how staff feel about what has occurred. Notetaking is an aspect of the professional standard of qualitative research. Facilitators should seek to capture all Discovery interactions using descriptive notes that remove the evaluative perspective. The facilitator's notes should be offered to both the employment seeker and the funder. Notes should be based on direct observation and non-speculative information from primary sources, including family and others who know the individual well. Additionally, notes should be shared with additional stakeholders identified by the employment seeker, such as family, friends, school, and residential providers.
- D. Discovery should include interviewing the employment seeker, the family/ natural supporters, and friends.** Interviewing is a fundamental aspect of qualitative research and facilitators should strive to ask prepared questions in a way that feels conversational.
- E. Discovery should include observations of and participation with the employment seeker in typical aspects of their lives.** Observations of typical life activities—in situations where the individual is at their best—offer facilitators rich information and can assist the facilitators to identify skills and determine factors that need to be in place to help ensure successful employment.
- F. Discovery should include an “optimistically” focused review of records pertaining to the employment seeker.** While most permanent records are evaluative and deficit focused, a review of existing information provides a comprehensive perspective of the individual and provides detail that might not be found during Discovery interactions. Facilitators should be careful to keep a positive perspective when reviewing this information. It is helpful to wait until the end of Discovery to begin record review.
- G. Sufficient time is an essential component of quality Discovery.** Facilitators and funders should strive to balance the need to spend more time to better get to know the individual with the need to keep the customized employment process moving forward. Current evidence-based data indicate that the average timeframe for Discovery is 35 hours over five to seven weeks.

## **The Essential Elements of Discovery Documents**

- A. Discovery findings should be detailed in a comprehensive, narrative document** that provides sufficient information to assist the employment seeker to plan for customized employment. This document should be narrative, descriptive, optimistic, non-evaluative, and non-comparative. The Discovery document should be of sufficient length to fully describe the individual and to provide information for planning. These characteristics of style uniquely define the Discovery document in relation to traditional assessment reports that are too often comparative, deficit-focused, quantitative, and brief. Discovery provides the evidence for the recommendations for career development and needed services and supports.
- B. The Discovery document should identify the individual and their living situation, family, friends, and current life status.** The Discovery document should contain sufficient demographic information to assist employment staff to understand details about the individual, family, living situation, and location in the community.
- C. The Discovery document should describe the individual's life experiences,** including past employment, education, life activities, skills, and other relevant features. The Discovery document should provide a comprehensive description of the domains of life that will affect or be affected by employment. This information should be provided in narrative form, avoiding charts, tables, numerical data, and other comparative and evaluative perspectives. Care should be taken to focus on the individual and avoid the opinions of the facilitator, professional staff, family members, and others.
- D. The Discovery document should provide preparation for the employment plan to customize an employment options.** The Discovery document should summarize information gathered in a way that identifies the strengths, needs, and interests of the employment seeker so it can inform those designing the plan for customizing a job with the individual.
- E. The Discovery document should be “owned” and approved by the employment seeker.** This element helps ensure that this is a confidential document—like an authorized biography rather than an unauthorized exposé written by workforce development staff. The fact that some employment seekers may have complex and challenging lives should not subject them to embarrassment and loss of confidentiality because of Discovery and the resulting documentation. Facilitators should demonstrate discretion in an effort to support dignity. These challenges can be documented in a way that only those needing the information for purposes of negotiating employment can

have access. Dissemination and use of this document is subject to the approval of the employment seeker.

- F. The descriptive notes developed during Discovery and the Discovery document, upon approval by the funder, should be considered as evidence that Discovery has taken place** for purposes of receiving payment from VR or other funding sources
- G. Minimal standards for the activities that compose Discovery, the format and detail of descriptive notes to be taken, and the depth of the Discovery document should be set by funders**, such as VR and other funders. Although there may be variety in the manner in which Discovery and the accompanying document can effectively be developed, a set of minimal expectations or technical standards should be set by funders and should be referenced in contracts that authorize services.

### **3. Plan for Customizing Employment**

An expected standard for any rehabilitation or employment service is the development of a plan that articulates the individual's goals and charts the direction of CE services. In CE, the job is to be customized and driven by the individual, a dedicated plan for customization is necessary to assure that job offerings reflect the wishes of the employment seeker rather than job openings or existing relationships held by employment specialists. This plan, which should be derived from a planning meeting, should follow Discovery and the development of the Discovery document and should be disseminated, with approval of the individual, to those who are invited to the planning meeting.

#### **The Essential Elements for a Plan for Customizing Employment**

- A. The planning meeting should be held in a timely manner following Discovery and completion of the Discovery document.** The more time that elapses between Discovery and the CE plan, the less potent the information will be. A planning meeting should be scheduled between two to four weeks following Discovery.
- B. With assistance as necessary, the employment seeker should approve all aspects of the planning meeting and plan for customizing employment.** No aspect of a planning meeting should be decided on without the direct approval of the employment seeker. If the employment seeker needs assistance to understand the planning process and to make decisions, assistance may be provided by family, friends or an ombudsman whose primary duty is to the individual.
- C. The planning meeting must be facilitated by an individual who participated in the Discovery process.** To assure valid customization, the plan must be facilitated by staff who participated in getting to know the individual.

- D. Those attending the planning meeting should be individuals who know the employment seeker**, including individuals invited by the employment seeker and family. Those invited to attend the planning meeting should be individuals who have a relationship, personal or professional, with the employment seeker. If it is felt to be useful to invite a person who does not have a relationship with the individual, such as a community member with ties to the employer community or a behavioral specialist, permission should be granted by the employment seeker or family, as appropriate.
- E. Those attending the planning meeting should be provided copies of the Discovery document, with permission from the employment seeker.** The Discovery document is the collected information source for those attending the meeting. Agency staff should obtain permission from the employment seeker to share the document with those attending. Some employment seekers may request that the document be collected following the meeting to help maintain confidentiality.
- F. The planning meeting should be attended by the job development or employment specialist who was involved in the Discovery process** who will be contacting potential employers in efforts to negotiate a customized job.
- G. The goal is to have at least as many individuals invited to the planning meeting who are not paid to attend as those who are paid to attend.** This element of the plan seeks to establish a balance of power between the wishes of the individual and the needs of the agency and funders. Establishing this balance may require that the planning meeting occur during evening or weekend hours. Willingness to accommodate schedules outside of “traditional” business hours may be necessary.
- H. The planning meeting should provide a recap of the employment seeker’s strengths, needs, and interests as compiled in the Discovery document.** Even though those attending the plan have a copy of the Discovery document, it is useful to outline the employment seeker’s strengths, needs and interests so everyone is on the same page.
- I. The planning meeting should generate a list of job tasks that fit the employment seeker to be offered to potential employers.** Since CE is predicated on job tasks that fit the employment seeker, the plan should develop a set of tasks, in employer language, that can be offered to potential employers during job development.
- J. The planning meeting should include a listing of specific employers, consistent with the employment seeker’s strengths, needs, interests, and vocational themes** identified through the Discovery process, that will provide a job development blueprint for making employer contacts and should include any information

that may have been collected through informational interviews with employers and their openness to be approached regarding various customization options. To help ensure valid customization, the plan should identify and prioritize a list of specific employers, including small, artisanal businesses that are consistent with the employment seeker's interests and match their strengths and needs with the needs of the employer.

- K. A copy of the plan for customizing employment should be provided to both the employment seeker and to the funder.** Following the planning meeting, a typed copy of the results should be provided to both the employment seeker and the funding partner, such as is the case with an IPE in traditional VR process. This allows for a comparison of the plan with the actual outcome.

## **4. Employment Development Representation**

The definition of CE within WIOA requires that an employment specialist or job developer (representative), chosen by the employment seeker, be provided to assist with making the employer contacts and negotiations necessary to customize a job. WIOA also indicates this can occur through self-representation although this typically occurs more on an exceptional basis. Even though job development representation has been a traditional aspect of employment funded through VR for decades, Congress chose to include it as a defining aspect of CE. Since CE represents a departure from “business as usual” regarding how employment seekers become employed, the role of the employment specialist is multi-layered and critical for success. Employment specialists have the task of getting to know employment seekers well enough to understand their interests, to present their strengths, and to negotiate their needs to potential employers. Representatives must be able to effectively communicate the concept of CE to potential employers and to assist in the determination of how the employer might best benefit from the contributions of the employment seeker through an analysis of the workplace. Employment specialists must be skilled in the techniques of negotiation as well as understanding basic techniques of making employer contacts.

### **Essential Elements of Job Development Representation for CE**

- A. The primary customer of the job developer or employment specialist in CE is always the employment seeker.**
- B. Employment specialists and the employment seeker, with support as necessary, should determine the individual's essential and ideal features of employment,** any non-negotiables, and their willingness to negotiate those ideal features with potential employers. To prepare for subsequent negotiations, employment specialists should list the employment seeker's ideal features of a customized job that fits with their strengths,

needs, and interests. Employment specialists should also help identify the employment seeker's essential features needed in any job to be developed and any areas of potential compromise, such as work days, pay, and hours.

- C. Employment specialists should prepare and practice an initial presentation designed to explain the concept of CE and present the employment seeker to potential employers.** Since relating CE to potential employers involves new and different information regarding the hiring process, employment specialists should fully prepare their presentation and practice it with others, especially with individuals who might be able to reflect an employer's perspective.
- D. Employment specialists should use all connections** possibly associated with the employment seeker, the agency, and with the employment seeker's personal/professional relationships to schedule appointments with potential employers. As with all employer contacts, connections, including the use of referrals, enhance the likelihood that employment specialists will get a chance to make a presentation and that potential employers will offer increased consideration of the ideas discussed. Employment specialists should seek assistance during the plan for customizing employment from those attending and follow up with any contacts provided.
- E. Employment specialists should avoid job openings and the typical personnel process when approaching potential employers.** CE does not rely on or use traditional job openings, so employment specialists should clearly relate to their employer contacts that they wish to make a presentation rather than to assist their employment seeker to fill a job opening.
- F. Employment specialists should develop strategies for assisting employers to identify specific areas in which the business might benefit,** including unmet needs, in relation to the employment seeker's strengths, needs, and interests. Given that businesses often meet needs by hiring for openings for staff positions, it is not intuitive for employers to look at their operations from the perspective of identifying ways to meet unmet needs and to address areas of specific benefit. While there are a number of strategies employment specialists might use—such as needs-benefits analyses, informational interviews, and in-depth tours—employment specialists should develop and implement an organized strategy for assisting employers to identify specific areas of benefit.
- G. Employment specialists should emphasize an informational relationship with potential employers** rather than using a traditional persuasion approach. CE involves matching the employment seeker with an employer that values the specific

benefits of the individual. It is often the case that one party or the other will not find the fit to be beneficial. For that reason, it is important for employment specialists for CE not engage in persuasive, pressure-based sales tactics. Instead, employment specialists should provide clear information in their interactions with employers to facilitate the collaborative identification of mutually beneficial opportunities.

- H. Employment specialists should develop a customized job description with an employer** (with input from the employment seeker). All job descriptions are made up of work tasks and responsibilities. With CE, employment specialists should negotiate a set of work tasks, as well as other work expectations and features that uniquely fit the employment seeker, not relying on existing job descriptions.
- I. Employment specialists should ask for permission from the employment seeker to disclose personal factors** that may comprise the need for flexibility, consideration, or accommodation by employers. Experience has shown that one of the reasons that employers are willing to consider customizing a job for an individual with a disability is that they understand why the employment seeker is not going through the typical personnel practices of the business. This understanding often requires a form of “positive disclosure” that provides the employer with information regarding the employment seeker’s complexities and the work impact of their disability. This requires employment specialists to obtain explicit permission for this disclosure.
- J. Employment specialists should negotiate a support plan with employers** that offers the new employee access to all the naturally existing features of the workplace and, at the same time, offers the assistance of supported employment job coaches. This element connects CE with SE in a way that attempts to maximize the natural features of a workplace in relation to the ongoing supports offered by SE.

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