

Chapter 28

Retaining Farm/Ranch Employment

28.1 Authority: 34 CFR 361.42

28.2 Policy

Through a partnership with Utah State University's AgrAbility of Utah Project and local IL Centers, VR Counselors assist farmers and ranchers who meet VR eligibility criteria to maintain existing farm and/or ranch employment. Services are designed to provide appropriate VR Counseling and Guidance, physical/mental restoration, assistive technology and worksite accommodations to ameliorate the functional limitations caused by the disability. USOR does not assist with the purchase of real property, major construction of buildings, or establishing new farms and ranches. USOR will not assist in retaining farm/ranch employment where it is determined that the operation is not fiscally viable. Fiscal viability for farmers and ranchers is different from other industries and must be given consideration as part of the Comprehensive Assessment of Rehabilitation Needs.

28.3 Referrals:

The Utah State Office of Rehabilitation and the Agrability project at Utah State University will partner to provide farmers/ranchers with disabilities with coordinated referrals to appropriate resources. While eligibility for one program does not presume eligibility for the other, the two agencies will collaborate regularly to ensure appropriate referrals are identified and the process for referring is effective.

28.4 Eligibility:

Eligibility criteria for people with disabilities who are engaged in existing farm/ranch employment are the same as the eligibility process for all other VR applicants (See CSM Chapter 5). Counselors will begin by seeking medical documentation of the reported disability and gathering evidence of an impediment to employment as a farmer/rancher.

28.5. Comprehensive Assessment of Rehabilitation Needs:

As with all clients, prior to developing an IPE, the counselor and client will engage in a Comprehensive Assessment of Rehabilitation Needs, however, because Farming/Ranching contains unique elements not present in other VR cases, the following is provided as guidance to complete the assessment process.

A. Determining Vocational Status

The VR Counselor must conduct a comprehensive assessment of rehabilitation needs to determine the employment outcome and nature and scope of vocational rehabilitation services that will be included in the IPE. Part of this process may include determining if farming/ranching is a vital part of the client's living support or if it is avocational. Farmers/Ranchers may have more than one employment as a means to support themselves and their families. This is because employment as a farmer/rancher is dependent upon many environmental factors such as drought, pests, disease, and

temperature. Farmers/ranchers may seek outside employment during lean times to supplement the farm/ranch earnings. If a client reports outside employment in addition to farming/ranching, the VR Counselor will need to determine if farming/ranching is the primary occupation or if it is an avocation.

In order to determine whether the farm is avocational or vocational, the VR Counselor will assess the individual's work history, percentage of time spent farming yearly, and the nature of the employment outside the farm/ranch. For VR purposes, clients for whom farming/ranching is considered a vocation will meet at least four of the following criteria:

1. The client self- identifies farming/ranching as the primary occupation.
2. The client has been farming/ranching for the last five consecutive years or longer.
3. The non-farm/ranch employment has been no more than three of the last five years.
4. The applicant filed a schedule F with the IRS at least 2 of the last five years.
5. At least 50% of work hours per year are spent farming/ranching.

Once the VR Counselor and client have established that farming/ranching is a vocation, the VR counselor will document how the determination was made including the criteria listed above contributing to the determination.

Having determined farming/ranching as the client's vocation, the VR counselor will continue with the Comprehensive Assessment of Rehabilitation Needs to ascertain the vocational impediments experienced by the client as a farmer/rancher and address the impediment through appropriate restoration. If assistive technology is needed to create a worksite accommodation, the counselor will determine if the client's Assistive Technology needs are simple and can be managed through internal resources or complex, requiring the engagement of an AgrAbility professional.

B. Determining Complexity: Tier 1 or Tier 2

1. Tier 1:

Tier 1 is for Assistive Technology needs which are simple in nature and not expected to exceed the counselor spending approval level defined in CSM Chapter 12. These AT services can typically be identified by staff at the Utah Center for Assistive Technology or regional IL center AT Specialist and do not require specialized knowledge of farming/ranching equipment and methods.

2. Tier 2:

When the Assistive Technology needs are complex and higher in cost (above the counselor approval level per CSM 12), the VR Counselor will need to engage the services of a professional who has an in-depth knowledge of farming/ranching to determine the viability of the farm/ranch and recommend farm/ranch specific AT. In this case, the VR Counselor will seek an AgrAbility Assessment through the AgrAbility program at Utah State University. At the conclusion of the AgrAbility Assessment, the

VR Counselor will receive a written report which will include client background information related to the farm/ranch, a farm/ranch operation overview, disability/health status overview and recommendations for accommodations. See CSM Chapter 12 for assessment and hourly consultation rates.

C. Determining Farm/Ranch Viability: Tier 2 Only

It is important to assess the viability of the farm/ranch prior to the development of the IPE for farming/ranching. Ultimately, this insures that VR and the client do not invest AT in a farm/ranch which is failing and unsustainable. The AgrAbility staff will provide this information in the AgrAbility Assessment Report under the Farm/Ranch Operation Overview Section. This will take into consideration the financial profitability of the farm, the condition of the equipment/livestock, and long-term future of the farm/ranch.

If the results of the viability assessment indicate that the farm/ranch is not viable, the counselor will inform the client of the viability results. The Counselor and client will then assess if placement as a farmer/rancher with a different employer is appropriate and which, if any of the recommended AT services are necessary and appropriate for the new setting.

D. Determining Assistive Technology Needs

USOR will provide services that are determined necessary and appropriate to meet the needs of eligible individuals at the least possible cost to USOR (CSM 12.3). This determination of appropriate services will be determined by the VR Counselor and eligible individual. The services agreed upon will be included in an Individualized Plan for Employment (IPE) signed by both the VR Counselor and eligible individual.

1. Tier 1 Assistive Technology Assessment

If the AT needs meet the criteria for Tier 1, the counselor will make a referral to the Utah Center for Assistive Technology or local IL center to have a workplace evaluation completed with a report to include AT recommendations.

2. Tier 2 Assistive Technology Assessment

The assistive technology (AT) assessment completed by AgrAbility will identify the eligible individual's disability related limitations/barriers that prevent them from completing the essential functions of their employment. Recommendations will provide information regarding addressing the limitations in order to assist the eligible individual in achieving his/her goal of retaining farm/ranch employment. This assessment will include recommendations regarding job restructuring, task re-assignment, elimination of tasks, and/or the use of assistive technology to accommodate the disability and allow the individual to perform the essential functions of the job. The assessment may also include information on possible vendors.

VR Counselors are encouraged to meet with the AgrAbility staff and eligible individual to discuss the recommendations, have questions answered, resolve differences, and plan for service provision. When possible, the VR Counselor is encouraged to visit the

farm/ranch with the AgrAbility expert and eligible individual to gain a better understanding of the services recommended.

ON GOING CONSULTATION

If the VR Counselor requires additional consultation following the basic AT Assessment funded under the AgrAbility grant, the VR Counselor may authorize a consultation fee as needed up to 20 hours at an hourly rate of \$40 using client service category code 01.7. Counselor Supervisors may authorize up to an additional 10 hours beyond the authority of the VR Counselor. These hours can be used for additional required research, fiscal viability assessments, or other consultation needs beyond the scope of the basic AgrAbility Farm/Ranch Assessment.

28.4 Financial Needs Test

Utah State law requires the application of a financial needs test prior to providing paid services (See CSM Chapter 8). Payment for assessment for eligibility determination or as part of the Comprehensive Assessment of Rehabilitation Needs is allowable. Note: The financial needs test for the eligible client should not be confused with the farm/ranch viability listed in section 28.3 c. While financial eligibility for services and farm/ranch viability are both part of the Comprehensive Assessment of Rehabilitation Needs, they are not the same and must be determined separately as part of the process.

When determining financial need for an existing farm/ranch employment, the VR Counselor and eligible individual must take into consideration the unique and variable financial situation of the farm/ranch operation. Many farm/ranch operators do not maintain separate business and personal accounts or bookkeeping. Many farm/ranch operators do not submit separate tax documents for the farm/ranch but will file a Schedule F on their regular tax return. Depending on the time of year, (season), farm/ranch accounts can show very large checking and savings balances which may provide a snapshot of the finances but misrepresents the overall financial success and needs of the client. These large sums of money are often earmarked for the purchase of next season's stock, seed, etc. In order to determine the client's monthly farm income, the counselor will begin with the yearly earnings number from the most recent federal individual income tax return and divide this number by 12 to arrive at the monthly earning amount. If the client has secondary employment or has spousal earnings outside the farm/ranch, the monthly earnings should be included as per the standard financial needs process.

As in all VR cases, the eligible individual may volunteer to contribute to the cost of services regardless of their financial needs test.

NOTE: VR Counselors are required to discuss and plan for unpaid services needed by eligible individuals who may not be eligible for paid service based on their financial needs test. Appropriate unpaid services that can assist the eligible individual may include VR counseling and guidance, referral services, and assistance in locating comparable benefits.

28.5 IPE Approvals & Purchasing

Once the client record contains the appropriate documentation, the counselor and client will incorporate the necessary and appropriate AT services in the IPE and follow policy outlined in

CSM Chapter 12 and 13 as well as all state purchasing policies in order to secure the required AT services.

See CSM Chapter 12 for approval authority levels and purchasing policy. As with all purchases VR Counselors are required to obtain the appropriate level of approval, include the service in an IPE signed by the eligible individual, and ensure compliance with state purchasing policies. VR Counselors should utilize the DRS Purchasing Agent to ensure that purchases are within procurement policy and regulation as per Chapter 12.