

**DEPARTMENT OF LABOR & INDUSTRY
OFFICE OF VOCATIONAL REHABILITATION
PROGRAM GUIDELINES**

NUMBER: 24-200.02

SUBJECT: Work & Home Site Modifications

**STATE BOARD
APPROVAL DATE:** N/A

DISTRIBUTION: OVR Staff
Office of Legal Counsel
Pennsylvania State Board of Vocational
Rehabilitation
Pennsylvania State Rehabilitation Council
Client Assistance Program
Statewide Independent Living Council
Advisory Council for the Deaf & Hard of Hearing
Advisory Committee for the Blind of
Pennsylvania
External Stakeholder List

EFFECTIVE DATE: April 16, 2013

IMPORTANT CHANGES:

- Home Modification payment schedule has been updated on page 8.

RESULTING ACTIONS:

- Archive numbered memo 13-200.03, dated April 16, 2013

**AUTHORING
AUTHORITY:** Environmental Protection Agency 2008 Lead-Based Paint
Renovation, Repair and Painting Program Rule (as
amended in 2010 and 2011)

INQUIRIES: Central Office VR Specialist for Home & Work
Mods 717-395-9638

Copies of this numbered memorandum are available upon request.
All materials provided, produced and published by OVR will be made available in the
appropriate alternative format when necessary and/or upon request.

POLICY

Work and home site modifications are services that should enable individuals to achieve a competitive, integrated employment outcome. In order to secure, retain or regain competitive, integrated employment, the individual should be able to complete the activities of daily living within his/her home and do so with personal dignity. While there may be social and recreational considerations important to a customer, the Office of Vocational Rehabilitation's (OVR) service is directed solely for the purpose of achieving competitive, integrated employment outcomes. Work site modifications are the responsibility of the employer; however, OVR will ensure the customer has functional use of his/her workstation.

The following guidelines are designed to assist the Vocational Rehabilitation Counselor (VRC) and customer to jointly determine when sponsorship of this service is appropriate. Therefore:

1. recommended modifications must be consistent with the IPE and any applicable consultative or evaluation reports;
2. the site modified will meet the customer's vocational rehabilitation needs.
3. workmanship must meet all safety and other relevant standards; and
4. to protect occupants during a home modification, assure all requirements of the EPA's 2008 **Lead-Based Paint Renovation, Repair and Painting Program Rule** (as amended in 2010 and 2011) are met. ([U.S. Environmental Protection Agency](#))

Criteria for Service

The following criteria are designed to determine when a work or home site modification is an appropriate service. OVR may participate in the cost of such modifications when:

1. the modification is necessary for the customer to prepare for, enter, maintain, or retain competitive, integrated employment; and
2. it has been determined that the modification is the most cost-effective solution and that alternative, competitive, integrated employment or living arrangements are not readily available or, if available, will cause undue hardship, and
3. a site inspection has been conducted by a technical consultant to assess the type and extent of modifications needed, and
4. the case is in an active status.

****NOTE:** There may be rare occasions when minimal modifications are necessary during Extended Evaluation.**

Client Assistance Program

All programs, including community rehabilitation programs, and projects that provide services to individuals with disabilities under this Act shall advise such individuals who are applicants for or recipients of the services, or the applicants' representatives or individuals'

representatives, of the availability and purposes of the client assistance program under section 112 of the Rehabilitation Act of 1973, as amended, including information on means of seeking assistance under such program.

PROCEDURES

OVR Responsibilities

OVR is obliged by law and regulation to provide only those disability-related modifications that are:

- necessary for successful completion of the consumer's rehabilitation program; and
- performed in the most cost-effective way possible.

Non-essential modifications are the financial responsibility of the consumer.

The following guidelines are presented:

1. With respect to work site modifications, OVR should not participate financially in any modification that would be the employer's responsibility under the Americans with Disabilities Act (ADA). OVR may provide technical assistance to the employer.
2. With respect to home modifications, OVR may provide access to and functional use of essential living spaces, customarily a living room, kitchen, bathroom, and bedroom, within the dwelling.
3. Technical assistance can be provided to consumers and their families to assess the need for modifications to their dwellings.
4. OVR may not provide, either directly or indirectly, for the purchase of any land or for the purchase or erection of any building.
5. OVR-sanctioned modifications will satisfy applicable building codes.
6. OVR will use a technical consultant to assist in home or work modification assessments.
7. ADA **Guidelines for Buildings and Facilities** are directed at public and commercial enterprises; however, these guidelines should be a primary consideration in planned modifications.
8. Comparable benefits shall be sought. Consumers may be eligible for assistance through their local municipality; Community Development Grants are frequently available. Centers for Independent Living (CILs) should be consulted.
9. Central Office (CO) will keep a provider's list. It is the responsibility of the District Offices (DO) to send names of approved providers to the CO Home Modifications Specialist.
10. CO and DO will keep a list of the **EPA Renovation, Repair and Paint Certificates** for contractors (already existing providers and new providers with OVR), and for anyone who makes changes to a residence where the paint is being disturbed by the construction.
11. CO will keep a list of technical consultants. This list will be provided by DOs to CO.
12. With respect to work site modifications, OVR should not participate in funding any work site modification that would be the employer's responsibility under the ADA.

Customer Responsibilities

The customer is responsible for:

1. providing a dwelling in good condition, or if not in good condition, making required improvements necessary to accommodate OVR-sponsored modifications;
2. building any addition to the dwelling in which OVR sponsored modifications will be housed;
3. demonstrating that title owned property is held by the customer, a member of his/her immediate family, or his/her legal guardian;
4. obtaining from the property owner, when renting, documentation of ownership and approval by the owner to make modifications;
5. obtaining necessary zoning variances, easements, setbacks, etc., when applicable;
6. maintaining the modifications after applicable warranties expire;
7. maintaining the usual and customary homeowner's insurance coverage including any increase in value added improvements generated by the modifications;
8. notifying OVR when the equipment or modifications are no longer being used as originally intended;
9. documenting the age of the home;
 - a. The age of the house ****must**** be documented prior to the competitive bidding process. This is important because the EPA Rule only applies to houses built before 1978.
 - b. This documentation can be in the form of a copy of a deed or other legal document of the home and will be kept on file in the DO.
10. signing the **Home Modification Customer Agreement** form, along with the VRC and/or Home Modification Coordinator.

****NOTE:** Until the Individualized Plan for Employment (IPE) is amended and written for these services, a home evaluation does not imply that OVR will pay for the proposed home modification. ******

Provider Responsibilities

The provider (contractor) is responsible for:

1. obtaining the building permit and other permits, licenses and inspections necessary for the completion of the work;
2. providing, for the period of one year from the completion of the modifications, guarantee against defective workmanship of all materials, products and appliances installed or furnished and guarantee that all products and appliances perform their advertised function;
3. providing OVR a Certificate of Insurance indicating the provider has Workers Compensation coverage equal to the statutory limits and at least \$100,000/\$300,000 Public Liability and Property Damage coverage with insurance companies having a Secure Rating in **Best's Insurance Reports, Property-Casualty Edition**;

- a. This must be provided prior to the submission of a competitive bid.
4. filing **Stipulations Against Liens** with the Prothonotary;
5. complying with federal regulations concerning lead-based paint safety for all homes built prior to 1978, and having the necessary certification through an EPA accredited program;
 - a. Contractors are required to have their subcontractors comply with these regulations.

****NOTE:** Certification must be renewed consistent with the EPA law and regulations.**
6. providing to the DO the **EPA Renovation, Repair and Paint Certificate** whenever applying for approval, if they have it; and
 - a. CO will ****request**** this from the DO.
 - b. It will be the DO's responsibility to keep track of those contractors who do not submit a copy of this certificate.
 - c. If the contractor has not submitted a copy of this certificate, they cannot be considered for any home modification projects on homes built prior to 1978.
 - d. The primary contractor is responsible to ensure that the subcontractors have the certification if the home was built prior to 1978.
7. documenting the age of the house prior to the competitive bidding process.

****NOTE:** The EPA Rule only applies to houses built before 1978. This documentation can be in the form of a copy of a deed or other legal document of the home and will be kept on file in the DO.**

 - a. Regardless of the nature or scope of the job, ****if the house was built before 1978****, any and all contractors being considered for the project ****must**** have the **EPA Renovation, Repair and Paint Certificate**.
 - b. There will be no waivers or opt-outs.
 - c. For homes ****built in 1978 or after****, the certificate is not necessary for the project under bid.

Approval Process for Home Modification Providers

1. First, reference numbered memo 16-100.02, **Provider Agreement**.
 - a. Provider submits a completed W-9, OVR-120, ****Provider Enrollment Form****, signed OVR-130, **Provider Agreement**, if necessary, and required supporting documentation (i.e., copy of professional license, curricula vitae, professional clearances).
 - b. FEIN obtained through W-9.
 - c. Local DO verifies license.
 - d. Provider Business Folder is created in CWDS.
 - i. Provider ****OR**** OVR staff may create.
 - e. Service Application entered into CWDS at the DO and sent to COFA for review.

- i. W-9, OVR-120, OVR-130 and appropriate supporting documentation are sent to CO.
 - ii. COFA verifies Provider W-9 against the Federal Debarment List via [the System for Award Management website](#).
 - iii. Provider applies for SAP number via Central Vendor Management Unit (CVMU), if applicable.
2. Review insurance/workers compensation and **Stipulations Against Liens** notice with the provider/contractor.
3. Inform provider/contractor that they will be responsible for providing insurance verification/workers compensation for themselves at approval time and later insurance verification and **Stipulation Against Liens** for subcontractors within 30 days of bid award.
4. Complete **Home Modification Provider Approval Checklist** and send to CO Home Modifications Specialist.
5. CO Fiscal Assistant (COFA) will verify W-9 then approve the business folder. COFA will notify CO Home Modifications Specialist that the business folder is approved.
6. CO Home Modifications Specialist will receive the **Home Modification Provider Approval Checklist** and appropriate documents from the DO. The Specialist will approve/disapprove services accordingly and will notify the DO electronically of provider's approval.
7. Send **Home Modification Approval Checklist** to CO Home Modifications Specialist by fax or email.

IMPLEMENTATION OF PROCEDURES

To ensure consistent, quality service for every customer, each District Administrator (DA) shall appoint a Modifications Coordinator to oversee the process. The DA will determine the Modification Coordinator's responsibilities. At a minimum, the Modification Coordinator will:

1. establish, coordinate and maintain a workable process within the DO, including maintaining the customer's and originating VRC's active participation in the process;
 - a. Oversees process to obtain all necessary approvals by, and document submission to, the local government.
 - b. Determining which technical consultant is appropriate.
 - c. Documenting the customer's approval of the proposed modifications in a Case Progress Note (CPN).
 - d. Documenting the solicitation of customer's choice of provider in a CPN.
 - e. Establishing procedures for bidding using pre-proposal conferences for prospective bidders in the process as appropriate.
 - f. Providing for an appropriate final inspection of the provider's work. An independent inspector is recommended.

- g. Arranging to evaluate, reclaim, or reject equipment no longer used by the customer, and if reclaimed, provide for the reuse of the equipment.
2. be familiar with the types of, and advances in, equipment and modifications;
3. maintain contact with qualified providers and consultants;
4. ensure that the customer understands and signs the **Home Modification Customer Agreement** prior to the start of work.

BIDDING PROCESS

- Projects that exceed \$25,000 may be subject to the prevailing wage laws.
- OVR will solicit a minimum of three (3) bids for home modification projects.
- Bidding of modifications shall be consistent with Commonwealth and OVR bidding procedures. Pre-bid meetings will be held at the work site at the recommendation of the Modification Coordinator. Customers have the option of selecting providers from whom bids will be solicited, but OVR will award the work to the lowest acceptable bidder. All bidders must be acceptable to OVR and to the customer.
- OVR has established the following optional payment schedule for modifications:

1st Payment: Up to thirty-three (33) percent of total cost at the start of the work.

2nd Payment: Thirty-three (33) percent additional at completion of one-half of the work.

Final Payment: Thirty-four (34) percent upon completion of the work assuming the work is satisfactory to both the customer and OVR and passes the necessary inspection(s).

Change orders and/or exceptions to the bid as accepted by OVR require the approval of OVR, the customer, and the technical consultant.