# PART C. CHAPTER 16.5: TOOLS AND EQUIPMENT SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 16.5 | 34 CFR [§361.48(b)(16)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(16)), and TWC Rule [§856.51](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=51) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of purchasing or providing tools and equipment to customers necessary for the industry related to their training or employment.

## DEFINITIONS

Equipment: Larger, more complex machinery or apparatus used to perform tasks or operations within an industry or workplace. Equipment may be stationary or mobile and often requires power sources such as electricity, fuel, or compressed air to operate.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it pertains to choosing a trade occupation and the requirements of that industry.

Tools: Handheld or manually operated devices used to perform specific tasks or functions. They are typically smaller in size and are often portable, allowing workers to use them directly on the job site.

## POLICY

### General Overview

TWC-VR purchases only tools and/or equipment required to support a customer's employment goal or outcome. "Required tools and equipment" must be included as a service on the Individualized Plan for Employment (IPE) before authorizing purchase or transfer of items to the customer.

* Customer Responsibility: The customer is required to take reasonable care of the tools, equipment, and supplies provided and is liable for loss and damage resulting from wrongful act or neglect.
* VR Counselor Responsibility: The VR Counselor must assure that the proper tools are purchased and that they are not ordinarily provided by the employer. It is also the responsibility of the VR Counselor to exercise reasonable diligence in recovering items and document in the case record the circumstances relating to any loss or damage to equipment.

### Required for Training or Employment

For TWC-VR to purchase tools and equipment required for employment, they must be used by the customer—

* To participate in a training program; or
* For entry into an employment setting.

Tools and/or equipment that are purchased or provided for customers include only those that are normally required for workers in the same or similar trade or profession.

In many instances, tools and/or equipment required for training or employment are provided by the training facility or employer rather than by the employee. If tools are provided without cost to other students or employees, TWC-VR does not purchase or provide tools for a customer.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on tools and equipment services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for Tools and Equipment

VR Counselors must understand the industry and the needs related to the tools and equipment requested by the customer. When tools and/or equipment are deemed necessary for training or employment, the services must be included in the IPE and be directly related to the employment goal, prior to completing a service authorization (SA). Though the terms "tools" and "equipment" are often used interchangeably, there are subtle differences, especially across industry contexts.

* Examples of Industry Tools: Industry professionals rely on a variety of tools to perform their services effectively. Examples include, but are not limited to, the following:
  + Saw, file, knife, wrench, hammer, screwdrivers, tape measure, levels;
  + Hairdryer, cutting and styling scissors, coloring brushes and bowls;
  + Plumbing snakes/augers, torch and solder, pipe inspection camera, pliers; and
  + Stethoscope, oxygen equipment, glucometer, blood pressure cuff, thermometer.
* Examples of Industry Equipment: Industry professionals rely on a variety of equipment to perform their services effectively. Examples include, but are not limited to, the following:
  + Power accessories;
  + Garden tractors;
  + Portable vending stands;
  + Special motor scooters; and
  + Stationary equipment.
* Examples of Items Not Considered Tools or Equipment: There are many essential components, materials, or supplies used in various industry settings that may not be considered tools or equipment. Examples include, but are not limited to, the following:
  + Automobiles;
  + Operating capital;
  + Buildings;
  + Operating cost;
  + Land;
  + Consumables; and
  + Raw materials.

### Need and Safeguarding Tools and/or Equipment

When agreed upon tools and/or equipment are included in the customer's IPE, the VR Counselor must ensure the customer understands their responsibility of the following:

* Safeguarding and maintaining proper custody of tools and equipment;
* Not disposing of tools and equipment unless they are unserviceable or obsolete; and
* Returning usable tools and equipment not used as planned to TWC-VR.

TWC-VR retains residual title to all tools, equipment, and unused supplies issued to a customer during the VR process.

The VR Counselor must document the need for tools and/or equipment, including supporting documentation, if applicable, in the case record.

### Purchasing and Documenting Tools or Equipment

TWC-VR may purchase required tools and equipment for the customer when the following conditions are met:

* The IPE shows that the customer is entering a training program or employment;
* Purchased tools and equipment are of good quality and are regularly required for the chosen occupation, trade, or profession; and
* The cost of tools and equipment does not exceed a total of $5,000.

If the cost of required tools and equipment exceeds $5,000, management approval is required according to the following thresholds:

| Approval Level | Total Cost of Tools and/or Equipment |
| --- | --- |
| VR Manager | Greater than $5,000 to $15,000 |
| VR Regional Director or Deputy Regional Director | Greater than $15,000 to $25,000 |
| VR Division Director | Greater than $25,000 |

Tools and equipment may be repaired if replacement is more expensive.

If a customer reports that their tools and equipment were lost or stolen, they must provide a copy of a police report.

TWC-VR must recover usable tools and equipment that the customer no longer needs. When a customer refuses to return TWC-VR property, further action is required.

* Paying for Goods: TWC-VR staff must obtain the customer's signature on an itemized receipt that describes each good purchased or the *Rehabilitation Equipment Receipt and Agreement (VR2014)* and place the signed receipt in the case file.
* Receipt of Items: *VR2014* provides TWC-VR with a list of tools and/or equipment items issued to the customer and familiarizes the customer with the terms of the transaction. It also provides evidence of the return of the equipment.

*VR2014* is used for rehabilitation equipment issued by—

* + TWC-VR staff; and
  + Employment Assistance Services (ES) (Customer Technical Support).

TWC-VR staff must not use *VR2014* when purchasing items associated with physical restoration, such as low-vision aids and glucometers.

* When Initiated by TWC-VR Staff: When initiated, the VR Counselor must—
  + List all customer-tagged and/or nontagged equipment, as outlined on the customer's IPE, which are issued to the customer;
  + Verify that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
  + Have the customer sign and date the form acknowledging receipt of the equipment;
  + Place the signed original *VR2014* in the customer's case file; and
  + Give a copy of *VR2014* to the customer.
* When initiated by the ES Customer Technical Support: The ES Customer Technical Support coordinates with the VR Counselor and customer through the following steps:
  + ES Customer Technology Services lists all customer-tagged and/or nontagged equipment that is being sent on *VR2014*;
  + The VR Counselor reviews *VR2014* and the contents of all boxes sent, and documents in a case note;
  + The VR Counselor meets with the customer and verifies that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
  + VR Counselor (or other TWC-VR staff) has the customer sign and date the form acknowledging receipt of the equipment;
  + The VR Counselor places the signed original *VR2014* in the customer's case file; and
  + The VR Counselor gives a copy of *VR2014* to the customer.

### Returning Tools or Equipment

When it has been deemed necessary for the customer to return the TWC-VR purchased or provided tools and/or equipment, the following steps are followed.

* Upon return of the tools or equipment: The TWC-VR staff member completes and signs the bottom portion of the original *VR2014*, signifying return of the equipment and releasing the customer from responsibility.
* Recovering Tools or Equipment: TWC-VR staff work with the customer and/or their family to recover TWC-VR property that is still usable. The VR Counselor must document recovery efforts and the outcome of recovery efforts in a case note.
  + Recovered tools and equipment that are still usable can then be issued to another customer to meet their needs in the VR process.

TWC-VR staff must consider the degree to which normal wear and tear has affected the property's usability. If it is believed that the tools or equipment are no longer usable by other TWC-VR customers, the basis of that decision must be documented in a case note.

* + Transferring Tools or Equipment: Recovered tools and/or equipment can be transferred to another customer if the equipment is still serviceable or under warranty.

The VR Administrative Supervisor transfers customer equipment from one customer location to another and—

* + Assesses the condition of the equipment; or
  + Hires a local consultant to assess it, when necessary; and
  + Reports the equipment condition to the receiving VR administrative supervisor.

The VR Counselor must document the transfer and reissue in case notes of both customers involved. The VR Counselor does not enter the name of one customer in another customer's case file.

### Reporting Lost or Stolen Tools and Equipment

The TWC-VR staff must report the misappropriations of TWC-VR purchased or provided tools and/or equipment.

If a customer sells, pawns, loans, uses as loan collateral, transfers to an unauthorized known third party, refuses to return items that are no longer being used to support the employment goal, or otherwise uses tools and/or equipment unlawfully, TWC-VR staff must—

* Notify the third party immediately that the State has title to the property;
* Request that the property be returned; and
* Notify TWC Risk and Security Management through Incident Reporting Process.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Manager approval is required when the total cost of tools and/or equipment is greater than $5,000 to $15,000.*
* *VR Regional Director or Deputy Regional Director approval is required when the total cost of tools and/or equipment is greater than $15,000 to $25,000.*
* *VR Division Director, or designee, approval is required when the total cost of tools and/or equipment is greater than $25,000.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |