

The Vocational Rehabilitation Process

The Client Assistance Program (CAP)

CAP protects the legal rights of people who apply for or already are clients of Utah's Vocational Rehabilitation agency. CAP has prepared this guide to help clients and applicants through the Vocational Rehabilitation (VR) process. This guide answers some basic questions. It is not legal advice.

CAP can help people who are having problems getting the services they need to get a job or to keep their current job. CAP can:

- give you information about the VR process,
- give you information on how to work with your counselor to settle disagreements, and
- help you in protecting your rights.

Vocational Rehabilitation (VR) services

Vocational Rehabilitation services help people with disabilities prepare for, find and keep jobs. These services are provided through the Utah State Office of Rehabilitation (USOR). They are provided to people with disabilities to help them reach an employment goal. The services you will get will be based on your individual needs and your job goal.

Individuals must meet certain eligibility requirements to qualify for VR services.

VR can provide many services. The services you will get will be based on your individual needs and your job goal.

Services may include:

- assessments to see what services you need,
- vocational counseling and guidance,
- referral to other services and agencies,
- medical services and treatment,
- vocational training,

- books, tools and other training materials,
- help with expenses related to VR services,
- help with transportation costs,
- interpreter services,
- reader services,
- job search and placement services,
- job coach services,
- occupational licenses, tools, equipment and supplies,
- self-employment services,
- assistive technology devices – like computers, wheelchairs, hearing aids, glasses,
- personal assistance services,
- post-employment services – one-time services to help you keep your job,
- training and education, and
- transportation for job training.

You should be given a complete description of services provided under the Rehabilitation Act. You and your counselor will discuss important factors related to these services and providers. This information will help you make your choices.

Who can get VR services

Your eligibility for VR services will be based on two things. You must

- have a physical or mental impairment that is an impediment to getting a job, and
- need vocational services to get or keep a job.

Note: An impediment to employment is a disability that gets in the way or stops you from being able to do your work.

How to apply for VR services

To apply for VR services you must fill out and turn in an application. You will be invited to attend a formal orientation at the VR office. An appointment will be scheduled for you to see a Counselor. If you need help to fill out the application, the Counselor can help you. If you have any records about how your disability keeps you from working, you should take them to the appointment with your Counselor. For information on the VR office nearest you, call VR at 1-801-538-7530.

Eligibility determination

Once you apply, you may need to get information about your disability. Your VR Counselor can tell you how you can get this information. The information will be used to explain any limitations caused by your disability. You will then be able to make an informed choice about providers and services.

Note: Your counselor is a good source of information. Don't forget to ask him or her for that information.

Sometimes evaluations are needed to help determine whether or not you are eligible for VR services. They also help to decide the types of services you may need to get a job.

Eligibility approved

VR has 60 days to review your application and decide if you are eligible for services. If you are found eligible, you will meet with your VR Counselor and write an Individual Plan for Employment (IPE). The plan will help you get ready to go to work and/or keep a job.

Eligibility denied

If you are found ineligible for VR services, your case will be closed. You should receive a letter telling you why you were denied. You should also be told of your right to appeal the decision.

Informed choice

Federal regulations state that individuals with disabilities have the right to make informed choices throughout the rehabilitation process. Informed choice means understanding all of the options available to you and the advantages and disadvantages of those options.

Your VR Counselor will give you information so that you can make informed choices. This information must be understandable to you.

Employment goals

If you are found eligible for Vocational Rehabilitation services, you have the right to make an informed choice about the job you want. You should discuss this choice with your Counselor.

In determining your employment goal, you may want to consider your:

- strengths and abilities,
- resources,
- priorities,
- concerns, and
- interests.

Assessments can help you decide if your job goal fits with these factors. You can also consider job availability in the community or if you are willing to relocate.

The cost of the services you need should not be considered in determining your goal. However, you and your Counselor will determine the most cost efficient way to provide VR services once you have decided on your job goal.

You and your counselor will then develop your Individual Plan for Employment (IPE). This plan will state the services you are to receive. It will also state who will provide the services and who will pay for them. **No services can be provided until the IPE is signed by you and your counselor.**

Financial need

Federal regulations allow states to ask for financial information before providing VR services. This information is needed to decide if a client can help with the cost of services. Your counselor will give you a form to fill out to help determine financial need.

Note: If you do not fill out the form, you will not be eligible for paid services.

Some services are free of charge

Services that are free of charge may include:

- assessment to determine eligibility,
- assessment to determine vocational rehabilitation needs,
- counseling, guidance and referral services,
- job placement services,
- personal assistance services,
- aids and services required to participate in VR programs such as interpreter services for the deaf, and reader services for the blind

Individuals who receive Social Security Disability (SSDI) benefits or Supplemental Security Income (SSI) do not have to pay for VR services. You will need to show proof that you are receiving these benefits.

Some incomes may be exempt

They include:

- Temporary Assistance to Needy Families (TANF),
- General Assistance (GA),
- Worker's compensation, and
- long-term disability compensation.

Your VR counselor must review your entire financial situation.

- If you are under 18 and live with parents – your parent's income is considered.
- If you are over 18 and single – your own income is considered.

- If you are over 18 and married – your own income and any income of your spouse is considered.

VR will determine if you can help pay for the service. VR will also look to see if there is any other agency that will help pay. These may include:

- medical insurance,
- Medicare,
- Medicaid,
- railroad insurance,
- Worker’s Compensation, and
- Veteran’s Administration services.

Your counselor should review your entire financial situation to determine which services VR will pay for. Your financial need will be reviewed at least once a year. If your circumstances change, you should discuss the change with your counselor. If you disagree with your counselor’s decision, you have the right to appeal.

Individual Plan for Employment (IPE)

The VR agency assigns a counselor to each eligible individual.

Once you have been determined eligible for Vocational Rehabilitation services, you will work in partnership with your counselor to develop an Individual Plan for Employment (IPE). An IPE is a plan that outlines what will happen in your VR program based on your informed choice.

Your Counselor will help you identify and explore a range of career options. Together you can agree upon a career choice that matches your identified strengths, resources and abilities.

The Counselor gathers as much information as possible about your:

- work history,
- education and training,
- abilities and interest,
- rehabilitation needs, and
- employment goals.

It may be necessary for you to participate in evaluations to determine what services you need to help you reach your employment goal. The most common types of evaluations used are vocational, medical, psychological and assistive technology evaluations.

Vocational evaluations

These can be used to help you and your counselor decide your:

- work interest,

- work skills,
- work preferences,
- needs (schedule, environment, etc.), and
- type of work at which you are likely to succeed.

These evaluations should rely on existing information about you and previous work you have done. They should also include any need for assistive technology that you may have. This information can be used as a guide to you and your counselor in developing your Individual Plan for Employment (IPE).

Medical evaluations

These can be used to help you and your counselor assess your physical condition. These may or may not be needed in your case. It depends on your circumstances and the existing medical information that your counselor has. Medical evaluations may be requested:

- if there are questions about the extent of your disability,
- to determine your medical stability, or
- to clarify medical reports.

These can be helpful tools in deciding what appropriate physical restoration services are needed.

Psychological evaluations

These can be used to help you and your counselor assess your emotional condition and cognitive abilities. These may help to clarify the nature and extent of your disability. These may help to determine if you require any more services in order to achieve your employment goals, such as:

- counseling,
- psychiatric care, and
- medications.

Assistive technology evaluations

These help to determine any technology related needs that you may have that could help you be more independent or productive. This type of evaluation can give you information about devices and services that may increase your ability to work.

IPE Development

Once your Counselor has enough information, you will work together to develop your IPE.

You may develop the IPE:

- on your own,

- with the help of your assigned counselor, or
- with the help of anyone else who is willing to help.

Note: Only your VR Counselor has the authority to sign the plan for services to begin

Both you and your counselor must sign the IPE before it is valid.

The first part of your IPE will identify your desired employment outcome (job).

Your IPE will state:

- your job goal,
- services you need to reach that goal,
- who will provide the services, and
- an evaluation process.

The VR agency can only provide the services listed on the IPE. Once your IPE is developed, it may need to be changed from time to time to add or delete a service. This must happen before a new service can be provided. Your IPE will be reviewed at least annually.

You should receive a copy of your plan and a copy of any amendments to your plan with changes as they occur.

The VR agency will not pay for a service that is not included in your IPE. Any changes to the IPE must be signed before a service is provided. Your IPE will be reviewed at least annually.

Case closure

Once you are working successfully for at least 90 days, your Counselor will discuss closing your case with you. You will have information about when your case will be closed. You will have information about what to do if you need services in the future.

How to appeal your Counselor's decision

If you disagree with any decision of your VR Counselor, you can ask for that decision to be reviewed. You may use any of the following steps.

Supervisory review

You can ask to speak with your Counselor's supervisor to discuss your concerns.

Informal review

This process may settle your problem quickly, but you are not required to use this process. To ask for an informal review, you can send a written request to the Case Service Coordinator. Their name and address should be noted on the information your counselor gave you. The Case Service Coordinator will review your case file and talk to you. A written recommendation will be made within 15 working days.

Mediation

Mediation is where you request VR to provide a qualified and impartial mediator to sit down with you and USOR to try to resolve the dispute. It is completely voluntary. USOR will pay for the mediator. You do not have to participate in mediation, but it can be helpful in resolving disputes you have with your counselor. You can withdraw at any time.

Formal Review

Even if you asked for an informal review, you can still ask for a formal review if you weren't able to resolve the problem. This is a hearing before an impartial hearing officer. A request for a formal review is submitted in writing to the Executive Director of USOR. At this review, you can give more evidence and present witnesses. You can be represented at the hearing by an advocate of your choice. CAP may be able to assist you at this review.

Appeals to court

If you still disagree with the decision of your Counselor and USOR after you have been through the formal review process you can ask the State Court or the Federal District Court to review the decision. The help of an attorney is highly recommended for this appeal.

If you disagree with any decision made by your VR Counselor, you can contact the Client Assistance Program (CAP).

CAP at the Disability Law Center (DLC) protects the legal rights of people who apply for or are already clients of Vocational Rehabilitation. If you have questions, you can call CAP. Contact CAP at 1-801-363-1347 or toll-free at 1-800-662-9080 (voice) or 1-800-550-4182 (TTY), or visit the DLC's website at www.disabilitylawcenter.org. DLC offices are located at 205 North 400 West, Salt Lake City, Utah 84103. DLC services are state-wide and provided free of charge. DLC materials are available on tape, in large print, Braille and in Spanish. Other alternative formats can be made available upon request.

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You are encouraged to keep a record of VR contacts and your progress.

Contacted _____ on _____.
We discussed _____

Result of that conversation _____

Contacted _____ on _____.
We discussed _____

Result of that conversation _____

Contacted _____ on _____.
We discussed _____

Result of that conversation _____

Contacted _____ on _____.
We discussed _____

Result of that conversation _____

