



Rehabilitation Services Administration

VOCATIONAL REHABILITATION (VR)

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request. • Disponible en español en la oficina local.

Arizona Department of Economic Security

VOCATIONAL REHABILITATION (VR) OWNER'S GUIDE TO WORK



REHABILITATION SERVICES ADMINISTRATION

Arizona Rehabilitation Services Administration
works with individuals with disabilities
to achieve their goals for
employment and independence.

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examine all witnesses and other relevant sources of information and evidence during a Formal Due Process Hearing.

- You will be informed about the availability of the Client Assistance Program and given their brochure.
- You may request clarification or explanation of any of the above information. You may ask someone to help you complete this request. You may also request that this information be provided in an alternate format, if needed to accommodate for your disability.

Notes

Acronyms Used in This Guide

| | | |
|-----------|---|---|
| DDD | = | Division of Developmental Disabilities |
| DES | = | Department of Economic Security |
| ICA | = | Industrial Commission of Arizona |
| IPE | = | Individualized Plan for Employment (VR) |
| IRWE/PASS | = | Social Security work incentive programs |
| PES | = | Post Employment Services |
| RBHA | = | Regional Behavioral Health Authority |
| RSA | = | Rehabilitation Services Administration |
| SSDI | = | Social Security Disability Insurance |
| SSI | = | Supplemental Security Income |
| SSN | = | Social Security Number |
| TANF | = | Temporary Assistance for Needy Families |
| VR | = | Vocational Rehabilitation |

REQUEST FOR REVIEW OF COUNSELOR DECISIONS

(Ask your counselor for a copy of the form)

- If you are dissatisfied with any decision made by RSA staff that affects the provision of services, you may request (or, if appropriate, may request through the individual's representative) a timely review of that decision. Timely means that the formal request for a review of a counselor decision must be made by the client within **15 calendar days of the mailing date, or other official notification, of the final counselor decision** (i.e. after informal discussions about the matter between the counselor and the client have concluded).
- You have the option to informally resolve the issue with a supervisor or program manager; and/or use the help of a mediator before having a formal Due Process Hearing. Use of an informal review or mediation process will not delay your access to a formal "due process" hearing. A hearing by an impartial hearing officer will be held within 60 days of a request for review, unless an informal resolution or a mediation agreement is achieved prior to the 60th day or if you agree to a specific extension of time.
- RSA will not suspend, reduce, or terminate services already being provided under an IPE before there is a final determination of the formal impartial due process hearing, or informal resolution, unless you request it, RSA has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on your part, or it is believed that the provision of services constitutes a danger to you or others.
- You may have your representative present at any meetings to resolve issues (including mediation sessions, an informal review, and formal hearing).
- If you choose mediation, you have a right to be involved in selecting a mediator from a list of options.
- You or your representative may present additional evidence, information, and witnesses to an impartial hearing officer, to be represented by counsel or other appropriate advocate, and to

INTRODUCTION

This "Owner's Guide to Work" is provided to you as a tool while working with the Vocational Rehabilitation program. Please keep this Owner's Guide, any brochures that you receive, copies of important forms and documents, and other forms in a folder for future reference.

CONSUMER BILL OF RIGHTS

You are expected to take responsibility for, and actively participate in, your own rehabilitation. RSA staff partner with you to achieve your goals by helping you explore options and support you with appropriate services.

As a consumer, you can expect:

- To know the name of your counselor, to have reasonable access to RSA staff, and to have your calls returned and commitments honored;
- To have complete and accurate information about the application process, eligibility, VR program goals, and planning and service policies;
- To be actively and fully involved in the entire rehabilitation process;
- To select the nature of your working relationship with the counselor;
- To receive assistance from the counselor in identifying interests, aptitudes and skills;
- To be told what services and options are available, and to be supported in your choices within program policy;
- To be provided opportunities to adjust to your disability and to explore work options before being asked to set vocational goals or make employment commitments;
- To have your counselor make decisions and provide services in a timely manner;

- To be treated equally, without regard to your disability, age, race, ethnicity, gender, cultural affiliation, or sexual orientation;
- To have all decisions and their reasons communicated in an understandable manner, using an appropriate mode of communication;
- To have the process for resolving service problems fully explained and to receive assistance in accessing this process, if necessary; and,
- To have RSA staff observe the RSA Code of Conduct which requires mutual respect, honesty, fairness, and courtesy.

As a consumer, I understand that RSA expects me:

- To actively participate in my own rehabilitation program;
- To follow through and honor the commitments I have made;
- To work towards agreed upon goals and objectives;
- To make preparing and looking for work a priority;
- To develop and maintain a positive and effective working relationship with RSA staff;
- To communicate honestly and give complete and accurate information;
- To respond to RSA communications in a timely manner;
- To maintain consistent contact with RSA staff assigned to my case;
- To cooperate with RSA regarding rules and procedures under which they have to work;
- To resolve problems honestly and openly using the existing problem resolution options (mediation, informal review, impartial hearings); and,
- To observe the RSA Code of Conduct which requires mutual respect, honesty, fairness and courtesy.

- Rules of confidentiality are violated; and/or,
- Any other actions occur which seriously violate principles of mutual respect, honesty, fairness, and courtesy.

Actions that the consumer can take when the Code of Conduct rules are broken:

- The consumer will inform staff that, in his/her opinion, the rules of conduct are being broken and ask that the conversation or interaction be re-directed or re-focused;
- The consumer has a right to stop the meeting or phone call and request to speak to a supervisor or to lodge a complaint - without negative consequences;
- A complaint can be directed to either the local office supervisor or to the RSA Ombudsman, Arizona Rehabilitation Services Administration, 1789 W. Jefferson Street, 2NW (930A), Phoenix, AZ 85007, 1-855-822-8400; and,
- The Client Assistance Program can be contacted for advice or advocacy at 602-274-6287 in Phoenix or at 1-800-927-2260 outside of the Phoenix area.

Actions that RSA staff can take when the Code of Conduct rules are broken:

- RSA staff will inform the consumer that, in his/her opinion, the rules of conduct are being broken and ask that the conversation or interaction be re-directed or re-focused;
- The counselor has a right to stop the meeting or phone call. An opportunity for a subsequent meeting or phone call will be scheduled if *all parties* agree to adhere to the Code of Conduct; and,
- Other options available to the RSA staff include, but are not limited to: asking the consumer to sign an agreement indicating his/her willingness to abide by the rules or scheduling a meeting with the supervisor.

NOTE: A pattern of breaches of the Code of Conduct by the consumer may create clear and convincing evidence that employment outcome is not likely or possible. This could become the foundation for a later decision that the consumer is no longer

(DDD, BHS, etc.), school financial aid offices, employers, etc. but only as necessary for the administration of your vocational rehabilitation program. Only necessary personal information is shared with these agencies. RSA expects vendors, partners, etc. to know and honor VR confidentiality policies including the prohibition to re-release any information routinely shared with them as partners in the VR rehabilitation effort.

Information may also be shared with other agencies for the purpose of program audits, evaluations, surveys, or research, as long as any resulting reports do not contain information that identifies you, or can lead to your identification.

- **The VR program is *required* to share personal information, even without your consent, in some cases.**

Personal client information ***must be*** shared under the following circumstances, ***without separate authorization from you***:

- With DES Office of Special Investigations working in an official capacity for the Director of DES;
- With law enforcement if/when you pose a threat to your own safety or the safety of others;
- With appropriate authorities in case of child or elder abuse or neglect;
- With investigations in connection with law enforcement, fraud, and abuse; and,
- In response to an order issued by a judge, magistrate, or other authorized judicial officer.

- **Information that is shared with others *only with your permission***

Your written permission is required before sharing personal information under other circumstances, such as:

- To researchers or reporters who wish to contact and speak with you;
- To your representative, including the Client Assistance Program, who request records or case file information; and,
- To your lawyer.

CODE OF CONDUCT

The rules of conduct between a consumer and RSA staff require mutual respect, honesty, fairness and courtesy. The rules are broken when:

- Language or actions become abusive or threatening;

DATA COLLECTION

For your first appointment with a counselor:

Ask your doctor, special education teacher, behavioral health case manager, probation or parole officer, DDD Support Coordinator, etc. to send information to the VR counselor before your first appointment and **bring**, when available:

- Names and addresses of those who have needed information;
 - Documents that show you have a disability and what that disability is;
 - (If you are a beneficiary) A document that shows that you are currently eligible for SSI/SSDI;
 - Your Social Security card;
 - Personal identification, with photo;
 - Proof of ability to legally work in the U.S.;
 - Recent resumes or job applications that you might have;
 - A completed VR application;
 - Information to determine Economic Need (see below).
-

Information collected includes:

- Your name, address, date of birth, SSN, gender, ethnicity, education level, marital status, military service, major sources of support, family size, tribal affiliation;
- Names, addresses and phone numbers of people who know where you can be reached;
- Records which prove that you are a person with a disability and that you need VR services, and documents that show, if applicable, that you are a current Social Security SSI/SSDI beneficiary;
- Names, addresses, and phone numbers of people from other agencies that work with you (DDD Support Coordinator, case manager from behavioral health clinic team, school counselor or coordinator, parole/probation officer, etc.);
- Your Ticket to Work (if you are an SSI/SSDI beneficiary and have received one);

- Documentation that you are legally able to work in the United States (see **page 6** for kinds of documentation that is required); and,
- Information about your limitations, how you currently accommodate these limitations, and what services you need to maintain your job or prepare for work.

The VR counselor will help you decide what information is needed if you are not sure. The counselor will also answer any questions you have about why this information is collected and how it will be used.

ECONOMIC NEED

“Economic need” must be documented to receive any of the following services:

- Purchased counseling services
- Medical or mental restoration services
- Books/Tools/Computers/Software/Tape Recorders and other training materials purchased for basic education, skill training/education, and business/vocational/technical education
- Occupational Licenses, tools/computers, work equipment purchased for work
- Vehicle modifications
- Transportation costs, except transportation in support of an evaluation or adjustment to disability service
- Food/clothing, living away from home, and relocation maintenance
- Child care services

Economic need is determined *before* an Individualized Plan for Employment (IPE) is developed. After an IPE has been implemented, no re-determinations are made unless you were determined not to have economic need but suffer a significant loss of income. Your economic need status must be re-determined prior to receiving any Post Employment Services (PES).

Individuals who are eligible for SSI or SSDI are automatically assumed to meet economic need.

Personal information that you must make available to the Vocational Rehabilitation program:

You are required to provide information that is necessary for administration of the VR program. This includes your Social Security number (the Federal Privacy Act permits the VR program to require individuals to provide their Social Security number). It also includes information about your finances, past/current/future employment, disability, ability to work in the United States and other personal and demographic information.

You are also expected to give RSA access to necessary information that is available elsewhere. You provide access by signing a *Authorization for Disclosure of Health Information* form. All information that is obtained by the VR program will be kept confidential (there are exceptions, as noted later).

Personal information that is shared with others *without a separate signed release from you*:

All information about you (including information that you are a client or applicant of the VR program) is confidential. Confidentiality rules allow the VR program to share personal information as follows:

- **Sharing information with the applicant/client** – In general, personal information collected from or on your behalf (including results of examinations and evaluations) is always available to you. If the information could be harmful, it will be shared with someone selected by you or recommended by VR. That individual must be able to understand and explain the information to you.

For information not purchased by RSA or provided by you, the counselor must honor any restrictions imposed by the other agency from which it was obtained. In these situations, re-release may not be allowed at all, even to you. You always have the right, however, to know that RSA has such information and to be told where you can go to get it.

Some information such as SSA records, child or elder abuse records, alcohol and drug abuse records are never re-released to either you or to others.

- **Routine sharing of personal information** – The federal regulations give RSA the authority to share your information with vendors, community rehabilitation program providers, partner agencies

achieve the job or career goal, the criteria to be used to decide successful completion of each step, and how success is to be documented (e.g. copies of diplomas or licenses, grade reports, school acceptance letters, etc.).

Mutual expectations – The IPE must also contain all other expectations the counselor and the client have of each other such as: the level of contact with the counselor, what progress reports are needed, when vouchers for maintenance and transportation services can be expected by the client, etc.

Choice of providers – You, the VR client, can select who will provide planned services with some restrictions, as follows:

- for some services, the selection may be limited to those providers who have contracts with DES;
- VR policies and VR fee schedule rates may restrict who can/will be available to provide services.

CONFIDENTIALITY

The rules of confidentiality regulate how personal information is collected and used in the VR Program.

The rules about the confidentiality of personal information come from Federal and State laws and regulations. These laws and regulations also control what information you are required to provide.

RSA staff are responsible for maintaining the confidentiality of all personal information, including evaluations purchased and paid for by RSA on your behalf. They are responsible to make sure that all VR confidentiality policies are followed and that your rights are protected when they share information.

Partners with the Vocational Rehabilitation program are requested to not release copies of their reports to third parties without first consulting with the VR counselor. When asked, providers are expected to direct you, or a third party, to the RSA counselor to obtain copies of reports.

If you believe that information in your record of service is inaccurate or misleading, you may request the counselor to amend the information. If a decision is made not to amend the information, the client's record of service will record the fact that you made the request.

Information used to decide if you have economic need includes:

- The adjusted gross income from you (and your spouse) from last year's Federal Income Tax statement(s) and documentation of any significant changes in income since then; or
- The adjusted gross income from your parent(s) from last year's Federal Income Tax statement(s) and documentation of any significant changes in income since then, if you are under 18 or a student 23 years or younger (and claimed as a dependent).

You can choose not to provide this information and waive the opportunity to receive from RSA the services listed above.

PRIORITY STATUS FOR RECEIPT OF VR SERVICES

If funds are not available to provide services to everyone who is eligible for the VR program, RSA uses a priority system called an Order of Selection (OOS) to decide who will receive services. Every eligible client will be placed into one of three priority categories.

The priority categories are:

First Priority – Persons with the *most significant* disability related service needs;

Second Priority – Persons with *significant* disability related service needs; and,

Third Priority – Persons with *less significant* disability related service needs.

You and your counselor will discuss your disability related service needs. Based on that information, you will be assigned to a category, told what category you are in, and whether that category is being served or not. Your counselor will work with you and answer any questions you may have.

ABILITY TO WORK AFTER COMPLETING VR SERVICES

Legal ability to work in the United States

Before RSA is able to begin providing services under an Individualized Plan for Employment (IPE), you must provide documentation that you

are legally able to work in the United States or a documented, feasible, and legal way you will be able to legally work in the United States by the time you are job ready.

Proof of legal ability to work in the United States requires one item from List A or one item each from Lists B and C:

LIST A

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration receipt Card (Form I-551)
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine readable immigrant visa
- Employment Authorization Document that contains a photograph (Form I-766)
- In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
- Passport from the Federated States of Micronesia (FMS) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI.
OR

LIST B - Documents that Establish Identity

- Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or info such as name, DOB, sex, height, eye color, and address
- ID card issued by federal, state, or local government agencies or entities provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
- School ID with photograph
- Voter's registration card

Training or education services – Training or education services are provided by VR only if they are needed to overcome employment related impairments and are the only way to achieve your chosen employment outcome.

Use your VR Counselor – The VR program doesn't just buy goods or services for you. You should use the guidance and support of your VR counselor as well.

Additional evaluations – You may request additional evaluations to assist in planning an IPE. The counselor may also suggest evaluations or other services that would be helpful for good planning.

Social Security benefits planning and Ticket to Work – Employment has the potential of impacting Social Security benefits. Benefits planning can assist you in understanding how work will impact your Social Security Benefits. If you have received a Ticket to Work, you have an option to request and receive services from an Employment Network other than RSA.

Success lies in your hands – The VR program does not accept responsibility for your success. It does accept responsibility to provide you assistance and guidance and to honor commitments contained in the IPE.

Client Assistance Program – The Client Assistance Program (CAP) is a resource to the client. You may ask the counselor to help make a referral if you have concerns about your program or need someone to represent you.

IPE must be reviewed, approved, and signed before incurring costs – The IPE must be reviewed, approved, and signed by the VR counselor (and other VR personnel, as required) before it can be implemented. The VR program is not responsible for any liabilities you incur before the IPE has been approved and signed by VR. Check with the counselor before you select a service provider.

Complete IPEs – It's important that the IPE lists *all of the services* that are needed to overcome the obstacles that are in the way of achieving the job or career goal. Necessary services that will not be directly provided/paid for by RSA must also be listed. This allows the necessary coordination to take place and makes sure that important elements to a successful vocational rehabilitation are not overlooked.

One step at a time – It is important to discuss the steps necessary to

OTHER INFORMATION ABOUT IPEs

Entitlement to specific service(s) – Eligibility for the VR program does not entitle you to receive any specific service or set of services. The Individualized Plan for Employment (IPE) is unique to you.

Continued eligibility – Continued eligibility for the VR program depends on your willingness and ability to work with your assigned Vocational Rehabilitation counselor throughout the planning process, to honor commitments that you make, and to achieve all agreed upon steps leading to employment.

Disability related limitations – The IPE must address the disability related limitations that may be contributing to your difficulty in gaining and maintaining employment. It is important for you to discuss your disability and how it affects your ability to obtain/maintain employment with your counselor. Services to assist you with these disability related limitation as they affect your ability to gain and maintain employment will be built into the IPE.

VR can't pay for:

- Ongoing expenses that you normally have such as food, clothing, shelter, child-care, self-care, transportation, etc.;
- Ongoing or emergency medical or psychological/psychiatric care;
- Ongoing services after a person becomes employed;
- Salaries for work performed;
- Loans or other obligations incurred by the consumer; and,
- Goods or services which are not directly related to achievement of the employment outcome.

Resources available to you from other sources to pay for goods and services

– You need to provide information necessary to determine your eligibility for educational grants (e.g. PELL), for medical/psychological/health care services under AHCCCS or ADHS/DBHS or private insurance, free or reduced transportation services, income supports such as TANF, SSI, SSDI, training through JOBS, educational services from secondary schools, child care through DES, etc. VR program regulations require the client to apply for and use other program benefits that may be available to pay for goods and services.

- U.S. Military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

- School record or report card
- Clinic, doctor, or hospital record
- Day care or nursery school record *AND*

LIST C - Documents that Establish Employment Authorization

- Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States.
- Certification of birth abroad issued by the Department of State (Form FS-545)
- Certification of Report of Birth issued by the Department of State (Form DS-1350)
- Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
- Native American tribal document
- U.S. Citizen ID (Form I-197)
- Identification Card for Use of Resident Citizen in the United States. (Form I-179)
- Employment authorization document issued by the Department of Homeland Security

Long Term Supports

If you require long term employment support services as a condition for maintaining employment, there must be documentation that a

source to provide long term employment supports has been identified (e.g. through DDD, RBHA, another agency, or natural supports), and that such supports will be available at the time you become employed.

PLANNING AN “INDIVIDUALIZED PLAN FOR EMPLOYMENT” (IPE)

The Individualized Plan for Employment, or IPE, contains your employment outcome, plan of services, commitments and responsibilities. The IPE you will be using is designed to be completed by you, the client. However, you can ask the counselor or someone else to write the IPE for you. You cannot waive your responsibility, however, to be a full and active participant in planning your own IPE. This is your Plan and you are the only one that can make that plan a success.

The IPE must be coordinated with other programs, such as:

- An Individualized Education Plan (IEP) through the high school;
- An Individual Support Plan (ISP) with the Division of Developmental Disabilities;
- An Individual Service or Treatment Plan developed by the Clinic Team through the Regional Behavioral Health Authority;
- An Individualized Work Plan (IWP) with an Employment Network (for a Social Security beneficiary);
- Probation or parole conditions;
- TANF and Jobs program rules;
- SSI/SSDI rules and conditions built into the Social Security incentive programs (PASS, IRWE);
- Rehabilitation plans funded by ICA Special Fund;
- Rules for continuing receipt of **PELL Grants** and rules for continuing receipt of other financial assistance;
- Performance requirements and completion requirements set by Vocational/Technical/Business schools and Universities and Colleges; and,
- Industry standards and requirements for job seekers and employees.

The Job or Career that you choose:

- Must be consistent with the federal definition of "Employment Outcome", as follows:
 - entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;
 - supported employment; or
 - any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- Must be compatible with the limitations created by your disability;
- Must be attainable and sustainable based on your abilities, disabilities, strengths and weaknesses.

Information used to support your choice of goals:

Your work history – Besides the employment information you provided, resumes or recently completed employment applications will be used to discuss the types of jobs that you have had, the duties you performed, the skills you have, etc. Particularly important is information about what experience, skills, and strengths can be used in another job or field of work (“transferable skills”).

Your educational history – If you have taken any post-secondary classes, you need to provide information about the types of courses you took and your grades. You should also tell your counselor about any diplomas, certificates, or licenses which show your level of skill or academic achievement.

Documentation of your interests, strengths and limitations – You should provide any medical, psychological, vocational, and educational evaluations or records which have details about your strengths and limitations.

Labor Market information – Career choices must take into account labor market conditions and needs. The counselor can assist you and direct you in getting good labor market information.